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NEW MEXICO LAND GRANT COUNCIL

Annual Report



New Mexico Land Grant Council Annual Report FY 2020



Council Members:

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

Staff:

Arturo Archuleta, Program Manager
Jacobo Baca, Ph.D., Research Historian
Venessa Chavez, Outreach Coordinator
L.M. García y Griego, Ph.D, Principal Investigator
Jacqueline Alderete, Unit Administrator

Table of Contents

Executive Summary	1
State of Land Grants	2
New Mexico Land Grant Council Activities & Expenditures Overview	12
Council Accomplishments in FY 2020	13
Technical Assistance	13
Liaison Support	16
Policy Work	20
Legal Services	24
Surveyor Services	27
Historical Research	27
Dissemination of Info	28
Direct Financial Support	30
Land Grant Registry	31
FY 21 Budget & 22 Budget Request	33
Appendix 1 – FY 2019 Meeting Agendas	44
Appendix 2 – FY 2019 Meeting Minutes	58

EXECUTIVE SUMMARY

Land Grants-Mercedes continue to be actively focused on regaining their common land, preserving their history, cultural and traditions and improving their communities through socioeconomic development 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 and recovering 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; developing a guaranteed revenue stream for land grants that are political subdivisions of the State; increasing their governance and fiscal capacity; continuing to provide services to their local communities; creating socio-economic opportunities for their communities; and revising the property tax code to automatically qualify common lands owned by a land grant-merced for the agricultural exemption. More information about the state of land grants-mercedes can be found starting on page 2 of this report.

In this last fiscal year, the New Mexico Land Grant Council has continued to hold to its mission, which includes 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 2020 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 2020 budget expenditures can be found in the Council's Activities and Expenditures Section starting on page 12. The Council's FY 2021 approved budget can be found on page 33 and the Council's FY 2022 budget request and narrative can be found starting on page 34.

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-Mercedes (pg 13); Liaison Work (pg 16); Policy Work (pg 20); Legal Services for Land Grants-Mercedes (pg 24); Professional Surveying Services for Land Grants-Mercedes (pg 27); Historical Research (pg 27); Dissemination of Information to Land Grants (pg 28); Direct Financial Support to Land Grants-Mercedes (pg 30); and through the Management of Land Grant Registry (pg 31). Land grants-mercedes that received services or support from the Council in FY 2020 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; Cristóbal de la Serna Land Grant; San Miguel del Bado Land Grant; San Antonio del Río Colorado; Santo Domingo de Cundiyo; and the Santa Cruz de la Cañada Land Grant.

STATE OF LAND GRANTS-MERCEDES

Land Grants-mercedes in the New Mexico continue to work with local, state and federal agencies and engage in federal and state policies affecting their communities, as well as the crisis caused by the COVID-19 pandemic. At the federal level, land grants-mercedes continued participating in the Forest Plan Revision Process that is underway on the Carson, Cibola and Santa Fe National Forests. Several land grants-mercedes, with the assistance of the New Mexico Land Grant Council, submitted comments on the draft forest plan during the last round of public comments in November of 2019. Members of several land grants and the New Mexico Land Grant Council also engaged with Region 3 of the U.S. Forest Service regarding an injunction on forest management activities, which initially included personal wood gathering, imposed by a federal lawsuit by an environmental group, the Wild Earth Guardians. While aimed at protecting the Mexican Spotted Owl, the lawsuit resulted in a broad injunction that put a halt to all forest management activities on 9 million acres of U.S. Forest Service lands, despite the fact the only 2 million acres were previously identified as Mexican Spotted Owl habitat. This critically impacted land grant communities that depend on fuelwood to heat their homes through the winter, especially as the injunction went into effect in the fall of 2019, when land grant communities were in the midst of hauling fuelwood. Land grants met with both the Wild Earth Guardians and U.S. Forest Service supervisors to vocalize the impact of the injunction on their communities and to determine how their communities could find relief. The injunction was modified to exclude the gathering wood products for personal use, but households that purchase their fuelwood from small scale commercial operators were met with supply shortages and high per cord prices. The Council assisted in a small effort to distribute 100 cords of donated wood that were distributed to a dozen communities, including the land grant communities on the San Joaquín del Río de Chama, Santa Bárbara and Town of Tomé Land Grants. Land grants leaders pursued fuelwood opportunities with the Bureau of Land Management and with the State Land Office, and two projects serving the Santa Bárbara, Tierra Amarilla, and San Joaquín del Río de Chama land grants are near inception. Fortunately for land grant-merced communities, the U.S. Forest Service, U.S. Fish and Wildlife Services and the Wild Earth Guardians reached a settlement agreement on October 28, 2020 and the injunction against forest management activities has been lifted.

Many land grants-mercedes share boundaries with federal lands and are affected by wildfires, as the Chililí Land Grant was once again with the Ojo de los Casos fire in July 2020. In addition, land grants continue to work with other state and federal agencies that are currently managing their former common lands and resources. This includes the Bureau of Land Management, New Mexico Game Commission and Department of Game and Fish, Office of the State Engineer, the New Mexico State Land Office and the Forestry Division of the New Mexico Energy, Minerals and Natural Resources Department. They have looked to partner whenever possible with other government agencies like the New Mexico Attorney General's Office and the Department of Taxation and Revenue.

The number one issue facing land grants-mercedes is a lack of financial resources. Unlike other local government entities land grants-mercedes do not have any guaranteed revenue streams, such as a tax base from which they receive a guaranteed annual income. Despite this lack of financial resources land grants-mercedes undertake the massive task of complying with governance requirements and the management of their common lands. For this reason, securing guaranteed revenue streams for these local government entities is still a top priority for land grants-mercedes. All 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. Further, COVID-19 pandemic dealt a significant blow to land grants that make revenues on rental of community facilities for gatherings and celebrations. For some grants, this loss of revenue amounted to thousands of dollars and 75% of their annual revenue. 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, including costly audits or agreed upon procedures financial reports when they receive capital outlay appropriations. 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. It would also provide an important financial safety net so land grants are not left in such a desperate state. It will also allow the land grants to make necessary technological upgrades as deficiencies were laid bare during this pandemic and many land grant communities struggled to expand their wireless hotspots for heirs and children schooling at home.

The Land Grant Interim Committee endorsed legislation in the 2020 Legislative Session to create a guaranteed revenue stream for land grants that would be based on a very small percentage (.05) of the gross receipts tax revenues collected by the State. The money would go into a fund that would be distributed annually to qualifying land grants-mercedes. The amount available in the fund would fluctuate with the annual amount of gross receipts collected by the State, therefore the fund would automatically adjust with downturns or upticks in the economy. This is useful as it does not require a specific amount be set aside each year but rather tracks with the economic trends of the state overall. During the 2020 Legislative Session the revenue projections for this bill were estimated by New Mexico Department of Taxation and Revenue to be around \$1.2 million. This estimate was made prior to the economic downturn caused by the Covid-19 Pandemic. Therefore, the amount of revenues generated for this fund will be less in 2021 depending on the amount of gross receipts taxes collected by the State during the pandemic. Overall, the fiscal impact to the State would be very minimal; however, the funds distributed to land grants would go a long way and would be utilized by the individual land grants for general operations, increased community services, recovery of land, payment of property taxes and insurance liability coverage, management and protection of common lands and natural resources, purchase of goods and services and as leverage for other fund sources such as federal natural resources conservation program grants that require a cash match. The Land Grant Interim Committee again endorsed this legislation for introduction in the 2021 Legislative Session.

Land grants-mercedes continue to struggle to protect their common lands. Illegal encroachments and quiet title suits continue to threaten the preservation of their common lands. Taxation of the common lands also continues to be an issue and land grant-mercedes still have the obligation to pay property taxes on the common land. 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 as local government entities to properly identify and assess lands within the exterior boundaries of those active land grants. 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 these are not business properties. 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 and 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. This will help counties and the State maintain favorable bond ratings.

Land grants-mercedes have a continued need for legal services. The New Mexico Land Grant Council works to coordinate legal services for land grant communities, matching the particular needs of the land grant communities with various legal service providers. The primary legal service provider for the Council is New Mexico Legal Aid, who the Council contracts with yearly. The 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 also providing limited legal services and support to land grants-mercedes. Despite the efforts of the Council and the above-mentioned legal service providers to maximize legal assistance for land grant communities, there is still a vast need for legal services. Currently all three entities are at maximum capacity to provide services and there are still legal issues facing land grants-mercedes that have yet to be addressed. This is despite the fact that the legal services contract with NMLA was increased and they had contracted additional staff to assist with litigation. The passage of the Community Governance Attorney Act in 2018 and junior money appropriations did provide additional resources. While implementation was problematic, internships were provided to students at UNM Law School, New Mexico Legal Aid hired a post graduate law student and the law firm of Holland and Hart was contracted to provide services relating to the purchase of the Piedra Lumbre Visitors Center. Holland and Hart has graciously continued to work beyond their contract pro bono and has committed to see their legal service through the completion of the PLVC purchase.

Surveying services are also key to help protect the common lands of land grants-mercedes. The Council has a small contract with a veteran surveyor, which has already had a crucial and positive impact,

helping several grants contest injurious sales and in litigation. Land grants need to have professional surveys of the existing common lands as well as the ability to have a professional surveyor review surveys conducted on lands adjacent to land grants-mercedes to ensure their accuracy and that claims do not encroach on land grant common lands. In addition to the protection of the existing common lands, land grants-mercedes 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, which 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 need to have the most accurate knowledge and sufficient tools to plan for and implement restoration projects 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 the surrounding community, regional watershed, wildlife habitat and greater public.

Youth development continues to be priority area for land grants-mercedes. 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. The Land Grant Studies Program has prioritized establishing a land grant youth development program that will provide culturally relevant leadership development opportunities. 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.

Workshops have included a service-learning project in Tomé, where youth learned about the traditions of *farolitos* and *luminarias* and assisted the grant in preparing for their annual celebration. LGSP staff also worked with Georgia Roybal and Roberto Mondragón to discuss curriculum from Aspectos Culturales and Semos Unlimited. The Program was approached by Ms. Roybal, who initially wanted to restore online access to their works by upgrading their website. The Land Grant Studies Program ultimately purchased portions of Aspectos Culturales curriculum and is evaluating it and preparing lesson plans for use in youth programming. LGSP also collaborated with the Digital Initiatives and Scholarly Communication program at the University of New Mexico Library to digitize and archive some of Aspectos Culturales publications, particularly those relating to education.

The Land Grant Studies Program and New Mexico Land Grant Council have also worked with the 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. Projects were identified in collaboration with several Manzano Mountain regional land grants and the LGSP and Ancestral Lands submitted an application to the Outdoor Recreation Opportunity Grant from the New Mexico Economic Development Department. Though the grant was not funded, the application process did identify projects at each participating land grant community and the commitments of these communities to work collectively on a regional youth project. The Land Grant Council also collaborated with the Land Grant Studies Program, which submitted a grant application to the Los Alamos National Laboratory Foundation for a land grant-merced youth summit. The application

ultimately was not funded. The Council also partnered with the Land Grant Studies Program and the Merced Land Education and Conservation Trust to close out the Northern Rio Grande National Heritage Area Grant, which funded an intergenerational youth oral history project, where youth from Escalante High School participated in interviewing elders from the Tierra Amarilla and San Joaquín del Río de Chama Land Grants.

While the above paragraphs have detailed the predominant issues facing land grant mercedes statewide, each land grant has their own unique set of issues, their own priorities, and their own projects. Below is rundown of some of the challenges faced and projects being undertaken in the past year by land grants-mercedes around the State. While the information below is by no means comprehensive and 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.

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The Town of Tomé Land Grant continues to serve Tomé and the surrounding communities. Tomé's Community Center still serves as a community gathering space and hosts a variety of activities throughout the year including farmers markets, youth activities, and an annual balloon glow. Their history museum and genealogical library are typically open to the public and used by the local community and regional historians. Most of the typical community functions were put on hold because of the COVID-19 pandemic and restrictions on large gatherings. This had a significant impact on their finances as hall rentals account for the majority of their revenues. The Grant still maintains and protects the sacred Tomé Hill, an annual pilgrimage site during Holy Week. The Grant continued to endeavor to reacquire 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 because they are properties that have been on the tax delinquency roles for over 10 years. Three 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 was 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 grant had identified and was ready to purchase certain lots when a lawsuit against TRD and the Department of Finance and Administration halted the December 2019 sale. The Town of Tomé Grant pivoted and acquired a property with the historic Town of Tomé jail on the Tomé plaza which they are renovating to preserve both the history of site and to potentially utilize as a revenue generator in the future.

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The Merced de los Pueblos de Tierra Amarilla achieved a significant victory in October when the defendants in the lawsuit filed by the New Mexico Attorney General on behalf of the Grant and the greater public accepted a court approved settlement, which will allow the Grant to regain 215 acres of former common land. The Grant continues to work with the New Mexico State Game Commission and the Department of Game and Fish to transfer the 40-acre parcel and Laguna del Campo to the Tierra Amarilla Grant. The property comes with both a storage water right and an irrigation water right, which

the Department of Game and Fish wants to retain as a valuable asset and lease the right to the Merced. The Merced has also discussed the issue with the local acequia which supports keeping water rights under local control. The Merced is also continuing to partner with the San Joaquín del Río De Chama and Juan Bautista Baldés Land Grants to purchase the Piedra Lumbre Visitor's Center from the U.S. Forest Service, which they hope to have complete by early 2021. They are also partnering with the San Joaquín del Río de Chama Land Grant and the State Land Office on a fuelwood project on State Trust Land near Cebolla. They continue to work to gain access and traditional use rights to former common lands that are now managed by the State of New Mexico and advocate for the local community against the development of the area by outsiders.

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The Santa Bárbara Land Grant continues to engage the Carson National Forest on a number priority issues for their community especially the desire to engage in forest restoration project work aimed at protecting the watershed and reducing the risk of catastrophic wildfire. The grant has been actively engaged in the Carson National Forest Plan Revision process and submitted comments in the last round of comments in November of 2019. Their main concern was the identification and potential designation of the Río Santa Bárbara as a Wild and Scenic River, creating restrictions on treating the watershed that feeds the communal acequias. The grant has continued to engage 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. They have also protested the illegal impoundment of waters of the Río Santa Bárbara to the Office of the State Engineer. Finally, the Santa Bárbara Land Grant has worked to provide fuelwood opportunities for their heirs and worked to identify alternative sources to U.S. Forest Service lands whose projects were halted by the MSO injunction. The Grant is working on the Copper Hill Forest Mayordomo Project with the State Land Office and Taos County on State Trust Land near Peñasco.

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The Juan Bautista Baldes Grant is presently engaged in a lawsuit as the defendant in a case brought by an individual who is claiming common land as a private property. The individual attempted to sell the property and the Juan Bautista Baldes Land Grant intervened to condemn the sale. Legal assistance was provided by the NMLGC's contract attorney, David Benavides, esq, of New Mexico Legal Aid, and the Council has provided additional assistance in the form of historical research and interpretation by its staff and surveyor services by the NM Land Grant Council's contracted surveyor. The Grant also signed on as a cooperative agency in the proposed and later cancelled land exchange between the BLM and the New Mexico State Land Office. The Land Grant is also a partner on the Piedra Lumbre Visitors Center purchase, which hopefully will be completed in early 2021.

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The San Joaquín del Río de Chama Land Grant had previously provided fuelwood to their heirs and communities by partnering local timber harvesters on the Collaborative Forest Restoration Projects. This came to a halt because of an injunction on all forest management activities because of the MSO. The grant was able to secure the purchase of decks from the USFS in the Jemez Mountains and shared the fuelwood with other communities. San Joaquín del Río de Chama has continued to work on the

renovation of their community facilities, including renovations to their Land Grant Hall (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-Mancos-Gallup RMP Amendment. The Land Grant continues to work on the development of a community farming project proposal for submittal to the Santa Fe National Forest for an area of their former common lands now managed by the U.S. Forest Service. Additionally, the Land Grant is interested in pursuing ownership or easement rights to a historic cemetery in the community of Las Llaves. The Land Grant is also a partner on the Piedra Lumbre Visitors Center purchase, which they hope to complete by 2021. The Land Grant is also partnering with the Merced del Los Pueblos de Tierra Amarilla Land Grant and the State Land Office on the fuel woods project near the community of Cebolla.

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The Don Fernando de Taos Land Grant received capital outlay monies to purchase and furnish a land grant office. It had secured funding from the New Mexico Land Grant Council to scan a bank parking lot to identify a burial sites in a historic cemetery that 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 was unaware of the cemetery and built a parking lot on top of the property but did not allow the Don Fernando de Taos Grant to perform the scan. In addition, the Don Fernando de Taos Land Grant is in the process of utilizing its \$185,000 in capital outlay appropriations to purchase an administrative building.

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The Merced del Manzano purchased a historic community center building in the middle of the plaza and plans to renovate it as the land grant administrative office and multipurpose center for use by the community. The Grant continued to join all the other East Mountain Land Grants (Manzano, Torreón, Tajique and Chililí) in their opposition to the plan of 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 they are concerned of the effect of the system on their water supplies. The Merced also filed an inquiry with the U.S. Forest Service into payments made to the Manzano Spring and Ditch Association for the use of waters of the Manzano Lake for water to fight fires. The Merced seeks accountability for the use of these funds and asked that the U.S. Forest Service consult the Merced in the future as the lake lies on Merced property. The Merced del Manzano made a presentation to the Land Grant Interim Committee in August 2020 on these and other water issues.

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The Merced del Pueblo de Tajique has continued to provide services to the local and surrounding communities out of their community center, despite the COVID pandemic. Families park in the community center parking lot to use the wireless internet to complete school assignments. This community center serves as a focal point for community events and activities including: serving as a

summer meal site for local youth; as a site for youth art programs; serving as a community rental facility for weddings, graduations, showers and funeral receptions; providing a playground and basketball court. The Merced typically earns a modest but essential income from renting their community hall, but the COVID pandemic has disallowed public gatherings and rentals have ceased. 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 which detracts from the character of traditional and historic village. The Land Grant is also concerned with the regional water system plan being proposed by EMWT.

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The Chililí Land Grant was threatened with yet another wildfire with the Ojo de los Casos Fire in July of 2020. The Grant is still 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 Dog Head 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 successfully received. 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.

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The Cañón de Carnué Land Grant continues to actively pursue 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 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 such as receptions and dances.

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The Merced del Pueblo Abiquiú has discussed the wood poaching situation on the grant with the Río Arriba County undersheriff, who would be willing to patrol the grant under a joint powers agreement provided the grant fund the deputy. The Santa Fe National Forest finally agreed to a seasonal road closure that would help protect their lands from wood poaching. The Merced has also 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, where they may house a Rio Arriba County Sheriff's Department substation. The grant recently completed the Agreed Upon Procedures engagement as required by the State Audit Act. The Merced has also continued to negotiate with the Office of the State Engineer concerning the adjudication of the water rights owned by the land grant. The New Mexico Land Grant

Council been providing the land grant support on this matter through its staff and its contract with New Mexico Legal Aid.

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The Anton Chico Land Grant is continuing to struggle to protect its natural resources from exploitation, especially the illegal quarrying of rock, which damages common lands and is never remediated. The grant has attempted to assess payments from rock haulers that have not paid for their permits for years but continue to take rock from the common lands. 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 UNM Natural Resources Law Clinic drafted sample legislation that addressed the commissioning of natural resource officers. The NMAG's office discussed this with local sheriffs and the Land Grant has clarified that they want these officers to patrol their lands and are not asking for general policing authority. The land grant has been working with the UNM School of Law Natural Resources and Environmental Law Clinic on the matter. Finally, the Land Grant continued to engage in conversations with several companies on the potential development of renewable wind energy projects on the common lands of the land grant.

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The San Antonio de Las Huertas Land Grant continues to fight the diversion and impoundment of waters by developers and trespass of their communal lands by non-heirs, typically for recreation purposes. The Grant presented to the Land Grant Interim Committee at their August 2020 meeting, discussing the land grant's rights to common waters and disputes with local acequias and the mutual domestic, both of which grew out of the land grant but has since split with the land grant. The Grant continues to development an outdoor recreational space to serve as a rental space for community functions. 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.

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The Tecolote Land Grant is working to hire a company to repair and renovate their community center roof, for which they received a \$50,000 capital outlay appropriation in the 2018 session. The Land Grant will require additional funding in order to complete other needed renovations, including upgrading their septic system. They also face an issue with their acequia system as they need to build a dam to be able to continue to divert waters for irrigation. The community has also been working with FEMA and the New Mexico Acequia Association to try and address the issue.

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The Cristóbal de la Serna Land Grant has moved forward with the purchase of línias with a capital outlay appropriation. The Grant is still trying to protect what is left of the common lands, including 5,000 acres of lands that were mapped for tax assessment purposes into long narrow strips of land stretching from the valley floor to Picuris Peak. These properties, known as línias have been the cause

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 Grant's primary goal is preserving the mountain from development and abuse for their heirs and the greater community.

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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 received an additional \$60,000 in the 2020 session. They also received a Land Grant Support Fund Grant of \$2,000 to aid in the upkeep of their building.

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The New Mexico Land Grant Council in conjunction with the UNM Land Grant Studies Program provided assistance to the San Antonio del Rio Colorado Land Grant with the archiving of several boxes of historic documentation. The organized collection (4 cubic feet) and a full digital copy of the collection were delivered to the land grant. 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 sub-grant of the common lands of a larger land grant for communal management by a local community. While their origins mostly begin in the American Period, these sub-grants land grants function in the exact same manner as other active land grants. 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 Carmen Land Grant, the Lower 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. They would not be taking 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. The 2020 Land Grant Interim Committee endorsed a bill that will be introduced in the 2021 Legislative Session that will address this issue.

NEW MEXICO LAND GRANT COUNCIL ACTIVITIES AND EXPENDITURES OVERVIEW

FY 2020 APPROVED BUDGET AND ACTUAL EXPENDITURES

In fiscal year 2020 the New Mexico Land Grant Council received a \$296,900.00 General Fund appropriation from the New Mexico Legislature. Expenditures for FY 2020 totaled \$283,516.24. This included; \$211,500.49 in an intergovernmental services agreement with the University of New Mexico to provide program support and staff to the Council as well as to contract with a professional surveyor for assistance to land grants and to cover UNM Natural Resources and Environmental Law Clinic Fee for land grants receiving services from clinic; \$40,000.00 in contract with New Mexico Legal Aid to provide legal services for land grants-mercedes; \$12,092.78 in direct financial support to land grants-mercedes for small capital and administrative expenses through the Land Grant Support Fund; \$4,8990.54 in in-state travel expenses for the Council members to attend monthly meetings; \$2,623.35 in administrative fees to the Department of Finance and Administration; \$3,981.38 in publishing cost to produce an updated Land Grant Law Book and General Political Governance Statutes Appendix for distribution to land grants; and \$8,427.70 for the purchase of a new copy machine for the Council.

Table 1 – FY 2020 Budget vs. Actual Expenditures

FY 2020 Budget Line Item	FY 2020 Budgeted Expenditures	FY 2020 Actual Expenditures	Unexpended Balance
DFA Admin Fee	\$4,454.00	\$2,623.35	\$1,830.65
Support Fund	\$16,000.00	\$12,092.78	\$3,907.22
Legal Service Contract	\$40,000.00	\$40,000.00	\$0.00
Publishing	\$4,000.00	\$3,981.38	\$18.62
In State Travel	\$4,890.54	\$4,890.54	\$0.00
Copier Purchase	\$11,609.46	\$8,427.70	\$3,181.76
UNM Contract	\$215,946.00	\$211,500.49	\$4,445.51
F&A	\$35,991.00	\$35,250.06	\$740.94
Staff Salary & Fringe	\$142,367.00	\$142,366.39	\$0.61
Personnel In State Travel	\$6,500.00	\$5,860.91	\$639.09
Personnel Out of State Travel	\$0.00	\$0.00	\$0.00
Surveyor Contract	\$21,600.00	\$21,599.62	\$0.38
Law Clinic Fee Waiver for Land Grants	\$400.00	\$400.00	\$0.00
Copies, Printer Maintenance	\$1,900.00	\$1,394.83	\$505.17
Supplies	\$5,838.00	\$4,046.04	\$1,791.96
Postage	\$150.00	\$30.14	\$119.86
Meeting Expense	\$1,200.00	\$552.50	\$647.50
Totals	\$296,900.00	\$283,516.24	\$13,383.76

COUNCIL ACCOMPLISHMENTS IN FY 2020

In fiscal year 2020, the New Mexico Land Grant Council began the fiscal year with 4 members, including Juan Sánchez, who served as Chair; Rita Padilla-Gutierrez, who served as Vice-Chair; Leonard Martinez and Macario Griego. In August of 2019, Governor Michelle Luján Grisham appointed new members to the Council, retaining Councilors Juan Sánchez and Leonard Martínez and appointed three new members, including Rebecca Correa Skartwed, Andrea Padilla, and Steve Polaco. The newly appointed Council voted to re-appoint Juan Sánchez as Chair of the Council and Rebecca Corra Skartwed as Vice-Chair. Councilors Padilla-Gutierrez and Griego were congratulated and thanked for their decade of service as members of the Council. 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; professional surveying services for land grants-mercedes; direct financial support; dissemination of information; maintaining the 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-MERCEDES

In FY 2020, the Council provided direct technical assistance to 19 different land grants-mercedes throughout the year. Specific details about direct technical assistance to land grant can be found below.

The Council provided assistance to sixteen land grants with the completion of their 2021 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, including resolutions, 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 2020 included: Abiquiú, Anton Chico, Cristóbal de la Serna, San Antonio de Las Huertas, San Joaquín Río de Chama, San Miguel Del Bado, Santa Bárbara, Juan Bautista Baldés, Don Fernando de Taos, Tajiue, Tecolote Land Grant, Town of Tomé, Tierra Amarilla; Manzano; Chililí and Cañon de Carnué. As a direct result of this work, the Council then provided assistance to 10 land grants with the submittal of capital outlay requests. These include: San Joaquín del Río de Chama Land Grant, Merced de Los Pueblos de Tierra Amarilla, Merced del Pueblo de Tajiue, Chililí Land Grant, San Antonio de Las Huertas Land Grant, Merced del Manzano, San Miguel del Bado Land Grant, Santa Bárbara Land Grant, 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 2020 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.

At the close of the 2020 Session the New Mexico Legislature approved \$1,345,000 in new capital outlay projects for land grants-mercedes that were sent to the Governor's desk for approvable. Unfortunately,

prior to final approval by the Governor, the Covid-19 outbreak hit New Mexico requiring the Governor to veto certain projects in order to free up funding to address potential economic downturn from the pandemic. Two land grant-merced projects were affected by the vetoes, they included \$30,000 to the Tierra Amarilla Land Grant for a multipurpose community center facility and \$525,000 for the San Antonio de Las Huertas Land Grant for a multipurpose community event facility. Below is a breakdown of all the new capital outlay appropriations received by land grants-mercedes from the 2020 session totaling \$670,000.

- \$135,000 to the Don Fernando de Taos Land Grant for the construction of a land grant administrative facility.
- \$30,000 to the San Joaquín del Río de Chama Land Grant for renovations to their community center.
- \$40,000 to San Joaquín del Río de Chama Land Grant for a community irrigation project.
- \$100,000 to the Tajique Land Grant for the purchase of property for community center open space and parking.
- \$100,000 to the Town of Tomé Land Grant for the acquisition of a historic property.
- \$105,000 to the Merced del Pueblo de Chililí for renovations to their community center park.
- \$45,000 to the Santa Bárbara Land Grant for the acquisition or construction of a community center.
- \$60,000 to the San Miguel del Bado Land Grant for renovations to their community center.
- \$55,000 to the Merced del Manzano to serve as a fiscal agent for the design of an Estancia Valley Heritage Center.

In addition, the legislature approved \$1,690,000 in reauthorizations of 2019 capital outlay project monies for land grant communities in the 2020 session. The reauthorizations consisted of: \$905,000 for the San Joaquín del Río de Chama, Juan Bautista Baldés and Tierra Amarilla land grants to allow for renovations in addition to the purchase of the Piedra Lumbre Visitor's Center from the U.S. Forest Service; \$250,000 for the Town of Tomé Land Grant to allow for property purchases within the historic boundaries beyond just those properties for sale at delinquent tax auctions; \$300,000 for the Merced del Manzano to include the term "acquire" to allow them to pursue the purchase of an existing building for use as their community center; and \$235,000 for Punta de Agua a Manzano land grant community for improvements to their community water system.

The Land Grant Council assisted all land grants that received capital outlay appropriations in their interactions with the Department of Finance and Administration in order to drawdown and expend the funds. This included working with individual land grants-mercedes and DFA to complete questionnaires, execute grant agreements, complete notices of obligation and pay request submittals and update the status of their projects in the Capital Projects Management System. The Council also provided

support to land grants with procurement of goods and services associated with the expenditure of their capital outlay appropriations.

In FY 2020, the Council also provided assistance to four land grants-mercedes with preparing for and/or conducting their board of trustees' elections. Land grants receiving assistance were Merced de Los Pueblos de Tierra Amarilla, Merced del Manzano, Merced del Pueblo de Tajique, and Tecolote. 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 election judges and clerks for the Merced del Manzano and Merced del Pueblo de Tajique board of trustee elections. The Council also provided support to the Santa Cruz de La Cañada Land Grant with the reorganization of the land grant in order to set up for an election of the board of trustees in the near future. The land grant is a political subdivision of the state however the recently fell behind in hold their elections in a timely manner. The Land Grant was slated to hold their election right before the pandemic hit New Mexico, causing them to postpone until they can safely conduct an election within the window allowed by law. In addition to support with election materials the Council also provided them with assistance in digitizing records relating to their past elections. The Council also provided information to two land grants, Nuestra Señora del Rosario San Fernando y Santiago Land Grant and Santo Domingo de Cundiyo Land Grant concerning the requirements and benefits of land grants organized as political subdivisions under Land Grant General Provisions found in Chapter 49 Article 1 of the New Mexico State Statutes. This included reviewing the statutes with them and providing information on pros and cons related to political subdivision status. Nuestra Señora del Rosario San Fernando y Santiago Land Grant (commonly known as the Truchas Land Grant) is a statute specific land grant that would require legislative action to be recognized as a unit of government. In addition, the Council provided information to the Embudo Land Grant about the requirement organizing the land grant and for holding an election of the board of trustees in accordance with the Land Grant General Provisions.

In FY 2020 the Council also provided assistance to land grants-mercedes with general governance issues including complying with financial reporting requirements, amending bylaws, holding virtual meetings during the pandemic, as well as other general assistance. Particularly, the Council assisted the Abiquiú Land Grant with trying to obtain financial records from their previous treasurer in order to complete their required agreed upon procedures report to the State Auditor's Office. The Council also assisted the Cañón de Carnué Land Grant with organizing their financial records in order to complete their agreed upon procedures report to the State Auditor's Office. The Council also provided technical support to the Juan Bautista Baldés Land Grant with reviewing and making revisions to their bylaws. The revisions were necessary to bring their bylaws up-to-date with recent changes in the Land Grant General Provisions relating to land grant-merced elections. The Council also provided assistance to the Tierra Amarilla, Manzano and Town of Tomé land grants with obtaining CRS #'s from the New Mexico Department of Taxation and Revenue in order from them to make tax exempt purchases of goods as local units of government. The Council assisted the Anton Chico and Tajique land grants with hosting of virtual meetings via the Zoom platform. In addition, the council sent out information to land grants about how to hold virtual meetings during the pandemic including compliance with the New Mexico Attorney General's Office guidance on virtual meetings.

During the fiscal year the Council also provide support to land grants relating to the protection of their common waters. This work included providing assistance the Manzano, Tajique, Torreón and Chililí

land grants concerning the establishment of a regional water authority to help further protect the water in their respective communities from encroachment of takings by adjacent water authorities. The Council also assisted the Manzano and San Antonio de Las Huertas Land Grants concerning disputes with local water associations relating to water storage infrastructure located on the common lands of the land grants. Clarification of the roles and responsibilities as well as the rights concerning access, upkeep and third-party agreements is needed in this area. The Council is assisting both land grants to find solutions to the issue and has also taken the issue to the Legislative Land Grant Interim Committee in their 2020 Interim Session. In addition to this issue the Council also provided support to the Cristobal de La Serna Land Grant and the Santa Bárbara Land Grant with preparing presentations made before the Land Grant Interim Committee in their 2019 Interim Session. The Cristobal del La Serna Land Grant continues its work in regaining management and control of the common lands which have been separated from their control through tax assessment deeds issued by Taos County in the 1940s. The Santa Bárbara Land Grant issue focused on the proposed designation of the Río Santa Bárbara as Wild and Scenic River by the U.S. Forest Service. Their main concern in the impact that designation will have on their ability to manage the adjacent lands for the protection of water resource for downstream water users.

The Council also provided assistance to the Town of Tomé Land Grant with applying for CARES Act funding to the New Mexico Humanities Council relating to the impact the Covid-19 closures have had on the operation of their Museum. Unfortunately, the funds were exhausted and they did not receive any funding.

During FY 2020 the Council, through a contract with the UNM Community and Regional Planning Program, provided planning technical assistance to the Tajique Land Grant in the development of a site plan for the land grant community center. The site plan included drainage and ponding mitigation from the ongoing flooding problems of the Tajique Community Center. The plan also includes a facility master plan for the Tajique Community Center that includes playground improvements, expanded parking, a community amphitheater, expanded classroom space, as well as an exercise trail.

Lastly, the Council published an update to the Land Grant Laws and Statutes which covers Federal and State Laws relating to land grants. The last update to the law book was in 2015 this version covers all the updates to the General Provisions passed through the 2020 Legislative Session. In addition, the Council publish a General Governance Statutes Appendix which includes general statutes that apply to units of government, such as the Open Meetings Act, Audit Act, Procurement Act and Inspection of Public Records Act. This appendix along with the law book are being distributed to land grants, policy makers, the UNM Law School Natural Resources Environmental Law Clinic students and is also available to the general public.

LIAISON SUPPORT TO LAND GRANTS-MERCEDES

In fiscal year 2020, the New Mexico Land Grant Council, in accordance with one of its statutory missions, conducted liaison work on behalf of community land grants that are organized as political subdivisions of 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 2020.

The New Mexico Land Grant Council work extensively with the U.S. Forest Service (USFS) during the 2020 fiscal year. The Council served as a cooperative agency in the revision of the forest management

plans for the Carson, Cibola, and Santa Fe National Forests. The Council participated in the Cibola National Forest Collaborative and served on the government working groups of the Santa Fe and Carson National Forests, commenting on drafts of the forest management plans and environmental impact statements and suggesting changes to plan content to promote traditional uses of the forest. The Council worked with land grants to develop comments related to the plan and their own local interests and attended workshops, open houses and public meetings for all three forests. In October 2019, the Council hosted a meeting with the forest planners and forest supervisors of the Carson, Cibola and Santa Fe National Forests and representatives from a more than a dozen land grants on the forest plans and the comment process, which gives entities a standing to object if they disagree with the final adopted plan. The Council also participated in the governmental working groups and public meetings held throughout the Forest Plan Revision process. During final stretch of Forest Plan Revision process the Council sent out email reminders to land grants concerning the Forest Plan Revision comment deadline, including instructions for submitting comments online, by mail or in person. In November 2019, the Council submitted approximately forty pages of comments to each national forest on their respective forest plans and coordinated comments sent by several land grants. In addition, to Forest Plan Revision work the Council interacted with the USFS on behalf of a number of land grants-mercedes regarding a variety of issues. Below are additional details about that work.

The Council provided liaison support to the Town of Tomé Land Grant regarding discussions with the Cibola National Forest concerning properties within their historical boundaries that are under consideration for recommended Wilderness in the Forest Plan Revision. The Tomé Land Grant is interested in the properties retaining their current management status and would like to continue future discussion with the Cibola National Forests on the future uses of those parcels. The Council also provided support for the Santa Bárbara Land Grant concerning the Carson National Forest Wild and Scenic River evaluation process and their desire to object to a Wild and Scenic River designation on the Río Santa Bárbara. The Río Santa Bárbara is a critical river for the Peñasco area watershed and the areas acequias.

In FY 2020, the Council served as a liaison between land grants-mercedes and the U.S. Forest Service concerning an injunction against timber management activities on all National Forest Lands in New Mexico. The injunction came as a result of a lawsuit files against the Forest Service by the Wild Earth Guardians concerning monitoring of the Mexican Spotted Owl, whose habitat is threatened. The injunction resulted in the Forest Service halting all wood related activities including forest restoration projects and personal fuelwood collection. Work on this issue by the Council included: meeting with both the Wild Earth Guardians and the Forest Service to express concern on the impact the injunction would have on forest dependent land grant communities; discussions concerning the matter with members of the Congressional Delegation and New Mexico Acequia Commission and Association; drafting letters to the Forest Service in support of their request to the Court to narrow the scope of the injunction and exempt fuelwood collection from the injunction; and helping to coordinate fuelwood delivery to land grant communities around the state that were impacted by the injunction. The Council also sent out notices to land grant concerning the injunction and modification of the injunction via the Council's email list serve. During the process the Council participated in a conference calls with the U.S. Forest Service and the New Mexico Congressional Delegation staff concerning the status of the Mexican Spotted Owl injunction on timber management activities on National Forest Lands. The Council also worked with the USFS to try and address the fuelwood needs for land grant communities impacted by the injunction. This included engaging the Forest Supervisors of the Cibola, Carson and

Santa Fe National Forests to encourage them to open up fuelwood collection season earlier to allow additional time for communities to gather. Unfortunately, the Covid-19 pandemic squashed those efforts and instead caused delays in the issuance of fuelwood permits to local communities. The Council worked with the USFS to forward information about fuelwood permit delays in the Carson and Santa Fe National Forests. In addition, the Council held conference calls with USFS to discuss potential wood gathering project opportunities for land grants in Northern New Mexico and drafting and sending a request to the NM Congressional Delegation encouraging them to provide resources to the USFS to expedite the development of online fuelwood permit sales.

The injunction on forest management activities because of the MSO litigation forced land communities to look elsewhere for resources, namely fuelwood. To that end, the New Mexico Land Grant Council engaged with other government land management agencies to discuss fuelwood options for land grant communities. The Council worked with the Bureau of Land Management to identify fuelwood opportunities close to land grant communities and to advertise their online permitting system. The Council also met with the State Land Office to discuss the potential for collaboration on forest restoration projects and fuelwood gathering on State Trust Lands. This included meetings with the State Land Office to provide a background on land grants-mercedes to help develop relationships between land grants and the State Land Office. The Council provided shape files of the active land grants that are political subdivisions to the State Land Office and hosted meetings with SLO staff to discuss ways in which the SLO can partner with land grants on projects. The Council also worked with the Taos County Wild Urban Interface coordinator and the SLO to identify areas for forest restoration projects that can benefit the Santa Bárbara Land Grant and discussed projects with the San Joaquín del Río de Chama Land Grant.

The Council also continued to support the Tierra Amarilla Land Grant in negotiations over the transfer of the Laguna del Campo from the New Mexico Game Commission to the Land Grant. This included coordinating and attending meetings with the Department of Game and Fish, attending hearings of the New Mexico Game Commission to provide testimony concerning the transfer of the lake and meeting with Game Commissioners to discuss the transfer. The Council also coordinated meetings between the grant and the legal services provider, New Mexico Legal Aid, requesting documents from the Department of Game and Fish and the Office of the State Engineer to ascertain water rights and coordinating research to move the transfer forward. The Council worked with the Tierra Amarilla Land Grant and New Mexico Legal Aid (the Council's legal service contractor) to develop a briefing, outlining the options available for resolving an issue relating to the lake's water rights, which was shared with a New Mexico Game Commissioner. The Council helped coordinate and attended a follow up meeting between the New Mexico Department of Game and Fish, the State Engineer's Office, the Tierra Amarilla Land Grant and New Mexico Legal Aid to discuss the matter further.

The New Mexico Land Grant Council continued to serve as a liaison between the San Joaquín del Río de Chama Land Grant, the Merced de los Pueblos de Tierra Amarilla, the Juan Bautista Baldés Land Grant, the Department of Finance and Administration and the U.S. Forest Service concerning the purchase of the Piedra Lumbre Visitors Center. This included helping facilitate the exchange of communication and information between the land grants and the U.S. Forest Service regarding the purchase status and the completion necessary documentation to move the project forward. The Council also arranged discussions with the U.S. Forest Service and the Department of Finance and Administration to discuss the timing of the payment and the transfer. The Council also help facilitate

discussion with the adjacent property owner, the Ghost Ranch Conference Center, to discuss potential collaboration on future development of the site. The Council also worked with UNM School of Architecture and Planning to meet with the New Mexico Environment Department to obtain information about environment hazard mitigation programs the Department has for potential use with renovations to the Piedra Lumbre Visitor's Center.

The Land Grant Council also continued liaison support for the Town of Tomé Land Grant concerning the sale of abandon properties within the Town of Tomé Land Grant by the Department of Taxation and Revenue. This work including coordinating meetings between the Grant and the Department to determine when the tax sale would take place and how the requirements for completing any purchases made by the land grant-merced. Unfortunately, the sale never took place due to a lawsuit filed against the State concerning the delinquent tax property sale by a third party. This prompted the Council to try and help negotiate a settle with the plaintiffs in the lawsuit that would be mutually beneficial to all party involved. To date these negotiations were not successful. In order to assist the land grant from losing the capital outlay they received to purchase tax delinquent properties, the Council helped the Town of Tomé Land Grant to reauthorize the funds for the purchase of the Tomé historic jail property located on the Plaza of Tomé. After the reauthorization of the funds the Council helped the Land Grant submit the necessary paperwork to the Department of Finance and Administration to process their capital outlay appropriation in order to complete acquisition.

The Council also participated in the development of the State Forest Action Plan put together by the State Forestry Division of the Energy Minerals and Natural Resources Department. This included attending Forest Action Plan meetings and submitting official comments on the draft New Mexico Forest Action Plan. In addition, the Council worked with the UNM Land Grant Studies Program to develop shape files of the historical-traditional use boundaries of active land grants for the State Forestry Division to utilize in the development of the Forest Action Plan. As a result of the Council's participation in the plan the State Forestry Division included a section of the plan relating to the importance of traditional uses by indigenous communities including Native American tribes, pueblos and land grant-merced communities.

During the Fiscal Year the Council began supporting the Anton Chico Land Grant with discussions and negotiations relating to a proposed wind energy development project. This work included assisting the land grant in meetings with the project proponents, reviewing project proposal documentation and getting legal support for the Land Grant from the UNM Law School Natural Resources Environmental Law Clinic. In addition, the New Mexico Land Grant Council provided assistance to the Anton Chico Land Grant in responding to an inquiry from the Governor's Office, Attorney General's Office and Office of the State Auditor, concerning governance questions raised by a third party. The Council provided information on the Board of Trustees status and capacity as well as supported the Board of Trustees in their effort to provide documentation in response to the inquires.

In FY 2020 the Council also reached to the Department of Transportation concerning the inclusion of land grants-mercedes in the Department's annual hardship equipment auction. The council provided DOT with a list of land grants-mercedes that are political subdivisions of the state. The DOT then provide information about the application process to land grants via email. The Council also reached out to land grants and assisted them in apply for hardship grants. This resulted in seven land grants receiving hardship awards that they can put towards the purchase of equipment and vehicles from DOT. The land

grants receiving awards include: Anton Chico, Cebolleta, Chililí, Manzano, San Joaquín del Río de Chama, Tajiique, and Tomé.

During FY 2020 the Council also ensured that representatives of the Council attended in person and virtual quarterly meetings of the Land Grant leadership held by the New Mexico Land Grant Consejo, in order to provide updates of Council activities and other land grant related policy matters. The Council also partnered with the UNM Land Grant Studies Program and the New Mexico Land Grant Consejo to cosponsor the Annual Treaty of Guadalupe Hidalgo Day at the New Mexico State Capitol. The event is commemorated every February 2, at the State Capitol in Santa Fe.

Other liaison work of the Council in FY 2020 included two members of the Council and the Council's Program Manager making an official presentation about land grants and the work of the Council before the New Mexico Livestock Board. The Council also began working with the Bureau of Land Management on obtaining General Land Office records, particularly the U.S. patents of active land grants. The Council also engaged in discussions between the New Mexico Attorney General's Office and the New Mexico State Historian's office concerning the return of land grant documentation submitted during the U.S. land adjudication process. This was based on a request for assistance in this matter from the San Joaquín del Río de Chama Land Grant. Lastly, the New Mexico Land Grant Council remained in contact with the Governor's Office throughout the fiscal year to keep the Governor's Office up to date on issues effecting land grants and potential policy solutions.

POLICY WORK

In Fiscal Year 2020 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 a bill relating recognition of traditional uses by land grants-mercedes in the 116th Congress and working with the Land Grant Interim Committee to provide support to the Committee during the interim session and with the introduction of 3 bills during the 2020 New Mexico Legislative Regular Session. Below are details relating to the federal and state measures as well as the capital outlay for land grants-mercedes in FY 2020.

Federal Policy Work

In FY 2020 the Council worked closely with members of the New Mexico Congressional Delegation to develop further develop and reintroduce the Land Grant and Acequia Traditional Use Recognition and Consultation Act in the 116th Congress as House Resolution 3682. This was the replacement bill for H.R. 6487, which was introduced in 2018 and died at the end of the 115th Congress. 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 Ben Ray Luján on the development of this bill for over 5 years. The bill was assigned to the House Natural Resources Committee and received a virtual hearing before the National Parks, Forests and Public Lands Subcommittee, chaired by New Mexico Congresswoman Deb Haaland, on June 18, 2020. In preparation for the hearing the Council worked closely with the legislative staff of Congressman Lujan's Office to

prep the bill for hearing. The Council developed written and oral testimony that was submitted to the Subcommittee in advance of the hearing. The Council's Program Manager served as the expert witness who provided testimony during the hearing. In additional support of the measure, the Council coordinated the collection of letters of support from 18 different land grants and submitted them to the full Committee and drafted proposed language for inclusion in the bill relating to identification of boundaries for traditional use activity areas. In addition to the work specifically related to H.R. 3682, the Council also worked with Congressman Luján's office to draft language about the importance of land grants-mercedes for inclusion in the Congressional Federal Appropriations Bill report relating to funding for the Departments of Interior and Agriculture.

During the fiscal year the Council also partnered with the New Mexico Acequia Association, the Offices of Congressman Luján and Senator Tom Udall and the U.S. Forest Service and Natural Resources Conservation Service to host celebration ceremony recognizing the inclusion of land grants-mercedes and acequias in the Farm Bill as well as the signing of the Acequia Guidance Regulations by the U.S. Forest Service Southwest Region. The event was held in the Los Luceros Center in Alcalde and the Council Program Manager co-hosted the event, along with the Executive Director of the New Mexico Acequia Association. The Council followed up on this event by inviting representatives from the NRCS to present at a Council meeting about how land grants will be able to apply for new funding under the Farm Bill. The Council is still awaiting guidance from USDA on what exact programs land grants-mercedes will be able to apply for.

In FY 2020 the Council also worked with Congresswoman Deb Haaland's Office to coordinate a tour of three land grants in her district. This included the Manzano, Tajique and Chililí land grants. The tour included a tour of the Manzano Community Center Building, the Manzano Lake and Historic Church, the Tajique Community Center, the Chililí Community Center and gym and the portions of the common lands that burnt in the 2016 Dog Head Fire. The Council also provided information to the Congresswoman's Office concerning the wifi accessibility in land grant communities at the start of the Covid-19 pandemic. The Congresswoman joined the Council's June 2020 virtual meeting to provide information about the passage of H.R. 3682 by the National Parks, Forests and Public Lands Subcommittee, which she chairs.

The Council also met with Congresswoman Xochitl Torres Small in October of 2019 in Tomé to brief her on land grant-merced history and current federal policy initiatives. In addition, the Council participated in a quarterly Congressional Call with New Mexico and D.C. Staffers from the New Mexico Congressional Delegation. The purpose of the call was to provide updates of land grant issues and actives, give a recap of 2020 New Mexico legislative session and discuss movement of H.R. 3682, the Land Grant and Acequia Traditional Use Recognition and Consultation Act, through the U.S. Congress.

State Policy Work

During fiscal year 2020 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 2020 the Council attended all Interim Committee hearings for the 2019 Interim Session including meetings held in: Anton Chico in July of 2019; Taos in September 2019; Ghost Ranch Conference Center and Los Ojos in October 2019; and the final meeting of the Interim Committee held in November in Santa Fe.

Specific work by the Council during the 2019 Interim Session included the development of draft legislation to create a guaranteed revenue stream for land grants, funding of a professional surveyor and attorney position at the Land Grant Council as well as assisting the UNM Natural Resources Clinic with the drafting of legislation pertaining to the designation of natural resources enforcement officers by land grant-merced board of trustee. The Council assisted several land grants with the development of presentations made before the Interim Committee including the Anton Chico, Cristobal de La Serna, Santa Bárbara, Juan Bautista Baldés, and Tierra Amarilla land grants. The Council also assisted making a presentation on the Land Grant, Acequia, and Colonias tuition waiver program at the UNM School of Law. The Council also made presentations before the Land Grant Interim Committee on: their progress in developing of a land grant youth leadership development program; guaranteed revenue streams for land grants-mercedes; updates on the Piedra Lumbre Visitors Center purchase being made by the Juan Bautista Baldés, Tierra Amarilla and San Joaquín del Río de Chama Land Grants from the U.S. Forest Service; capital outlay priorities for land grants-mercedes; and the work of the Council in FY 2019 The Council also assisted in coordinating the tour of the Sangre De Cristo Land Grant in San Luís, Colorado to learn about their traditional use access on private lands victory that they won in the courts as well as a tour of the Laguna del Campo property in Los Ojos and the illegal rock quarries in Anton Chico.

During the 2020 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. The Council also provided support and input to legislative and executive branch analysts to help in the development of Fiscal Impact Reports for bills. Below is detailed information about each piece of legislation including the purpose and outcome from the 2019 Legislative session.

- **House Bill 111 (HB111) – Land Grant-Merced Assistance Fund** – Sponsored by Rep. Miguel García, Rep. Tomás Salazar and Sen. Liz Stefanics. The purpose of the bill is to create a guaranteed 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 made to eligible land grants-mercedes. This bill will provide direct funding to land grants-mercedes on an annual basis, to be utilized as the general operating budget for land grants-mercedes. The bill was referred to and passed both the House Local Government, Land Grants and Cultural Affairs Committee and House Appropriations and Finance Committee. It passed the House of

Representatives by a vote of 51 to 13. It was referred to the Senate Finance Committee where it died without ever receiving a hearing prior to the end of the 2020 session.

- **House Bill 121 (HB121) – Land Grants-Mercedes as Autonomous** – This bill was endorsed by the Land Grant Interim Committee and was sponsored by Rep. Tomás Salazar and Rep. Miguel García. 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. The bill was not germane to the session as it was not related to the budget. Although pre-filed for the 2020 it lacked a message from the Governor to allow it to move forward in the 2020 Legislative Session. Therefore, the bill died without ever being assigned to a committee.
- **Senate Bill 55 (SB55)- Creating New Positions on Land Grant Council-** SB55 was endorsed by the Land Grant Interim Committee and was sponsored by Sen. Sander Rue. The purpose of the bill was to provide an appropriation to the New Mexico Land Grant Council to fund a licensed professional surveyor and an attorney to provide legal and surveying services to eligible land grants-mercedes. The bill would have appropriated \$1 million dollars, to be spent over the course of 5 years. This will allow the Land Grant Council to provide improved legal assistance as well as professional surveying assistance to eligible land grants-mercedes. The bill was referred to the Senate Conservation and Senate Finance Committees. It was passed by the Senate Conservation Committee but died in Senate Finance without ever receiving a hearing.
- **Senate Bill 79 (SB79) – Land Grant and Acequia Audit Help** –SB79 was endorsed by the Land Grant Interim Committee and was sponsored by Sen. Liz Stefanics. The purpose of this bill is to appropriate \$250,000 to the New Mexico State Auditor in order to assist land grant-mercedes and Acequia associations with compliance with the Audit Act. The bill was referred to the Senate Conservation and Senate Finance Committees. It was passed by the Senate Conservation Committee but died in Senate Finance without ever receiving a hearing.
- **Senate Bill 70 (SB70) – Audit Services for Water Organizations** – SB70 is very similar to SB79 and was introduced by Sen. Michael Padilla. The purpose of the bill is to appropriate \$2 million to the New Mexico State Auditor, for fiscal years 2021 and 2021, in order to provide audit services to acequias, community ditch associations, land grants-mercedes and mutual domestic associations. The bill was referred to the Senate Conservation and Senate Finance Committees. It was passed by the Senate Conservation Committee but died in Senate Finance without ever receiving a hearing.

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 2020 Legislative Session with the submittal and tracking of their capital outlay requests. In addition to 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 2020 legislative session and to provide the Governor’s office information about the capital outlay project requests submitted by land grants. The Council also participation in conversations concerning a 2020 legislative bill aimed at creating an agricultural and

natural resources trust fund. Apart from bills that introduced into the 30-day session the Council also continued to provide information and support to both the Land Grant Interim Committee and the Governor's Office concerning past legislation aimed at recognizing certain land grants as political subdivisions. This work included helping coordinate and attending a meeting held in Las Vegas with the Las Vegas Land Grant, the Los Vigiles Land Grant allotment, the Lower Gallinas Land Grant allotment, Rep. Miguel García, Rep. Tomás Salazar and the Governor's Legislative Director, Victor Reyes, to discuss the needs of those land grants and the purpose of the proposed legislation. Also in FY 2020, the Council also helped coordinate a meeting between the Land Grants of Tajique, Chililí and Manzano with Representative Matthew McQueen regarding concerns relating to the jurisdictional boundaries of a newly formed regional water association.

Apart from legislative work the Council also send a letter to the Department of Game and Fish concerning a departmental rule relating to fishing on public streams that run through private property. The ruling is based a piece of legislation that the Council was opposed to several years ago that allow for the privatization of public streams. This bill is problematic in that it has created a conflict within land grant communities where new landowners are restricting locals from their traditional fishing areas where streams run through private property. This is an issue since many rural traditional land-based communities still rely on annual fishing as a protein supply to feed their families throughout the year. The Council is opposed to any restrictions of stream access since both the water and the fish are public, not private, assets and in land grant-merced communities the Council believes this access is protected by the Treaty of Guadalupe Hidalgo.

Finally, the Council worked with New Mexico Department of Cultural Affairs to query potential land grant cemeteries in their Archeological Resource Management System database. The purpose was to help identify potential land grant cemeteries on federal lands in New Mexico. Once data was received staff reviewed the data to determine which site were potentially relevant to land grant-merced communities.

LEGAL SERVICES

In Fiscal Year 2020 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 Higher Education Department and UNM Law School to expend funding for legal services appropriated by the legislature in the 2019 session. Below are additional details about work in all of these areas.

Direct Legal Services through New Mexico Legal Aid Contract

During fiscal year 2020 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 2020 was \$40,000.00. 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 been providing legal services support the land grant-merced with its water rights claim particularly as it relates to the water quantity and priority date for common waters of the land grant-merced. This case is still ongoing and will likely continue into FY 2021

NMLA also provided assistance to the Tajique Land Grant concerning a district court appeal of a Torrance County Commission land use decision affecting the land grant-merced community. The decision was appealed initially in 2019 at the district court level but was decided in favor of the County. NMLA has appealed the decision to the New Mexico Court of Appeals and it has been accepted on appeal. Due to the Covid-19 pandemic a hearing schedule has not yet been set by the Court and the matter will continue into FY 2021 with legal support provided by the Council.

NMLA and the Council also continued to provide legal support the Juan Bautista Baldés Land Grant concerning a quiet title suit filed against a portion of the common lands. This case was set to go to trial in the Spring of 2020 but was delayed due to Covid-19 closures. This case will continue into FY 2021 and will continue to receive support from the Council.

NMLA also begin providing support to the Merced del Los Pueblos de Tierra Amarilla concerning the Laguna del Campo property transfer from the New Mexico Game Commission to the Land Grant-Merced. NMLA has been providing legal counsel to the land grant-merced in their negotiations relating to transfer of both the property and its appurtenant water rights. NMLA also continued to provide support to the ongoing litigation concerning the defense of the common lands in a case brought forth by the New Mexico Attorney General's Office (NMAG). The NMAG has taken the lead on this litigation and NMLA is only provided support to the case as needed. That case has moved into the settlement phase which should be completed by the end of FY 2021. More information about this work related to this litigation will be covered in the Attorney General Treaty Division Section below.

NMLA through its contract with the New Mexico Land Grant Council also provided support to the Santo Domingo de Cundiyo Land Grant concerning a review of their current bylaws.

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

Throughout FY 2020 the Council continued to work with the Treaty of Guadalupe Hidalgo Division on several issues relating to land grants-mercedes. This work included supporting litigation brought forth by the NMAG's Office and support with other legal matters that impact local community land grants and general land grant-merced related policy. This work included continued support to the Treaty Division with the Merced de los Pueblos de Tierra Amarilla (Tierra Amarilla Land Grant) litigation regarding a property dispute with an out-of-state organization. The Council helped coordinate meetings between the Land Grant-Merced and the legal team from the Attorney General's Office as well as help in the preparation of historical documentation and materials for use as exhibits for trial. In addition, the Council also continued to keep the Treaty Division up to date on progress made concerning the delinquent tax 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 assessment 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. The Council also provided assistance to the Attorney General's Office regarding investigations and follow up on complaints made to the AG's Office relating to land grants-mercedes. This included providing the AG information about the Council's work with Anton Chico Land Grant on their common lands and natural resources protections issues and about the concerns raised regarding co-management of the Manzano Lake brought forth by both the Merced del Manzano and the Manzano Spring and Ditch Association. Both issues will likely receive additional attention in FY 2021 Finally, the Council keeps the Attorney General's Office up to date on all relevant issues relating directly land grants or land grant policy initiatives. This is done either at the monthly meetings of the Council in which the Treaty Division Attorney is present or via correspondence and communications in between Council meetings.

Work with the UNM School of Law Natural Resources and Environmental Law Clinic

In fiscal year 2020 the Council continued working with the University of New Mexico Law School Natural Resources and Environmental Law Clinic to provide legal assistance to land grants-mercedes in order to help meet the demand for legal services not met by New Mexico Legal Aid or the Attorney General's Office. The Council dedicated \$400 of its annual budget to pay for the Law Clinic's fee for taking on new clients. This helps the Clinic cover its administrative costs for assistance clients such as postage, research and documentation fees from third party entities and court filing fees. In FY 2020 the Law Clinic provided legal assistance to eight land grants-mercedes, including Anton Chico, Cañón de Carnué, San Antonio de Las Huertas, Don Fernando de Taos, Town of Tomé, Juan Bautista Baldés, Tierra Amarilla and San Joaquín del Río de Chama land grants-mercedes.

The Council works closely with the NRELC 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. In addition, the Council provides presentations to the law students starting the clinic in order to provide them with background information on land grants-mercedes. The Council also worked closely with the UNM Law School, the UNM Land Grant Studies Program, NM Legal Aid, the NM Acequia Association and the Utton Transboundary Law Center to develop a Continuing Legal Education course on Land Grants and Acequias. The course was to be offered in March of 2020 but has been postponed due to the mass gathering restrictions resulting from the Covid-19 Pandemic.

Finally, the Council worked closely with the UNM Law School and the Department of Higher Education to expend funding appropriated for legal services for land grants and acequias during the 2019 Legislative Session. Initially the funding was intended to implement the Community Governance Attorney Program. Due to the appropriations language to funding was unable to go directly to the program and it was therefore utilized to provide additional legal services to land grants and acequias. The Council helped the Higher Education Department navigate the procurement of legal services contractors to perform the needed services. Ultimately funding was awarded to three contractors including New Mexico Legal Aid, New Mexico Acequia Association and the Holland and Hart Law Firm. New Mexico Legal Aid utilized its funding to further advance its work on the Juan Bautista Baldés litigation and the Holland and Hart Law Firm worked on the Piedra Lumbre Visitor's Center purchase including the review of purchase and sale agreement contracts with the United State Forest Service and development of a ownership structure for the three land grants that will be purchasing the

facility. The work on both PLVC purchase will continue in FY 2021 with Holland and Hart providing continued services pro bono. In addition, 5 third year law students received paid fellowships that allowed them to intern with legal service providers providing services to land grants and acequias in FY 2020.

PROFESSIONAL SURVEYING SERVICES

In Fiscal Year 2020 the Council through its intergovernmental services agreement with the University of New Mexico initiated a contract with a surveying company, Territorial Land Surveying, to begin providing professional surveying services to land grants. The Council expended \$21,600 on surveying services for land grants in FY 2020. In order to provide services to land grants in need, the Council contacted all eligible land grants-mercedes to provide them notice of the Council's new ability to provide professional surveying services. The Council then took surveying requests and approved and prioritized requests for the contractor to work on. In FY 2020 the surveying contractor was able to provide services to the San Joaquin del Rio de Chama Land Grant relating to survey work pertaining to their patented boundaries; the Santa Barbara Land Grant relating to survey work for a common road owned by the Land Grant; the Anton Chico related to initial investigative work for a large future surveying project for the land grant; the Town of Tomé Land Grant for a boundary survey for a portion of the common lands; and the Juan Bautista Baldés Land Grant for investigative work and review of materials relating to the ongoing boundary dispute issue being litigated by the legal services contractor.

HISTORICAL RESEARCH

During Fiscal Year 2020 historical research included archival research to collect patent and survey information on newly active community land grants. The Council also conducted continued 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. Council staff engaged in discussion between the New Mexico Attorney General's Office and the New Mexico State Historian's office concerning the return of land grant documentation submitted during the U.S. land adjudication process. The records continue to be under the custody of the National Archives and Records Administration and are deposited at the New Mexico State Records Center and Archives in Santa Fe.

The Council also obtained a digital copy of the federal patent for the Merced del Manzano from the Bureau of Land Management in Santa Fe. The Council also digitized the patent of the Cañón de Carnué Land Grant at the request of the president of their board of trustees and researched and provided certified copies of the patent for the Anton Chico Land Grant to their board.

Historical research was also provided to the Merced de los Pueblos de Tierra Amarilla and the New Mexico Attorney General's office for materials related to ongoing property dispute litigation. The Council continued to conduct historical research and interpretation for the Juan Bautista Baldés Land Grant in their ongoing property dispute against a private claimant. The Council continued to provide technical assistance support to the Merced del Pueblo Abiquiú (Abiquiu Land Grant) on the land grant's water rights relating to the adjudication on the Rio 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 digitization of their records has been completed and the collection (~ 4 cubic feet) was delivered to the grant in November 2019.

In collaboration with the University of New Mexico’s Land Grant Studies Program, the Council continued digitizing portions 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). These materials were provided to the following Merced del Pueblo Abiquiú and the Juan Bautista Baldés Land Grants. (see also, dissemination of information).

Finally, UNM Professor LM García y Griego on behalf of the Council conducted an intermediate analysis of the Surveyor General materials obtained in Washington, D.C. in FY 2019. The purpose of this analysis is to establish a timeline and identify the major themes of Survey General of New Mexico and General Land Office decisions concerning the surveying and adjudication of New Mexico Spanish/Mexican land grants between 1854 and 1891.

DISSEMINATION OF INFORMATION

Throughout FY 2020 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, where requestors can find past meeting minutes as well as other important resources for land grants, such as *New Mexico Land Grant-Merced Laws and Statutes, excerpts from J.J. Bowden’s "Private Land Claims in the Southwest,"* and Land Grant-Merced guides on adverse possession and water rights.

In FY 2020, the Council disseminated the following information to land grants-mercedes: news release from Camino Real Ranger District regarding prescribed burn; information about the U.S. Capitol Christmas Tree found on the Questa Ranger District of the Carson National Forest in northern New Mexico; press release from Ben Ray Lujan regarding introduction of *Land Grant and Acequia Traditional Use Recognition Act*; information to east mountain land grant presidents regarding EMWT Annual meeting; updates on Francisquito and Rincon Fires; information for Now for Women in Wildland Fire Boot Camp; information from New Mexico Office of the State Auditor Fiscal Year 2020 Application for Financial Assistance; announcement from Camino Real Ranger District to Continue Selling Green Fuelwood Permits through August 6; information re: Sangre de Cristo Land Grant

Celebration in San Luis, CO; BLM News Release regarding BLM Taos Field Office offering forest product permits online; BLM News Release regarding BLM Rio Puerco Field Office offering forest product permits online; information regarding Celebration for inclusion of Land Grants and Acequias in 2018 Farm Bill (Sept. 3, 2019 @ Los Luceros) to land grants; Grant Requests and Advisory for the Week of 08/23/2019 from New Mexico Congressional Delegation; Permit Sales to Resume Aug. 26 at Carson National Forest Supervisor's Office; information regarding "Congressional District #1 Land Grant Tour with Congresswoman Deb Haaland - Wednesday, August 28, 2019 (10am-2pm)"; Sent Carson, Cibola, Santa Fe NF forest plan revision public meeting schedules to land grants; Governor, Carson National Forest announce 2019 U.S. Capitol Christmas Tree essay contest; Amole Fire Final Update; October 10, 2019 meeting with Cibola, Carson, and Santa Fe National Forests regarding new forest plans; Forest Service Hiring Temporary Positions for 2020 Field Season; Ensenada Prescribed Fire to Begin the Week of September 23; Grant Requests and Advisory for the Week of 09/27/2019; soil health academy; Letter, Order, and Clarification Regarding Mexican Spotted Owl Injunction; Court-Ordered Injunction Halts Fuelwood Permit Sales on Carson, Cibola, Gila, Lincoln, Santa Fe and Tonto National Forests; New Mexico Delegation Calls on Forest Service to Act Swiftly to Allow New Mexicans to Resume Use of National Forests press release; information about a wood innovation grant webinar; a weekly Federal Grants Advisory; a press release for input on a USDA Program Rule; Public notice on the Santa Cruz Watershed Dam Rehabilitation project; information on the Sombrello transportation management plan; USDA notice on Underserved Producers Advance Payment Option; Carson National Forest Season Road Closures; Funding Opportunity Announcement for WaterSMART; Treaty of Guadalupe Hidalgo Day information; 2020 Capital Outlay forms and instructions; Legislative Updates; and Council meeting notice and agenda for January meeting; regular legislative updates concerning land grant related legislation; new releases from USDA concerning input on Regional Conservation Partnership Program Rule and investment of \$38.9 million in 2020 through the National Water Quality Initiative (NWQI); notice on Questa Ranger District Plans to Implement Prescribed Pile Burning; Grants advisories from NM Congressional Delegation; New Mexico Forest Action Plan Resource Value Survey; Seasonal Closure of the Miranda Canyon in Carson National Forest; weekly federal grants advisory; news release from USDA regarding Ag Producers Should Take Advantage of Federal Program Assistance; new release on land grant and acequia legal education workshop; Information on New Mexico Department of Transportation 2020 Annual Hardship Sale; Carson National Forest Press Release Regarding COVID-19; News Release: Enhanced Funding Option through USDA Partnership Program Aims to Increase Flexibility and Delivery of Conservation Innovation; information on Census 2020; USDA Service Centers Taking Precautionary Measures to Help Prevent the Spread of Coronavirus; Guidance from the New Mexico Attorney General - OMA and IPRA compliance; USDA Seeks Public Comment on More Revised Conservation Practice; EMNRD Forestry & Partners Recognize Wildfire Awareness Week, Commitment to Readiness During COVID-19; News Release: SFNF Announces Temporary Closure of Multiple Recreation Sites; Other Recreation Opportunities Remain Available; BUSINESS RAPID RESPONSE SUBMISSION FORM from the Small Business Administration; Carson National Forest Discourages Unnecessary Exposure press release; Job posting notice for Permanent Canjilon Deputy District Ranger GS-0340-12; Sen. Udall Fact Sheet on CARES Act Direct Payments and Unemployment Insurance Provisions; Sen. Udall Fact Sheet on CARES Act Support for Small Businesses and Nonprofits; Sen. Udall Fact Sheet on CARES Act Provisions to Support New Mexico Hospitals; News Releases: CSP, and Joint Chiefs" Deadline Extension; Forest Service Takes Steps to Protect Communities from Spread of COVID-19 news release; News Release: Forest Service Takes Steps to Reduce Human-Caused Wildfire during Global Pandemic; News Release: RCPP 041620 USDA Invests More Than \$3 Million in Partner-Driven Projects that

Protect Natural Resources in NM; Resource guides for communities dealing with COVID; USDA Extends Deadline to Submit Project Proposals for On-Farm Demonstrations and Alternative Funding Arrangements; Santa Fe & Carson National Forest Delays Fuelwood Permit Sales; SBA's Lending Program Reopening; Seasonal Closure for the West Side of Valle Vidal Area Goes into Effect May 1 on the Carson National Forest; News Release (Spanish Translation): Forest Service Takes Steps to Reduce Human-Caused Wildfire during Global Pandemic; Weekly congressional Grants Advisory notice; LAND GRANT FORUM - Newsletter # 4 - May 2020; COVID Assistance to Firefighters Program; USDA Announces \$15 Million for Conservation Innovation Grants (CIG); Seasonal Roads on the Carson National Forest Open May 1; weekly federal grants advisories; News Release USDA Announces \$5 Million in Wetland Mitigation Banking Program Funds; News Release (Spanish Translation): Carson National Forest Delays Fuelwood Permit Sales; Reminder Fuelwood Sales Begin June 1 (Carson NF); CARES ACT Grant Funding from NM Humanities Council; EDA grant opportunity for governmental entities; FY2020 Assistance to Firefighters Grant Program – COVID-19 Supplemental; News Release: USDA Announces Cooperative Agreements for Community Compost and Food Waste Reduction; NM Film- Native Scholarships due May 22; Outdoor Equity Fund Open for Applications; NRCS New Mexico Conservation Funding Opportunity; News Release: SFNF Issues Closure Order for Forest Road 10; Federal Resources for Recovery - Webinar with Senator Heinrich, USDA Rural Development, and Economic Development Administration; weekly Federal Grants Advisory; Press Release: Carson National Forest Provides Updates for Fuelwood Sales and Contact Information; USDA-NRCS opens signup for applications for New Mexico RCPP-CSP in Rio Chama Watershed; Ancestral Lands Individual Placement Coordinator opening; Are you a farmer, rancher or forester interested in mentoring a new NRCS employee?; Press Release in SPANISH for Carson NF reopened campgrounds; NMEDD LEADS App FY 2021 Now Open; Media Alert: Updated information for Camping on the Carson National Forest; Reminder: June 30 deadline for Federal Paycheck Protection Program (PPP).

Council staff also made presentations regarding land grants at the Martínez Hacienda in Taos, at the UNM Law School and at the New Mexico State Capitol for the Treaty of Guadalupe Hidalgo Day Commemoration Day.

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, the New Mexico Department of Transportation, and the Office of the New Mexico Attorney General.

Additionally, the Council responded to an IPRA requests related to the Juan Bautista Baldes Grant; the Santa Cruz de la Cañada Land Grant; the Cañón de Carnué Land Grant and land grants in Valencia County.

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: Merced del Pueblo Abiquiú and Juan Bautista Baldés. (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 \$167,209.00 in direct financial support to eligible land grants-mercedes. In Fiscal Year

2020, the Council awarded \$16,000.00 in from the Land Grant Support Fund to five land grants-mercedes. The Don Fernando de Taos Land Grant received an award of \$5,000.00 for an archeological report on a historic cemetery and the purchase of office equipment. The Merced de Manzano was granted an award of \$3,000.00 to furnish and equip an office for the land grant in their newly purchased building on the plaza in Manzano, which included tables, chairs, security cameras, a laptop computer and printer. The Merced de los Pueblo de Tierra Amarilla received a grant of \$4,000.00 to purchase tools and equipment necessary for upkeep of the Laguna Del Campo property that they are acquiring from the New Mexico Game Commission, including weed whackers, lawn mowers, a wheel barrel, shovels, rakes and miscellaneous hand tools. The San Antonio de Las Huertas Land Grant received an award of \$2,000.00 from the Council for the continued improvement of the Oso Recreational Area, which helps the grant generate income through event rentals, which included the construction of a deck and purchase of an industrial grade tent for rental to campers. Finally, the San Miguel del Bado Land Grant received an award of \$2,000.00 for the purchase equipment for upkeep of their community center, including the purchase of a lawn mower and weed whacker, and to develop a website for their land grant.

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 2020, the Council received submittal of 14 items from 11 different land grants for deposit into the Land Grant Registry. Below is a list of the items received by the Council in chronological order of when they were deposited into the New Mexico Community Land Grant Registry:

August 2020

- *San Joaquín del Río de Chama Land Grant* - Results of August 10, 2019 election of the Board of Trustees election; re-election of Thelma Chávez and Gerald Chacón, including Certification of Canvassing of Votes and Affidavit of Election Results.

October 2019

- *San Antonio del Río Colorado Land Grant* submitted the following documents to the New Mexico Land Grant Registry: A digital copy of the San Antonio del Río Colorado Genealogy and Archives with a hard copy inventory of the collection.
- *Merced de Los Pueblos de Tierra Amarilla* has submitted the following documents to the New Mexico Land Grant Registry: A copy of a facsimile reproduction of the patent of the Tierra Amarilla Land Grant, dated February 21, 1881.
- *Town of Tomé Land Grant* has submitted the following documents to the New Mexico Land Grant Registry: Adopted by-laws for the Town of Tomé Land Grant

- *Santa Cruz de la Cañada Land Grant* added the following documents to the New Mexico Land Grant Registry: Materials relating to the 2010 organization of the Santa Cruz de la Cañada Land Grant, including archival documents originating from the Borrego-Ortega Papers
- *San Joaquín del Río de Chama Land Grant* has submitted the following documents to the New Mexico Land Grant Registry: quadrangle maps related to the San Joaquín del Río de Chama Land Grant
- *Santa Barbara Land Grant* has submitted the following documents to the New Mexico Land Grant Registry: Comments submitted to the Carson National Forest regarding Carson National draft Forest Land Management Plan

December 2019

- *Manzano Land Grant* submitted the results of their most recent election and their updated board membership.
- *Tajique Land Grant* submitted the results of their most recent elections and their updated board membership.

January 2020

- *Chililí Land Grant* submitted the results of their most recent election and their updated board membership.
- *Manzano Land Grant* submitted a copy of their patent, which was obtained for the Grant by the Council.
- *Cañón de Carnué Land Grant* submitted a digital copy of their patent, which was digitized by the Land Grant Studies Program.

March 2020

- *Town of Tomé Land Grant* submitted its 2019 Annual Report

June 2020

- *San Antonio de las Huertas Land Grant* – results of election of June 18, 2020.

FY 2021 BUDGET AND FY 2022 REQUEST

In FY 2021 the Council received a \$296,900 legislative general fund appropriation (See Table 2). The Council is requesting a budget increase in fiscal year 2022 to \$321682.00. The purpose of the increase is to provide adequate resources to hire staff and to provide direct legal services, professional surveyor 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 2021 Approved Budget

Budget Line Item	Budget
DFA Admin Fee	\$4,454.00
Support Fund	\$20,000.00
Legal Service Contract	\$40,000.00
Publishing	\$3,300.00
In State Travel	\$9,000.00
Out of State Travel	\$5,000.00
UNM Contract	\$215,146.00
F&A	\$35,858.00
Staff Salary & Fringe	\$135,842.00
Personnel In-State Travel	\$7,000.00
Personnel Out-of-State Travel	\$3,500.00
Surveyor Contract	\$28,500.00
Law Clinic Fee Waiver LG	\$400.00
Copies, Printer Maintenance	\$2,000.00
Supplies	\$696.00
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 than 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 2022 BUDGET REQUEST OVERVIEW

Administration & Operations	\$ 70,929.00 (22% of total budget)
Personnel	141,353.00 (44% of total budget)
Direct Support to Land Grants-Mercedes	<u>109,400.00 (34% of total budget)</u>
Total Budget Request	\$ 321,682.00

Table 3. Detailed FY 2022 Budget Request Breakdown

Budget Line Item	FY 2022 NMLGC Budget Request
DFA Admin Fee at 1.1%	\$3,539
Support Fund	\$22,000
Legal Service Contract	\$45,000
Publishing	\$2,000
In State Travel	\$9,000
Out of State Travel	\$5,000
Intergovernmental Services Agreement University of New Mexico - Line items below roll up into \$235,144 total amount.	\$235,144
F&A	\$39,191
Staff Salary & Fringe	\$141,353
Personnel In State Travel	\$7,000
Personnel Out of State Travel	\$3,500
Surveyor Contract	\$40,000
Law Clinic Fee Waiver for Land Grants	\$400
Copies, Printer Maintenance	\$2,000
Supplies	\$600
Postage	\$100
Meeting Expense	\$1,000
FY 2022 Budget Request Total	\$321,682

FY 2022 BUDGET JUSTIFICATION NARATIVE

DFA Administrative Fee - \$3,539

Purpose: To provide Department of Finance and Administration Local Government Division an opportunity to recuperate costs associated with financial administration and oversight of the New Mexico Land Grant Council activities conducted by DFA-LGD in accordance with the Council being administratively attached to DFA. Rate is calculated at 1.1% of total budget request.

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

Deliverable: Processing of: per diem and mileage for Council members; Land Grant Support Fund payments to land grants; and payments to third party contractors and vendors as requested by the Council.

Land Grant Support Fund - \$22,000

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 4 community land grants-mercedes per fiscal year.

Legal Services Contract - \$45,000

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.

Publishing - \$2,000

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.

In-State Travel Mileage & Per Diem for Council - \$10,000

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.

Out-of-State Travel & Per Diem for the Council - \$5,000

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: At least one trip to Washington D.C. during the fiscal year.

University of New Mexico Intergovernmental Service Agreement - \$235,144

Purpose: Provide staffing and other administrative support to the New Mexico Land Grant Council.

Benefit: Allows the Council to fulfill its statutory mission through contracted services.

Deliverables: Details about specific deliverable will be broken down below by Intergovernmental Services Agreement budget line items.

Facilities and Administration Fee to University of New Mexico - \$39,191

Purpose: To allow the Council to enter into an agreement with the University of New Mexico for administrative and support services related to fulfilling the Council's mission. Approved F & A rate for contracts between the University of New Mexico and the Department of Finance and Administration is 20%.

Benefit: F & A provides the Council with office space at the University of New Mexico as well as general administrative support from UNM.

Deliverable: Office space at the UNM main campus; hosting of Council website; administrative support for Council, staff and Council approved contracts; e-mail and internet access for Council and staff; access to printers, plotters, computers and other office equipment, general accounting and grants management services, purchasing and procurement services, access to legal services for the Council.

Staff Salary & Fringe - \$141,353

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: principal investigator, program manager, research historian/archivist; administrative assistance; youth and land grant support coordinator. Several positions (program manager, research historian/archivist, youth and land grant support coordinator, administrative assistant) 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, 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 needed.

A. Principal Investigator - \$984

Purpose: UNM requires at least 1% effort by a Principal Investigator to serve as main point of contact between UNM and Council regarding Intergovernmental Services Agreement.

Benefit: Ensure compliance with Intergovernmental Services Agreement terms and conditions.

Deliverables: Ensure all administrative steps necessary at UNM are completed to allow for execution of all Intergovernmental Services Agreement objectives.

B. Program Manager (.75 FTE)- \$52,275

Purpose: The program manager supervises all Council employees, works on policy analysis and development of federal and state policies relating to land grants and represents the Council in meetings with state and federal agencies. The program manager also ensures 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.

C. Research Historian/Archivist (.6 FTE) - \$32,400

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. Unit Administrator (.25 FTE)- \$10,944

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.

E. Land Grant Support Coordinator (.3 FTE) - \$10,695

Purpose: To coordinate direct technical assistance to land grants with: completion of ICIP's; expenditure of capital outlay; and assistance to Land Grant Support Fund award recipients.

Benefit: To help land grants more effectively and efficiently plan and complete capital projects.

Deliverables: Provide assistance to at least: 10 land grants with completion of ICIP; 5 land grants with expenditure of Capital Outlay appropriations; 4 land grants with Land Grant Support Fund sponsored projects.

F. Fringe Benefits - \$34,055

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.

Personnel Travel In-State – \$7,000

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 meetings of: land grant boards of trustees, Carson, Santa Fe and Cibola National Forests; 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.

Out-of-State Travel – Personnel - \$3,500

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: At least 1 trip to Washington D.C. during the fiscal year.

Surveyor Contract- \$40,000

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 19th and early 20th 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 and applying best management practices in the management of their common lands.

Deliverables: Provide surveying services to at least 4 land grants throughout the fiscal year.

UNM Natural Resources and Environmental Law Clinic Fees - \$400

Purpose: To cover minimal client and materials fee 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 client and materials fee for at least 4 land grants-mercedes throughout the fiscal year.

Printing and Copy Maintenance - \$2,000

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.

Supplies - \$600

Purpose: To purchase necessary office supplies, computer supplies and software 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 work products by the Council for distribution to community land grants, federal and state agencies and the general public.

Postage - \$100

Purpose: To purchase necessary postage relating to the conduct of Council business.

Benefit: Provide for mailing of materials such as Land Grant Registry receipt letters, monthly pay requests and council travel reimbursement vouchers to DFA.

Deliverables: Disseminate information to community land grants, federal and state agencies and the general public via mail; submit required billings and reports.

Meeting Expense - \$1,000

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 2022.

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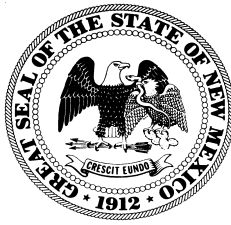
NEW MEXICO LAND GRANT COUNCIL

APPENDICES to the Annual Report



Appendix-1

FY 2020 Meeting Agendas

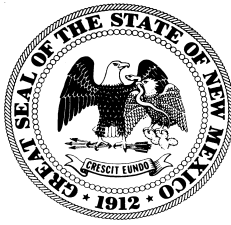


New Mexico Land Grant Council
1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106
Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

COUNCIL MEETING
UNM STC Conference Room, 851 University Blvd NE
Albuquerque, NM
July 8, 2019 - 9:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of June 27, 2019
5. Discussion and Possible Action on BLM Update
6. Discussion and Possible Action on Federal and State Legislative update
7. Discussion and Possible Action on U.S. Forest Service Update
8. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
9. Discussion and Possible Action on Legal Services Contract: Update & Requests
10. Discussion and Possible Action on Council FY 2019 & FY 2020 Budgets
11. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2019 & FY 2020
12. Discussion and Possible Action on Land Grant Support Fund
13. Discussion and Possible Action on Land Grant Registry
14. Discussion and Possible Action on Land Grant Studies Program Update
15. Discussion and Possible Action on Correspondence Received by Council
16. Discussion and Possible Action on Staff Assignments
17. Public Comments – discussion only
18. Miscellaneous Announcements
19. Date and Location for August 2019 Council Meeting
20. Adjournment



New Mexico Land Grant Council
1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106
Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

COUNCIL MEETING
UNM STC Conference Room, 851 University Blvd SE
Albuquerque, NM
August 16, 2019 - 10:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of July 8, 2019
5. Discussion and Possible Action on Appointment of Chair and Vice-Chair
6. Discussion and Possible Action on Federal and State Legislative update
7. Discussion and Possible Action on U.S. Forest Service Update
8. Discussion and Possible Action on BLM Update
9. Discussion and Possible Action on Presentation by Town of Tomé Land Grant
10. Discussion and Possible Action on Cristobal de La Serna Land Grant Issues
11. Discussion and Possible Action on Laguna del Campo Transfer Update
12. Discussion and Possible Action on Piedra Lumbre Visitor's Center
13. Discussion and Possible Action on State of New Mexico Forest Action Plan
14. Discussion and Possible Action on Farm Bill Celebration
15. Discussion and Possible Action on Open Meetings Act Resolution
16. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division
17. Discussion and Possible Action on Legal Services Contract: Update & Requests
18. Discussion and Possible Action on Council FY 2019, FY 2020, FY 2021 Budgets
19. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020
20. Discussion and Possible Action on Land Grant Support Fund
21. Discussion and Possible Action on Land Grant Registry
22. Discussion and Possible Action on Land Grant Studies Program Update
23. Discussion and Possible Action on Correspondence Received by Council
24. Discussion and Possible Action on Staff Assignments
25. Public Comments – discussion only
26. Miscellaneous Announcements
27. Date and Location for September 2019 Council Meeting
28. Adjournment

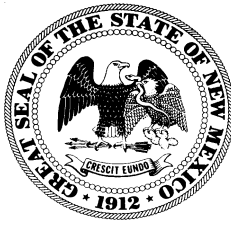


New Mexico Land Grant Council
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COUNCIL MEETING
UNM STC Conference Room, 851 University Blvd SE
Albuquerque, NM
September 13, 2019 - 10:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of August 16, 2019
5. Discussion and Possible Action on Appointment of Chair and Vice-Chair
6. Discussion and Possible Action on BLM Update
7. Discussion and Possible Action on Federal and State Legislative updates
8. Discussion and Possible Action on U.S. Forest Service Update
9. Discussion and Possible Action on Town of Tomé Update
10. Discussion and Possible Action on DFA Meeting for Capital Outlay Update
11. Discussion and Possible Action on Laguna del Campo Transfer Update
12. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
13. Discussion and Possible Action on Legal Services Contract: Update & Requests
14. Discussion and Possible Action on Council FY 2020, FY 2021 Budgets
15. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020
16. Discussion and Possible Action on Land Grant Support Fund
17. Discussion and Possible Action on Future of Land Grant Council
18. Discussion and Possible Action on Land Grant Registry
19. Discussion and Possible Action on Land Grant Studies Program Update
20. Discussion and Possible Action on Correspondence Received by Council
21. Discussion and Possible Action on Staff Assignments
22. Discussion and Possible Action on Regular Meeting Day, Time and Location
23. Public Comments – discussion only
24. Miscellaneous Announcements
25. Date and Location for October 2019 Council Meeting
26. Adjournment



New Mexico Land Grant Council
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Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

COUNCIL MEETING
UNM STC Conference Room, 851 University Blvd SE
Albuquerque, NM
October 15, 2019 - 11:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of September 13, 2019
5. Discussion and Possible Action on BLM Update
6. Discussion and Possible Action on Federal and State Legislative updates
7. Discussion and Possible Action on U.S. Forest Service Update
8. Discussion and Possible Action on Town of Tomé Update
9. Discussion and Possible Action on DFA Capital Outlay Update
10. Discussion and Possible Action on Laguna del Campo Transfer Update
11. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
12. Discussion and Possible Action on Legal Services Contract: Update & Requests
13. Discussion and Possible Action on Council FY 2020, FY 2021 Budgets
14. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020
15. Discussion and Possible Action on Land Grant Support Fund
16. Discussion and Possible Action on Future of Land Grant Council Update
17. Discussion and Possible Action on Land Grant Registry
18. Discussion and Possible Action on Land Grant Studies Program Update
19. Discussion and Possible Action on Correspondence Received by Council
20. Discussion and Possible Action on Staff Assignments
21. Public Comments – discussion only
22. Miscellaneous Announcements
23. Date and Location for November Council Meeting
24. Adjournment

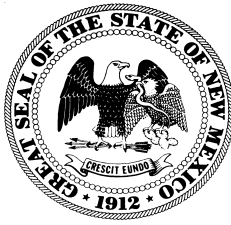


New Mexico Land Grant Council
1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106
Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

COUNCIL MEETING
UNM STC Board Room, 851 University Blvd SE
Albuquerque, NM
November 21, 2019 - 10:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of October 15, 2019
5. Discussion and Possible Action on Acequia Commission
6. Discussion and Possible Action on U.S. Forest Service Update
7. Discussion and Possible Action on BLM Update
8. Discussion and Possible Action on Federal and State Legislative updates
9. Discussion and Possible Action on Land Grant Support Fund
10. Discussion and Possible Action on Town of Tomé Update
11. Discussion and Possible Action on DFA Capital Outlay Update
12. Discussion and Possible Action on Laguna del Campo Transfer Update
13. Discussion and Possible Action on SB 226 (2015) regarding River Access on Private Land
14. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
15. Discussion and Possible Action on Legal Services Contract: Update & Requests
16. Discussion and Possible Action on Council FY 2020, FY 2021 Budgets
17. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020
18. Discussion and Possible Action on Future of Land Grant Council - Update
19. Discussion and Possible Action on Recognition of Land Grants that are Political Subdivisions of the State of New Mexico
20. Discussion and Possible Action on Land Grant Registry
21. Discussion and Possible Action on Land Grant Studies Program Update
22. Discussion and Possible Action on Correspondence Received by Council
23. Discussion and Possible Action on Staff Assignments
24. Public Comments – discussion only
25. Miscellaneous Announcements
26. Date and Location for December Council Meeting
27. Adjournment

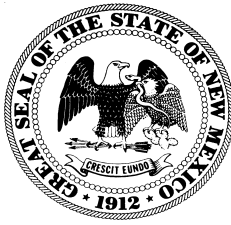


New Mexico Land Grant Council
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Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

COUNCIL MEETING
UNM STC Conference Room, 851 University Blvd SE
Albuquerque, NM
December 19, 2019 - 10:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of November 21, 2019
5. Discussion and Possible Action on U.S. Forest Service Update
6. Discussion and Possible Action on BLM Update
7. Discussion and Possible Action on Federal and State Legislative Updates
8. Discussion and Possible Action on Professional Surveyor Services Contract
9. Discussion and Possible Action on Inspection of Public Records Act Policy
10. Discussion and Possible Action on Recognition of Land Grants that are Political Subdivisions
11. Discussion and Possible Action on U.S. vs. Sandoval (1897)
12. Discussion and Possible Action on Town of Tomé Update
13. Discussion and Possible Action on Laguna del Campo Transfer Update
14. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
15. Discussion and Possible Action on Legal Services Contract: Updates & Requests
16. Discussion and Possible Action on Council Annual Report & FY 2019, 2020 Budgets
17. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020
18. Discussion and Possible Action on Land Grant Support Fund
19. Discussion and Possible Action on Land Grant Registry
20. Discussion and Possible Action on Land Grant Studies Program Update
21. Discussion and Possible Action on Correspondence
22. Discussion and Possible Action on Staff Assignments
23. Public Comments – discussion only
24. Miscellaneous Announcements
25. Date and Location for January Council Meeting
26. Adjournment



New Mexico Land Grant Council
1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106
Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

COUNCIL MEETING
UNM STC Conference Room, 851 University Blvd SE
Albuquerque, NM
January 16, 2020 - 10:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of December 20, 2019
5. Discussion and Possible Action on BLM Update
6. Discussion and Possible Action on Federal and State Legislative Updates
7. Discussion and Possible Action on U.S. Forest Service Update
8. Discussion and Possible Action on Professional Surveyor Services Contract
9. Discussion and Possible Action on Acequia Commission
10. Discussion and Possible Action on Town of Tomé Update
11. Discussion and Possible Action on Laguna del Campo Transfer Update
12. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
13. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
14. Discussion and Possible Action on Legal Services for Land Grants: Updates & Requests
15. Discussion and Possible Action on Council 2020 Budget
16. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020
17. Discussion and Possible Action on Land Grant Support Fund
18. Discussion and Possible Action on Land Grant Registry
19. Discussion and Possible Action on Land Grant Studies Program Update
20. Discussion and Possible Action on Correspondence
21. Discussion and Possible Action on Staff Assignments
22. Public Comments – discussion only
23. Miscellaneous Announcements
24. Date and Location for February Council Meeting
25. Adjournment



New Mexico Land Grant Council
1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106
Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

COUNCIL MEETING
UNM STC Rotunda, 801 University Blvd SE
Albuquerque, NM
February 27, 2020 - 10:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of January 16, 2019
5. Discussion and Possible Action on Federal and State Legislative Updates
6. Discussion and Possible Action on U.S. Forest Service Update
7. Discussion and Possible Action on BLM Update
8. Discussion and Possible Action on Professional Surveyor Services Contract
9. Discussion and Possible Action on Acequia Commission
10. Discussion and Possible Action on Laguna del Campo Transfer Update
11. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
12. Closed Executive Session Pursuant to §10-15-1(H)7 – Pending Litigation Valley Improvement Association and Cibola Land Corporation v. Stephanie Schardin Clarke, et al – 1:19-CV-01015-JFR-LF.
13. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
14. Discussion and Possible Action on Legal Services for Land Grants: Updates & Requests
15. Discussion and Possible Action on Council 2020 Budget
16. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020
17. Discussion and Possible Action on Inspection of Public Records Act Policy
18. Discussion and Possible Action on Land Grant Support Fund
19. Discussion and Possible Action on Land Grant Registry
20. Discussion and Possible Action on Land Grant Studies Program Update
21. Discussion and Possible Action on Correspondence
22. Discussion and Possible Action on Staff Assignments
23. Public Comments – discussion only
24. Miscellaneous Announcements
25. Date and Location for March Council Meeting
26. Adjournment

MICHELLE LUJÁN GRISHAM
GOVERNOR

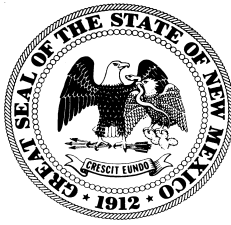


JUAN SÁNCHEZ
CHAIRMAN
REBECCA CORREA-SKARTWED
VICE-CHAIRWOMAN

New Mexico Land Grant Council
1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106
Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

COUNCIL MEETING
UNM STC Rotunda, 801 University Blvd SE
Albuquerque, NM
March 19, 2020 - 10:00 am
Agenda

*** meeting canceled due to coronavirus concerns**

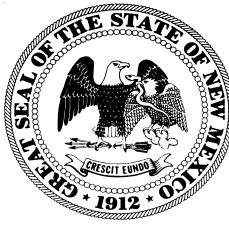


New Mexico Land Grant Council
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COUNCIL MEETING
Virtual Meeting
Zoom ID: 390 070 594
April 16, 2020 - 10:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of February 27, 2020
5. Discussion and Possible Action on Federal and State Legislative Updates
6. Discussion and Possible Action on BLM Update
7. Discussion and Possible Action on U.S. Forest Service Update
8. Discussion and Possible Action on USDA Land Grant & Acequia Eligibility
9. Discussion and Possible Action on Professional Surveyor Services Contract
10. Discussion and Possible Action on Cristobal de La Serna Land Purchase
11. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
12. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update
13. Discussion and Possible Action on Legal Services for Land Grants: Updates & Requests
14. Discussion and Possible Action on Council FY 2020 & FY 2021 Budget
15. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020 & FY 2021
16. Discussion and Possible Action on Land Grant Support Fund – Don Fernando de Taos request for Change
17. Discussion and Possible Action on Land Grant Registry
18. Discussion and Possible Action on Land Grant Studies Program Update
19. Discussion and Possible Action on Correspondence
20. Discussion and Possible Action on Staff Assignments
21. Public Comments – discussion only
22. Miscellaneous Announcements
23. Date and Location for May Council Meeting
24. Adjournment



New Mexico Land Grant Council
1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106
Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

COUNCIL MEETING
Virtual Meeting
Zoom ID: 933 3877 9521
May 21, 2020 - 10:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of April 16, 2020
5. Discussion and Possible Action on BLM Update
6. Discussion and Possible Action on U.S. Forest Service Update
7. Discussion and Possible Action on Request from La Merced del Manzano regarding Status of Lake Ownership
8. Discussion and Possible Action on State Forest Action Plan
9. Discussion and Possible Action on Federal and State Legislative Updates
10. Discussion and Possible Action on Professional Surveyor Services Contract
11. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
12. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update & Requests
13. Discussion and Possible Action on Legal Services for Land Grants Updates & Requests
14. Discussion and Possible Action on Council FY 2020 & FY 2021 Budget – Including possible Budget Adjustment Request
15. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020 & FY 2021
16. Discussion and Possible Action on Land Grant Support Fund
17. Discussion and Possible Action on Land Grant Registry
18. Discussion and Possible Action on Land Grant Studies Program Update
19. Discussion and Possible Action on Correspondence –
20. Discussion and Possible Action on Staff Assignments –
21. Public Comments – discussion only
22. Miscellaneous Announcements
23. Date and Location for June Council Meeting
24. Adjournment



New Mexico Land Grant Council
1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106
Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

SPECIAL COUNCIL MEETING
Virtual Meeting
Zoom Meeting ID: 988 5202 7832
June 8, 2020 - 10:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Regular Council Meeting of May 21, 2020
5. Discussion and Possible Action on Copy Machine Purchase
6. Discussion and Possible Action on FY 2020 UNM Intergovernmental Service Agreement - Internal Budget Revision.
7. Discussion and Possible Action on FY 2021 Legal Services Contract
8. Discussion and Possible Action on FY 2020 Publishing Expenditures
9. Adjournment



New Mexico Land Grant Council
1829 Sigma Chi Rd NE ♦ Albuquerque, New Mexico 87106
Email: nmlandgrantcouncil@unm.edu ♦ Website: www.lgc.unm.edu

COUNCIL MEETING
Virtual Meeting,
Zoom – Meeting I.D. 923 2479 4833
June 25, 2020 - 10:00 am

Agenda

1. Call to Order - Roll Call
2. Introduction of Guests
3. Approval of Agenda
4. Approval of Meeting Minutes from Special Council Meeting of June 8, 2020
5. Discussion and Possible Action on U.S. Forest Service Update – Including Master Stewardship Agreement
6. Discussion and Possible Action on BLM Update
7. Discussion and Possible Action on Federal and State Legislative Updates
8. Discussion and Possible action on FY 2019 Land Grant Capital Outlay Updates
9. Discussion and Possible Action on State Forest Action Plan Updates
10. Discussion and Possible Action on Professional Surveyor Services Contract Update & Requests
11. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update & Requests
12. Discussion and Possible Action on Legal Services for Land Grants Updates & Requests
13. Discussion and Possible Action on Council FY 2020 & FY 2021 Budget
14. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020 & FY 2021
15. Discussion and Possible Action on Land Grant Support Fund
16. Discussion and Possible Action on Piedra Lumbre Visitors Center Update
17. Discussion and Possible Action on Manzano Lake Issue
18. Discussion and Possible Action on Laguna del Campo
19. Discussion and Possible Action on Land Grant Registry
20. Discussion and Possible Action on Land Grant Studies Program Update
21. Discussion and Possible Action on Correspondence –
22. Discussion and Possible Action on Staff Assignments –
23. Public Comments – discussion only
24. Miscellaneous Announcements
25. Date and Location for July Council Meeting
26. Adjournment

Appendix-2

FY 2020 Meeting Minutes

New Mexico Land Grant Council (NMLGC)
July 8, 2019 – 9:00am
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes – Final

Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 9:03 am. Roll call of the Council members: Rita Padilla-Gutiérrez, Macario Griego and Juan Sánchez were present. Councilor Leonard Martínez was absent (called into the meeting from Spain).

2. Introduction of Guests

Juan Sánchez (NMLGC); Macario Griego (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Venessa Chávez (LGSP); Jacobo Baca (NMLGC/LGSP); Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division); Malaquias Rael (NMAG - Treaty of Guadalupe Hidalgo Division); LM García y Griego (LGSP); Ericka Luna (USFS); Patricia Domínguez (Office of Sen. Martin Heinrich).

3. Approval of Agenda

Councilor Macario Griego made a motion to approve the agenda; Councilor Rita Padilla-Gutiérrez seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of June 27, 2019 and

Councilor Padilla-Gutiérrez made a motion to approve the meeting minutes of the June 27, 2019 Council meeting; Councilor Griego seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on BLM Update

None

6. Discussion and Possible Action on Federal and State Legislation Update

Federal

Mr. Arturo Archuleta reported that he had a conversation regarding traditional use legislation with both Ken Rooney of Senator Tom Udall's Washington DC office and Levi Patterson or Representative Ben Ray Luján's Washington DC office on Friday, June 28th. Mr. Rooney stated that a draft of Senate version has been forwarded to Legislative Council. Mr. Patterson reported that Rep. Luján's office is waiting to see what comes back from Legislative Council. Per. Mr. Patterson, Rep. Luján might opt to introduce traditional use legislation that is an exactly the same of H.R. 6487. The easiest path is to pass identical bills in both houses because it is very rare that they go through a conference committee. After committee hearings it goes through markup. The committee hearing is the first hurdle. The bill is in rough draft and will be ironed out in

markup. Changes to the bill can be made before it hits floor, all the while committee endorsement remains. The bill may need to be stripped down to get it through the committee process, after which provisions can be restored after the committee hearing process with as little resistance as possible. There remains a concern of objections from third party interest groups, including environmental groups and Native American tribes. Environmental groups and non-governmental organizations want to be in the process, which is not appropriate as they are not political subdivisions. The bill does have good language, but there is fear that the bill's provisions might put land grant communities ahead of tribes in their relationship with federal agencies. This will be part of our discussion with Congresswoman Deb Haaland during her August 28th meeting with land grants. House Natural Resources Committee Chairman Grijalva is interested in the bill.

State

Chairman Juan Sánchez reported that the Interim Land Grant Committee met in Anton Chico on July 1-2. Mr. Archuleta reported that he presented on a panel with representatives of the Anton Chico Land Grant, where the panel discussed the destruction of the common lands by illegal rock extraction. The Interim is interested in updating statutes to give land grants enforcement power and is working with the UNM School of Law to create legislative language. Mr. Archuleta reported that he also sat on a panel for SB 244 regarding tuition waiver program and legal services for land grants, acequias and colonias. On July 2, Venessa Chávez (LGSP) presented regarding a land grant youth activities program. The presentation was well received and the Committee asked for a proposal for funding. The tour exhibited the destruction of the land grant commons through illegal rock harvesting which was also demonstrated via aerial imagery in their presentation to the committee. Chairman Sánchez stated that the next interim committee meeting will be held on September 16 & 17 in Taos, with a tour on the Sangre de Cristo Land Grant in San Luis, Colorado the next day. Councilor Padilla-Gutiérrez asked if there are new committee members on the Interim. Chairman Sánchez reported that Rep. Christine Chandler and Rep. Debbie Sariñana are new to the committee and Rep. Alonzo Baldonado and Rep. Kelly Fajardo are no longer on the Interim Committee.

7. Discussion and Possible Action on US Forest Service Update

Mr. Archuleta reported that he and Jacobo Baca (NMLGC) will attend the CFLRP workshop in El Rito hosted by the Santa Fe and Carson National Forests at 1:30pm that day. Chairman Sánchez asked if Council staff has reviewed the draft forest plans. Jacobo Baca responded that he has only given the plans a cursory review. Ericka Luna (USFS) reported that the Soil and Water Conservation District Commission is working on a Canadian River Riparian Restoration project with the goal of restoring 880,000 acres. The Department of Agriculture, NM State Land Office, NMSU Cooperative Extension and eight Soil and Water Conservation Districts. The group has asked if there are any land grants in the area interested in this restoration work. Ms. Luna also reported that Region 3 Regional Forester Cal Joiner has signed an acequia guidance document that has been delivered to the New Mexico Acequia Commission and the New Mexico Acequia Association. The USFS has been working on this document for six years. August 7 has been chosen as the tentative date for a celebration of the Farm Bill that allow NRCS funding for acequias and land grants and to publicly release the acequia guidance document. It will be held at the Los Luceros Historic Site. Ms. Luna also reported that the Carson, Cíbola and Santa Fe

National Forests are collaborating on the New Mexico Aquatic Riparian Restoration Project, which is looking to complete a largescale NEPA to work on restoring riparian wetland.

The 2019 Capitol Christmas Tree will come from the Carson National Forest, Questa Ranger District; there is information on the Carson National Forest website to host ornament making. Fourth graders in New Mexico can also enter an essay contest and the winner will get an all-expense paid trip for their entire family to travel to Washington DC to light the tree with New Mexico Governor Michelle Luján-Grisham. The Carson NF is finalizing their draft plan and EIS and will release both this summer, which will begin the formal comment period of 90 days. The objection process will last through 2020 and final plan approval will be in 2021. The Santa Fe NF plan is on their website and the Cíbola NF draft plan and EIS will be out soon and will be finalized in late 2020 as well. The Gila NF is behind the other forests and their draft plan is being reviewed by Region 3 while their EIS is being developed. The Lincoln is ahead of the Gila. For all forests, the official 90-day comment period begins with publication in federal register.

8. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update

Mr. J.R. Rael and Ms. Novela Salazar of the Treaty of Guadalupe Hidalgo Division had no updates since the June 2019 meeting.

9. Discussion and Possible Legal Services Contract - Update and New Requests

Mr. Archuleta reported that DFA has issued a contract to New Mexico Legal Aid, which David Benavides is reviewing and sending up for signature.

10. Discussion and Possible Action on Council FY 2019 & 2020 Budgets

FY 2019

Mr. Archuleta presented final FY 2019 budget update (in packet). The Anton Chico purchased a used pickup truck and a laptop with their Land Grant Support Fund award, leaving a \$50 balance. He is still working to get the final reports and additional information on the support fund from the Anton Chico and Chililí Grants. \$14,187.17 was submitted for the Land Grant Support Fund, leaving a balance of \$112.83. The UNM Intergovernmental Agreement (Contract) was drawn down completely and \$0.00 will be reverted. Total FY 2019 budget reverted will be \$214.40. DFA has let the Council know that Chairman Sánchez is over on travel and needs a memo. They have also issue new travel forms and we may need new signatures in event they need to be corrected.

FY 2020

The FY 2020 budget is in the packet. Councilor Griego asked if Council members can get reimbursed for travel expenses outside of meetings. He commented that Chairman Sánchez and Councilor Martínez attend hearings throughout the year and pay the expense out of pocket. Mr. Archuleta commented that previous administrations would not approve this but the Council can broach the subject with the new administration.

11. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2019 & FY 2020

FY 2019

Mr. Archuleta presented pay request 11 for \$41,839.43, which closes the entire contract amount, as well as the budget narrative and estimated billing. UNM has until July 10 to finalize all billing, Councilor Griego made a motion to approve Pay Request 11; Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

FY 2020

The Council is waiting for DFA to give an official start date. It will need to hire a surveyor form the UNM Intergovernmental Agreement budget and have added a line item for copy machine maintenance.

12. Discussion and Possible Action on Land Grant Support Fund

None.

13. Discussion and Possible Action on Land Grant Registry

None.

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

Venessa Chávez reported that she presented to the Interim Land Grant Committee on July 2 in Anton Chico. The reception to her presentation was very receptive and she was asked to put together a proposal that may be funded with junior monies. Chairman Miguel P. García asked for the LGSP to complete a detailed demographic survey to ascertain what services are available to land grants. Councilor Padilla-Gutiérrez suggested pursuing existing state statistics. Ms. Chávez reported that she will be at the San Antonio de las Huertas grant tomorrow (July 9) and will be in Carnuel on July 20th for a matachine dance class.

LGSP Director LM García y Griego commented that the youth program is exciting. The survey seems particularly important and it is integral that the LGSP speaks with people in schools and clinics and discusses drug addiction. He reported that he has been organizing his research and reviewing materials from US Surveyor General reports, including the annual reports of the Surveyor General from 1854-1891. These include specific recommendations on community, private and pueblo grants. He is preparing a bibliography and preliminary analysis and the foundation for working paper and bibliography. Another working paper will focus on the surveyor general adjudication process, examining inconsistencies between US. Surveyor General and Sourt of Private Land Claims processes. Mr. Jacobo Baca reported that he will present on Taos County Land Grants at the Martínez Hacienda in Taos at the invitation of hacienda board member Robert Martínez.

15. Discussion and Possible Action on Correspondence Received by Council

Mr. Baca reported that he received an e-mail from Angie Krall, the western zone director of the Carson National Forest, regarding a Piedra Lumbre Visitors Center collaboration agreement that she wants the Council to sign on behalf of the participating land grants (San Joaquín del Río de Chama, Juan Bautista Baldes, Tierra Amarilla). Mr. Archuleta commented that the meeting was run as a conflict resolution meeting and Councilor Martínez added that the San Joaquín del Río de Chama Land Grant has no intention of signing the document. Mr. Archuleta stated that he plans to set up a meeting with the Carson National Forest to explain the land grants and Council position and why they will not sign the agreement.

16. Discussion and Possible Action on Staff Assignments

None.

17. Public Comments – discussion only

Councilor Padilla-Gutiérrez commented that she and Town of Tomé Grant president Andrea Padilla met with UNM Law Students regarding the tax delinquent properties issue. The grant will work with the Taxation and Revenue Department and have questions regarding inheriting penalties. They shared a copy of the Tomé Hill deed, which had no penalties.

Patricia Domínguez commented that the CFRP is in jeopardy of going away. Senator Heinrich’s office is coordinating letters of support for the program that brings about \$3 million to New Mexico every year. Her office would like the NMLGC to do letter and individual land grants to do the same with the hope that New Mexico can generate enough support that they might reconsider. They are asking for six letters total; one to each member of the New Mexico Congressional delegation and one to Department of Agriculture under secretary Jim Hubbard. Letters can be addressed to Secretary Sonny Perdue as well.

18. Miscellaneous Announcements

ICIP’s are due August 2nd; the Council will host workshops in late July.

Chairman Sánchez, Ms. Chávez, Mr. Baca and Mr. Archuleta recognized the service of Councilors Rita Padilla-Gutiérrez and Macario Griego, who will go off of the Council later this year. Councilor Padilla-Gutiérrez stated that the Council has accomplished a lot and thanked all for their comments. Councilor Griego added that this Council works well together and hopes that the new members will do so as well. He credited the work of Councilor Martínez, Chairman Sánchez and Mr. Archuleta for their work with the Congressional delegation and the New Mexico State Legislature, especially the Interim Land Grant Committee and stated that this has been a great opportunity for both he and Councilor Padilla-Gutiérrez.

19. Date and Location for August 2019 Council Meeting

The next Council meeting will be held on August 16, 2019 at 10:00am in Albuquerque, NM (UNM STC).

20. Adjournment

Councilor Padilla-Gutiérrez made a motion to adjourn; Councilor Griego seconded the motion. The motion passed unanimously. The meeting adjourned at 10:24am.

Approved:

Chair

Date

New Mexico Land Grant Council (NMLGC)
August 16, 2019 – 10:00am
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes – Final
Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:05 am. Roll call of the Council members: Rita Padilla-Gutiérrez, Macario Griego, Leonard Martínez and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Macario Griego (NMLGC); Rita Padilla-Gutiérrez (NMLGC); Leonard T. Martinez (NMLGC); Arturo Archuleta (NMLGC/LGSP); Andrea Padilla (Town of Tomé LG); Venessa Chávez (LGSP); Jacobo Baca (NMLGC/LGSP); Alison Nichols (LFC); Joseph Moody (La Majada LG); Patricia Montoya (La Majada LG); Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division); Malaquias Rael (NMAG - Treaty of Guadalupe Hidalgo Division); Manuel Trujillo (Santa Barbara LG); Eric Chávez (Office of Congressman Ben Ray Luján); Sarah Schlanger (BLM); Michele Jácquez-Ortiz (Office of Sen. Tom Udall); Michele Kavanaugh (Office of Sen. Tom Udall); Antonio Maestas (NMLGC/LGSP); Kris Graham Chavez (NRCS)

3. Approval of Agenda

Councilor Rita Padilla-Gutiérrez made a motion to approve the agenda; Councilor Macario Griego seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of July 8, 2019

Councilor Griego made a motion to approve the meeting minutes of the July 8, 2019 Council meeting; Councilor Padilla-Gutiérrez seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on Appointment of Chair and Vice-Chair

Tabled.

6. Discussion and Possible Action on Federal and State Legislation Update

Federal

Mr. Arturo Archuleta reported that he has not had any additional conversations with Congressman Ben Ray Luján's office since he introduced the Land Grant and Acequia Traditional Use Recognition and Consultation Act (H.R. 3682) in July.

The NMLGC has organized a visit by Congresswoman Deb Haaland to East Mountain land grant communities, including Manzano, Tajiقة, and Chililí on August 28th. On September 3, the New

Mexico Land Grant Council, New Mexico Land Grant Consejo, New Mexico Acequia Association and New Mexico Acequia Commission will host a celebration for the inclusion of land grants and acequias in the 2018 Farm Bill and the signing of the USFS Region 3 acequia guidance document. The celebration will take place from 2:00-4:00pm and will be attended by Senator Tom Udall and Congressman Ben Ray Luján and their staffs. Arturo Archuleta will co-MC with Paula Garcia from the NMAA and Andrea Padilla will deliver remarks on behalf of land grants as president of the Consejo. Michelle Jácquez-Ortiz (Office of Sen. Tom Udall) announced that staff changes have forced staff to take on new roles, meaning that Michelle Kavanaugh will now be the acequia and land grant rep and will attend future NMLGC meetings.

State

The Interim Land Grant Committee will meet on September 16 & 17 at the Cristobal de la Serna LG (Talpa, NM) and will focus on Taos are land grant issues, including lineas, the Santa Bárbara LG and will tour the Sierra of the Sangre de Cristo Grant.

7. Discussion and Possible Action on US Forest Service Update

Forest plans have been released for all three northern forests (Cíbola, Santa Fe, Carson) and the public comment period ends November 7. The public meeting schedules for the three forests are included in the packet. Jacobo Baca (NMLGC) commented that though past comments submitted by the NMLGC seem to have been ignored, the Carson's government working group process was the most inclusive of collaborative agency suggestions. Mr. Archuleta commented that the Santa Bárbara LG asked for a letter to the Interim Land Grant Committee regarding the proposed WSR designation of the Rio Santa Bárbara; a draft of this letter is in the packet. Councilor Leonard Martínez made a motion approving the letter to Interim Land Grant Committee supporting the Santa Bárbara LG; Councilor Padilla-Gutiérrez seconded the motion. The motion passed unanimously.

8. Discussion and Possible Action on BLM Update

Sarah Schlanger (BLM) reposted that the proposal for the Verde Transmission Line has been withdrawn by Hunt Power. They have a new application that will replace the existing line and is smaller and will take a different route with less incursion on the Pojoaque, Santa Clara, San Ildefonso Pueblos from Buckman to Chilí. Adrian García is the BLM project manager for the application. The Taos BLM office is offering Christmas tree and fuelwood permits online as part of a pilot group. People can still buy permits in person at the office but can contact the Taos Field Office if they have problems or it is not working well at 575-758-8851. The Rio Grande del Norte Resource Management Plan is still on hold. There exists a draft science plan for the RGDN. The Farmington Field Office will create a draft addressing increased fossil fuel operations in area and the buffer around Chaco Canyon and will be ready by early 2020.

The Rio Puerco is revising its EIS and RMP, updating outdated analysis; its final EIS will be ready in 2020. If the NMLGC is cooperating agency, it will have a role. The Carlsbad EIS and RMP have been worked on for 10 years and hopefully will be approved soon. The Farmington Office has held one meeting on their RMP and has another scheduled for fall as they are amidst revising their draft and analyzing buffer for Chaco Canyon. Councilor Martínez stated that the San Joaquín Grant will submit comments and asked the NMLGC to assist with comments. Ms. Had Congressional delegation proposed a bill to create 10 mile buffer around Chaco Canyon.

Councilor Martínez stated that the San Joaquín Grant supported protecting Chaco Canyon and are interested in thinning overgrown BLM lands of piñón-juniper that have not been thinned in over 60 years. Mr. Archuleta thanked the BLM for their online permitting process.

9. Discussion and Possible Action on Town of Tomé LG

Andrea Padilla (President, Town of Tomé LG) updated in the progress of the implementation of HB 88 and the return of Tomé's common lands. During the implementation process with the New Mexico Taxation and Revenue Department, the Town of Tomé Land Grant was approached by Valley Improvement Association CEO Paul Baca, who wanted to donate 12,000 acres to Tomé on condition that Tomé assist the VIA in getting the taxes, penalties and fees taken away. Taxation and Revenue stated that they would look into it, but Paul Baca reneged, claiming that HB 88 and the offer to donate lands helped his organization and VIA members paid their taxes and regained their land. He stated that if anyone offers money for VIA properties, even for those near the Cerro de Tomé, he would sell it. Much of the land is range land and is not good for building. Ms. Padilla stated that she hoped to get assistance from both the NMLGC and the New Mexico Land Grant-Merced Consejo through a letter of support, especially for the protection of the Cerro de Tomé (Tomé Hill). She partially credited the extended TRD process with losing out on the opportunity to obtain VIA lands.

Councilor Padilla-Gutiérrez added that she thought that it was ironic that the VIA is benefitting from HB 88, which VIA CEO Paul Baca characterized it as illegal. Baca is now running for the Senate seat held by Senator Greg Baca and Ms. Padilla fears that HB 88 might be threatened. Councilor Padilla-Gutiérrez expressed frustration in attempting to work with VIA CEO Baca, despite being transparent with him, even discussing their work with UNM's Law School Clinic. Mr. Archuleta offered that changes in gubernatorial administration slowed the process and stated that the property tax division is an enterprise agency, meaning that they get no appropriation from the state and must pay for their operations by assessing taxes, fees and penalties. The NMLGC joined the Town of Tomé LG in meetings and expressed their desire and the intention of HB 88 to remove these encumbrances and a representative from Governor Michelle Luján Grisham expressed the Governor's desire that as much land is returned as possible. The Council will set up a meeting with NM Tax and Revenue and DFA regarding monies that Tomé received during the 2019 NM Legislative session. Councilor Martínez commented that a letter from the Council supporting the Town of Tomé Grant is a good idea. Ms. Padilla also requested a letter from the NMLGC to the VIA and Paul Baca and Councilor Padilla-Gutiérrez asked about the feasibility of getting the Interim Land Grant Committee to discuss the VIA situation. Chairman Sánchez stated that we will ask ILGC Chair Rep. Miguel García at the next Interim meeting.

10. Discussion and Possible Action on Cristobal de la Serna Land Grant Issues

Mr. Archuleta reported that the Council met with the Cristóbal de la Serna LG and DFA to express their concern that the grant agreement was issued to the NMLGC and not the Grant. DFA stated that they can only issue agreements to entities as stated in the law that appropriated the monies. The Legislative Council Service seems to have changed the language because of Mark Edwards questions regarding the status of the Cristóbal de la Serna Grant as a political subdivision and DFA awarded the monies to Council rather than to the Cristóbal de la Serna Grant. We may need to consider a bill for the Cristóbal de la Serna Grant to clarify that they a land grant and political

subdivision of the State under 49.1.1. Councilor Martínez commented that it seems that Legislative Council burdens land grants with odd interpretations that one person comes up, particularly a single person questioning Cristóbal de la Serna's status as a grant and their ability to purchase land with state monies because of a bad district court decision that only stood because the grant didn't have the money to appeal. Mr. Archuleta requested direction from the Council on what to do. We have always heard from DFA they must abide by legislative language. The Council would like a representative from Attorney General's office to be involved in the process. Because the NMLGC is administratively attached to DFA there is the opportunity for confusion that should be avoided. Perhaps the Council can meet with Local Government Division Director (Donnie Quintana) regarding the appropriation and NMLGC staff, the new Council members, and the NM Attorneys General's office can iron out this confusion and the fiscal agent status of the Council on future appropriations.

Councilor Martínez made a motion directing NMLGC staff to set up a meeting with DFA; Councilor Griego seconded the motion. The motion passed unanimously.

Mr. Archuleta reported that the Cristóbal de la Serna Grant on this issue and on their ICIP. Some board members are willing to donate *lineas* to the grant but in order to do so, they may need legal assistance to complete this as a legal transfer to a recognized political subdivision of the state. The descriptions and locations are unclear as lands are apportioned in paperwork. Developers have taken advantage of this confusion and lands like Miranda Canyon was lost like this, namely contiguous tract on the best waters without clear descriptions. Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division) commented that the grant was involved in 11 cases from 1980s-2000s when it was last ruled private grant. The NMAG's office will present on the Cristóbal de la Serna Grant issue to the Interim Land Grant Committee in Taos on September 26. There is no documentation from Taxation and Revenue Department and nothing was found at the New Mexico State Records Center and Archives and the deed book from Taos County for the time period and lands in question is missing. Councilor Griego asked if the grant needs a survey. Mr. Archuleta responded that if the NMLGC gets surveyor services, this may be a case that they work on. The Grant's primary goal is keeping the mountain undeveloped. Ms. Salazar added that the NMAG's office has done research, worked with Taos County, their GIS Coordinator and discussed the process with the surveyor that did previous surveys on the Cristóbal de la Serna Grant.

11. Discussion and Possible Action on Laguna del Campo Transfer Update

The New Mexico Department of Game and Fish is set to transfer the 40 acre parcel and Laguna del Campo to the Tierra Amarilla Grant, which understood that it came with storage water right, not an irrigation right. One downstream acequia parciante has raised objections and all parties agree that it is between user whose family donated the land and Game and Fish. NM Dept. of Game and Fish Director Michael Sloan wants to withhold the water rights as economic asset to sell in the future so the Tierra Amarilla Grant would receive the land but no water to fill the lake. New Mexico Game and Fish claims that the water right goes with hatchery and not the dam. David Benavides is working on the matter and attended the last meeting. He has received copies of permits issued in 1930s and is exploring steps.

12. Discussion and Possible Action on Piedra Lumbre Visitors Center

NMLGC staff attended a meeting between the USFS, the Tierra Amarilla, Juan Bautista Baldes, and San Joaquín del Río Chama Land Grants, Ghost Ranch and the Georgia O’Keeffe Museum at Ghost Ranch in April 2019. It was treated as a mediation and Eduardo Medina, the facilitator, drew up an agreement that he asked all participants to sign. Though it was presented as a commitment to continue discussion, the agreement (in packet) cites mediation statutes and is legally binding, which is the wrong instrument to memorialize a discussion. Mr. Archuleta reported that he discussed the document with James Durán (Carson NF supervisor) about the agreement and that the Council and participating land grants were unlikely to sign the agreement as written. The Council can rework a draft Statement of Intent to Cooperate (in packet) and have Novela Salazar and the NMAG’s office review and rework if need be. Councilor Macario Griego made a motion to ask the NMAG’s office and New Mexico Legal Aid review the draft Intent to Cooperate; the motion was seconded by Councilor Paduilla-Gutiérrez. The motion passed unanimously. Councilor Martínez reported that he got permission from the Carson National Forest to visit the property during the San Joaquín LG meeting and told the Canjilón Ranger District about the vandalism that is taking place and told them that they need to secure that facility properly. Mr. Archuleta responded that he would reach out to James Durán and let him know that Councilor Partínez contact the Canjilón Ranger District about the vandalism.

13. Discussion and Possible Action on New Mexico Forest Action Plan

Mr. Archuleta announced that he attended a Forest Action Plan meeting and that they decided to break the plan up into different sections. New Mexico State Forester Laura McCarthy plans to add a traditional community use section but wants to consult the Council and land grant communities. Both Pueblos and land grants have affirmed their support of the section. Ms. McCarthy is interested in the geospatial analysis in their plan and will work with LGSP/NMLGC mapper E. Storey to establish traditional boundaries mapping project to provide shape files. She also wants NMLGC staff to attend future NMFAP meetings. Councilor Martínez made a motion to allow NMLGC staff to continue work with the NM Forest Action Plan; Councilor Griego seconded the motion. The motion passed unanimously.

14. Discussion and Possible Action on Farm Bill Celebration

See above – fed update

15. Discussion and Possible Action on Open Meeting Act Resolution

Councilor Padilla-Gutiérrez mad a motion that the Council approve the Open Meetings Act Resolution as presented (in packet). Councilor Griego seconded the motion. The motion passed unanimously.

16. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division Update

Ms. Novela Salazar states that the scope of work as defined by the Statutes prohibits the Treaty of Guadalupe Hidalgo Division from working directly with land grants on most cases. Her office has been approached by land grant seeking assistance directly. Their office can provide legal guidance to the NMLGC. Mr. Baca (NMLGC) inquired about the Santa Cruz issue; Ms. Salazar thanked Mr. Baca for his work and stated that the report will be ready and presented to the ILGC in October or November and that they will ask Mr. Baca to take a look at it. Mr. JR Rael (NMAG) stated that Cheyenne Trujillo will intern with the NMAG this semester.

17. Discussion and Possible Legal Services Contract - Update and New Requests

Mr. Archuleta reported that DFA has issued a contract and it is enacted. David Benavides has had family illness but did submit response to Torrance County in re: the Tajique cell tower. The UNM Law Clinic sent a response as well but we have yet to see it. Councilor Martínez remarked that the FOIA request regarding natural resource extraction to the USFS is a 1 year old and asked if legal action was needed. Chairman Sánchez suggested that they exhaust all other options before seeking counsel.

18. Discussion and Possible Action on Council FY 2019, FY 2020 and FY 2021 Budgets

FY 2019

Is closed and the only outstanding item is LGSF projects being paid out.

FY 2020

Mr. Archuleta presented an FY 2020 budget update (in packet). No July billing was prepared in time for the meeting. The contract with UNM will be billed from July 12. No billing of narrative has been created and the NMLGC / UNM will bill DFA for the period of July 12-Aug 31st.

FY 2021

Discussion will wait for the pending appointment of new council members.

19. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2019 & FY 2020

None

20. Discussion and Possible Action on Land Grant Support Fund

The New NMLGC will set the deadline. Mr. Archuleta reported that land grants and the NMLGC were frustrated with the level of documentation DFA demanded. Councilor Martínez stated that the San Joaquín del Rio Chama Grant intends to apply with the Tierra Amarilla and Juan Bautista Baldes Grants to clean and secure the PLVC.

21. Discussion and Possible Action on Land Grant Registry

Mr. Baca reported that the San Joaquín del Rio Chama Grant submitted the results of their August 2019 election.

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

Venessa Chavez (LGSP) reported that land grant youth had a great experience at the San Antonio de Las Huertas Grant making salve and cheese and learning about acequias and water conservation. Rebecca Correa Skartwed was an awesome host. Youth also participated in a demonstration by the Matachine Danzante group from Cañón de Carnué. The LGSP intends to submit for a LANL Foundation Grant for \$5,000 to hold a land grant youth summit in Tajique. She has discussed this with Michele Jácquez Ortiz of Senator Udall's office. They may also do a cleanup and service learning day in Tomé where the program can earn \$400.00 from Valencia County. Mr. Archuleta reported that he and Ms. Chávez met with Chas Robles of Ancestral Lands and discussed a land grant conservation corps, prioritizing shovel ready vs planned projects. Ancestral Lands worked in Cañón de Carnué this summer. Ms. Chávez stated that youth will

help make luminarias (farolitos) at the December 2019 Consejo meeting in Tomé. LGSP staff will meet with Georgia Roybal to discuss curriculum from Aspectos Culturales and Semos Unlimited and will work restore online access to their works. Councilor Martínez commented that he has downloaded documents he located at Simancas in Spain and is working with Dr. Baca about research in the Archive General de las Indias and Archico General de la Nación collections at UNM.

23. Discussion and Possible Action on Correspondence Received by Council

None.

24. Discussion and Possible Action on Staff Assignments

Mr. Archuleta reported that NMLGC staff have helped 16 land grants with ICIPs. Arroyo Hondo Arriba has requested a training to help them run their new board in accordance with statutes in anticipation of change. Councilor asked if Gerald Chacón requested the re-survey of the Cañón de Chama; Mr. Archuleta responded that we might ask the USFS to complete it. Chairman Sánchez suggested sending a letter to Santa Fe NF supervisor James Melonas.

25. Public Comments – discussion only

Joseph Moody and Patricia Montoya of the La Majada Land Grant discussed issues facing the remnant village population which irrigates 73 acres (1/3 of the farm land of the grant) from the Santa Fe River. They are interested in pursuing official recognition and want to participate in Council and advice. Their community has lost access to their agricultural and drinking water to Cochiti Pueblo via a 1984 transfer of land by the federal government to Cochiti. Dr. Baca committed to providing any Registry and other documents that the LGSP and NMLGC possess.

26. Miscellaneous Announcements

The Clinica del Pueblo in Tierra Amarilla will host a 50th Anniversary Celebration on August 24th.

The Land Rights Council will host a celebration of the end of the *Lobato v. Taylor* case on August 30th and 31st in San Luis.

27. Date and Location for September 2019 Council Meeting

The next Council meeting will be held on September, 13, 2019 at 10:00am in Albuquerque, NM (UNM STC).

20. Adjournment

Councilor Rita Padilla-Gutiérrez made a motion to adjourn; Councilor Macario Griego seconded the motion. The motion passed unanimously. The meeting adjourned at 12:39am.

Approved:

Chair

Date

New Mexico Land Grant Council (NMLGC)
September 13, 2019 – 10:00am
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes – Final
Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:09 am. Roll call of the Council members: Andrea Padilla, Steve Polaco, Leonard Martínez, Rebecca Skartwed and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Skartwed (NMLGC); Andrea Padilla (NMLGC); Leonard T. Martinez (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Cheyenne Trujillo (NMLGC/LGSP); Vidal Gonzales (LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Antonio Maestas (NMLGC/LGSP); Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division); Lisa Morrison (BLM); Michele Jácquez-Ortiz (Office of Sen. Tom Udall); Michele Kavanaugh (Office of Sen. Tom Udall); LM Garcia y Griego (LGSP); NM State Representative Christine Trujillo (State Rep. Dist. 25); Moises Gonzales (Cañón de Carnué LG)

3. Approval of Agenda

Councilor Andrea Padilla made a motion to approve the agenda; Councilor Rebecca Skartwed seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of August 16, 2019

Councilor Leonard Martínez made a motion to approve the meeting minutes of the August 16, 2019 Council meeting; Councilor Skartwed seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on Appointment of Chair and Vice-Chair

Councilor Steve Polaco made a motion to re-appoint Juan Sánchez as Chair of the New Mexico Land Grant Council; Councilor Martínez seconded the motion. The motion passed unanimously.

Councilor Martínez made a motion to appoint Councilor Skartwed as Vice-Chair; Councilor Polaco seconded the motion. The motion passed unanimously.

6. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) reported that she discussed with Arturo Archuleta (NMLGC) the NMLGC's procurement of patents for all active or recently active land grants. Unlike other patents, land grant patents are difficult to find online and there will be a digital duplication and research cost associated with obtaining digital copies of these patents. Carlos Martínez is the contact person

for these archives and copies that the BLM does not have may be at the New Mexico State Records Center and Archives. Ms. Morrison reported that the Farmington RMP is in process and that she is awaiting dates from Councilor Martínez to meet with the San Joaquín del Río de Chama Grant to discuss. The BLM is hoping to get a draft of Farmington RMP out by end of the year. The Carlsbad RMP is top priority because of energy development and will be completed by the end of the year. The Rio Puerco RMP will be released in the spring of 2020; there will be a 30-day review and protest period followed by a 60-day consistency check from State of New Mexico. The Rio Grande del Norte plan is not a priority. Plans for all field offices are important for approving projects and determining areas open or closed for development. They can be amended and last 10-20 years. The BLM is still working with State Land Commissioner Stephanie Garcia Richards on the land exchange. One goal is fixing the checkerboarding of BLM and State Land Office managed lands in the Rio Grande del Norte and the Organ Mountains. The Dingle Act (a public lands package) identified this as important and identified 13 new wilderness areas; ten in the Organ Mountains and two in the Río Grande del Norte.

Councilor Martínez discussed developing solar energy farms on 20 acres behind the San Joaquín del Río de Chama sala in partnership with the Jemez Valley Cooperative and the BLM. He added that in the last year, state trust properties in the San Joaquín del Río de Chama area have been closed up making BLM and State access more difficult. Ms. Morrison encouraged Councilor Martínez to bring up energy development ideas with the managers of the Jemez Coop and the BLM. Former Commissioner of Public Lands Aubrey Dunn wanted to generate funding through the state land exchange by closing state trust lands and requiring permit. Ms. Morrison asked that Councilor Martínez send land descriptions and/or a map and she will forward it to the state office. Mr. Archuleta added that it seems that everything is back on the table and asked if all previously identified areas are still part of the in exchange. Ms. Morrison responded that from the BLM perspective, the lands are the same but that state lands are different. Mr. Archuleta added that both the Juan Bautista Baldes Land Grant and the NMLGC signed on as cooperative agencies and the Grant is interested in potential land exchange in the area to help local use. He asked Ms. Morrison if any tracts that the Grant is interested in are in play; Ms. Morrison asked Mr. Archuleta to send her the locations of these lands. Chairman Sánchez asked if exchange maps created have been created and Ms. Morrison replied that they were in process.

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

Federal

Mr. Archuleta reported that Congresswoman Deb Haaland toured East Mountain land grants, including Manzano, Taji que and Chililí, on August 28th. The Council asked for her support on HR 3682 and she stated that it would go on her subcommittee (Public Lands) and not the Waters and Oceans Subcommittee as reported. On September 3, the Council and New Mexico Land Grant-Merced Consejo participated in a celebration of the Farm Bill and the signing of the acequia guidance document. (Mr. Archuleta served as co-MC with Paula Garcia of the New Mexico Acequia Association and Andrea Padilla gave remarks on behalf of the Consejo). Senator Tom Udall and Congressman Ben Ray Luján attended and gave remarks, as did Victor Reyes on behalf of Governor Michelle Luján Grisham. The NMAA coordinated the event and the NM Land Grant Consejo and East Rio Arriba County SWCD contributed funds. Thank you to Michele Jácquez-Ortiz (Office of Senator Tom Udall), who did an awesome job coordinating with Eric Chávez of Congressman Ben Ray Luján's office. Ms. Jácquez-Ortiz stated that Senator Udall was

very grateful for the beautiful celebration and thanked the Council for the kudos. Mr. Archuleta reported that he spoke with Congressman Luján about HR 3682, who is confident that they can get it through house and encouraged land grants to work on the Senate side. Mr. Archuleta also spoke with Levi Patterson of Congressman Luján's DC office and will follow up with Ken Rooney of Senator Udall's DC office. If a hearing is scheduled, the Council (staff /councilors) may need to travel in support of bill. Councilor Polaco asked if the traditional use bill will it apply to only federal lands or to state lands and private lands; Mr. Archuleta replied that it does not apply to state and private lands and pertains to public lands. In the case of the Tierra Amarilla Land Grant, it should apply to former common land on the Colorado side, within the Rio Grande National Forest that are not within the wilderness. There are 45,000 acres of NM Department of Game and Fish lands within the former commons of the Tierra Amarilla Land Grant. Discussions have not included trust lands, only general public lands. Some believe that the process should be slowed to ensure that the bill does not put land grant and acequia communities ahead of Native American communities and land grant communities do not want the issue to be a divisive one.

State

The Interim Land Grant meeting will be held in Taos at the Talpa Community Center on September 16, followed by a tour on September 17th of the Sangre de Cristo Land Grant in San Luis, Colorado. The Cristobal de la Serna and Santa Bárbara Land Grants will provide updates, as will the New Mexico Attorney General's office Treaty of Guadalupe Hidalgo Division and Shirley Romero Otero of San Luis, Colorado's Land Rights Council. Mr. Archuleta reported that he will present on guaranteed revenue streams. HB 36, introduced in the 2019 session, was drafted by LCS staff and was limited to the purchase of office equipment and services. Council staff met with LCS staff during the session to amend HB 36 and the bill in the packet is the resultant bill with the Fiscal Impact Report. Under the bill, the Treaty Division would certify which grants are operating as political subdivisions of the State of New Mexico.

All timing happens in July and unawarded monies revert. The Fiscal Impact Report (FIR) is in the packet and is comprised of different agency's FIRs. It includes a miscalculation of 700 potential grants. Questions remain as to who would certify grants, the NMLGC or the Treaty Division, as well as who will distribute funding and monitor land grants spending of their award. Councilor Martínez commented that the NMLGC should monitor and require monthly reports to ensure monies are spent wisely. Councilor Skartwed added that the Council could prioritize, perhaps by how long grants have been political subdivisions and how they have spent monies from the Land Grant Support Fund or capital outlay monies in the past, as well as if they are current on audit requirements. This could create criteria that are measurable. Novela Salazar (NMAG Office – Treaty Division) commented that she is concerned that the Treaty Division would not be able to certify land grants as political subdivisions without partnering with the NMLGC, which manages this information in the New Mexico Land Grant Registry. Mr. Archuleta replied that language could be added stating that the NMLGC will assist the Treaty Division. He added that the regulatory work of the Council will increase and that it can create a checklist of certification for criteria. The NMLGC will create the process but needs someone to provide this oversight on the NMLGC staff and will need this in the budget. JS – LGs can pay portion of their award to council to pay for this

LM García y Griego (UNM LGSP) commented that Treaty Division can play an important role in helping to preserve the relationship between the NMLGC and land grants. Certification criteria should include the registry, elections, bylaws and board of trustees. Mr. Archuleta commented that in previous versions of bill, the questions of land grants being considered a “legislative creature” arose as LCS stated that special legislation cannot be created. Changing this would require revisiting both chapter 49.1 and 49.2, New Mexico Statutes and this could serve as a vetting process to demonstrate community will for land grants wishing to organize. The Interim Committee will endorse legislation at its November 2019 meeting.

The UNM Natural Resources Law Clinic is also drafting a bill regarding the commissioning of natural resource officers. The NMAG’s office discussed this with local sheriffs. Land grants want these officers patrol their lands and are not asking for general policing authority. The draft in the packet is for input from the NMLGC and Consejo. The UNM Clinic will revise the draft and present in the October/November ILGC meeting, potentially for endorsement. This would amend 49.1 to include these powers and change the text to read “regulations” rather than “bylaws.” Councilor Martínez added that the Abiquiú Grant has discussed the wood poaching situation on the grant with the Río Arriba County undersheriff, who would be willing to patrol the grant under a joint powers agreement provided the grant fund the deputy. Councilor Polaco commented that there is a potential for volunteer patrol for theft and poaching at Laguna del Campo by a retired cop.

8. Discussion and Possible Action on US Forest Service Update

Mr. Archuleta reported that the Forest Service is wrapping up NEPA process on the Piedra Lumbre Visitors Center (PLVC). Representatives of the San Joaquín del Río de Chama, Tierra Amarilla, and Juan Bautista Baldes grant will meet later in the fall to work on a joint ownership agreement, with assistance from the Council and NM Legal Aid and the UNM Law School. Representatives of the grants will meet privately in anticipation of a later meeting with the Forest Service. Council staff also met with John Hall (his father was a past director of Ghost Ranch) and he is interested in supporting land grants in this process. The mediation agreement discussed at the August NMLGC meeting has been revised into a “statement of cooperation” for the Council’s consideration. The MOU between the NMLGC and the three northern forests (Cíbola, Carson and Santa Fe) is held up. With Council approval, the NMLGC will provide in-kind contributions through staff costs. The three forests will renew their MOU (\$8,800 for LGs to host at least meetings) with the MLECT for 2 years. The NMLGC has been heavily involved in forest plan meetings with the three northern forests.

On October 10, 2019, the NMLGC will host with the forest planners and forest supervisors of the Carson, Cíbola and Santa Fe National Forests a meeting with land grants regarding the forest plan. Land grants need to submit comments that reflect their interests in the management of these forests. Forest Service planners must respond to comments or how the plan meets the desired outcome of the comments. The public can object and objections, go to Region 3 to change the plans as necessary. Commenting also gives grants standing to object after plans are adopted. Councilor Polaco asked about Tierra Amarilla Lands in the Rio Grande National Forest in Colorado. Mr. Archuleta responded that the NMLGC can suggest language from the New Mexico forest plans if we know the timelines for the Rio Grande Forest’s plan adoption.

Councilor Skartwed asked if the NMLGC has submitted comments; Mr. Archuleta responded that the NMLGC has submitted comments on previous drafts and will submit to this draft as well.

Councilor Martínez asked which agency issues permits and how many are issued for rafting from El Vado through Rio Chama, maybe to the big eddy, the Forest Service or BLM; Ms. Morrison (BLM) responded that she believe it was BLM but would check. He added that the PLVC needs cleaning and continued that the San Joaquín del Río de Chama Grant submitted a letter regarding the agreement they had regarding the surveying of the cemetery, which included the survey of the complete 1,422 acre Cañón. Mr. Baca responded that the packet included 2 letters for the Chair's signature, one regarding the condition of the PLVC and the other the Cañón survey.

Councilor Skartwed made a motion to approve the letter to the Santa Fe National Forest regarding the survey of the Cañón de Chama; Councilor Padilla seconded the motion. The motion passed unanimously.

Councilor Skartwed made a motion to approve the letter to the Carson National Forest regarding the condition of the Piedra Lumbre Visitors Center; Councilor Polaco seconded the motion. The motion passed unanimously.

9. Discussion and Possible Action on Town of Tomé LG

In the packet is a draft letter to the Valley Improvement Association regarding the Council's desire that the VIA work with the Town of Tomé Land Grant to restore their common lands. Councilor Polaco made a motion to approve the letter to the VIA from the Council; Councilor Skartwed seconded the motion. The motion passed unanimously.

10. Discussion and Possible Action on DFA Meeting for Capital Outlay Update

Mr. Archuleta reported regarding the Cristóbal de la Serna Land Grant's capital outlay request and award. The NMLGC is listed as fiscal agent on a grant agreement that went to Cristóbal de la Serna Grant. On September 25, the Council and the Grant representatives will meet with DFA to discuss the Cristóbal de la Serna and the PLVC. On September 23, Council staff will meet with the Town of Tomé Land Grant and the Taxation and Revenue Department. Rep Christine Trujillo commented that she sponsored the request for Cristóbal de la Serna and asked that she be updated as to the results of the DFA meeting. Mr. Archuleta provided background, clarifying DFA's notion of the eligibility of Cristóbal de la Serna was from bad case law and the NMLGC wants to ensure that monies they receive are not in jeopardy

11. Discussion and Possible Action on Laguna del Campo Transfer Update

Mr. Archuleta stated that the Laguna del Campo transfer is still moving forward. He attended meeting on Monday (Sept. 9) with NM Game and Fish and the Tierra Amarilla Grant regarding water rights questions and the La Puente ditch. Permits held by NM Game and Fish were co-mingled (1 storage, 1 irrigation), even though one called for the water to be returned and the other stated that water be returned "undiminished." The water rights were adjudicated with the Office of the State Engineer (OSE) confusing the 2 permits. The Grant will need NM Game and Fish to ask OSE to fix the issue.

12. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division

Novela Salazar (Office of the NMAG – Treaty of Guadalupe Hidalgo Division) reported that she is working Cheyenne Trujillo and Malaquias Rael to partner with the New Mexico State Auditor to help aid political subdivisions with audits. Cheyenne Trujillo (intern for the NMAG’s Treaty Division) stated that she is working with auditor’s office to see strategy for notice and figure out why compliance is hard for political subdivisions like land grants. Mr. Archuleta asked that the Council be included in conversations and offered the Council’s assistance. Ms. Salazar responded that she would be sure to involve the NMLGS. Councilor Padilla commented that training for land grant treasurers would be great and Mr. Archuleta added that workshops would be ideal. Ms. Salazar reported that she will present at the Interim Committee meeting in Taos on the Cristobal de la Serna situation after the Grant and the county present. At present, the best solution appears to be the re-purchase of lands.

Mr. Archuleta asked for guidance from the Treaty Division on questions regarding scholarships to land grant heirs and land grant memberships as partible assets (able to be inherited and/or bequeathed). Much of this issue comes down to the definition of an heir. Moises Gonzales (Cañón de Carnué LG) stated that their grant reviewed lists of ancestors that resided on the grant between 1900-1940 to help determine who were heirs of the grant. Councilor Skartwed stated that the San Antonio de las Huertas grant did a two-year Ancestry.com research project, opened up their limited membership, and found that people that came in through repurchase could usually tie to original recipients of grant. Councilor Martínez commented about the complexities of deaths, divorce, separations and Mr. Baca cautioned that there is the potential for abuse. Mr. Gonzales added that kinship and adoption are an important part of our history.

Councilor Martínez made a motion to ask that the Treaty of Guadalupe Hidalgo Division provide the NMLGC guidance regarding scholarships and the anti-donation clause, including the provision of best practices; Councilor Skartwed seconded the motion. The motion passed unanimously.

13. Discussion and Possible Action on Legal Services Contract: Updates and Requests

David Benavides (NM Legal Aid) called in via telephone. Mr. Benavides thanked the Council for the increase in the Legal Aid contract from \$30,000 to \$40,000, but cautioned the Council from approving more legal service requests because the work load is simply too large. Since April 2014 he has been on contract but now feels overwhelmed where he cannot prepare adequately because of too many emergencies. As Council staff fields and the Council approves more requests and more work results in litigation, all of the work becomes increasingly time consuming. In litigation, one loses control over how much time is expended and how drawn out process is, especially since NMLA is not a law firm with multiple attorneys. Mr. Benavides commented that he regularly puts considerable hours in excess of the contract. He commented that the work is important, but he needs to scale back for 2 months to catch up, though he cannot scale back totally as he is the lead atty for 4 litigations, co-council for 2 litigations; and council for 2 non-litigations. Mr. Archuleta commented that the legal work is the result of activity of land grants; Councilor Martínez added that this points to the success that land grants have had especially recently. SB 223, providing legal services for land grants, acequias and colonias through assistance to law students and recent law school graduates, will aid this situation, but this illustrates the needs for the NMLGC to have a staff attorney.

14. Discussion and Possible Action Council FY 2020 and FY 2021 Budgets

FY 2020

Mr. Archuleta presented an update (in packet) on the FY 2020 budget. \$19,579.88 has been expended to date, leaving a balance of \$277,320.12.

FY 2021

Mr. Archuleta presented a draft FY 2021 budget (in packet). The LGSF is raised to \$30,000 in this budget scenario, which also provides an insurance assistance fund (\$20,000), conservation funds for youth programs (\$20,000), which could be used in partnership with Ancestral Lands. This budget will be submitted to DFA and the LFC analyst with a narrative.

Councilor Skartwed made a motion to approve the FY 2021 budget as presented; Councilor Padilla seconded the motion. The motion passed unanimously.

15. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020

Mr. Archuleta presented Pay Request #1 was presented for \$18,134.16. There remains a balance of \$197,811.84. The billing narrative is in the packet. Councilor Martínez made a motion to approve Pay Request #1; Councilor Skartwed seconded the motion. The motion passed unanimously.

16. Discussion and Possible Action on Land Grant Support Fund

The budget for the LGSF is \$16,000 for FY 2020. Councilor Martínez made a motion that the deadline for this year is Oct. 31st, 2019 and to amend language in Section 4, #9 of LGSF guidelines regarding archeological and cultural reviews, assessments, testing, excavation, and clearances; Councilor Padilla seconded the motion. The motion passed unanimously. Requests will be approved at the November meeting.

17. Discussion and Possible Action on Future of Land Grant Council

Mr. Archuleta reported on a conversation with Debbie Romero, Deputy Secretary at DFA regarding the Council. Right now, the NMLGC pays admin fees to 2 agencies (DFA and UNM). DFA representatives recommended that the NMLGC move its entire budget to UNM as either a RPSP or a service agreement, like the Sentencing Commission.

18. Discussion and Possible Action on Land Grant Registry

Mr. Baca reported that attorney Michael Cadigan requested materials regarding the Cañón de Carnué Land Grant, which were delivered.

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

Venessa Chávez (UNM LGSP) reported that youth program development is ongoing, including partnering with the Merced Land Education and Conservation Trust on the Northern Rio Grande National Heritage Area Grant.

20. Discussion and Possible Action on Correspondence Received by Council

None.

21. Discussion and Possible Action on Staff Assignments

Councilor Martínez has requested that NMLGC staff review San Joaquín del Río de Chama Grant bylaws. Mr. Baca reported that the Cañón de Carnué Land Grant has discussed the need for assistance with their audit reporting. Council staff will also need to order name plates and business cards from New Mexico Prison Industries for the newly seated Council.

Councilor Skartwed made a motion to approve the above-mentioned staff assignments; Councilor Padilla seconded the motion. The motion passed unanimously.

22. Discussion and Possible Action on Regular Meeting Day, Time and Location

Councilor Polaco requested the Council not meet on Fridays and asked for Wednesday afternoons; Councilor Skartwed stated that she works on Mondays and Wednesdays; Councilor Padilla stated that she works at the Town of Tomé Land Grant office on Wednesdays. The Council agreed that the third Tuesday of each month at 11:00am will be the regular meeting day.

23. Public Comments – discussion only

None.

24. Miscellaneous Announcements

The New Mexico Land Grant-Merced Consejo will meet on September 14, 2019 in San Miguel del Bado.

25. Date and Location for October 2019 Council Meeting

The next Council meeting will be held on October 15, 2019 at 11:00am in Albuquerque, NM (UNM STC).

26. Adjournment

Councilor Padilla made a motion to adjourn; Councilor Skartwed seconded the motion. The meeting adjourned at 2:36pm.

Approved:

Chair

Date

New Mexico Land Grant Council (NMLGC)
October 15, 2019 – 11:00am
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes – Final
Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 11:01 am. Roll call of the Council members: Andrea Padilla, Steve Polaco, Leonard Martínez, Rebecca Correa Skartwed and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Leonard T. Martinez (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division); Michele Jáquez-Ortiz (Office of Sen. Tom Udall)

3. Approval of Agenda

Councilor Andrea Padilla made a motion to approve the agenda; Councilor Rebecca Correa Skartwed seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of September 13, 2019

Councilor Steve Polaco made a motion to approve the meeting minutes of the September 13, 2019 Council meeting; Councilor Padilla seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on BLM Update

Arturo Archuleta offer thanks to the BLM for use of their facility for the October 10, 2019 meeting with the Forest Service in Santa Fe. Councilor Leonard Martínez stated the Farmington-Mancos RMP has been rescheduled for the third week of October of 2019.

6. Discussion and Possible Action on Federal and State Legislation Update

Federal

Mr. Archuleta thanked Councilor Padilla for the Town of Tomé's coordinating and hosting of Congresswoman Xochitl Torres Small's October 5, 2019 visit. Congresswoman Torres Small expressed her gratitude for the meeting and stated that she was still learning about land grant issues. She expressed her interest in cosponsoring the traditional use legislation (H.R. 3682 – Rep. Ben Ray Luján) and stated that she would look at the Commission Bill proposed by former Rep. Steve Pearce in the last Congress. Mr. Archuleta discussed H.R. 3682 with Levi Patterson of Congressman Luján's Washington DC office, who stated that the bill is not likely to go through a conference committee and that Senate and House versions of the legislation need to mirror. In

the meeting packet is Section 10, page 21, which outlines the process for recognizing Traditional Use Boundaries and the NEPA process for acequias. The House on Committee on Natural Resource is getting push back both from federal agencies (which see the process as burdensome) and from environmental NGOs that echo agency concerns. The Committee wants to modify the bill to get it through this Congress and wishes avoid appeals process. Under consideration is a process whereby land grants, in consultation with the USFS, will decide which boundaries apply. Councilor Martínez asked how the consultation process would work and how the land grant studies program will assist. Mr. Archuleta suggested language might be modified to something like, "The USFS, in consultation with land grants, will determine where traditional uses will apply." Alternatively, there may be a submission process or land grants might submit a request for boundary. If parties fail to agree, they will follow the administrative appeals process.

Chairman Sánchez asked about evidence permissible in the boundary recognition process. Mr. Archuleta replied that land grants could use documents and maps (both historic and those produced by the Land Grant Studies Program). Councilor Martínez stated that the patent for San Joaquín del Río de Chama hurt the grant by reducing it. Mr. Archuleta stated that the bill contains a process wherein land grants can opt for boundaries described in their patent or petition for traditional use boundaries. He asked the Council members for any comments or sections that the Council likes or the Council would like to modify. The Senate version of the bill (sponsored by Senator Tom Udall) does not have this process at all, illustrating the why a commission bill that addresses land loss in other ways is still important. A commission could identify what the historic boundaries should have been. A land grant could use a survey produced by the Office of the Surveyor General but rejected by the Court of Private Land Claims to support their boundary claim. Historic use, like communal grazing, could be part of a claim in a commission process as well, as can precedent on boundaries, like the Sandia Pueblo mountain claims decision.

H.R. 3682 has two windows to be pass. One is early November, with a potential committee hearing before the recess. If get committee hearing is held, it would be easier to get it into second session. The NMLGC needs to break the sections of the bill that are drawing opposition down and consider alternative language that it might propose. The second option is to push for a hearing early in the second session. Michelle Jáquez-Ortiz (Office of Senator Tom Udall) stated that the federal process is different than the state process. They can have markup after subcommittee and the full committee can endorse without a hearing, accepting the subcommittee endorsement. The timeframe would be narrow and the NMLGC would be contacted for comments. She discussed the issue with Ken Rooney of Senator Udall's Washington DC office and does not expect a Senate version to emerge until next year. Committee hearings will happen in the house where Congressman Luján's leadership can aid the bill. Mr. Archuleta commented that the Council will work on draft Senate language for the Council's review.

State

The Land Grant Interim Committee meeting was held in Taos on September 16-17, 2019. The agenda was packed and it was a well-attended and positive meeting. Items on the agenda included the lines issue on the Cristóbal de la Serna Land Grant and other broad ideas that could help land grants statewide, including the expansion of HB 88, a special tax assessment for land grant lands, and guaranteed revenue streams for land grants. The Interim committee toured

Sangre de Cristo Grant in San Luis with Land Rights Council member Shirley Otero Romero. Senator Carlos Cisneros attended the first day of the meeting, but sadly passed away on September 16, 2019. Senator Cisneros had committed to more funding for surveyors. His staff will file to the NMLGC. He championed acequia issues and worked closely with the Paula García of the New Mexico Acequia Association on acequia issues. The next Interim meeting will be held in Ghost Ranch on October 31st. Discussions with LCS staff Mark Edwards on potential topics, including an update on the impending tax sale under HB 88 (Town of Tomé); the Piedra Lumbre Visitors Center; policing authority for land grants; and Santa Cruz de la Cañada Land Grant, with John Chávez presenting. The Committee will tour Laguna del Campo on November 1st. Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division) met with John Chávez of the Santa Cruz Grant to discuss HM 38 (2019). Councilor Padilla asked if a meeting with the Rep. Eliseo Alcón and the Chi Henne Nde regarding _____ has been scheduled. Jacobo Baca (NMLGC) stated that, to his knowledge, it has not. The Committee will webcast if technology allows.

7. Discussion and Possible Action on US Forest Service Update

Mr. Archuleta reported injunction won by Wild Earth Guardians (WEG) on forest activities related to the protection of the Mexican Spotted Owl (MSO). Seven claims were made by the Wild Earth Guardians; the judge accepted one, which was arguably a technical procedural issue (there was not a good biological assessment of MSO). The injunction was initially imposed on all management activities. The New Mexico Acequia Commission and the NMLGC arranged meeting with the Wild Earth Guardians to discuss the issue. They and the USFS agreed to and won an amendment to injunction allowing for firewood collection. All other timber management projects planned, taking advantage of the wet year, are halted. Council staff also discussed the issue with Region 3 Regional Forester Cal Joyner on a conference call. The meeting packet includes a letter with a news release; the accompanying document is much longer and will be forwarded to the Council members. Forests in Region 3 in Arizona, with the exception of the Tonto NF, have already adopted their management plans, making the complaint a moot point. The five New Mexico forests will adopt plans soon and are affected by this ruling. Other environmental groups are displeased by the WEG's actions. Some have committed to supply fuelwood to communities affected by the injunction, but commitment has dwindled to 100 cords, or about 6 cords per community. NMLGC staff has attempted to work with communities to identify individuals from land grant communities in need of fuelwood while trying to help local *leñeros* (wood haulers) and reduce the cost that large commercial wood haulers charge, thus increasing the potential number of communities and individuals that are helped. The groups providing the fuelwood expressed their desire to reduce risk and have asked that these *leñeros* have liability insurance and business licenses. The wood will be green wood, which is useful, but cannot easily be burned this winter. Councilor Martínez commented on the fuelwood and injunction, stating that even though the Grant has received green fuelwood from an area CFRP project, the injunction has put their communities behind on distribution. The Grant has purchased two semi loads that need to be blocked and split. The injunction has pushed the timetable back and is a life or death issue for communities. Councilor Polaco asked for the contact for wood delivery. Venessa Chávez (NMLGC staff) commented that the environmental groups providing the wood took information that she provided for the Tierra Amarilla area and seem to have not contacted other area contacts as well. The process has been fluid and difficult to ascertain or control.

Mr. Archuleta stated that a letter from Carson National Forest Supervisor James Durán regarding the Piedra Lumbre Visitors Center is in the packet. The San Joaquín del Río de Chama, Tierra Amarilla, and Juan Bautista Baldes Land Grants are discussing the purchase and management with their boards. The Council is in discussions with the UNM Law School's Natural Resources Law Clinic to address ownership options; a conference call is scheduled for November 6th to discuss. On November 12, 2019, the Carson NF and the San Joaquín del Río de Chama, Tierra Amarilla, and Juan Bautista Baldes Land Grants will meet with the Department of Finance and Administration. The USFS has asked for proof that land grants have the legal authority to receive property, which can be addressed via a resolution passed by each land grant board. Environmental assessments will take an additional 6 months. Included in the packet is correspondence from the San Joaquín del Río de Chama Land Grant to Santa Fe NF supervisor James Melonas regarding Llaves cemetery and easements for calvario in Gallina. Councilor Martínez stated that the cemetery in Llaves is similar to the Cañón cemetery and dates from the mid-1800s. The Cofradia morada in the area is also on Forest Service property.

On October 10, the NMLGC staff and students met with the Cíbola, Carson and Santa Fe National Forest planners and forest supervisors to discuss draft land management plan comments. NMLGC staff and students are working on comments for all three forests.

8. Discussion and Possible Action on Town of Tomé LG

Mr. Archuleta reported that he and Councilor Padilla met with the Taxation and Revenue Department (TRD) in September. The TRD does not have online process ready and needs to do a public sale. Public bidders may preempt potential land grant bids on lots and un-sold lots will be available for the Tomé Land Grant to purchase. The sale will take place on December 12. The Town of Tomé Grant has their grant agreement signed.

9. Discussion and Possible Action on DFA Meeting for Capital Outlay Update

Mr. Archuleta reported regarding meetings with the Department of Finance and Administration regarding the Piedra Lumbre Visitors Center and the Cristóbal de la Serna issue, where DFA will work with the land grants to re-authorize funding. The NMLGC staff will work with DFA to provide a capital outlay training. Chairman Sánchez stated that land grants can no longer receive CO monies via an unpaid invoice and must accept funding by disbursement or reimbursement.

10. Discussion and Possible Action on Laguna del Campo Transfer Update

Mr. Archuleta reported regarding a complication with water rights that feed the Laguna del Campo, arising from water rights permits from the 1930s for two properties. The New Mexico Game and Fish Department muddled the permits in the adjudication process for area water rights, which complicates the transfer. Councilor Polaco and Mr. Archuleta met with NMGF Commissioner Jeremy Vesbach and the transfer will likely not happen until CY 2020. Councilor Polaco stated that the funnel that is supposed to return waters from Laguna del Campo to the La Puente ditch is a 50 year old tunnel that needs to be tested.

11. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division

Novela Salazar reported that the Treaty of Guadalupe Hidalgo Division will submit its report regarding HM 38 (municipality status of the villa de Santa Cruz de la Cañada) to the Interim

Committee soon. She met with John Chávez and Rio Arriba County Commissioners. Ms. Salazar also stated that she was contacted by the New Mexico Environment Department regarding the Cañón de Carnué Land Grant. Councilor Polaco commented that since 1996, the Office of the Surveyor General has asked parcientes how they claim water rights and area land grants (represented by the John Utton law firm) did so under the Treaty of Guadalupe Hidalgo. The OSE claimed that patent is insufficient.

12. Discussion and Possible Action on Legal Services Contract: Updates and Requests

Mr. Archuleta stated that David Benavides is still very busy with current work. He has a court date next week regarding the Juan Bautista Baldes Land Grant regarding a motion for summary judgement. He is also on the legal team working on the Tierra Amarilla case; the trial starts in the spring. The Abiquiú water rights claim is ongoing. Mr. Benavides is busy with many filings because of the litigation. Billing is now submitted to DFA and not UNM.

13. Discussion and Possible Action Council FY 2020, FY 2021 Budgets

FY 2020

Mr. Archuleta presented an update (in packet) on the FY 2020 budget. \$31,018.02 has been expended to date, leaving a balance of \$265,881.98 (10%). Council travel to date is \$2,092.32 to date. The UNM Intergovernmental Agreement has expended \$28,925.70 to date.

14. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020

Mr. Archuleta presented Pay Request #2 was presented for \$10,791.54 for billing period of September 2019. The billing narrative is included in the packet.

Councilor Polaco made a motion to approve Pay request #2 motion; Councilor Correa Skartwed seconded the motion. The motion was passed unanimously.

Council staff will meet with the UNM Procurement Office on Thursday regarding the surveyor contract. The contract announcement is in the packet.

15. Discussion and Possible Action on Land Grant Support Fund

The budget for the Land Grant Support Fund (LGSF) is \$16,000 for FY 2020 and the application is available online. Frank “Skitt” Trujillo of the Don Fernando de Taos Land Grant has applied. Venessa Chávez reported that she has contacted land grants regarding the LGSF. Jason Quintana of the Manzano Grant responded with interest. The Cubero Land Grant is considering a foundation for donated portable buildings. The Cañón de Carnué Land Grant may apply for monies for the Ancestral Land projects to hire local land grant youth. Councilor Polaco reported that he will discuss the LGSF with the Tierra Amarilla board. Chairman Sánchez stated that applications will be approved at the November Council meeting.

16. Discussion and Possible Action on Future of Land Grant Council

Mr. Archuleta reported on a conversation with the UNM Office of the Vice President for Research regarding the Land Grant Studies Program and the Land Grant Council, including the concept of a Land Grant Institute. This could produce a potential cost savings to the NMLGC in F&A fees assessed by UNM (5-7% as opposed to 20%). Council members discussed options, including that the Council stay at DFA. DFA, however, wants to lessen the NMLGC's dependence on DFA,

especially as the Council grows in staff and outreach and increasingly needs its own special attention. As a stand-alone entity, the NMLGC would be independent but complying with requirements like audits would be more costly and complicated. A hybrid model (like that of the Sentencing Commission) may be preferable. Currently, the NMLGC and LGSP share staff and the overlap assists with personnel, supplies, and services. The NMLGC and LGSP also are collaborating with the UNM Law School more and more and the current structure aligns with the combined budgets of the two entities. Councilor Correa Skartwed stated that she felt that becoming a stand-alone agency, without a substantive budget increase, would hurt momentum and felt that UNM is most viable option. Councilor Padilla agreed, stating that staying at UNM is preferable because of student involvement. Mr. Archuleta reported regarding a meeting about a new building potentially shared by several departments and programs, including the LGSP and NMLGC, but stated that it would be on the UNM capital plan that is 10 years out. NMLGC Councilors expressed their desire to attend future meetings regarding space on campus.

17. Discussion and Possible Action on Land Grant Registry

None.

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

Mr. Archuleta and Ms. Chávez reported that youth program development is ongoing, including partnering with the Merced Land Education and Conservation Trust on the Northern Rio Grande National Heritage Area Grant. Ms. Chavez reported that the project is near completion and was response was very positive for the land grant communities, youth and schools involved. The LGSP will look at other grant opportunities and will conduct more oral histories. Mr. Baca reported that he gets random information requests that he attempts to answer. He also reported that he will give a talk at the Martinez Hacienda (Taos, NM) on Taos Land Grants on October 25, will meet with heirs of the Embudo Land Grant on October 26, and with the OVPR regarding interpretation the Los Luceros Historic Site (Sebastian Martín LG) and representatives of the Santa Cruz Land Grant on October 27th. Mr. Archuleta reported regarding the collaboration with the UNM Law School to offer Continuing Legal Education Credits for attorneys, judges and law students. On Wednesday, October 16, Rep. Christine Trujillo will give a talk at UNM. Ms. Chavez also reported that she met with the Santa Bárbara Land Grant regarding youth programming. Mr. Baca commented that he and Cheyenne Trujillo are working on the next issue of the *Land Grant Forum* newsletter and anticipate it being ready for the November meeting.

19. Discussion and Possible Action on Correspondence Received by Council

Discussed above.

20. Discussion and Possible Action on Staff Assignments

None.

21. Public Comments – discussion only

Councilor Polaco commented that he spoke with Commissioner Jeremy Vesbach of the Game and Fish Commission asked for the support of the NMLGC in overturning the legislation that closed access to rivers on public land. Mr. Archuleta mentioned that the bill was deemed unconstitutional by the New Mexico Office of the Attorney General. The Council might take this issue up as a statewide agency and public body.

22. Miscellaneous Announcements

None.

23. Date and Location for November 2019 Council Meeting

The next Council meeting will be held on November 21, 2019 at 10:00am in Albuquerque, NM (UNM STC).

24. Adjournment

Councilor Polaco made a motion to adjourn; Councilor Correa Skartwed seconded the motion. The meeting adjourned at 1:30pm.

Approved:

Chair

Date

New Mexico Land Grant Council (NMLGC)
November 21, 2019 – 10:00am
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes – FINAL

Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:08 am. Roll call of the Council members: Andrea Padilla, Steve Polaco, Leonard Martínez, Rebecca Correa Skartwed and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Leonard T. Martinez (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Vidal Gonzales (NMLGC/LGSP); Antonio Maestas (NMLGC/LGSP); Cheyenne Trujillo (NMLGC/LGSP); LM Garcia y Griego (NMLGC/LGSP); Eric Chávez (Office of Rep. Ben Ray Luján); Lisa Morrison (BLM); Patricia Domínguez (Office of Senator Martin Heinrich); Michelle Kavanaugh (Office of Senator Tom Udall); Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division); Jason Quintana (Manzano Land Grant); Rita Padilla Gutiérrez (Town of Tomé Land Grant); Frank Trujillo (Don Fernando de Taos LG); Ida Trujillo (Don Fernando de Taos LG); Moises Gonzales (Cañón de Carnué LG).

3. Approval of Agenda

Councilor Steve Polaco made a motion to approve the agenda; Councilor Andrea Padilla seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of October 15, 2019

Councilor Leonard Martínez made a motion to approve the meeting minutes of the October 15, 2019 Council meeting; Councilor Rebecca Correa-Skartwed seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on Acequia Commission

Chairman Juan Sánchez reported that New Mexico Acequia Commission Chair Ralph Vigil requested to be the New Mexico Acequia Commission be put on today's NMLGC agenda. The NMAC is meeting at the same time as this Council meeting and did not send a representative. The NMAC has asked that the NMLGC send a representative to NMAC meetings. Council members discussed whether councilors attending the NMAC would be reimbursed for travel; staff stated that they would look into whether this was possible or if budget would allow. Councilor Martínez made a motion to table item 5; Councilor Padilla seconded.

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

Mr. Arturo Archuleta discussed a letter from James Durán of the Caron National Forest regarding the potential Río Santa Bárbara Wild and Scenic River designation. The letter stated that the section between campground and Jicarita Creek was removed from the potential designation. Council members received copies of the comments submitted to the Carson, Santa Fe, and Cibola National Forests via e-mail for their review. Councilor Padilla stated that she did not receive the comments ahead of the meeting. The Council postponed endorsement until the December 2019 meeting. Mr. Archuleta stated that Council staff created comments reflective of each plan; these comments prioritized ensuring that traditional uses were protected, both in the traditional use section and in other sections as well. These comments included wilderness comments regarding Public Law 96-550, which the Council interprets as a special provision that it is an official provision for New Mexico, changing the ability to create wilderness designations.

7. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) reported that the BLM is continuing its online wood permit pilot project. Councilor Martínez commented that he has yet to be contacted by the Farmington Field office and stated that he requests communal access to piñón trees for Christmas trees. Ms. Morrison stated that the Carlsbad RMP is in its protest period; the Governor of New Mexico will comment on the plan. She added that the BLM records, including some information pertaining to land grants, are available online. Mr. Baca commented that records pertaining to community land grants seem to not be available online. Ms. Morrison reported that target shooting in New Mexico, ostensibly under the recreation and public purposes act, is disturbing homeowners. Jason Quintana (Manzano LG) questioned why power produced in New Mexico is sent elsewhere when New Mexico communities are left with the infrastructure. Ms. Morrison responded that there is little incentive to keep energy in New Mexico. Council members and attendees discussed renewable energy, how locals needs should be considered when hiring in the renewable energy sector, and the role of the federal government in promoting renewable energy and looking out for local interests. The growing hemp industry was also discussed.

Councilor Correa Skartwed asked about the Rio Puerco RMP; Ms. Morrison responded that the BLM hopes for a May 2020 release, but that it might be delayed as the energy development in the Permian Basin (Carlsbad District) is the administrations priority. Patricia Domínguez (Office of Senator Martin Heinrich) commented that the Kit Carson Electrical Cooperative bought themselves out of contract with Tri-State and transitioned to renewable energy. To generate power, it currently uses almost 100% solar during day and natural gas at night. Ms. Domínguez considered Kit Carson an exemplary electrical cooperative and added that Tri-State has capped percentage of renewables and that PNM is slowly moving to a larger renewable portfolio. Mr. Archuleta thanked Ms. Morrison for use of the BLM offices in Santa Fe for the October 10 meeting between land grants and the three northern national forests. Ms. Morrison added that the public comment period for the Borderlands Wind Project is coming up soon.

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

Federal

Included in the packet is a letter from Senator Tom Udall to Council Chair Juan Sánchez, thanking the Council for the Farm Bill celebration. Mr. Archuleta presented changes to Section 10 in the traditional use bill, including provisions for a period for land grants to submit proposed

boundaries for traditional use, and an added section 11 regarding the federal land management plans.

Councilor Padilla made a motion to approve the proposed Section 10 language. Councilor Correa Skartwed seconded the motion. The motion passed unanimously.

The approved language will go Representative Ben Ray Lujan's office and Senator Udall's office. Eric Chavez (Office of Rep. Ben Ray Luján) commented that House Natural Resources Committee Chair Raul Grijalva is working with Congressman Lujan's office on language and that they will share information. He added that Congressman Luján's office is working with the New Mexico Acequia Commission as well.

Councilor Martínez asked for an update on the cemetery bill. Mr. Archuleta replied that focus has been on the traditional use bill. Ms. Dominguez commented that the Small Tracts Act does not allow land to be granted and requires that land must be sold and cemeteries in question cannot be a denominational cemetery. Mr. Domínguez responded that she will look into it. She added that the CFRP signed a new charter but new members have not been approved. If they do not seat new members, money will go elsewhere. Some monies have already gone to Arizona and the current administration does not like that the program is New Mexico specific and prefers monies to go to the CFLRP program. Chairman Sánchez reported that the CFRP workshop will take place on December 17 and 18 for funding in January. J.R. Logan, who Ms. Domínguez cited as involved in the San Cristóbal mayordomo project, was at the meeting of the Rio Grande Fund and in a meeting with Cibola Forest Supervisor Steve Hattenbach, who wants a similar program on the Cibola NF. Ms. Domínguez mentioned that the LOR Foundation supported the San Cristóbal Project and that CFRP monies could go to these projects as well or to the Vallecitos Sustained Yield Project.

State.

None.

9. Discussion and Possible Action on Land Grant Support Fund

Venessa Chavez (NMLGC) presented the Land Grant Support Fund requests. Below are the requests and amounts funded:

Don Fernando de Taos: requested - \$5,000.00

Funds requested in order to determine if human remains exist under the parking lot which was a part of the historic cemetery.

Mr. Frank Trujillo, President of the Don Fernando de Taos presented to the Land Grant Council and advised the Council that only one company in New Mexico provides this service and they provided a reduced rate.

Councilwoman Skartwed asked how the cemetery became a cemetery and Mr. Trujillo briefed her on how the property was sold to US Bank and the current lawsuit they are involved in, in order to reclaim the property and possible monetary compensation.

Motion was made by Councilwoman Skartwed to award Don Fernando de Taos \$5,000.00
Councilman Martinez seconded the motion. The motion was approved unanimously.

Manzano Land Grant: Requested - \$4,743.00

Funds requested to furnish and equip the community building and Land Grant office.

Mr. Jason Quintana, President of the Manzano Land Grant presented the request to the Council.

Chairman Sanchez requested clarification from the Attorney General's office if equipment can be purchased for a building that is leased instead of owned. Arturo advised the Council that the Land Grant does own a building and that the equipment could be stored there.

Motion was made by Councilman Martinez to award the Manzano Land Grant \$3,000.00
Councilwoman Padilla seconded the motion. The motion was approved unanimously

Los Pueblos de Tierra Amarilla: Requested - \$11,216.15

Funds requested purchase tools and equipment necessary for upkeep of the newly acquired Laguna Del Campo.

Mr. Steve Polaco, President of Los Pueblos de Tierra Amarilla presented the request to the Council.

Arturo advised the Council that the property has not yet been transferred and if the funds are awarded that the equipment must be stored on property owned by the Land Grant.

Councilman Polaco recused himself and stepped out of the meeting during the vote.

Motion was made by Councilwoman Padilla to award Los Pueblos de Tierra Amarilla \$4,000.00
Councilman Martinez seconded the motion. The motion was approved unanimously.

San Antonio De Las Huertas: Requested - \$7,025.63

Funds requested to continue to improve the Oso Recreation Site

Mrs. Rebecca Skartwed, President from San Antonio de Las Huertas presented the request to the Council.

Councilwoman Rebecca Correa Skartwed recused herself and stepped out of the meeting during the vote.

Motion was made by Councilwoman Padilla to award San Antonio de Las Huertas \$ 2,000.00
Councilman Martinez seconded the motion. The motion was approved unanimously.

San Miguel del Bado: Requested - \$4,000.00

Funds requested to purchase equipment for building and grounds upkeep and repair and website development.

There was not a representative from San Miguel Del Bado Land Grant it was presented by Venessa Chavez.

The Council decided that Cheyenne Trujillo with the Studies Program would provide support for website development.

Motion was made by Councilman Martinez to award San Miguel del Bado \$2,000.00 Councilwoman Padilla seconded the motion. The motion was approved unanimously.

Town of Tomé – Requested - \$1,200.00

Rita Padilla Gutiérrez of the Town of Tomé Land Grant withdrew the application in order to see land grants who have never been funded the opportunity to receive consideration and funding.

Councilwoman Padilla encouraged the Council to fund land Grants that have not been funded before.

Councilman Martinez encouraged the Council to allocate a larger portion of the budget to the Support Fund. He recommended the fund be increased to at least \$60,000.00.

10. Discussion and Possible Action on Town of Tomé LG

Included in the packet is a lawsuit () filed by to prevent the sale. Council members and staff discussed the tax auction process under HB 88, where Negotiated price. In the lawsuit, the Valley Improvement Association and the Cibola Land Corporation are suing the New Mexico Department of Taxation and Revenue (NM TRD), alleging that the sale is a “taking” and that their due process violated. Both entities appear to have paid taxes on tax delinquent properties. The suit may be premature as the sale did not yet take place and the NM TRD will go through with the sale (December 13th (9:00am) at the Valencia County Courthouse). On December 2, TRD and the Town of Tomé Land Grant will meet to discuss dispersal and reimbursement options. Councilor Padilla responded that the Tomé Land Grant would like to reword capitol outlay to include all lands within the boundaries of the Tomé Grant, not only those that are tax delinquent, and added that they are fearful that energy development could negatively impact water resources and the environment. Councilor members and attendees expressed their support for the Tomé Land Grant.

9. Discussion and Possible Action on DFA Meeting for Capital Outlay Update

Mr. Archuleta reported that he has emailed DFA regarding capital outlay. He is waiting for a W-9 substitute from the Manzano Land Grant.

10. Discussion and Possible Action on Laguna del Campo Transfer Update

Mr. Archuleta reported that the transfer is moving forward. Councilor Polaco stated that he contacted Commissioner Jeremy Vesbach but received no response. The Interim Land Grant Committee asked the Tierra Amarilla Grant to get and estimate in a headgate and the Grant is also getting a gravel estimate for the dike between lower and upper bank. During the ILGC tour on November 1, ILGC members and others were told by the acequia that the spillway does not work. Inspection indicates that it appears to work properly. Representative Susan Herrera reportedly offered \$15,000 to the Tierra Amarilla for the Laguna del Campo.

13. Discussion and Possible Action on SB 226

Mr. Archuleta reported that the New Mexico Game Commission is discussing the repeal the Landowner Certification of Non-Navigable Water Adopted Rule 19.31.11 NMAC, which derived from SB 226 (2016). NMLGC staff, with assistance from LGSP staff, drafted a letter (in packet) that requests that the NM Game Commission review the policy. Vidal Gonzales and Antonio Maestas (NMLGC/LGSP) discussed the letter regarding non-navigable waters and how this adopted rule was deemed unconstitutional in *State Game Commission v. Red River Valley Company*, where the court held that the Red River Cattle Corporation could not have sole control, given Sec. 26, Art. 4 of the New Mexico State Constitution. Chairman Sánchez discussed three decisions from Attorneys General Gary King and Hector Balderras and work of attorneys Utton and Kery. Councilor Polaco suggested that the letter be sent to the Governor as well; Council members and staff suggested adding specific language from the Attorneys General opinions and carbon copying Governor Michelle Luján Grisham, Victor Reyes (Legislative Director for the Governor) as well as the Chair and Vice Chair of the Interim Land Grant Committee, as well as Senator Richard Martínez. Councilor Polaco discussed the resent sale of land from Quinlen Ranch to a Mr. Roberts of Santa Fe, who applied to close the public access to these waters. Councilor Polaco expressed his fear that children will not have access to these streams and will not be able to enjoy access to their historic and cultural rights. Mr. Vidal Gonzales suggested exploring Senate Bill 226 and Councilor Martínez suggested discussing the bill with Senator Richard Martínez.

Councilor Steve Polaco made a motion to approve the letter, with the suggested changes; Councilor Correa Skartwed seconded the motion. The motion passed unanimously.

14. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division

Novela Salazar (Treaty Division) stated that there was no update. Mr. Archuleta mentioned that copies of the Treaty Division's report on Santa Cruz de la Cañada (required by HM 38 - 2019) was shared with the Council members and that an article discussing the issue was published in the *Rio Grande Sun* and was included in the packet.

12. Discussion and Possible Action on Legal Services Contract: Updates and Requests

Mr. Archuleta presented the update on legal service contract and requests (In packet). This includes the letter of engagement from UNM Law School Natural Resources and Environmental Law Clinic regarding the Piedra Lumbre Visitors Center, where the NMLGC was as the client to ensure that the Clinic could prepare for the October 31st meeting of the Interim Land Grant Committee and to create a memo regarding the participating land grants. Mr. Archuleta also discussed SB 244 (the development of the Community Attorney Governance program) and the \$250,000 funded by House Bill 2 junior monies from Senator Jerry Ortiz y Pino, Rep. Miguel García, etc.. Because the language was miswritten in the session, the monies cannot be reauthorized for next year. NMLGC, HED, UNM Law School, NM Legal Aid, and Rep. García discussed how the monies appropriated can be spent in FY 2020 following the spirit if the legislation.

Also included in the packet is New Mexico Legal Aid's billing. NMLA is no longer part of the UNM Contract. In the packet are three invoices (pay requests) from NMLA to DFA:

Pay request 1 – \$3,762.50 – (with narrative)

Pay request 2 – \$9,818.75 – (with narrative)
Pay request 3 – \$5,500.00 – (with narrative)

Council members discussed Pay Request 1, 2, and 3 and the narratives.

Councilor Steve Polaco made a motion to approve Pay Request 1, Pay Request 2, and Pay Request 3. Councilor Andrea Padilla seconded the motion. The motion passed unanimously.

Councilor Martínez discussed the *US. v. Sandoval* (1897) case, contracting a private attorney, and the willingness of the New Mexico Attorney General to participate in suit. He reported that all land grants effected by the case are interested in a lawsuit challenging the case, asked for the NMLGC's support and Council members and staff discussed the one-third fee required by a private attorney. Councilor Martínez asked that an item regarding the *US v. Sandoval* case be added to the December 2019 agenda.

13. Discussion and Possible Action Council FY 2020, FY 2021 Budgets

FY 2020

Mr. Archuleta presented an update (in packet) on the FY 2020 budget. The total budget expended to date is \$42,932.83 of the total \$296,900 budget, or approximately 14.1%. Total Council travel for FY 2020 (July-Nov.) is \$2,738.92. He commented that Chairman Sánchez will go over the \$1,500 travel cap and will have to send a memo to the Governor's office stating that this is the case. Councilor Martínez mentioned that he plans to relocate from Rio Rancho to Coyote, NM in the spring; Mr. Archuleta responded that the Council will adjust plans budgets.

14. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020

Mr. Archuleta presented Pay Request #3 was presented for \$10,268.21 for billing period of October 2019. The billing narrative is included in the packet.

Councilor Padilla made a motion to approve Pay Request #3; Councilor Polaco seconded the motion. The motion was passed unanimously.

18. D& A on Future of NMLGC

Mr. Archuleta discussed the potential creation of a Land Grant Institute and the appointment of an advisory committee, consisting of three faculty members from UNM and two members from the NMLGC; the NMLGC can decide which members will be the advisory. LM García y Griego (NMLGC/LGSP) commented that advisory committee will be a joint community and faculty advisory committee to both the NMLGC and the LGSP and will advise the Office of the Vice President for Research, which ensures that entities reporting to the Office are engaged in activities consistent with their mission. He previously asked Chairman Sánchez and Councilor Martínez to serve as the NMLGC representatives to the advisory of the Land Grant Studies Program; Dr. Baca pointed out that this was before the new council members were appointed in August 2019. Faculty representatives that have agreed to serve are Dr. Durwood Ball, Associate Professor of History and editor of the *New Mexico Historical Review*, and Gabe Pacyniak, Assistant Professor of Law who directs the Natural Resources and Environmental Law Clinic. Dr. García y Griego will also ask Cliff Villa of the UNM Law School if he is interested in the third post. The first meeting will be in January 2020. Councilor Polaco stated that he could not serve on the

Committee; Councilor Correa Skartwed expressed her interest in serving on the advisory committee for the LGSP, as did Chairman Sánchez.

19. Discussion and Possible Action on Recognition of Land Grants that are Political Subdivisions

Mr. Archuleta reported that in the packet is a draft letter (for discussion) regarding the recognition of land grants that are political subdivisions of the State of New Mexico. The Land Grant Support Fund requires that land grants are current in their submissions to the land grant registry (updated bylaws and list of current officers) for eligibility. There are less than forty land grants that are active political subdivisions of the State of New Mexico. Councilors do not need to take action on the letter; it merely offers criteria to measure a land grants status as a political subdivision. The Council could add language differentiating between land grants with budgets above or below \$50,000. Before we send a letter, the NMLGC needs to offer a policy on how they will measure. Councilor Polaco stated that there are more parameters to measure a land grants status other than bylaws and updated lists of boards; Mr. Archuleta responded without a policy, the Council cannot ask for more information. Currently, the NMLGC offers land grants the option of sending their annual report to the Council. It could consider asking for a copy of land grant's open meeting act resolution, which needs to be adopted yearly. Councilor Martínez commented that this was a good process and good policy and that the Council was the appropriate authority to recognize the status of land grants.

17. Discussion and Possible Action on Land Grant Registry

Mr. Baca commented that the following documents have been submitted to the New Mexico Land Grant Registry.

- San Antonio del Río Colorado Land Grant submitted the following documents to the New Mexico Land Grant Registry:
 - ___ A digital copy of the San Antonio del Río Colorado Genealogy and Archives with a hard copy inventory of the collection.
- Merced de Los Pueblos de Tierra Amarilla has submitted the following documents to the New Mexico Land Grant Registry:
 - ___ A copy of a facsimile reproduction of the patent of the Tierra Amarilla Land Grant, dated February 21, 1881.
- Town of Tomé Land Grant has submitted the following documents to the New Mexico Land Grant Registry:
 - ___ Adopted by-laws for the Town of Tomé Land Grant
- Santa Cruz de la Cañada Land Grant added the following documents to the New Mexico Land Grant Registry:
 - ___ Materials relating to the 2010 organization of the Santa Cruz de la Cañada Land Grant, including archival documents originating from the Borrego-Ortega Papers
- San Joaquín del Río de Chama Land Grant has submitted the following documents to the New Mexico Land Grant Registry:
 - ___ quadrangle maps related to the San Joaquín del Río de Chama Land Grant
- Santa Barbara Land Grant has submitted the following documents to the New Mexico Land Grant Registry:

- ____ Comments submitted to the Carson National Forest regarding Carson National draft Forest Land Management Plan

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

Mr. Baca reported that gave talk on at the Martinez Hacienda in Taos on October 25, 2019; met with heirs of the Embudo Land Grant to discuss their history and reorganization of the grant on October 26; met with UNM Vice President for Research Gabriel López and CCS Professor Levi Romero regarding the Los Luceros Historic Site (Sebastián Martín Land Grant) regarding interpretation and programming; and with heirs of the Santa Cruz de la Cañada Land Grant regarding history and the organization of the Grant in 2006 on Oct. 27th.

19. Discussion and Possible Action on Correspondence Received by Council

Discussed above.

20. Discussion and Possible Action on Staff Assignments

None.

21. Public Comments – discussion only

The New Mexico Livestock Commission will meet on December 12, 2019 at Sandia Resort and Casino. Rita Padilla-Gutiérrez is on the Commission and has asked the Council to give a presentation.

22. Miscellaneous Announcements

The Scholars for New Mexico Studies and UNM Land Grant Studies Program will host a traditional New Mexico holiday celebration on Friday, November 22, 2019.

23. Date and Location for December 2019 Council Meeting

The next Council meeting will be held on December 19, 2019 at 10:00am in Albuquerque, NM (UNM STC).

24. Adjournment

Councilor SP made a motion to adjourn; Councilor AP seconded the motion. The meeting adjourned at 1:20pm.

Approved:

Chair

Date

New Mexico Land Grant Council (NMLGC)
December 19, 2019 – 10:00am
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes – Final

Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:09 am. Roll call of the Council members: Andrea Padilla, Steve Polaco, Leonard Martínez, Rebecca Correa Skartwed and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Leonard T. Martinez (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Vidal Gonzales (NMLGC/LGSP); Cheyenne Trujillo (NMLGC/LGSP); Lisa Morrison (BLM); Eric Chávez (Office of Rep. Ben Ray Luján); Isis López (Office of Rep. Ben Ray Luján); Lisa Morrison (BLM); Patricia Domínguez (Office of Senator Martin Heinrich); Novela Salazar (NMAG - Treaty of Guadalupe Hidalgo Division); Rita Padilla Gutiérrez (Town of Tomé Land Grant); Michelle Kavanaugh (Office of Senator Tom Udall).

3. Approval of Agenda

Councilor Steve Polaco made a motion to approve the agenda; Councilor Leonard Martínez seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of November 21, 2019

Councilor Andrea Padilla made a motion to approve the meeting minutes of the November 21, 2019 Council meeting; Councilor Rebecca Correa Skartwed seconded the motion. The motion was approved unanimously.

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

Mr. Arturo Archuleta discussed a letter to Senator Martin Heinrich from the San Joaquín del Río de Chama Land Grant regarding the Llaves cemetery, which Councilor Martínez stated was not surveyed. Patricia Domínguez (Office of Sen. Martin Heinrich) commented that land grants can pursue the Small Tracts Act (where land grants need to pay) or the legislative route. She added that she had draft language that needs revision and that land grants need to review the list to see which cemeteries are historic, which ones are active and to identify cemeteries that are not on the list. Mr. Archuleta commented that cemeteries associated with the La Petaca Grant are not on the list and that the Council would review lists shared at past Council meetings. Ms. Domínguez added that the next step is for communities and the Council to identify cemeteries that are on the list and to work with Maya Hermann of Senator Heinrich's Washington DC office to craft language, as well as determine activity on U.S. Forest Service and BLM lands.

Also in the packet is a letter from Santa Fe NF Supervisor James Melonas to San Joaquín del Río de Chama LG president Leonard Martínez regarding the historic cemetery near Llaves, New Mexico. Councilor Martínez commented that the cemetery needs to have boundaries determined with GPS. Mr. Archuleta commented that in the letter, Mr. Melonas stated that though the last corner of the cemetery remains to be surveyed, there is no justification for immediately completing survey. Chairman Sánchez commented that the survey is important to the San Joaquín del Río de Chama Land Grant and Mr. Archuleta added that the traditional use legislation will help justify the survey if it is passed. Councilor Martínez commented that the San Joaquín del Río de Chama LG will respond and Chairman Sánchez added that the NMLGC will support the San Joaquín del Río de Chama Land Grant.

The Encino Vista project has commenced (in packet) and the Juan Bautista Baldes Grant was offered liaison services by the Council, which offered services to the San Joaquín del Río de Chama LG well. A letter was drafted to Forest Service regarding the CFRP, asking that monies from the CFRP to go to the mayordomo project and other community-based projects as well. Ms. Domínguez added that there is no way to approve monies from the panel process but monies from last year (appropriated but not funded) may be used. People are concerned that last years monies were used for a different purpose and the CFRP panel is unlikely to be approved as it is considered too New Mexico specific. The CFLRP projects and panels are getting approved because they are national.

Councilor Padilla reviewed comments submitted by NMLGC staff for the Cibola, Santa Fe and Carson National Forest plans and praised the comments. Councilor Martínez made a motion to approve comments submitted by the NMLGC to the Cibola, Carson and Santa Fe National Forests; Councilor Padilla seconded the motion. The motion was approved unanimously.

Councilor Polaco made a motion to approve a letter to USFS Region 3 Regional Forester Cal Joyner regarding the CFRP; Councilor Correa-Skartwed seconded the motion. The motion passed unanimously.

6. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) reported on the Farmington RAC. She stated that the online permitting process seems to be working, including the Christmas tree permitting. Councilor Martínez thanked Ms. Morrison for assuring that the piñón tree permits were available online. Ms. Morrison reported that the Sombrillo Travel Management Plan is underway and pertinent documents are available on the Taos field office section of BLM website. The comment deadline is next year. Councilor Martínez commented that the Santa Cruz de la Cañada Land Grant is re-organizing and that they should be considered in the plan. Ms. Morrison also reported that Santa Fe County has recently completed a purchase of BLM lands; Councilor Martínez asked if the property was appraised at federal yellow book value and if the sale was publicized; Ms. Morrison commented that she would look into the sale and report back. She reported that the Carlsbad RMP has not yet been approved. BLM planners may attend the next NMLGC meeting. She also stated that she would have an answer regarding the harvesting of coal on BLM lands at the January 2020 meeting. Councilor Martínez commented that there is a need for a cemetery near Gallina. There is no available land and people are burying on their own private property.

Available cemeteries are denominational and impose burying restrictions. If the BLM would donate or otherwise make lands available, the San Joaquín del Río de Chama LG could make a non-denominational cemetery. Ms. Morrison reported that the Buffalo Tract withdrawals from mineral development are being considered and these withdrawals could mean the property could be transferred. Councilor Correa-Skartwed asked if this means mining will cease; Ms. Morrison reported that she believed this refers to no development of sand and gravel or other minerals on the Buffalo Tract. The withdrawal is still in committee and has not passed, though it is moving and it is part of the Rio Puerco Land Management plan. Ms. Domínguez added that the legislation would remove minerals rights development on Buffalo tract and the Crest of Montezuma. Mr. Archuleta requested a copy of the legislation.

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

Federal

Mr. Archuleta reported regarding a news release for the EQIP program; comments are due Feb. 18, 2020. Council staff have yet to review proposed rule to understand land grant eligibility. The Council has received no updates regarding traditional use legislation, though LM García y Griego met with Levi Patterson. Dr. García y Griego expressed trepidation with the National Academies language in section 10 of the draft bill and Council staff are reviewing to see if their inclusion is a necessity in moving the bill forward. Eric Chavez (Office of Congressman Ben Ray Luján) introduced Isis Zamora López (Office of Congressman Ben Ray Luján) and commented that she is working with Levi Patterson on land grant issues and attended the meeting with Mr. García y Griego and Mr. Patterson. He added that Congressman Luján is considering the language proposed by the NMLGC and committed to keeping the Council and its staff informed about the inclusion of the suggested language. Ms. López commented that she is an heir of the Trampas Land Grant and was excited about the bill and believed the discussion to be constructive. Michelle Kavanaugh (Office of Senator Tom Udall) commented that the hearing would likely be in February or March on the House and stated that Congresswoman Haaland is on the House Natural Resources Committee.

Ms. Domínguez offered an update regarding the Mexican Spotted Owl injunction. We are awaiting a reply from the Court on the Cibola National Forest on a biological opinion for the Cibola, though this does not prevent another filing. She credited Laura McCarthy and BLM for stepping up and opening state resources when projects on USFS lands stopped. People were nonetheless being laid off for the holidays. Mr. Chávez stated that the USFS encourages communities and individuals work through their ranger districts to adjust their information. He added that the delegation, the New Mexico Acequia Commission and the Forest Service did hold a conference call regarding the MSO injunction. Wild Earth Guardians wants monitoring on all landscape, including areas in Mexico, which is outside of the area the USFS can monitor and impossible to do with budget constraints. Councilor Martínez asked how long the case will drag on as CFRP projects are being halted and could affect their work into April. Mr. Chávez stated that the judge is busy but trying to get it done, adding that the fuelwood injunction is off and that they hope the judge will rule soon. Ms. Domínguez added that it is at the judge's discretion.

State

Mr. Archuleta commented that he will meet with ILGC Chair Rep. Miguel García and representatives of the Las Vegas Grant (which is under the 4th Judicial District) regarding the partition bill at NMHU in Las Vegas. Victor Reyes will be involved as well.

Mr. Jacobo Baca (NMLGC/LGSP) reported that he and Vidal Gonzales participated in a conference call regarding the proposed “Agricultural and Natural Resources Trust Fund Act,” which similar to EQIP legislation but proposed at the state level. He commented that conservation districts seems to be the chief driver behind the bill and are attempting to drum up support. He asked that Councilors review the bill and offer comments. Mr. Archuleta and Chairman Sánchez asked if land grants and acequias were a part of the bill; Mr. Baca replied that they are not, but that they are eligible. Vidal Gonzales (LGSP) added that Section 5 of the bill mentions instrumentalities of political subdivisions of the State, which he believes land grants are so considered. Mr. Archuleta added that the definition of “instrumentality” remains ambiguous. Council members and staffed discussed the bill and stated that it also remains unclear what can be purchased (i.e. water rights; distinctions between real and personal property).

8. Discussion and Possible Action on Professional Surveyor Services Contract

Mr. Archuleta reported that the Council received four proposals from the RFP. Some of those that submitted proposals could not do on call work and others let their insurance lapse. In the packet and to Councilor members is a bid from Territorial Land Surveying, owned by Chris Chávez, who is retired from the Santa Fe National Forest and Region 3 and Leslie Byrne, also retired from the Santa Fe National Forest. The rate is 189 per hour without gross receipts and overnight travel will include extra costs. Councilor Correa Skartwed stated that the San Antonio de las Huertas LG pays about \$700 to survey the property. Mr. Archuleta responded that the Council seeks an attorney with statewide knowledge and not wed to a particular area. The current contract would fund about 113 hours of work. The Council can ask for a different rate for survey review work vs. in the field survey work. Mr. Martínez stated that though the rate seems high, we must be mindful of contractors overhead. Councilor Padilla asked if Mr. Chávez has done work outside of northern New Mexico; Mr. Archuleta replied that through his work with Region 3, he has done work statewide. He stated that Rep. Matthew McQueen expressed concern over hiring rather than contracting locally. The priority will likely be the Cristóbal de las Serna Land Grant.

Councilor Martínez made a motion to approve the proposal submitted by Territorial Land Surveying and that they be approved as the Council’s surveying services contractor. Councilor Correa-Skartwed seconded the motion. The motion was approved unanimously.

9. Discussion and Possible Action on Inspection of Public Records Act Policy

Mr. Baca presented a draft Inspection of Public Records Policy. The language is standard to government entities and includes the confidential materials act (Item 5, A, B, and C). The proposed policy may appear broader than the Council’s current activities but reflects materials that the Councilor may receive in the future. Mr. Archuleta added that the Council does not have to take action on the draft right now; it is for review purposes and the Council can officially adopt at a later meeting.

10. Discussion and Possible Action on Recognition of Land Grants that are Political Subdivisions

Mr. Archuleta commented that the letter in the packet that lays out items that the Council might ask of a land grant to determine whether a land grant is a political subdivision of the State. Though the Council does not have the statutory authority to determine whether a grant is a political subdivision, it is increasingly asked to discuss whether a grant is a political subdivision or not. The list of items is similar to the LGSF, and includes Registry items, including bylaws and a list of officers, which is important as it offers a potential vulnerability for land grants, especially those involved in litigation which have been attacked in past as an “illegitimate entity.” Certification that land grants are not on the auditors at risk list is another item, as is the Open Meetings Act resolution. The Annual Report, which includes minutes, agendas and all financial transactions, is also required and land grants that do not have a public place to allow for inspection can elect to deposit these documents in the Registry with the NMLGC for inspection. The Council can decide whether it wants a formal policy similar to an IPRA policy.

Councilor Martínez added that there remains confusion as only six land grants are specifically mentioned under Chapter 49. Mr. Archuleta replied that 49.2 and other land grants that are statute specific are named and that he has discussed this with the LCS, which stated that they cannot make legislation specific to an entity. There remains precedence that courts have argued that land grants are a legislative creature. Chairman Sánchez commented that it is the duty as a Council is to create policy and respond to legislature with policy. Ms. Morrison (BLM) commented that for the federal government, political subdivisions are important as they have other rights and asked where entities should go for information. Mr. Archuleta commented that the Chair of the Interim Land Grant Committee stated that the NMLGC has the authority to determine which grants are political subdivisions of the State. Councilor Correa Skartwed commented that the Council needs more than a check mark on annual report and there needs to be more accountability, including a brief form regarding the annual report and to let the Council know that we are in compliance. Chairman Sánchez and Mr. Archuleta suggested that grants adopt a resolution accompanied by their certification from the Auditors office and submit this to the Council. Councilor Correa Skartwed added that this encourages grants to develop data that grants will benefit from in the future.

11. Discussion and Action on *US v. Sandoval* (1897)

Mr. Archuleta reported that land grants held a preliminary meeting regarding the *US v. Sandoval* (1897) case. Mr. Baca commented that additional research on all seven *US v. Sandoval* effected land grants (San Miguel del Bado, San Joaquín del Río de Chama, Cañón de Carnué, Petaca, Galisteo, Santa Cruz de la Cañada, and Don Fernando de Taos) needs to be completed. Councilor Martínez added that this required a lot of reading and background and the grants need to define questions to ask the UNM Law School to answer, as well as determine the role of the land grants, the Council, the Land Grant Studies Program, (etc.) in pursuing this case for either a congressional or legal remedy. The group will meet again in April 2020 and he will report back to the NMLGC chair and Consejo president.

12. Discussion and Possible Action on Town of Tomé LG

Mr. Archuleta reported that the New Mexico Taxation and Revenue Department (NM TRD) sale of lots to the Town of Tomé Grant was cancelled via lawsuits filed in state and federal court that

questioned the constitutionality of using public monies for the purchase. The NMLGC may need to be involved in the process and the Grant, the Council and the plaintiffs may sit down to discuss further. Chairman Sánchez asked if NM TRD informed the Grant of the cancellation of sale at the outset of the scheduled sale; Councilor Padilla responded that they did not and that she had registered for the sale before its cancellation. She added that the plaintiff has shown his dislike of land grants and was unsure of his interest in the land. Paul Baca of VIA previously stated that he was in opposition with energy development plans on VIA property and had initially approached the Town of Tomé Grant about donating property back to the Grant. She added that there is another site that the Grant is interested in obtaining; a historic site on .7 acres. The other potential buyer of this site does not seek to preserve the site. The Grant is looking into a purchase agreement, and though the price is high, they remain fearful that the old plaza. They have discussed their plan with New Mexico Legislators. Rita Padilla-Gutiérrez (Town of Tomé LG) thanked the Council and its staff for its support and offered that NM TRD did its part, adding that the loss of the historic site will transform plaza. Ms. Novela Salazar (Office of the NM Attorney General – Treaty of Guadalupe Hidalgo Division), referring to a statement by the plaintiff that he obtained information from NM TRD via an IPRA, stated that an IPRA request can be reviewed via and IPRA. Mr. Archuleta added that the NM Attorney General's office was notified of the lawsuit.

13. Discussion and Possible Action on Laguna del Campo Transfer Update

Councilor Polaco discussed with transfer with David Benavides and will meet with the New Mexico Department of Game and Fish on January 7 in Tierra Amarilla to discuss water rights issues involved in transfer. He has contacted contractors regarding the restoration of dike and plans for a headgate.

14. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division

Novela Salazar (Treaty Division) reported that Attorney General Balderras is unavailable on Treaty Day. Work with the Anton Chico Land Grant is going well. The Division is reviewing cases relating to the Cristóbal de las Serna Land Grant, including the Caldwell decision and three other decisions that legally questions whether the Serna Grant is a political subdivision of the state of New Mexico. The New Mexico State Legislature's prerogative to recognize the Grant as a political subdivision operates independent of these decisions. Ms. Salazar added that she has discussed the Serna Grant's political subdivision status with the LCS staff and their opinion remains unchanged. HJM 1 regarding the lineas stands and the NMAG's office recommends that heirs reconstruct the ejido with lineas. The Memorial does not address Serna Grant's political subdivision status. Ms. Salazar added that she will share cases that site 1942 assessment survey and claim it conveys title, stating that it was standard practice.

Mr. Archuleta stated that the question that remains unanswered is over the access and use of the Grant by heirs, despite the fact the the Grant remains recognized as a quasi-municipal corporation. Since 2004, the Grant was recognized as a political subdivision. An opinion by the Treaty Division would carry weight with the Interim, despite the opinions of LCS staff. The NM Legislature recognized the San Antonio del Río Colorado Grant; Ms. Salazar stated that she mentioned this in her discussion.

Ms. Venessa Chávez (NMLGC / UNM LGSP) asked if the New Mexico Attorney General's office can inform the Council when legal action is taken against a land grant. Ms. Salazar responded that she will look into it.

15. Discussion and Possible Action on Legal Services Contract: Updates and Requests

Mr. Archuleta reported that the Parkview ditch case decision is in the packet. David Benavides will get an updated letter to the Council regarding the case soon. Work with the Juan Bautista Land Grant is ongoing. A district court judge ruled against the Tajiue Land Grant regarding the cell tower in a short decision, which will be appealed. The Tierra Amarilla 'Tierra o Muerte' tract case is moving forward. The \$250,000 appropriated to New Mexico Community governance attorney program – cannot be reauthorized and needs to be spent on June 30, 2020. Mr. Archuleta is meeting with HED and the UNM Law School to determine options, including law school students fellowships in the spring and summer semesters. The New Mexico Acequia Association and New Mexico Legal Aid can support their work through small contracts to legal service providers.

16. Discussion and Possible Action on Council Annual Report & FY 2019, FY 2020 Budgets *FY 2019*

The Council reverted very little in FY 2019. New Mexico Legal Aid used nearly half of its award in the first three months of the fiscal year. Council staff are evaluating whether the travel budget allows for travel for later meetings and if the budget allows for Councilors to travel to other meeting sites.

FY 2020

23% of the UNM contract has been spent, though this will accelerate once the contracted surveyor is on board. Other costs will be transferred as well. Name placards and business cards have been delayed and cards (250 per Councilor) will be purchased through the publishing budget from the State Printing Office.

Councilor Polaco made a motion to approve the printing of business cards for NMLGC Councilors from the publishing budget; Councilor Correa-Skartwed seconded the motion. The motion passed unanimously.

17. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020

Mr. Archuleta presented Pay Request #4 for \$11,268.75, leaving a balance of \$165,483.34 on the Council contract.

Councilor Martínez made a motion to approve Pay Request #4; Councilor Padilla seconded the motion; the motion passed unanimously.

18. Discussion and Possible Action on Land Grant Support Fund

None.

19. Discussion and Possible Action on Land Grant Registry

Mr. Baca commented that the following documents have been submitted to the New Mexico Land Grant Registry.

- The Manzano Land Grant submitted the results of their recent election.
- The Tajiue Land Grant submitted the results of their recent election.

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

None.

21. Discussion and Possible Action on Correspondence

Letter regarding the NM Department of Game and Fish policy restricting public access to waters crossing private lands were sent to the Department of Game and Fish. Mr. Archuleta credited Vidal Gonzales (UNM LGSP) with research and drafting of the letter.

22. Discussion and Possible Action on Staff Assignments

Venessa Chávez stated the capital outlay digital form is now available on the website of the New Mexico State Legislature (nmlegis.gov). The form auto-populates from the ICIP, but this does not determine eligibility. Land grants can modify from auto-population from their ICIP, but need to contact Carmen Morin for changes. With this form, they will need just one sheet (the signature sheet) to be submitted in person. This form needs to be turned in signed on or before Feb. 2, 2020 and the Council will offer aid to any land grant requesting assistance; Councilors Padilla (Town of Tomé) and Skartwed (San Antonio de las Huertas) commented that their land grant welcomed assistance.

Councilor Padilla added that she requests that Cheyenne Trujillo assist her with the Town of Tomé webpage. Chairman Sánchez asked Council staff to get a hold of Kristen Chávez Graham of Natural Resource Conservation Service (NRCS) regarding the EQIP program regarding qualifications and meeting with NRCS staff. Michelle Kavanaugh (Office of Senator Tom Udall) stated that she will work on getting clarification on the NRCS's EQIP deadline. Chairman Sánchez also requested that Council staff look into the Healthy Soil Initiative grant program; Mr. Archuleta responded that discussed the program with Todd Haines of New Mexico State Forestry. The Chairman replied that \$6 million was appropriated across New Mexico to do projects throughout state on non-federal lands. Councilors also requested that LGSP Director and NMLGC PI Dr. LM García y Griego attend the next Council meeting and submit a written report on research.

23. Public Comments – discussion only

Councilor Padilla commented regarding the Trees that Please program. Ms. Venessa Chávez thanked the Town of Tomé Grant for graciously hosting youth events at the last New Mexico Land Grant Consejo meeting in December and Councilor Padilla thanked the youth and Ms. Chávez for the luminarias. Councilor Polaco thanked the Town of Tomé Land Grant for firewood.

24. Miscellaneous Announcements

Chairman Sánchez announced that Cheyenne Trujillo was accepted into UNM Law School and offered his congratulations.

25. Date and Location for January 2020 Council Meeting

The next Council meeting will be held on January 16, 2020 at 10:00am in Albuquerque, NM at the UNM Science and Technology TC).

26. Adjournment

Councilor Padilla made a motion to adjourn; Councilor Correa-Skartwed seconded the motion. The meeting adjourned at 1:11pm.

Approved:

Chair

Date

New Mexico Land Grant Council (NMLGC)
January 16, 2020 – 10:00am
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes – Final

Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:09 am. Roll call of the Council members: Andrea Padilla, Steve Polaco, Leonard Martínez, Rebecca Correa Skartwed and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Leonard T. Martinez (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Vidal Gonzales (NMLGC/LGSP); LM Garcia y Griego (NMLGC/LGSP); Patricia Domínguez (Office of Senator Martin Heinrich); Michelle Kavanaugh (Office of Senator Tom Udall); Sofia Sánchez (Office of Congresswoman Deb Haaland).

3. Approval of Agenda

Councilor Steve Polaco made a motion to approve the agenda; Councilor Rebecca Correa-Skartwed seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of December 19, 2019

Michelle Kavanaugh (Office of Senator Tom Udall) noted she was left off the list of attendees at the December 19, 2019 Council meeting, in error. Mr. Jacobo Baca (NMLGC/LGSP) noted the mistake and corrected the minutes.

Councilor Andrea Padilla made a motion to approve the meeting minutes of the December 19, 2019 Council meeting, as amended; Councilor Polaco seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on BLM Update

Councilor Leonard Martínez reported that he met with new Farmington District Manager, Al Elser. The San Joaquín del Río de Chama Land Grant has concern over oil and natural gas extraction on the former common land. He recommends that the grant approach the congressional delegation to create a federal revenue stream for the Grant. He also discussed the benefits of the CFRP program and the concerns with drilling near Chaco and trailhead access in the area. He added that the Farmington-Mancos RAC team will be seated by June 2020 but its composition is unknown. Patricia Domínguez (Office of Senator Martin Heinrich) stated that one RAC has enough members for a quorum and that both the BLM and FS can use this RAC, even for areas outside of the RAC's area.

6. Discussion and Possible Action on Federal and State Legislative Updates

Federal

Mr. Archuleta reported that the amendment for the removal of the Buffalo Tract from mining is in the packet. Ms. Domínguez reported that it will be in committee soon and is finally getting traction after much discussion. Michelle Kavanaugh (Office of Senator Tom Udall) commented that the impeachment proceedings will delay progress. Mr. Archuleta reported that the Traditional Use Rights bill (H.R. 3682) may have a hearing by a subcommittee of the House Committee on Natural Resources in March or April. Mr. Archuleta and Ms. Domínguez discussed the possibility of having a congressional quarterly teleconference on February 20, 2020 before the Council meeting, presuming that the Council meets that day.

Councilor Steve Polaco asked if trust lands were included in the legislation, as the Tierra Amarilla Land Grant has significant former common lands that are not part of the Jicarilla Apache reservation. Mr. Archuleta responded that Jicarilla trust lands were established in the 1880s when the federal government resettled the tribe in the area, moving them from their northeast New Mexico homeland. Trust lands may be a sticking point in discussions with the Department of the Interior and the Department of Agriculture. Councilor Polaco stated that Acequias Norteñas won a lawsuit with the Jicarilla Apache in 1996. There should be a process for the dispute of native and land grant claims and we should know if there is a difference in trust lands and reservation lands. Mr. Archuleta commented that this might be more of an issue to be taken up by a land grant commission bill. In the case of Tierra Amarilla and the Jicarilla, the issue was directly created by the actions of the federal government when they relocated the Jicarilla to the area and the past president of the Jicarilla acknowledged the overlapping claims. The traditional use rights bill, on the other hand, aligns directly with multiple use mission of the U.S. Forest Service.

State

In the meeting packet are three pre-filed bills. HB 111, creating the land grant-merced assistance fund, would create guaranteed revenue streams for land grants through a fund at the treasury. Land grants that are political subdivisions of the State would be certified by the State Auditor's office. DFA would do distributions by drawing upon a warrant and create a distribution process for qualifying land grants-mercedes. The idea for the bill is that it would help land grants-mercedes get on their financial feet. HB 121, land grant mercedes as autonomous, would recognize sub grants as political subdivisions of the State. Mr. Archuleta reported that he met with Rep. Miguel García, Rep. Tomás Salazar, Victor Reyes of Governor Michelle Luján Grisham's office and people opposed to the legislation from the Las Vegas, Mora, San Miguel del Bado and Anton Chico Grants in December. The meeting was very tense but they discussed the Las Vegas Land Grant organizing under Chapter 49.1, becoming a political subdivision and moving out from under the Fourth Judicial District Court. The bill is unlikely to move in this legislature.

SB 79, sponsored by Senator Liz Stefanics, requests \$250,000 to assist land grants and acequias with audits. Currently a \$14,000 fund is available to assist applying land grants, acequias and mutual domestics. SB 55, sponsored by Senator Sander Rue, creates an appropriation to the Department of Finance and Administration to create a surveyor and attorney position at the Council via \$1,000,000 for 5 years. SB 102, sponsored by Senator Steven Neville, creates the

Agriculture and Natural Resources Trust, a state program similar to the EQIP program administered by the Natural Resources Conservation Service. Page 9, Section 8 allows grants from the trust to government agencies, but it is unclear if land grants and acequias can apply. A board of directors is created with representation from nine watersheds. Councilor Polaco asked if funding could be used for acequias construction projects and Councilor Padilla asked if the Town of Tomé Grant could use monies from the trust if they get access to the bosque; Mr. Archuleta responded that page four discusses projects is not explicit and that there are other opportunities with the water trust board. Chairman Sánchez added that the success of the bill may depend who is the head of the Judiciary Committee is.

Chairman Sánchez asked what happened with the natural resources officer bill; Mr. Archuleta responded he spoke to Mark Edwards of LCS and that the bill needs to have a message from the Governor, which won't likely happen. Mr. Edwards needs to redraft the bill and said that he would re-work the bill. The Chairman stated that the Council needs to track its budget through the session. Mr. Archuleta responded that an increase is in the Governor's budget recommendation. The Council's budget is within the larger DFA budget. Mr. Archuleta added that Representative Miguel García has three seats with him on the floor of the House Chamber available for the opening day of the New Mexico Legislative Session and asked Councilors to let him know if they are interested.

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

Mr. Arturo Archuleta (NMLGC staff) commented that the Council's letter of support for the CFRP program is included in the meeting packet. Councilor Martínez added that the CLFRP program differs from the CFRP program because it is not specific to New Mexico anymore and our communities need to complete with all other states for funding. Ms. Domínguez added that the New Mexico Congressional Delegation is still trying to get CFLRP board seated, which is hard to equally seat with nationwide members. The packet includes a news release from the Santa Fe National Forest about the seasonal road closure on the Abiquiú Land Grant, which is done after years of negotiation. Also in the packet is a letter regarding the CFRP program from the San Joaquín del Río de Chama Land Grant. There is nothing to report on forest plan revision. Ms. Kavanaugh passed out a press release about changed administrative guidelines regarding NEPA. Changes include notification of environmental issues regarding mining. Councilor Padilla commented that this is bad for local communities adjacent to projects. Ms. Domínguez added that local enforcement is important and municipalities and county governments need to get their environmental ordinances in order to protect against these administrative changes. Santa Fe County has passed an ordinance and San Miguel County is working on one. The 1872 Mining Act has few restrictions. Ms. Domínguez also reported that the USFS has issued the same biological opinion regarding the Mexican Spotted Owl for all three northern forests. The issue remains in court and no ruling has been issued; if court finds in favor of Forest Service, the Wild Earth Guardians will likely file a lawsuit against the new opinion.

8. Discussion and Possible Action on Professional Surveyor Services Contract

Mr. Archuleta discussed the hourly rate with contracted surveyor Chris Chávez. In the future, in draft contract at UNM, the parameters in each project need to be considered, including the hourly rate both considered and stated. Jacqueline Alderete Ochoa is working on the contract. In the meantime, Mr. Chávez has become a vendor in the UNM system. The Council might consider

what work he can do immediately as contract might be in place before next meeting. Cristóbal de la Serna's issue with the lineas might be one such issue, even though courts stated they were a private grant. We are still awaiting the opinion of the New Mexico Attorney General's Treaty Division. Members have expressed interest in donating some lineas to the grant. They may request legal assistance to complete title work to complete the donation. Staff will put out notice to land grant boards to allow them to request surveying services that the Council can approve at the next meeting. Councilor Martínez commented that if monies come through from Senate Bill 55, we will need to work out kinks. He added that the San Joaquín Grant has survey work they need done and the Juan Bautista Baldes needs to see if they have tracts whose boundaries need to be determined. Councilor Correa Skartwed commented that land grants need to certify compliance to receive services, including asking for documentation in order to request assistance. Councilor Martínez agreed, stating the process should be similar to the legal service requests and the Land Grant Support Fund. Mr. Archuleta added that Council staff are creating a list of land grants that are up to date on all reporting.

Regarding Cristóbal de la Serna, all cases were prior to 2004, when land grants were recognized as political subdivisions of the state. Confusion arose in the 2019 session when LCS staff consulted retired Judge Peggy Nelson about the Grant's status. She maintained that they are a private grant and not a community grant. Cristóbal de la Serna received the grant in 1715 but his heirs sold it to Diego Romero and his extended family by the 1730s. There were 300 families and more than 1,000 people at time of adjudication, when it was confirmed as private. By the 1970s, quiet title suits on tax deeds conveyed title and judges ruled that they were not a community grant. In a lawsuit, early pleadings argued they are an Chapter 49, Article 1 grant, but their attorney subsequently argued that they were an Article 2 grant as he believed they were more likely to win their case with this argument. They lost in district court and did not appeal only because they ran out of money to appeal the ruling.

9. Discussion and Possible Action on Acequia Commission

Mr. Archuleta reported that we have not heard back and do not know if DFA will reimburse for travel to the Acequias meeting.

10. Discussion and Possible Action on Town of Tome update

Mr. Archuleta reported that TRD stated that they will have a preliminary injunction hearing on January 29th (1:30-3:30) in Valencia county with Judge Cindy Mercer in courtroom 201 regarding the permanent injunction filed against having the sale. Councilor Padilla commented that Town of Tomé LG will send a representative and that the Grant had a meeting with Harvey Yates of Cíbola Land Development Corporation and Paul Baca of VIA, which filed liens on all properties that the Grant wanted to buy. Mr. Archuleta added that attended the meeting with the Grant and Yates and Baca. Ms. Padilla stated that the Tomé LG will meet and have a dialogue with the New Mexico Taxation and Revenue Department to ensure that they understand the Grant's priorities. Councilor Martínez commented that Valencia County is still having with unpaid taxes and properties are still unsold are still dead weight impacting their bonding ability. Mr. Archuleta added that the Cíbola Land Development Corporation is purchasing some parcels and want to be able to purchase more but does not want to deal with the fees.

11. Discussion and Possible Action on Laguna del Campo Transfer Update

Mr. Archuleta and Councilor Polaco (Tierra Amarilla LG) discussed capital improvements at Laguna del Campo and the need for the transfer to take place; both committed to keep the Council updated on developments. Jeremy Vesbach of the New Mexico State Game Commission will meet with Governor Michelle Luján Grisham's chief of staff, John Bingaman, regarding the rule allowing private property owners to close access to public waters and will use information from the Council's letter to the Game Commission to discuss the issue. Five properties were certified under the former rule and one property owner in Tierra Amarilla is putting pressure on the Governor to keep the rule in place. All five are owned by out of state owners, mostly from Texas and four are properties to the owners residence. Commissioner Vesbach is very concerned that the traditional way of life of northern New Mexico is being impacted. The Council is in support of the repeal of the law and might discuss with issue with Senator Richard Martínez. Councilor Polaco commented that the youth in Tierra Amarilla are concerned about fishing access.

12. Discussion and Possible Action on Piedra Lumbre Visitors Center Update

The USFS had sent the intent to purchase agreement which is not binding and is more of a process document. All land grants in the purchase agreement (San Joaquín del Río de Chama, Juan Bautista Baldes, Tierra Amarilla) have it on their next meeting's agenda and the Council assisted drafting resolutions for all three grants. The UNM Law Clinic is reviewing the resolutions and agreement and will meet today at 3:00pm to discuss. The three grants will move to purchase and NEPAs will need to be completed. The grants agree that the San Joaquín del Río de Chama will serve as the fiscal agent. The UNM Law School also stated that it would not review any ownership and operating agreements as these were beyond their scope. This points to the needs for land grants to have access to an attorney and the needs for monies supporting the community attorney support act to go through.

13. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division

The NMAG's office sent out a press release on private owners and public access. Tanya Maestas wants to meet regarding the public access to public waters bill.

14. Discussion and Possible Action on Legal Services Contract: Updates and Requests

Mr. Archuleta reported that \$250,000 from the community attorney act needs to be spent. All of it will go through HED through an MOU with DFA. HED will procure legal services options. Students can work with a law firm through a fellowship and an RFQ or RFP will be issued to service providers, like New Mexico Legal Aid and the New Mexico Acequia Association, that can apply. The HED attorney has not yet issued RFP. The Cristóbal de la Serna Grant has requested assistance in putting deeds together; Mr. Archuleta stated that the Council and its staff might be able to assist and may offer proper title work. The NMAG's office recommends heirs donate monies to purchase common lands.

15. Discussion and Possible Action on Council 2020 Budget

FY 2020

Travel is slight under for mid-year, at 43.9 percent. UNM contract (salary and fringe) is also low, at 33.6%. They need to do adjustments as students were charged fully in LGSP. The out of state budget has been unspent thus far. The surveyor contract will be expended. \$700 of the copy

costs budget of \$1,900 has been spent. Supplies, including nameplates, are on order. Prison industries and the UNM bureaucracy are slow. Mr. Archuleta provided an update on council member travel (in packet). The Council will publish the new lawbook, with new election rules, soon and the New Mexico Community Land Grant Guidebook later, maybe even next year.

16. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020

Mr. Archuleta presented Pay Request #5 for \$11,437.23, leaving a balance of \$154,046.11 on the Council contract, with billing narrative.

Councilor Martínez made a motion to approve Pay Request #5; Councilor Padilla seconded the motion; the motion passed unanimously.

17. Discussion and Possible Action on Land Grant Support Fund

Grant agreements have been signed and sent to DFA. Venessa Chávez (NMLGC/LGSP) compiled the agreements and obtained signatures.

18. Discussion and Possible Action on Land Grant Registry

Jacobo Baca (NMLGC/LGSP) reported that the Juan Bautista Baldes Land Grant has submitted its bylaws to the Registry.

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

Mr. Archuleta and Vidal Gonzales (LGSP) added that the LGSP will work on the Archaeological Research Management System to assess location of land grant cemeteries on public lands. There may be a cost associated. Vidal Gonzales commented that adding cultural site will help land grants strengthen their claim. Cheyenne Trujillo (LGSP) shared a draft Treaty of Guadalupe Hidalgo Day program with the Council. Pins, featuring the Manzano Land Grant seal, have been ordered and catering will be from the Atrisco Café. Jacobo Baca reported that he and Ms. Chávez will continue working on curricula. LM García y Griego (Director, LGSP) presented regarding his research and provided a written report on research activities as director of the LGSP and PI of the NMLGC, which includes research on the surveyor general's papers at the National Archives in Washington DC. The report included an inventory with some analysis. It has been organized enough that it is ready for student to assess and send information to land grants. Also included is an annotated bibliography of Surveyor General materials with commentary, which will be expanded and deepened. In the field, he has also consulted materials at in Mexico City and Guadalajara. He has also located some Spanish and Mexican scholars work on indigenous rights and found that the way land grants were handled in New Mexico is more similar to how Spain held indigenous lands in Mexico. For instance, indigenous lands in the Recopilacion are treated similarly to New Mexico and very differently in larger property law. The collaboration between the LGSP and UNM Law School in a CLE (Continuing Legal Education) session will take place on March 13 and 14 and Dr. García will present some of his General Land Office research that day. This is important as 20 land grants were adjudicated in the 54 years of the US Surveyor General's office. Most problems in the Court of Private Land Claims came out of USSG's office, which is important in establishing how flawed the process was. Councilor Polaco asked as if any acequias were mentioned in research, as this information is important in establishing use. Drs. Baca and García y Griego discussed possibilities in the Spanish Archives of New Mexico 1 and 2. Councilor Martínez asked how this information will be most easily usable by land grants and Councilor

Correa-Skartwed thanks Dr. García y Griego for his research. Dr. Garcia y Griego commented that Cliff Villa of the UNM Law School accepted the position on the advisory board of the Council.

20. Discussion and Possible Action on Correspondence

(in packet) is a USDA news release and a quote from Flores video production.

21. Discussion and Possible Action on Staff Assignments

Orientation for new councilors will happen through either a more formal process (like an advertised workshop) or through informal discussion with councilors. Mr. Archuleta reported that Kristen Graham Chávez of the NRCS is not available to present until the March 2020 meeting, which will clarify guidance that NRCS is awaiting regarding land grant and acequia eligibility for programs. Chairman Sánchez suggested that land grants call their local NRCS office and get a farm number. Councilor Martínez added that the new BLM state director wants to present to the Council.

22. Public Comments – discussion only

Councilor Padilla announced that the Town of Tomé Grant is purchasing the old Tomé jail site. Mr. García y Griego stated that, regarding the Cristóbal de la Serna Grant, Rio Grande surveying did the surveys. He has tried to get a copy of the survey and cannot get copies from Taos County. Mr. Archuleta responded that representatives from the Grant wanted a letter from the New Mexico Attorney Generals office to Rio Grande Surveying regarding their surveys. Only by disputing their methodologies and determining needs to see if these elements exist and can you challenge their surveys.

23. Miscellaneous Announcements

None

24. Date and Location for February 2020 Council Meeting

The next Council meeting will be held on February 20, 2020 at 10:00am in Albuquerque, NM at the UNM Science and Technology TC).

25. Adjournment

Councilor Polaco made a motion to adjourn; Councilor Correa-Skartwed seconded the motion. The meeting adjourned at 1:05pm.

Approved:

 Chair

 Date

New Mexico Land Grant Council (NMLGC)
February 27, 2020 – 10:00am
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes – Final

Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:04am. Roll call of the Council members: Andrea Padilla, Steve Polaco, Leonard Martínez, Rebecca Correa Skartwed and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Leonard T. Martinez (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Cheyenne Trujillo (NMLGC/LGSP); Ericka Luna (USFS); Catie Brewster (BLM); Lisa Morrison (BLM); David Alderman (BLM); Chris Chávez (Territorial Land Surveying); Leslie Byrne (Territorial Land Surveying); Patricia Domínguez (Office of Senator Martin Heinrich); Tanya Maestas (NMAG); Eric Chávez (Office of Congressman Ben Ray Luján).

3. Approval of Agenda

Councilor Steve Polaco made a motion to approve the agenda; Councilor Rebecca Correa-Skartwed seconded the motion. The motion was approved unanimously.

4. Approval of Meeting Minutes from Regular Council Meeting of January 16, 2020

Councilor Polaco issued a clarification that the term “trust lands” in the meeting minutes of January 16, 2020 should be changed to “reservation lands” and requested that the minutes be amended to reflect that change.

Councilor Andrea Padilla made a motion to approve the meeting minutes, as amended, of the January 16, 2020 Council meeting, as amended; Councilor Correa-Skartwed seconded the motion. The motion was approved unanimously.

5. Discussion and Possible Action on Federal and State Legislative Updates

Federal

Mr. Arturo Archuleta (NMLGC/LGSP staff) reported that Council participated in the quarterly call with the New Mexico Congressional delegation immediately before this morning’s Council meeting. H.R. 3682, the Land Grant and Acequia Traditional Use Recognition and Consultation Act, may have a hearing in the National Parks, Forests and Public Lands Subcommittee of the House Natural Resources Committee at the end of March 2020. Legislative staff are working on language that would clarify where the law would apply. The Subcommittee is chaired by Rep.

Deb Haaland (NM – CD1). Discussion continues on federal legislation for cemeteries and Patricia Domínguez (Office of Senator Martin Heinrich) added that they are working to obtain a more full list of cemeteries on U.S. Forest Service lands while considering historic versus historic and active cemeteries. Councilor Polaco asked if the Archdiocese of Santa Fe owned land grant cemeteries. Dr. Jacobo Baca (NMLGC/LGSP) answered that while the Archdiocese does own many cemeteries it does not own all of them as many are privately owned cemeteries open to public use and added that the Land Grant Studies Program is in the process of obtaining access to archaeological information via the Archeological Records Management Section online database. Ericka Luna (USFS) added that the USFS would like to edit the list and Chris Chavez (Territorial Land Surveying) added that cemetery at Las Llaves originates from homesteading in the area. Councilor Padilla added that community members often donated land for cemeteries and Councilor Polaco commented that the Hermandad had a big part in the creation and maintenance of community cemeteries.

State

Mr. Archuleta reported that all land grant related bills died in committee. (These include: HB 111, creating the land grant-merced assistance fund, would create guaranteed revenue streams for land grants through a fund at the treasury; SB 79 requesting \$250,000 to assist land grants and acequias with audits; SB 55, creating an appropriation to the Department of Finance and Administration to create a surveyor and attorney position at the Council via \$1,000,000 for 5 years). Land grants did their part in support and making their voices heard. Land grant communities did receive \$1.3 million in capital outlay funding (see handout).

Mr. Baca reported that SB 102, sponsored by Senator Steven Neville, to create the Agriculture and Natural Resources Trust, a state program similar to the EQIP program administered by the Natural Resources Conservation Service, was pulled by Senator Neville when it was to go in from of Senate Conservation Committee, and its companion bill, HB 223, sponsored by Rep. Nathan Small, did not make its way through the House committee process.

Mr. Archuleta reported that the Treaty Division is now a part of the New Mexico Attorney General's offices base budget.

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

Ericka Luna (USFS) reported that Cal Joyner was diagnosed with cancer and is on medical leave, receiving treatment. Elaine Kohrman is acting Region 3 forester and Ericka Luna is now serving as chief of staff, with more transitions coming in early May 2020. Elaine Kohrman has responded to CFRP letter from the Council. Ms. Domínguez added that the CFRP panel still remains unfilled and there will likely be another round of letters going to Region 3 as the panel will not be approved with enough time to use monies. Some CFRP monies have already flowed out from New Mexico to projects in Arizona. Along with the closures and restrictions imposed by the Mexican Spotted Owl injunction, these amount to a double impact as projects cannot occur on parcels of Forest Service lands. Mr. Archuleta reported that the Carson and Santa Fe National Forests are both in the coding process and Chairman Sánchez added that the Cibola National Forest is the test case for the Mexican Spotted Owl; it is sitting in the courts. Mr. Archuleta reported that Robert Apodaca reached out to John Horning of the Wild Earth Guardians about

meeting, tentatively scheduled for March 5, 2020 at 10:00am to further discuss the MSO injunction.

7. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) introduced David Alderman and Catie Brewster. Mr. Alderman is the lead planner with the BLM; he stated that four districts are creating their land management plans, which will last roughly 20 years and the land use allocations and restrictions to land uses that they determine will shape management. This includes designations for recreation and oil leases. The RODs (records of decision) for the RMPs for Oklahoma, Texas and Kansas will be public on March 20th. Mr. Alderman reported that the Carlsbad RMP's final EIS was briefed to Washington DC and is on hold and the New Mexico BLM does not know if/when it will be improved. The Farmington RMPA draft will be published in the Federal Register tomorrow (Feb. 28) and the 90-day comment period will begin. The Rio Puerco RMP's EIS and ROD will be published soon. The Tri County RMP (Las Cruces area, Sierra, Otero, Dona Aña Counties) will have no movement until 2021. Ms. Morrison reported that the Sombrillo Travel Management Plan is ongoing.

Mr. Archuleta asked the status of the Rio Grande del Norte National Monument plan. Mr. Alderman and Ms. Morrison responded that it is on hold as BLM planning is currently focused on energy production and once these plans are complete, the Rio Grande del Norte and Tri County planning effort will come back on line. Mr. Archuleta added that legislation entered by Senators Heinrich and Udall push to expand wilderness in the Rio Grande del Norte National Monument, including Pot Mountain, an area people still use to harvest wood. When the Ute Mountain wilderness was expanded, the public acquiesced, but Pot Mountain is still used by residents from Tierra Amarilla, who have to travel one hour to get firewood. If the property managed by the State Land Office is disposed of in the land exchange with the BLM, users might lose access. Ms. Domínguez responded that Senator Heinrich's office carved this area out in the proposed legislation but there is still an opportunity to do boundary adjustments.

Ms. Morrison added that the state land exchange is on. The Dingle Act, passed in 2019, has the Organ Mountains in it and calls for land exchange work. The NM State Land Commissioner is interested in recreation; her predecessor was interested in developing oil and gas. Mr. Archuleta added that the NMLGC was a cooperative agency, as was the Juan Bautista Baldes LG, and that the NMLGC would like to be part of early conversation to determine whether we need to be involved in process. Ms. Morrison responded that she would let Debbie Lucero know. Councilor Martínez commented that he met regarding the Farmington RAC and discussed rafting down the Rio Chama from El Vado, adding that both the San Joaquín del Rio de Chama and Tierra Amarilla Land Grants are interested in obtaining one permit a year. He added that wood projects on BLM properties in the Llaves area for CFRP had no specific plans in the Tabletas area and there is thick piñón-juniper. Ms. Morrison responded and asked Councilor Martínez to send information with the exact area location and that she would forward the information to Jeff Tafoya, the district manager and fire office that works on thinning. Councilor Martínez added that he is interested in presence of arch sites and stated the need to create a community cemetery in the area. Dr. Baca thanked Ms. Morrison for her assistance obtaining the Manzano Land Grant patent. Ms. Domínguez commented that it would be great to have information on how far people travel to get firewood and this information could be shared with agencies. Ms. Luna commented that the USFS receives info from local communities and that there is an allowance for areas for

personal use, adding that the USFS wants to make areas and fuelwood available. Mr. Archuleta added that examining permits can help and that the BLM has done an online permitting which allows them to track where requests are coming from and eases the obtaining of a fuelwood permit.

8. Discussion and Possible Action on Professional Surveyor Services Contract

A list of requests for surveyor services submitted by land grant boards of trustees is included in the meeting packet. Mr. Archuleta commented that the NMLGC put out a call to land grants with potential projects and that the Council can discuss and approve the contracted surveyor to move forward with assistance. Chris Chávez and Leslie Byrne of Territorial Land Surveying need to do some research to determine the scope of each request, which will inform prioritization. Regarding the request from the Cristóbal de la Serna Grant, Novela Salazar of the Treaty of Guadalupe Hidalgo Division of the New Mexico Attorney General's office advised that the Council can elect to provide services and House Joint Memorial 1 (2018) helps with this. Tanya Maestas (Dep. Attorney General, New Mexico Attorney General's office) commented that the key component is that services are offered on behalf of NMLGC, in conjunction with memorial or to NMLGC on behalf the Cristóbal de la Serna Grant but not directly to the Grant. Surveyor services to the grant could include the review of existing surveys, which rely on vague descriptions, for accuracy and validity, especially in light of the practice where people would hire a surveyor to do survey and use it to convey title. There are also individuals interested in donating lineas to the grant.

Chris Chávez (Territorial Land Surveying) commented that this could be a challenge as descriptions are very vague and lineas were created as a tax assessment tool but were used to convey title. Mr. Archuleta responded that if a survey is vague, the Grant or the Council might have opportunity to challenge. The Santa Bárbara Land Grant initially wanted the entire grant surveyed; all of the historic common lands are within the Carson National Forest, but changed their request to a common road which has been assessed to the Santa Bárbara Land Grant, which might entail surveying adjacent land owners and nearby boundaries of the grant. The Town of Tomé Grant is requesting the survey of an eleven-acre tract and may later ask to survey a 200 acre parcel that includes Tomé Hill. Councilor Padilla added that there has been issues with dumping and the Grant wants to fence the area as they are accused of not taking care of property by adjacent landowners, who do not necessarily understand the bounds of the grant and adjacent landowners.

The Anton Chico Land Grant requests the survey of exterior boundaries, which was 300,000 acres and is now 100,000 acres in two tracts (Anton Chico; ~70,000 acres and Colonias ~30,000 acres). The grant contains leases of 80 to 200 acres that are fenced and has rock quarries. The Abiquiú Grant needs assistance finding the northwest and southwest corners (monuments). The monument has been moved by a bulldozer and in flooding and the corner needs to be reset. Many grants need to be re-monumented. Chris Chávez commented that this project should not be too extensive and may only take one day. The Tajique Grant requests a survey of common lands of the land grant as identified by Tarrant County but not assessed in the name of the land grant, which includes three parcels running along the creek; Mr. Chávez identified this as a priority. Lastly, the Juan Bautista Grant is in need of services as there is an individual that is claiming significant acreage as their own property and the Grant is in litigation with this

individual. While a survey may be unnecessary, the expert testimony by Chris Chávez may need to be requested.

Councilor Martínez added that the San Joaquín del Río de Chama Grant has two properties that they would like surveyed but can wait until next year. One is the Cañón de Chama, which is owned by the forest service and that the Council requested the USFS to survey. The Santa Fe National Forest responded in a letter that the SFNF did not have the staff to undertake this project, which was not considered a priority because it was USFS forest bounding USFS forest. The other properties are in Capulín. Councilor Correa-Skartwed asked if all of the land grants requested surveyor services were in compliance with the NMLGC; Mr. Archuleta responded that the question is hard to answer (given that the NMLGC is not the sole agency that land grant report to), but that they were in compliance. He added that it is important to examine which projects are completable within this fiscal year under this current budget (\$21,600 is budgeted for surveyor services, with an hourly rate of \$180 per hour for FY 2020).

Councilor Padilla commented that the Council and the contracted surveyor should prioritize the projects where land loss is a possibility. Mr. Archuleta added that this is the case at Juan Bautista Baldes and Tajique and that Territorial Land Surveying can look into the requests and give prices for each land grants request. In future, the Council can piecemeal the contract and bid each job. Chris Chávez commented that with no specifics, it is hard to come up with a number. At the Forest Service, contracted surveyors had a blanket contract that was modified by task orders. Numbers will be more accurate and not as high and more projects specifics will allow better estimates. Councilor Padilla reiterated that the first priority should be cases where land loss might occur; Councilor Correa-Skartwed agreed. Mr. Archuleta added that he will facilitate meetings with individual grants to help prioritize those that are most in dire need. Mr. Chavez added that where landmarks exist, it is not hard to find the boundaries and that the patented boundaries and historic boundaries are very different. Councilor Correa-Skartwed added that grants should have met certain requirements to tap into Council funding and services and their receipt of these services should be contingent upon this.

Councilor Correa-Skartwed made a motion to approve all requests, prioritizing those with risk of loss of land, on condition that they have met all requirements regarding reporting and adding the San Joaquín del Río de Chama Grant request; Councilor Polaco seconded the motion. The motion passed unanimously.

9. Discussion and Possible Action on Acequia Commission

Mr. Archuleta reported that we have not heard back from the Acequia Commission if they are still interested in the Council attending their meetings and a representative from the Commission attending Council meetings. Chairman Sánchez added that we still do not know if DFA will allow per diem. The Acequia Commission meets that last Friday of each month. Councilor Correa-Skartwed added that Councilors can rotate so that burden does not fall and all can experience the Acequia Commission meetings. Mr. Archuleta added that the only thing prohibiting this is the travel budget as the meetings take place in Santa Fe.

10. Discussion and Possible Action on Laguna del Campo Transfer Update

Mr. Archuleta reported that he met with New Mexico Game and Fish (NM G&F), the Office of the State Engineer (OSE), David Benavides and representatives of the Tierra Amarilla LG on February 3, 2020 to discuss the transfer of Laguna del Campo from NM G&F to the Tierra Amarilla LG. There is a question on whether language needs to be changed on consent orders, which NM G&F is not interested in doing as it might slow the transfer. NMG&F is committed to ensuring there will be water to fill the Laguna and the OSE is doing their research on the transfer. NM G&F state that it was unclear of their next steps with uncertainty of the storage rights associated with lake and a long-term lease appears to be part of agreement. The quantities associated with this are unknown and the NM G&F is committed to ensuring downstream properties get water. Councilor Polaco added that evaporation is covered and that irrigation rights held by NM G&F should not be lost on properties that are allowed to go fallow. The use may no longer be irrigation and the OSE would need change use for NM G&F to retain those rights, which they consider an asset that they may want to transfer or sell water rights down road. Law prohibits them to lease in perpetuity and NM G&F has verbally offered a 10 year maximum lease. Contrary to previous reports, the spillway and return does work. Mr. Archuleta added that the NMG&F Department tied all of their water rights together, though one license is for the springs, one is for irrigation rights, and one for storage rights. They comingled all licenses and applied water return to the La Puente Ditch to all licenses. The OSE and NM G&F would need to approach the court to amend the consent order.

If NMG&F does not use on fallow lands for 5 years, could lose water right. Eric Chavez (Office of Congressman Ben Ray Luján) commented that he reached out to Melvin Apodaca of Tierra Amarilla LG and added that the Congressman's office cannot do too much. Councilor Polaco added that the waters of the Rio Chama are being adjudicated through a federal case (*US v. Aragón*) that has been ongoing since the 1960s. Once all sign off on the consent orders, a final decree is issued and that Representative Luján's office might be able to assist correcting incorrect adjudications. Mr. Eric Chávez might only inquire because of the separation of powers doctrine.

11. Discussion and Possible Action on Piedra Lumbre Visitors Center Update

Mr. Archuleta reported that the Tierra Amarilla, San Joaquín del RC and Juan Bautista Baldes Land Grants were hoping to complete the purchase of the PLVC this spring. They will meet on March 9 with the UNM Natural Resources Law Clinic and discuss resolutions that are being reviewed. The Council is also awaiting the RFP from HED that would allow work to be done on the transfer. The grants may have to move forward and figure out the operations phase later.

12. Closed Executive Session Pursuant to §10-15-1(H)7 – Pending Litigation Valley Improvement Association and Cibola Land Corporation v. Stephanie Schardin Clarke, et al – 1:19-CV-01015-JFR-LF.

Councilor Padilla made a motion to go into closed executive session pursuant to §10-15-1(H)7 – Pending Litigation, Valley Improvement Association and Cibola Land Corporation v. Stephanie Schardin Clarke, et al – 1:19-CV-01015-JFR-LF ; Councilor Correa-Skartwed seconded the motion. Chairman Sánchez called roll – Councilor Polaco voted yay; Councilor Martínez voted yay; Councilor Padilla voted yay; Councilor Correa-Skartwed voted yay; Chairman Sánchez voted yay.

The Council entered closed executive session.

(No minutes are taken during closed executive session).

Chairman Sánchez affirmed that the closed executive session ended and only the pending litigation, Valley Improvement Association and Cibola Land Corporation v. Stephanie Schardin Clarke, et al – 1:19-CV-01015-JFR-LF, was discussed.

13. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division

Ms. Maestas (NMAG) commented that Treaty of Guadalupe Hidalgo Division is on performance measures for the New Mexico Attorney General's office and 1 FTE is part of the regular NMAG budget.

14. Discussion and Possible Action on Legal Services Contract: Updates and Requests

Mr. Archuleta discussed New Mexico Legal Aid payment request #4 for \$4,575 (36.6 hours) and Payment Request #5 for \$4,125 (33 hours). Councilor Polaco motioned to accept pay request #4; Councilor Padilla seconded the motion. The motion passed unanimously. Councilor Padilla made a motion to approve pay request #5; Councilor Polaco seconded the motion. The motions passed unanimously.

15. Discussion and Possible Action on Council 2020 Budget

FY 2020

Mr. Archuleta and Ms. Chávez discussed the DFA fee being draw down, Council travel and that all all Support Fund recipients are approved to spend their awards with the exception of Tierra Amarilla, which is in the process of being approved. There remains funds in the publishing budget to reprint an updated *Laws and Statutes* booklet. The State Printing Office provided an estimate for business cards for Council members: 250 cards = \$170.00; 500 cards = \$225.00. Councilor Polaco made a motion to approve Quote No. 3287 for \$170.00 for 250 business cards (each) for Council members; Councilor Padilla seconded the motion. The motion was approved unanimously.

The Council also discussed a quote to reprint and update of the Land Grant law book. The Council would provide 5 printed copies to land grants, copies to the Interim Committee, the Congressional Delegation and reserve 60 copies to distribute to the UNM Law Clinic. Councilor Padilla made a motion to approve Quote 3291 for \$1,651.59, for 350 copies of the updated law book; Councilor Polaco seconded the motion. The motion passed unanimously.

With the expenditures approved above, approximately \$2,000 will be left in the publishing line item. We could push to update and reissue the Land Grant Governance Guidebook or could print map products from UNM LGSP. Councilor Martínez suggested purchasing banners and flags for Treaty Day.

16. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020

Mr. Archuleta presented Pay Request #6 for \$16,325,89, leaving a balance of \$137,720.22 on the Council contract, with billing narrative and UNM billing.

Councilor Padilla made a motion to approve Pay Request #6; Councilor Polaco seconded the motion; the motion passed unanimously.

17. Discussion and Possible Action on Inspection of Public Records Act Policy

Dr. Baca (NMLGC) presented an Inspection of Public Records Act Policy for the NMLGC, which was previously presented at the December 2019 meeting.

Councilor Polaco made a motion to approve the Inspection of Public Records Act Policy; Councilor Padilla seconded the motion. The motion passed unanimously.

18. Discussion and Possible Action on Land Grant Support Fund

Discussed above.

19. Discussion and Possible Action on Land Grant Registry

Dr. Baca (NMLGC/LGSP) reported that the Chililí Land Grant has submitted its bylaws to the Registry; the Cañón de Carnué Land Grant has submitted a digital copy of their patent; and the Manzano Land Grant has submitted a facsimile copy of their patent.

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

Mr. Archuleta reported that the LGSP budget remained flat. The Governor recommended that the NMLGC budget increase but the LFC elected to keep the Council budget flat. The LGSP will continue to develop the youth program. The LGSP will work with the State Land Office and work to see if the Youth Conservation Corps can fund land grant related youth projects. For instance, the SLO can do treatments and youth might pile slash that the permittee can burn in winter months when fire risk is low. Councilor Polaco mentioned that youth could work at the Laguna del Campo or on acequia projects in Tierra Amarilla. The Council can decide which projects to fund in next budget.

21. Discussion and Possible Action on Correspondence

Lorenzo Garcia of Las Vegas New Mexico informed the Council that it would be sued.

22. Discussion and Possible Action on Staff Assignments

None.

23. Public Comments – discussion only

Councilor Padilla commented that the Town of Tomé Land Grant has a GoFundMe page set up to raise funds. Councilor Martínez requested that the Treaty Division investigate how that the San Joaquín del Río de Chama Grant can get their original documents held at the New Mexico State Records Center and Archives. They were provided to the U.S. Surveyor General in 1863. Dr. Baca committed to inquire with the NMSRCA and discuss the issue with Dr. LM García y Griego to ascertain if the documents were forfeited to the USSG when land grants submitted them in their petitions. He will also contact the National Archives and Records Administration, who owns the records and has loaned them to the State of New Mexico. Ms. Maestas (Office of the NM Attorney General) commented that she sits on the State Records Commission and asked to be updated.

Chairman Sanchez added that the CLE “Land Grants, Acequias, and Law” will take place in Carnué on March 13 & 14, 2020.

24. Miscellaneous Announcements

Venessa Chávez (LGSP.NMLGC) added that the youth matachine event at Carnuel was very successful. Dr. Baca added that 2020 Treaty Day was very successful with more than 100 people in attendance.

25. Date and Location for March 2020 Council Meeting

The next Council meeting will be held on March 19, 2020 at 10:00am in Albuquerque, NM at the UNM Science and Technology Park.

26. Adjournment

Councilor Padilla made a motion to adjourn; Councilor Polaco seconded the motion. The meeting adjourned at 1:42pm.

Approved:

Chair

Date

New Mexico Land Grant Council (NMLGC)
March 19, 2020 – 10:00am
UNM Science and Technology Park
851 University Blvd SE, Suite 202
Albuquerque, NM 87106

Minutes - None

Regular Council Meeting

Meeting cancelled due to coronavirus concerns

New Mexico Land Grant Council (NMLGC)
April 16, 2020 – 10:00am
Virtual Meeting
Zoom ID: 390 070 594

Minutes – Final
Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:16am. Roll call of the Council members: Andrea Padilla, Steve Polaco, Leonard Martínez, Rebecca Correa Skartwed and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Leonard T. Martinez (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chavez (NMLGC/LGSP); Cheyenne Trujillo (NMLGC/LGSP); LM García y Griego (NMLGC/LGSP); Vidal Gonzales (LGSP); Lisa Morrison (BLM); Chris Chávez (Territorial Land Surveying); Patricia Domínguez (Office of Senator Martin Heinrich); Sofia Sanchez (Office of Congresswoman Deb Haaland); Michelle Kavanaugh (Office of Senator Tom Udall); Novela Salazar (NMAG); Eric Chávez (Office of Congressman Ben Ray Luján); Phillip Clark (San Antonio de las Huertas LG); Eva Stricker (Quivira Coalition); Kenneth Branch (NRCS); Kris Graham Chávez (NRCS); Donnie Quintana (Department of Finance and Administration, Local Government Division); Carmen Morin (Department of Finance and Administration, Local Government Division); Tim Hagaman (New Mexico Economic Development Department); Trisha Martínez (UNM Division of Equity and Inclusion).

3. Approval of Agenda

Councilor Leonard Martinez made a motion to approve the agenda; Councilor Rebecca Correa-Skartwed seconded the motion.

Roll call vote: Councilor Martínez - aye
Councilor Correa-Skartwed - aye
Councilor Steve Polaco - aye
Councilor Padilla - aye
Chairman Sánchez – aye

The motion was passed.

4. Approval of Meeting Minutes from Regular Council Meeting of February 27, 2020

Councilor Polaco offered a clarification on commentary regarding Jicarilla Reservation and trust lands and the Tierra Amarilla Land Grant that was made at the January 2020 Council meeting.

Councilor Martínez made a motion to approve the meeting minutes of the February 27, 2020 Council meeting; Councilor Correa-Skartwed seconded the motion.

Roll call vote: Councilor Martínez - aye

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

The motion was passed.

5. Discussion and Possible Action on Federal and State Legislative Updates

Federal

Mr. Arturo Archuleta (NMLGC/LGSP staff) reported that Council was scheduled to be in Washington DC for a subcommittee hearing on H.R. 3682, the Traditional Use bill, but the hearing was postponed first to April 27th than again to May 13 due to the Coronavirus outbreak. Council staff have been gathering letters of support from land grants, recommending that they are addressed to the Chair of the House Natural Resources Committee and to Congressman Luján and Congresswoman Deb Haaland (Chair of the Subcommittee on National Parks, Forests and Public Lands). Eric Chávez (Office of Congressman Ben R. Luján) commented that the plan is to hold the hearing on May 13 as we do not know if teleconferencing is allowed and has not approved by committee thus far. He added that all materials and letters of support need to be received by the Congressman's Washington DC office by the end of April. Mr. Archuleta added that the Council did plan to send Chairman Sánchez and Councilor Polaco as well as staff members Jacobo Baca and himself to the hearing before travel restrictions were set by the State of New Mexico and UNM.

Mr. Archuleta reported that the UNM Land Grant Studies Program and the Council tried to get access to the Archaeological Records Management Section's (ARMS) databases to research locations of cemeteries in preparation for cemetery legislation, but were not granted access. ARMS staff cited the COVID outbreak for the delay, though the initial request by the LGSP and NMLGC staff was made in January, well before any restrictions. Patricia Domínguez (Office of Senator Martin Heinrich) commented that she will follow up with the New Mexico Historic Preservation Division regarding ARMS access. She added that the proposed CARES ACT #4 includes supporting funding for existing programs. Donnie Quintana of the Department of Finance and Administration discussed monies that will be released to the State of New Mexico. Ms. Domínguez also added that Senator Martin Heinrich has been asked to serve on White House task force for reopening the economy. Mr. Archuleta commented that the Council was contacted by Sofia Sánchez of Congresswoman's Deb Haaland's office regarding Wifi hotspots in rural areas and Council staff provided a response that the Congresswoman might consider. Sofia Sánchez (Office of Congresswoman Deb Haaland) added that the Congresswoman is looking into resources to get service into community centers and schools and may connect interested parties with Virgin Galactic, which wants help communities in New Mexico as they have done in California. She added that if communities need PPE (personal protective equipment), the Congressional Delegation, the Governor's office and the Air Force Research Laboratory have created a website, <https://www.nmcovid19.org/> with information on where to access such equipment. Ms. Domínguez added that the decision on the approval on the CFRP panel is expected by Friday April 17th. The CFRP may provide some income opportunities for rural communities. Senator Heinrich's office thanks communities for their letters of support and might ask for more support letters if we do not hear by Friday.

State

Council staff are working on capital outlay. Land grants that received capital outlay appropriations should have received questionnaires for 2020 capital outlay funded through severance tax bonds. Land grants should go online through the CPMS (Capital Projects Management System) using their ICIP information. The Council has not yet received the grant agreement for Cristóbal de la Serna. Donnie Quintana of DFA has previously mentioned that reauthorization grant agreements will be received by land grants by May 15th. This helps the State determine whether they will sell bonds or not. The State will have a special session to address budget in June or July. In the recession of 2008, unused monies were swept; projects in implementation should be executed soon to avoid having their awards rescinded.

6. Discussion and Possible Action on BLM Update

Lisa Morrison reported on behalf of the Bureau of Land Management. Most BLM employees are telecommuting with the exception of law enforcement and other essential staff. The BLM has closed most developed areas (see website). The wood permit process for BLM lands is continuing. The Rio Puerco Field Office is continuing selling permits online (forestproducts.blm.gov); in Farmington area, if people call the front desk, they will take a credit card and mail a permit package to requestors. For the Taos Field Office Area, permits will be available online May 1st. Regarding the Farmington plan, they may extend the comment period; the Congressional Delegation asked that the comment period be extended. The deadline is currently May 28. All public meetings were cancelled or postponed.

Councilor Correa Skartwed asked if there was any update regarding the Rio Puerco Resource Management Plan. Ms. Morrison stated there was no update and that she would find and send an update about the Rio Puerco to the Council via e-mail.

7. Discussion and Possible Action on USFS

Mr. Archuleta stated that he discussed the fuelwood cutting season and online permitting with Steve Hattenbach of the Cíbola NF, James Durán of the Carson NF, and James Melonas of the Santa Fe NF. While they do not yet have the capabilities for online permitting, they are trying to start virtual permitting where people call in with a credit card and permits will be mailed. Press releases from the USFS, which have been many because of COVID, are sent to land grants via e-mail. Councilor Martínez stated that many people in land grants do not have debit or credit cards and asked if the land grant can purchase the permits, distribute them to interested parties and get reimbursed by purchasers. Mr. Archuleta responded that he would check with the Forest Service. In the past, in the Manzano Mountains, when they had a CFRP, they worked with the Manzano Grant. The Grant would issue permits per day, would distribute, would fill out forms and return forms to the USFS. It may be possible and need buy in, though there was no money exchanged in CFRP example. Councilor Martínez added that the cell tower in Gallina has not been activated, even though it was built 5 years ago; Sofia Sánchez (Office of Congresswoman Deb Haaland) stated that she would ask Virgin Galactic how they might turn this on. Eric Chávez stated that he would run the question by Rio Arriba County Commissioners and asked for the exact location.

8. Discussion and Possible Action on LG and Acequia Eligibility

Kris Graham-Chávez (NRCS) discussed the 2018 Farm Bill, stating that the way language was written, land grants are considered “water management agencies” because they were included with acequias. Kenneth Branch (NRCS) discussed the EQIP (Environmental Qualities Incentive Program) eligibility, stating that land grants may be eligible for other grant programs like RCPP (Regional Conservation Partnership Program), and dam and watershed rehabilitation programs as well. Mr. Branch stated that EQIP projects have to assist private users in managing water distribution systems. Eligible lands are lands that are under control of a water management agency and land adjacent to lands that are under control of a water management agency. If deeded acres exist in the land grant, those lands may not be eligible under the water management entity applications. Projects that are eligible would be watershed-wide projects. All land grants and acequias that look to apply for EQIP will need to put together a water resources assessment, which describes the water situation on the land grant and what the goals of the land grant or acequia are regarding their water. It also needs to incorporate practices that will address the distribution efficiency of water, soil moisture monitoring, irrigated related structures, or other measures that could serve surface or groundwater including aquifer recovery practices. For acequias, this could mean various acequia infrastructure. Range and forest practices could be funded in aquifer management, as could livestock water distribution systems.

Mr. Branch added that these programs are new for NRCS and the NRCS in New Mexico did not receive additional funds to fund these water management entity programs. Getting an EA (Environmental Assessment) or a NEPA (National Environmental Protection Act assessment) can take a long time. If the NRCS get into a contract, these need to be completed within the timeline. The NRCS might deem an application ineligible if an EA or NEPA will take too long. During life of the Farm Bill, an applicant can request a waiver of the \$450,000 payment limitation and it will get up to \$900,000 in funding. Organizations applying need to be well-organized and need to appoint someone with signature authority, who is also the individual submitting the application. They may also need to get documentation from a farm service agency. The application deadline for 2020 was in March, but the language is in there for life of Farm Bill and water management entities will have opportunity to apply in the future.

Councilor Polaco asked if the money has to be paid back; Mr. Branch responded that EQIP is a reimbursable program and does not cover the cost 100%, adding that reimbursements are done according to a payment schedule. Monies granted do not have to be repaid as it is not a loan. Councilor Martínez stated that the San Joaquín del Río de Chama Grant is interested in funding for a project in the Cañón de Chama, their former common lands. Mr. Branch stated that if an entity is willing to lease lands back to the lands grant, then the NRCS will consider the lands the water management entity has through a lease agreement. This is done on a case by case basis and NRCS local staff and the Forest Service would be needed to be certify that the applicant does have control of the land or an easement. He added that the policies should be printed in the federal code of regulations and that he will let the Council know when this has happened. Mr. Archuleta asked if land grants are participating in projects with the Forest Service, will the NRCS consider this as a project, where a land grant identified forest system lands for a thinning project for fuelwood and watershed health. Mr. Branch responded that we would need to get into the specifics, but that it could be on the joint chiefs list, but that the applying entity would need to

have control of the land when they receive monies and would need to have and maintain control during the life of the contract, which range from 3, 5, and 10 years.

Councilor Padilla commented that these programs seem to be all reimbursement based, but land grants usually do not have the monies to put up. She asked if NRCS monies can be paid up front. Mr. Branch responded that the NRCS does not know if it will ever have authority to do upfront payments. It can do advance payments of 50% of project cost if an applicant is eligible to be considered a socially disadvantaged group, where 50% of its membership is Hispanic, African American, etc.. An entity would self-certify as a socially disadvantaged group on their application.

9. Discussion and Possible Action on Professional Surveyor Services Contract

Mr. Archuleta reported that he has been on several conference calls with land grants approved for potential survey work. He has yet to discuss the survey work with the Anton Chico LG, which he will meet with (virtually) on Friday, April 17, 2020. The Council had prioritized those land grants possibly losing land, but with COVID restrictions and lack of access to records, this has changed what is possible for the surveyor to accomplish. In the packet (p.15) is a list of survey projects for the NMLGC provided by Chris Chávez of Territorial Land Surveying LLC. Chris Chávez (Territorial Land Surveying) discussed the Tajique Land Grant, whose common lands were never surveyed. He can complete a field trip to assess the site, but cannot do chain of title research with the county courthouse closed. He did write a report relating to the Tajique LG. For the Santa Bárbara LG, there is an old road in the grant, that may be a contentious issue and he may have to interact with adjacent private landowners. He has planned a field trip on May 13; the Taos County Courthouse is closed and research allowed only by appointment. The Town of Tomé LG has an 11-acre parcel that Valencia County calls the park site. Access to records is limited until the Valencia County Courthouse opens. It is scheduled to open April 30th. ATV traffic might have taken out monuments to be able to complete survey.

The Juan Bautista Baldés LG is involved in a quiet title suit and he may need to do report or response to evaluate the legitimacy of a claim to common lands. Chain of title research at the Río Arriba County Courthouse in Tierra Amarilla is necessary as is working with David Benavides with NMLA to ascertain the status of the case. Mr. Archuleta commented that Mr. Benavides stated that a contract attorney paid through legislative monies is taking lead on case and will work through June 30. Mr. Chávez commented that the person making the claim is not living on the land and appears to be making a claim on the land with a vague deed and has surveyor hired to mark boundaries. A field trip to the grant and chain of title research are needed. The Cristóbal de la Serna Grant may need a land survey and could be a large ongoing project, which could take the whole summer. People taken advantage of the grant and have appropriated land through quiet title suits. There continues to limited access to courthouse in Taos County because of COVID. Mr. Archuleta reported that several individuals want to donate their land to the Grant. Mr. Chávez reported that the San Joaquín del Río de Chávez request is the second largest project and is doable as he already has field notes from the original survey. Surveyors are still operating in field doing surveys for real estate actions and this has been deemed allowable under the State's restrictions while allowing for social distancing. Many of the stone monuments still exist for the Cañón de Chama (set in 1901). 10 monuments need to be found, which would

complete the survey of the 1400 acres. This would not be an official survey, but could be filed in courthouse.

Mr. Chávez added that he has been in contact with the Abiquiú LG and estimates the need for a two-day field investigation survey to replace lost points of the northwest corner of the grant and will meet with Jodi Váldez of the Abiquiú in June. This includes lands that were obtained from the State of New Mexico and points were lost when corners were lost as they were set in a flood plain and bulldozed. While the project may not be completed with available funding, progress can be made on the Abiquiú Grant. Cost estimates for the projects are as follows: Tome Survey project \$11,300 (2 months); San Joaquin project \$2,500 (1 week); Field trips (Tajique, Santa Bárbara, Abiquiú LGs) 4 days \$2,400 (4 days) for a total of \$16,200. Mr. Archuleta commented that the total budget/contract for surveying is \$21,600 and that Mr. Chávez submitted an invoice for \$3,537.27 (invoice plus new project estimate is \$19,737.27). The Council might be able to move monies from the travel budget that are unlikely to be spent, given travel restrictions. Councilor Martínez asked if the \$2,500 estimate for San Joaquín del Río de Chama LG includes filing the report in the Rio Arriba County Courthouse. Mr. Chávez responded that it only includes the survey work and could cost less than \$2,500 or more. It would cost \$3,500 more to do full survey with the cemetery, remap, and make a report.

Councilor Polaco made a motion to approve invoice #1 from Territorial Land Surveying, LLC, for project 2020_05 in the amount of \$3537.27. Councilor Martínez seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Polaco – aye
Councilor Martínez – aye
Councilor Correa-Skartwed – aye
Chairman Sánchez – aye

The motion passed.

Mr. Archuleta reported that there remains \$1,862.73 in the survey contract. The Council could direct Mr. Chávez to go through with the San Joaquin, Town of Tomé projects, as well as be available for the Juan Bautista Baldés Grant attorney. Councilors discussed Mr. Chávez's proposed work plan further. Regarding Anton Chico Lg, the project is vast but rock quarries need to be surveyed and are remote enough to abide by COVID restrictions. Councilor Correa-Skartwed added that the Council should give Mr. Chávez sufficient flexibility to allow his discretion in implementing projects safely.

Councilor Polaco made a motion to allow Chris Chávez of Territorial Land Surveying to continue work on the projects discussed above, provided that the projects stay within budget and that he provide an update to the Council in the next Council meeting. Councilor Correa-Skartwed seconded the motion.

Roll call vote: Councilor Polaco – aye
Councilor Correa-Skartwed - aye
Chairman Sánchez – aye
Councilor Martínez – abstain
Councilor Padilla – abstain

The motion passed.

10. Discussion and Possible Action on Cristóbal de la Serna Land Purchase

Mr. Archuleta reported that the grant agreement for \$50,000 is nearly ready; monies will be appropriated to the NMLGC, which will need to access the online management system. He discussed the appropriation with Scott Wright from DFA, but has not yet heard back on when this access will be granted. Individuals interested in selling their property have approached the Cristóbal de la Serna Grant; an heir will purchase some properties and sell to grant later so as not to lose out on the opportunity to regain common lands. These tracts range in size and some are up to 30 acres. The Treaty of Guadalupe Division opined that the Grant manages more land, it will lend to their credibility as a unit of government.

Councilor Correa-Skartwed made a motion to give Chairman Sánchez the ability to sign off on grant agreement (\$50,000) relating to the Cristóbal de la Serna Land Grant; Councilor Polaco seconded the motion

Roll call vote: Councilor Polaco – aye
Councilor Martínez - aye
Councilor Correa-Skartwed - aye
Councilor Padilla – aye
Chairman Sánchez – aye

The motion passed.

11. Discussion & Action on Piedra Lumbre Visitors Center Update

Mr. Archuleta reported that the purchase is moving forward and that all three land grants (San Joaquín del Río de Chama, Tierra Amarilla, Juan Bautista Baldés) have adopted resolutions to purchase the PLVC, per the request of the Forest Service. The UNM Natural Resources Law Clinic has reviewed the intent to purchase agreement and purchase and sale agreement. Holland and Hart, LLP, will work on the ownership agreement through HED legal service contractor funding. They will also review agreements for management of the PLVC and are committed to having these completed by June 30th. Once the contract is in place, the Council will set up a conference call with Holland and Hart and the purchasing land grants.

Councilor Polaco reported that we need to get a hold of someone at the NORA Coop; Mr. Archuleta responded that he is waiting to get this in place with an attorney before contacting the Coop. Councilor Polaco added that we do not have anyone with Windstream or the phone company in Española to get this clarified.

12. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division

Novela Salazar (Office of the NM Attorney General) stated that there were no updates at this time.

13. Discussion and Possible Action on Legal Services Contract: Updates and Requests

Mr. Archuleta reported that work by New Mexico Legal Aid on the Tajiue LG cell tower case continues and the decision is on appeal to the New Mexico Court of Appeals. The Juan Bautista Baldés case is in discovery and David Benavides will pass it onto a NMLA contract attorney. The NMLA has expended nearly all monies from the contract. The Laguna del Campo transfer has had no movement as the Office of the State Engineer is supposed to review water rights issues.

The Abiquiú water right case is also delayed because of court issues. New Mexico Legal Aid submitted three invoices, for January, February and March 2020.

Councilor Polaco made a motion to approve New Mexico Legal Aid, Inc. pay request #6 for \$5,375.00; Councilor Martínez seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Correa-Skartwed – aye
Councilor Martínez – aye
Councilor Polaco – aye
Chairman Sánchez – aye

The motion passed.

Councilor Polaco made a motion to approve New Mexico Legal Aid, Inc. pay request #7 for \$2,350.00; Councilor Martínez seconded the motion.

Roll call vote: Councilor Polaco – aye
Councilor Martínez – aye
Councilor Correa-Skartwed – aye
Councilor Padilla – aye
Chairman Sánchez – aye

The motion passed.

Councilor Martínez made a motion to approve New Mexico Legal Aid, Inc. pay request #8 for \$3,487.50; Councilor Correa-Skartwed seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Polaco – aye
Councilor Martínez – aye
Councilor Correa-Skartwed – aye
Chairman Sánchez – aye

The motion passed.

14. Discussion and Possible Action on Council FY 2020 and FY 2021 Budget

FY 2020

Mr. Archuleta provided a budget update (in packet). Legal services expended to date is \$38,993.75; LGSF projects have gone out; Council in state travel expended to date is \$4,890.84, leaving a balance of \$4,609.46 remaining; no Council out of state travel has been expended to date, leaving a balance of \$7,000. In the UNM contract, \$111,622.03 has been expended, with \$104,323.97 remaining. This will be spent as UNM makes necessary adjustments and salaries that have been billed to the LGSP index are now billed wholly to the NMLGC index. Postage will be spent when distributing the reprint of the Land Grant Lawbooks, which are in process at the New Mexico State Printing Office. There is a potential reversion of \$20,134.34, mostly from out of state travel (staff and councilors) and other unspent budget items. The Council could see if contractors (like NMLA) could take on more work; monies within the UNM contract could only be used to buy additional supplies. We need guidance from DFA whether we can make BARs. Adjustments to the UNM and NMLA contracts would require contract amendments. If so, the Council would need to set a special meeting and post three-days meeting notice to comply with the OMA.

FY 2021

Mr. Archuleta presented a budget recommendation for FY 2021 (in packet). The Council was appropriated a flat budget, but may get cut. While the State of New Mexico will receive federal recovery funds, priorities will be health care and education. UNM was going to mandate a 4% increase to all employee pay, though this may change. As presented, the budget includes a significant increase for Jacobo Baca as he is well below the appropriate pay. The NMLGC just got clearance to have our contracts extended. As term employees, a freeze was going to happen by UNM and the OVPR did request that we are exempted and was approved. The budget recommendation presented does account for these increases.

The fee paid to DFA has been discussed and they might consider waiving the fee if our budget is cut. The fee was not paid under Governor Richardson but was charged under Governor Martínez. The budget does not include students (students Cheyenne Trujillo and Vidal Gonzales are graduating) and does increase the Land Grant Support Fund to \$20,000. Councilor Martínez added that with COVID restrictions, budget items for staff and councilor travel might be decreased. Councilor Padilla commented that in state travel needs to remain. Mr. Archuleta added that councilors would not receive per diem for this meeting. Per DFA advice, citing a New Mexico Attorney General's opinion, the provisions of the Mileage and Per Diem Act tie payment to travel, to offset costs for eating as per diem is not salary, but to cover out of pocket costs. A change in legislation in Act is necessary to change this and it would effect of all board and commissions.

Councilor Polaco made a motion to approve budget recommendation for FY 2021 budget;
Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla- aye
Councilor Polaco - aye
Councilor Martínez - aye
Councilor Correa-Skartwed - aye
Chairman Sánchez - aye

The motion passed.

15. Discussion and Possible Action on UNM Intergovernmental Agreement - FY 2020 & FY 2021

Mr. Archuleta presented Pay Request #7 for \$20,690.63 leaving a balance of \$117,029.62 on the Council contract, with billing narrative and UNM billing.

Councilor Martinez made a motion to approve Pay Request #7; Councilor Correa-Skartwed seconded the motion.

Roll call vote: Councilor Padilla- aye
Councilor Polaco - aye
Councilor Martínez - aye
Councilor Correa-Skartwed - aye
Chairman Sánchez - aye

The motion passed.

Mr. Archuleta presented Pay Request #8 for \$12,705.65 leaving a balance of \$104,323.97 on the Council contract, with billing narrative and UNM billing.

Councilor Martínez made a motion to approve pay request #8; Chairman Sánchez seconded the motion.

Roll call vote: Councilor Padilla- aye
Councilor Polaco - aye
Councilor Martínez - aye
Councilor Correa-Skartwed - aye
Chairman Sánchez - aye

The motion passed.

Mr. Archuleta presented the scope of work for the FY 2021 intergovernmental agreement.

Councilor Polaco made a motion to approve the scope of work; Councilor Correa-Skartwed seconded the motion.

Roll call vote: Councilor Padilla- aye
Councilor Polaco - aye
Councilor Martínez - aye
Councilor Correa-Skartwed - aye
Chairman Sánchez - aye

The motion passed.

16. Discussion and Possible Action on Land Grant Support Fund – Don Fernando de Taos request for Change

Mr. Archuleta reported that the Don Fernando de Taos Land Grant has requested to amend their support fund agreement (awarded \$5,000). The Grant planned to pay for ground penetrating radar to locate graves in the U.S. Bank parking lot near the Taos Plaza but the bank denied their request to do radar surveying. The Grant would like to use some of the monies to pay for the archaeological report. Council staff consulted the UNM Law Clinic (which has been helping the Don Fernando de Taos Land Grant) which stated that the report would be helpful. Don Fernando de Taos Grant president Frank Trujillo reported that the report would cost \$3,000-3,500 and asked that the Grant be allowed to use the remainder of the award (\$1,500-2,000) on office equipment for land grant. Mr. Archuleta stated that he asked Carmen Morin from DFA what will need to happen and she stated that an amended grant agreement would be needed. If approved, he will prepare an amended grant agreement and will need to get signatures from Mr. Trujillo and Chairman Sánchez. Councilors Polaco and Correa-Skartwed inquired if the Don Fernando de Taos Grant is compliant under Chapter 49; Mr. Baca responded that they were and were up to date on submissions to the land grant registry.

Councilor Padilla made a motion to approve Don Fernando de Taos Land Grant's request to amend their support fund agreement; Councilor Martínez seconded the motion.

Roll call vote: Councilor Padilla- aye
Councilor Polaco - aye
Councilor Martínez - aye
Councilor Correa-Skartwed - aye

Chairman Sánchez – aye

The motion passed.

17. Discussion and Possible Action on Land Grant Registry

Jacobo Baca (NMLGC/LGSP) reported that the Town of Tomé Land Grant submitted a copy of their 2019 Annual Report.

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

LM García y Griego reported that the LGSP is making adjustments to the youth program because of the COVID. The LGSP is also in discussions with Aspectos Culturales and Semos Unlimited regarding the acquisition of physical materials. The CLE program, “Land Grants, Acequias and the Law” was postponed until September. Mr. Archuleta reported that Venessa Chávez has worked on youth curricula with LGSP student Vidal Gonzales. Ms. Chávez thanked Mr. Gonzales for the curricula work and added that the purchase of Aspectos and Semos materials worthwhile, but that the LGSP will need to update some materials. Their website is no longer accessible and materials that the LGSP plans to use for youth programming may need to be purchased. Ms. Chávez added that the LGSP is continuing to work on curricula and will work with land grants to write their own histories to share with their youth. Mr. Baca added that the next edition of the newsletter is in development as are LGSP working papers. He is also working on sorting and organizing LGSP and NMLGC digital materials. Mr. Archuleta added that Cheyenne Trujillo is working on a guide for updating the Council’s website.

19. Discussion and Possible Action on Correspondence

Mr. Baca reported that Eva Stricker or the Quivira Coalition contacted the Council, to discuss working with land grants. (Ms. Stricker was previously on the conference call but left the meeting by Agenda item 19) The Quivira Coalition, which is a moderate environmentalist and more of a conservation minded organization, is creating education programs for their healthy soil program. Council staff will follow up with Ms. Stricker and may invite her to present at the May 2020 meeting.

20. Discussion and Possible Action on Staff Assignments

None.

21. Public Comments – discussion only

None

22. Miscellaneous Announcements

Councilor Polaco announced that he received word from attorney Jesús López that Judge Matthews denied motion for summary judgement from Frente de Lucha’s attorney in the Tierra Amarilla case relating to the Tierra o Muerte tract. Councilor Padilla reported that a board member of the Town of Tomé LG works for USDA through NMSU and said that USDA is looking for testing sites for chronic lung disease from spraying weed killer. The site will need to have internet access. The Town of Tomé will be a site and will receive \$20.00 per test. They are looking for rural sites in northern, central and southern New Mexico. If land grants are interested, they can contact her (Councilor Padilla); she will report back how the process went for Tomé.

Cheyenne Trujillo reported that she is graduating in May 2020 and will begin law school at UNM in the fall. She offered her gratitude. Councilors and staff thanked her for her work.

23. Date and Location for May 2020 Council Meeting

The next Council meeting will be held on May 21, 2020 at 10:00am and will be held virtually.

24. Adjournment

Councilor Martínez made a motion to adjourn; Councilor Correa-Skartwed seconded the motion.

- Roll call vote: Councilor Padilla- aye
- Councilor Polaco – aye
- Councilor Martínez - aye
- Councilor Correa-Skartwed – aye
- Chairman Sánchez – aye

The meeting adjourned at 2:20pm.

Approved:

Chair

Date

New Mexico Land Grant Council (NMLGC)

May 21, 2020 – 10:00am

Virtual Meeting

Zoom ID: 933 3877 9521

Minutes – Final

Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:07 am. Roll call of the Council members: Andrea Padilla, Rebecca Correa Skartwed, Steve Polaco, Leonard Martínez, and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Leonard T. Martinez (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); LM García y Griego (NMLGC/LGSP); Lisa Morrison (BLM); Chris Chávez (Territorial Land Surveying); Sofia Sanchez (Office of Congresswoman Deb Haaland); Michelle Kavanaugh (Office of Senator Tom Udall); Eric Chávez (Office of Congressman Ben Ray Luján); David Argüello (Arroyo Hondo Arriba LG); J.R. Logan (Cerro Negro Forest Council); Yvette Wisenhoff (social work intern); Jason Quintana (Merced de Manzano); Joaquín Argüello (Arroyo Hondo Arriba LG); Carmen Morin (Department of Finance and Administration, Local Government Division); Novela Salazar (Treaty of Guadalupe Hidalgo Division, New Mexico Attorney General’s Office); Jaime Chávez (Atrisco Land Grant).

3. Approval of Agenda

Chairman Juan Sánchez asked that the agenda be revised to move Items 10, 13, 14, 15, 16 immediately after Item 7 on the agenda, to ensure full council participation given time constraints.

Councilor Leonard Martínez made a motion to approve the revised agenda; Councilor Rebecca Correa-Skartwed seconded the motion.

Roll call vote: Councilor Padilla - aye
Councilor Correa-Skartwed - aye
Councilor Martínez- aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

4. Approval of Meeting Minutes from Regular Council Meeting of April 16, 2020

Councilor Andrea Padilla asked that the minutes of the April 16 meeting be revised; Page 11, under miscellaneous announcements misstates the tests being administered by the USDA at the Town of Tomé Grant. The tests are not for COPD and are for certification for spraying weed and bug killer.

Councilor Steve Polaco made a motion to approve the meeting minutes of the April 16, 2020 Council meeting, as amended; Councilor Martínez seconded the motion.

Roll call vote: Councilor Padilla - aye
Councilor Correa-Skartwed- aye
Councilor Martínez - aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

5. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) reported that the Taos, Farmington and Rio Puerco Districts are selling permits for wood products online (forest.products.blm.gov). There has been a 120-day extension of the comment period for the Farmington RMP. Councilor Martínez requested assistance from Council staff for the San Joaquín del Río de Chama Land Grant to prepare comments for the Farmington RMP. The Rio Puerco RMP EIS will hopefully be published in July and the ROD (Record of Decision) will hopefully be published in October 2020. The Horse Thief Mesa, near Arroyo Hondo, is undergoing a travel management plan and a virtual meeting is planned for June; a press release will confirm if this virtual meeting will be held.

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

Mr. Archuleta reported that fuelwood collection on the Carson and Santa Fe National Forests has been moved from May 1 to June 1. The Council has been in discussions for options for fuelwood in the interim, including the potential use of existing projects and decks that predate the Mexican Spotted Owl injunction, but projects are not very close to the many communities that need fuelwood. The Forest Service is working through the logistics for a pilot project for the Tierra Amarilla, San Joaquín del Río de Chama and Santa Bárbara Land Grants, which is too far to make the project viable for the Santa Bárbara LG and has led to frustration from communities as this is an ongoing request. The Santa Bárbara LG has been in discussion about fuelwood and thinning projects for 3 years and they have faced further delays because of the MSO injunction. BLM and State Trust Lands near Peñasco, north of Dixon, area are being considered as well in an “all hands, all lands” approach. Looking for other longterm projects, like the mayordomo project in the Cerro Negro and on the Las Trampas Grant. J.R. Logan has spearheaded this effort on the Cerro Negro. J.R. Logan (Cerro Negro Forest Council) asked the Council for its support in asking the Forest Service to create a special program and enter into stewardship agreement for acequias and land grants to receive funding to complete work in their watersheds and in their historical traditional use areas. San Cristóbal and Valdez received a grant from the Forest Service in 2018 thin 300 acres above village of Valdez. *Leñeros* receive 1 acre blocks and \$300.00 and their clearing yields 4-5 cords of piñón-juniper, which can be sold or used for personal use. From the onset, the project was not considered a one off and their project is a model, providing fuelwood and income. The Cerro Negro Forest Council believes that this year is good year to approach the Congressional Delegation and Forest Service to establish agreement between land grants and the Forest Service for the cutting of trees and work, but also to improve planning in areas around land grants and acequias to be sure that they are open to fuelwood to communities before crises begin. David Argüello (Arroyo Hondo Arriba LG) commented that 55 leñeros are committed to the Cerro Negro project. 60 acres have been cleared and 80 acres are marked.

95% of participants are parciantes, land grant heirs, and members of the mutual domestic association. People are very appreciative and the San Cristóbal Fore Department distributed wood from the project to viejitos. The project has blossomed into a community event and involves highschool students and students from NMHU. Whole families are working on the project and highschool students are completing analysis and developing sophisticated reports. Mr. Logan added that these students provide monitoring (the project and funding requires monitoring) and has made connections with connections to NMHU and UNM. While the project might not be fit for the entire state.

Mr. Logan stated that a draft letter to the Congressional Delegation was shared and letters will go to New Mexico State Forestry Division and the U.S. Forest Service as well. With a collective ask, we are positioned to successfully get request heard. Mr. Argüello added that members of the Cerro Negro Council and the mayordomo have presented to an international forest group in Washington DC, and that Trampas is trying to do a similar model. Leñeros and local Forest Service employees are working together and meeting, working in acequias together and the animosity between the FS and locals has diminished. Mr. Logan added that the Las Trampas Land Grant and acequias in Trampas and El Valle are participating. Pushing for a dedicated program is important as the CFRP program is burdensome and this program would avoid lots of red tape and streamline the program. Mr. Archuleta added that Ian Fox at Forest Service Regional Office previously discussed a master stewardship agreement with NMLGC, which could be a blanket for land grant communities to participate. There is a draft letter of support in the packet and the state forester can also be CC'd in letter. Councilor Padilla commented that all land grants should send a letter of support; the Council can send the letter out to land grants and ask land grant presidents to send similar letters. Jason Quintana (Merced de Manzano LG) commented that the Merced de Manzano is in support of the program and that is a good opportunity for young adults and adults to get back into the forest.

Councilor Correa-Skartwed made a motion to approve the draft letter to USFS Region 3, supporting the creation of a community-based forestry program. Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla - aye
Councilor Correa-Skartwed- aye
Councilor Martínez - aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

Councilor Martínez asked Mr. Archuleta about decks on the former San Joaquín del Río de Chama LG and asked if Senator Heinrich's office would provide resources to move decks from highlands to distribute to heirs. Mr. Archuleta responded that the FS is looking into it, discussed logging trucks. Councilor Martínez wanted monies to go to the Council or the MLECT to fund logging trucks to bring wood to the heirs of the San Joaquín Grant. Mr. Archuleta clarified that the funding came from Senator Heinrich's campaign, not his senatorial funds. He added that with the concept of community forestry, we need to know community needs and the Council will work to create a spreadsheet or database template and share with community to ascertain their needs and nearby areas where they can gather fuelwood.

7. Discussion and Possible Action on Request from La Merced de Manzano regarding Status of Lake Ownership

Jason Quintana (Merced de Manzano president) stated that he has been in negotiations with State Forestry and the New Mexico Game and Fish Department regarding the special use of the Manzano Lake for water for fires and sport fishing. He sent information, including the patent and how property is registered (assessed) with Torrance County to prove that the lake is owned by La Merced de Manzano. Mr. Archuleta shared (via share screen) the patent map, the tax bill showing the property is assessed to the Manzano Land Grant. For years, when the forest gets water for fires or when NM Game and Fish negotiates the stocking of the lake, they negotiated with Manzano Spring and Ditch Association, not the land grant, which is in charge of common waters. The spring and ditch are in charge of irrigation water rights and distributing water to parciantes and the land grant is in charge of the surplus waters and should be involved in negotiation. Mr. Quintana added that the agreement expired in 2008 and that this case sets precedence for all land grants to have a say in what is happening on the common lands. Councilors asked if the State Engineers has opined about the use of water in the lake and if it has been adjudicated. Mr. Quintana responded that the Manzano LG has 3900 acres feet and each parciante is registered with 3.6 acre feet and though not all ditches are in use, the grant are asserting their water rights. Chairman Sánchez added that the area has not yet been adjudicated. Mr. Quintana added the community is trying to get ditches repaired and a section was piped to prevent evaporation and are looking for funding to finish the rest. The Grant being asked to obtain a letter from the Council that states Merced de Manzanos claim to ownership is correct. Mr. Archuleta added that the lake has been used for recreation and that this case points to how we need to reconsider water laws which separated water from land. Mr. Chris Chávez commented that the water rights and ownership of the land under the lake (which is owned by the Merced de Manzano) are two separate issues. For instance, a non-navigable lake or river is not owned by the state. Chairman Sánchez recommended that the Manzano Grant send official letters as a unit of government rather than have conversations with officials that are not documented. Mr. Quintana added that the last election for the spring and ditch association was in 2016 and their bylaws require elections every 2 years, therefore current board members are serving on expired terms. Agencies likely signed the agreements with the spring and ditch association because they were a political subdivision. He also added that he was not sure if the Grant is considered a parciante of the ditch.

Councilor Correa-Skartwed offered that the San Antonio de las Huertas Grant is facing a similar situation with the acequia association in Placitas, which is claiming ownership of the reservoirs. Attorneys state that the land under the lake belongs to the Grant and questions remain as to where the rights of the acequias begin; where the water leaves the lake? Mr. Quintana responded that the spring and ditch started in 1956 and the Grant was granted in 1829, making their claims older. Councilor Correa Skartwed added that while land grants are a pre-1907 water right protected by the Treaty of Guadalupe Hidalgo, they may have been written out of the declaration and the Merced de Manzano need to look into that. Mr. Archuleta that this is an important test of policy as land grants do predate the state and should be part of the conversation on water rights. Water rights should not be lost from outmigration and lack of use. There also seems to be confusion from dual membership of land grants and acequias and who signed agreements and who should sign and in what role. Where it is not problematic for the

Council to offer a letter clarifying the ownership of the lake, water rights to the lake are a different issue. Chairman Sánchez asked that Mr. Quintana provide all agreements and other documentation to the Council before the Council sends a letter as the Council needs to make sure that in letter everything is correct. He recommended that Mr. Quintana send documentation to the staff and the Council can look to issue a letter at its next meeting. LM Garcia y Griego (UNM LGSP) recommended that the letter include a history of events as the issue is complex. And recounting the history is important to show the NMLGC has done due diligence.

10. Discussion and Possible Action on Professional Surveyor Services Contract

Mr. Archuleta reported that surveyor Chris Chávez has done work on the San Joaquín del Río de Chama and Santa Bárbara Land Grants. Mr. Chavez stated that it has been difficult to get work done as courthouses remained closed due to the pandemic and that the San Joaquín project required no courthouse research and he was able to complete a survey and draft plat. He also did some field work related to road in question on the Santa Bárbara Land Grant and was able to map the road. Surveying the Anton Chico rock pits is a large scale project and he did a test run. Mr. Archuleta shared portions of the San Joaquín Cañón project via share screen and stated that he would share the results with the Councilors as a cloud document as it is too large to email. Mr. Chávez commented that the stone monuments are 119 years old and are from the early days of the General Land Office.

Councilor Polaco made a motion to approve invoice #2 from Territorial Land Surveying, LLC, for project 2020_05 in the amount of \$9,748.38. Councilor Martínez seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Polaco – aye
Councilor Martínez – aye
Councilor Correa-Skartwed – aye
Chairman Sánchez – aye

The motion passed.

Councilor Martínez stated that recording or filing the survey may create legal ramifications and stated that the Council would need to go into executive session. Mr. Chávez stated that the survey is not yet recorded and someone could challenge the survey and authority of himself. It would be in the public record and he was not sure if there are consequences in recording it. It is not an official government survey and shows the cemetery. Councilor Martínez stated that he did not mind filing it even if there was push back. Mr. Archuleta added that filing with the county clerk makes it a public record. Filing with the county assessor and claiming ownership is another issue. Mr. Chávez added that he titled the survey a historical boundary survey, not land claim, to avoid controversy and that he can reach out to Rio Arriba County to see if the Land Grant will receive a tax bill if they record the survey. Mr. Martínez stated that the grant will take the tax bill and will discuss on their next agenda.

Mr. Archuleta added that the Juan Bautista Baldes LG has a contract attorney working for them and that they will prepare documents for Chris Chávez to review, after which he will visit the grant in June to see what is on the ground. The current balance left in contract is \$8,314.35 and will be drawn down by the end of the fiscal year. Councilor Padilla asked if the Tomé Land Grant will get its survey done; Mr. Archuleta responded that there is a delay as the Valencia County

Courthouse has not yet opened and Mr. Chávez added that the complete survey will cost \$11,300 for some work on the project can be completed. Mr. Archuleta stated that the plan is to have surveying in the next fiscal year and that we'll know about the budget after the special session starting on June 18, 2020. The Council's previously stated priority for surveyor services were those land grants that have the potential to lose land. The Council will need to do another contract process with UNM but may be able to quote rather than a full RFP.

13. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests

Mr. Archuleta reported that there no new billings. The San Antonio de las Huertas Grant does continue to deal with issues surrounding collection ponds that are on common lands and issues relating to the access of these waters, which is leading to trespass on common lands. Someone has created hiking and mountain biking trails. Though legal services through the Council are finished for the fiscal year the Council can put the Grant on list for next year. The UNM Natural Resources Law Clinic does have a short term intern that will work on cease and desist letters for the trespasser and the Council will continue to work on the ongoing water issue. Councilor Correa Skartwed stated that the challenge is that there two entities working together The San Antonio de las Huertas Land Grant has nine springs on the Grant and the acequia association had been given carte blanche in their use and management. The new mayordomo created a road from the backyard to the tank. The land grant has not received requests to build the road. Mountain bikers are riding through land grant property. The grant needs to have fences rebuilt and does not have easements that were supposedly given documented. She requested the support of the Council and legal assistance to put an end to these incursions. Mr. Archuleta reiterated that the Council can put this matter onto the for next year as the contractor has maxed out of hours.

Councilor Polaco made a motion approving legal assistance for the San Antonio de las Huertas Land Grant; Councilor Martínez seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Polaco – aye
Councilor Martínez – aye
Chairman Sánchez – aye
Councilor Correa-Skartwed – abstain

The motion passed.

Councilor Polaco commented that the Tierra Amarilla LG met with the Office of the State Engineer (OSE) and the New Mexico Department of Game and Fish (NMDGF) regarding the Laguna del Campo on February 3rd. OSE representative Brian Gallegos was asked to see if the consent order was done correctly and though Mr. Gallegos stated that the review would be quick, the Grant has yet to hear anything from the OSE or (NMDGF). While the Laguna del Campo is usually open by May 1, New Mexico Game and Fish closed it and were kicking people out. The Grant would like NMLA/David Benavides to check into the delay; Mr. Archuleta stated that he would inquire with David Benavides.

14. Discussion and Possible Action on Council FY 2020 & FY 2021 Budget – Including possible Budget Adjustment Request

Mr. Archuleta provided a budget update. The Don Fernando de Taos LG and Merced de Manzano have submitted reimbursement requests in their LGSF awards. Venessa Chávez (NMLGC/LGSP) has been working with the Grants to ensure that Land Grant Support Fund monies are spent and that they have their CRS numbers and that are purchasing items tax free. Mr. Archuleta stated that there remains \$1,886.59 remains in publishing for the print of the updated Land Grant Laws and Statutes, which have remained at the New Mexico State Printing Office and need to be proofed, but proofing was delayed because of the COVID-19 outbreak. He asked that the proofs be mailed to his home address. There remains a balance in this line item of approximately \$2,200. Regarding staff travel, in-state travel still has a balance of \$4,609.46 and out of state travel a balance of \$3,500; both may remain static if travel restrictions remain. For the UNM Contract (intergovernmental agreement), \$187,173.19 of the \$296,900.00 contract has been spent; \$109,726.81 is remaining. Council travel remains static.

Budget Adjustment Request

The Council may revert monies if the budget is not adjusted. \$2,113.41 is left in publishing; \$6,983.89 is left in travel (if the June 2020 meeting is held in Albuquerque); \$7,000 remains in out of state travel for a total of \$16,097.30 in the DFA managed NMLGC budget that could revert. In the UNM contract, there is no clear indication when travel restrictions will be removed. There remains \$2,284.57 in staff in-state travel, \$3,500 in out of state staff travel, \$473.76 in copier maintenance, \$119.86 in postage, and \$587.50 in the meeting expense line item for a total of \$6,965.69 in the UNM contract.

DFA stated that the Council can move monies to other line items in the UNM Contract and might need to get approvals, but that there should not be too many issues as long as we remain in contract. If the Council does not use the full amount, the Council will also lose the 20% F&A if we don't spend \$6965.69. A few options were presented by Mr. Archuleta. Option 1: purchase of copy machine. He current one was purchased by ARRA monies under the Obama administration. It is 10 years old and has made 1 million + copies; there are no new parts and the maintenance company has been cannibalizing parts from old machines. If purchased, we could transfer old copy machine to grants in northern New Mexico, possibly to the Piedra Lumbre Visitors Center. Option 2: the Council could opt to transfer monies into personnel costs. The PI salary is made by the LGSP and NMLGC, which take turns paying the summer salary. These monies would not pay for full month of salary in which the PI could do a research project or a deliverable product from research done. Option 3, the Council could do additional supply purchases, like paper, ink for plotter, and portable media (flash drives). The last printer-copier costed \$10K and preliminary searches seem to range the price from \$5,000 to \$12,000, meaning the Council might need to tap other line items to purchase. Carmen Morin (DFA) discussed this with her supervisors at DFA and stated that as long as the Council does not exceed its budget it should be ok. Mr. Archuleta asked if the copier it is too expensive, can the Council use monies from DFA to supplement monies from UNM contract. Ms. Morin stated that she believed that it would be ok.

Councilor Correa-Skartwed stated that she believed that the copier is a necessity and that we should purchase supplies because of the uncertainty of next year's budget. Councilor Padilla agreed as did the Chairman. LM Garcia y Griego, the Council contract P.I., agreed as well. Councilor Correa-Skartwed made a motion to utilize potential excess funding from the UNM contract (intergovernmental agreement) for the purchase of equipment (a copier) and supplies,

not to exceed the total excess amount nor total of the UNM contract (intergovernmental agreement); Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Correa-Skartwed – aye
Councilor Martínez – aye
Councilor Polaco – aye
Chairman Sánchez – aye

The motion passed.

Councilor Correa-Skartwed made a motion to utilize potential excess monies from the Council budget at DFA for the purchase of equipment (copier) and supplies, not to exceed excess amount nor total Council budget; Councilor Polaco seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Correa-Skartwed – aye
Councilor Martínez – aye
Councilor Polaco – aye
Chairman Sánchez – aye

The motion passed.

15. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020 & FY 2021

Mr. Archuleta presented pay request #9 for a total of \$29,479.92, with the budget narrative and UNM billing in the packet.

Councilor Polaco made a motion to approve pay request #9, for \$29,479.92; Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Correa-Skartwed – aye
Councilor Martínez – aye
Councilor Polaco – aye
Chairman Sánchez – aye

The motion passed.

The FY 2021 contract was included for approval. Only half of the contract can be drawn down as it is an election year. Ms. Morin commented that the DFA legal department made a change – legal made a change on item 2d., “The Council reserves the right to approve an increase or decrease to the potential compensation amount of this Agreement through written amendment after December 31, 2020, provided that, no later than April 1, 2021, the Council must submit a written request to DFA, for DFA approval, which explains its justification for the amendment.” The contract can be signed digitally (DFA now accepts digital signatures) because of COVID-19, but does not need to be signed via Docusign, so long as the printed name is provided next to the signature.

Councilor Correa-Skartwed made a motion to approve the FY 2021 UNM contract; Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla – aye

Councilor Correa-Skartwed – aye
Councilor Martínez – aye
Councilor Polaco – aye
Chairman Sánchez – aye

The motion passed.

16. Discussion and Possible Action on Land Grant Support Fund

The San Antonio de las Huertas is restructuring their project since LGSF awarded monies were planned to be coupled with capital outlay, which was vetoed. They had planned to purchase heavy duty “Civil War tents” to be placed on decking. This change likely fits under current LGSF contract but the Grant would like the NMLGC to approve materials to construct the deck and tent structures. Councilor Correa-Skartwed stated that the Grant does not have volunteers to help because of COVID restrictions and this can be put up for rental quickly to create revenue for the grant.

Councilor Martínez made a motion to approve amending LGSF 2020-04, agreement with San Antonio de Las Huertas Land Grants, to allow the purchase of the tents and decking materials for their project. Councilor Polaco seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Martínez – aye
Councilor Polaco – aye
Chairman Sánchez – aye
Councilor Correa-Skartwed – abstain

The motion passed.

(Chairman Sánchez left the meeting; Councilor Correa-Skartwed (Vice-Chairwoman) assumed chairing the meeting.)

8. Discussion and Possible Action on State Forest Action Plan

Mr. Archuleta commented that the State Forest Action Plan is out and comments are due at the end of May (May 29). The plan does mention land grants in traditional uses. The Council staff will create and submit comments and will share with the Council at the June 2020 meeting.

9. Discussion and Possible Action on Federal and State Legislative Updates

Federal

Mr. Arturo Archuleta (NMLGC/LGSP staff) reported that letter and testimony / commentary were sent to Congressman Ben Ray Luján’s office to pass onto the House Natural Resources Committee and the federal land subcommittee; comments were sent to Congresswoman Haaland as chair of that subcommittee. Letters supporting the H.R. 3682 were submitted from 18 land grants and by the NMLGC and the Consejo. Mr. Baca reported that Council staff has analyzed the information from the New Mexico Department of Cultural Affairs regarding cemeteries on federal lands; only four sites, including the cemetery in the Cañón de Chama, were potential land grant related sites. Staff will give a more detailed report in the June 2020 meeting.

State

More information regarding next years (FY 2021) budget will come after the June special session. Capitol outlay projects may not be lost and the State may swap of projects funding from general

fund monies to other funding (severance tax, sponge bonds). The Cristóbal de la Serna Grant monies that were supposed to the Council for the purchase of lands never received a contract before all agreements were frozen; we hope to receive one still. The Town of Tomé, Merced de Manzano and Piedra Lumbre Visitors Center monies were all on the reauth list. Grant agreements might be ready but there is likely to be a short delay. There may be a delay in the PLVC purchase and the USFS will be notified via a tele-conference.

11. Discussion & Action on Piedra Lumbre Visitors Center Update

Mr. Archuleta stated that the monies from SB 244 (3rd year law student) program were reauthorized and the HED put monies into legal contracts for land grants, acequias and colonias. Contracts to New Mexico Legal Aid and the New Mexico Acequia Association were less than \$60,000 each; the UNM Law School received \$70,000 in internships; \$30,000 went to the Holland and Hart law firm which is doing work for the ownership and operating agreements for the Piedra Lumbre Visitors update.

12. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division

Novela Salazar (Office of the NM Attorney General) stated that the attorney Jeffery Hoss filed a motion to dismiss in the Tierra Amarilla Grant case, which the NMAG's office will oppose. She also reached out to the New Mexico State Records Center and Archives regarding the return of records by the National Archives and Records Administration. The Anton Chico Land Grant is still facing the issue of community members refusing to pay natural resource permits and ignoring land grant regulations. Some are getting restraining orders on LG board members, which are issued because of confusion of their authority. People are contacting the New Mexico Attorney General's and State Auditor's offices alleging malfeasance; the Anton Chico Grant has complied with requests from both offices for information. Reports from the New Mexico Attorney General's office regarding the Anton Chico Grant are not yet complete; the Anton Chico Land Grant Board would like the findings to be complete to allow the community and grant to move forward from these allegations. The Council commented that the larger implications are important as the Attorney General's opinion of may assist land grants enforce the protection of common lands that can be send to courts and judges to enlighten their decisions. There may be necessary legislative fixes that would allow the NMAG's office to engage with land grants on cases that have larger policy and implications.

(Councilor Correa-Skartwed left the meeting and asked Councilor Martínez to chair remainder of meeting)

Ms. Salazar commented that she received letters but not formal complaints and is completing investigation on complaint filed in July and has completed her portion of other reports which need to be reviewed and finalized by the Attorney General and Deputy Attorney General. She has discussed the matter with Anton Chico's attorney, clarifying that the NMAG's office provides guidance to the NMLGC. If the Council requests advisory letter on the statutes and management of common lands, the NMAG's office can issue an opinion. Stoney Jaramillo (Anton Chico LG president) commented that the finalized reports from the NMAG's office could help bring the issue to a close, at least partially, as others are being recruited to the opposing party's cause.

Councilor Polaco made a motion for the Council to write a letter to the New Mexico Attorney General's office asking for an opinion regarding land grant board of trustees powers over the management of common lands; Councilor Padilla seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Martínez – aye
Councilor Polaco – aye

The motion passed.

17. Discussion and Possible Action on Land Grant Registry

None.

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

LM García y Griego presented a drafted letter discussing the formalization of a Land Grant Institute at UNM under the Office of the Vice-President for Research office, which would include the Land Grant Studies Program and New Mexico Land Grant Council. That this would incur no additional costs was underscored, showing that the plan is sensitive to budget costs. The advisory committee will have two council members and three faculty members. A meeting will be called by the OVPR's office to discuss further. The Program is also looking to the acquisition of Aspectos Culturales materials.

19. Discussion and Possible Action on Correspondence

The Santa Bárbara LG copied the Council on a FOIA request to the U.S. Forest Service for records regarding the acquisition of the Grant by the U.S. Forest Service. Mr. Baca commented that nothing regarding this acquisition was included in materials received from the USFS in 2017 from 2016 FOIA request.

20. Discussion and Possible Action on Staff Assignments

Council staff participated in April 22, 2020 webinar (Farm Bill roll out) by the NRCS regarding EQIP and other USDA program funding and land grant eligibility.

21. Public Comments – discussion only

Councilor Polaco stated that a person is attempting to claim the cemetery in Los Ojos, NM. He told caretakers that a judge decided in a lawsuit that a right of way in the cemetery is now his property. It seems as though the person is attempting to build a road. The community attempted to discuss with the property management department of the Archdiocese of Santa Fe but received no response. The right of way was used for cattle drives. Councilor Polaco welcomed any advice on how to approach the situation. Mr. Archuleta commented that part of the challenge is ownership and they have to verify if the land is within or outside of the cemetery. Councilor Polaco stated that the community has copies of the surveys that shows ownership by the Archdiocese of Santa Fe but no deeds; what is needed is a full understanding of chain of title.

Councilor Martínez stated that the San Joaquín del Río de Chama Grant has submitted a FOIA request to the USFS for the Skull Ranch property acquisition in 1969, including the warranty deed and case file. LM García y Griego commented that the documents may not yet be at the Regional office and therefore were not yet provided in other requests. Councilor Martínez also

stated that he will request the LGSP to assist in the mapping of historic acequias on the Cañón de Chama.

22. Miscellaneous Announcements

None.

23. Date and Location for June 2020 Council Meeting

The June 2020 Council meeting will be held on June 25, 2020 in Albuquerque at UNM.

24. Adjournment

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

Roll call vote: Councilor Padilla- aye

Councilor Polaco - aye

Councilor Martínez - aye

The meeting adjourned at 2:02pm.

Approved:

Chair

Date

New Mexico Land Grant Council (NMLGC)

June 8, 2020 – 10:00am

Virtual Meeting

Zoom ID: 988 5202 7832

Minutes – Final

Special Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:09 am. Roll call of the Council members: Andrea Padilla, Leonard Martínez, Rebecca Correa Skartwed, Steve Polaco, and Juan Sánchez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Leonard T. Martinez (NMLGC); Steve Polaco (NMLGC); Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Jeanette Gallegos (Department of Finance and Administration); Cristina Martinez (Department of Finance and Administration); Novela Salazar (Office of the New Mexico Attorney General); Carmen Morin (Department of Finance and Administration, Local Government Division).

3. Approval of Agenda

Councilor Leonard Martínez made a motion to approve the revised agenda; Councilor Rebecca Correa-Skartwed seconded the motion.

Roll call vote: Councilor Padilla - aye
Councilor Martínez- aye
Councilor Correa-Skartwed - aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

4. Approval of Meeting Minutes from Regular Council Meeting of May 21, 2020

Councilor Steve Polaco made a motion to approve the meeting minutes of the May 21, 2020 Council meeting; Councilor Andrea Padilla seconded the motion.

Roll call vote: Councilor Padilla - aye
Councilor Martínez - aye
Councilor Correa-Skartwed- aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

5. Discussion and Possible Action on Copy Machine Purchase

Mr. Archuleta discussed quotes for copy machines. The Department of Finance and Administration (DFA) determined that because the purchase is over \$5,000 is a capital purchase.

Staff solicited and received quotes from four different vendors; DFA recommended that the Council use monies managed by DFA rather than those that are part of the UNM contract. Three detailed quotes were presented from vendors that are the approved vendor list. Vendors contacted offer UNM better rates than they offer the State of New Mexico. The Council seeks an upgrade from the current copier, which outputs 30 pages per minute (ppm). All quotes, whether for lease or purchase, do not include service agreements, which are paid monthly apart from both purchase and lease cost. (*A detailed comparison of copier machine quotes is provided in the meeting packet, p. 14*). Ricoh's purchase cost under State pricing was \$7,300, \$178 per month lease (30ppm); Xerox quoted \$6,495 purchase price and \$133 per month lease under State pricing, \$7,255 purchase price and \$154.59 per month lease (45ppm); Pacific Office Automation (POA) provided a lease quote of \$163.39 per month (UNM lease quote, 35ppm); and Document Solutions Incorporated (DSI) quoted \$12,120.26 State pricing / UNM \$8,424.70 for purchase, \$268.52 State/\$186.19 UNM for lease. Mr. Archuleta asked if DFA would allow the purchase of the copier at the UNM rate rather than under the state purchasing agreement. Jeanette Gallegos (DFA) responded that she did not know but believed it was allowable but up to the vendor.

Mr. Archuleta reiterated that maintenance and service agreements are in both purchase and lease. This covers equipment and ink, but not paper. The lease rate is determined by the number of copies made per month; this number of copies is automatically sent to leaser. In a lease, there is a higher cost over time, but at the end of lease, the copier is replaced and you do not have to worry about disposal. Vendors recommend a 5-year lease; some leased machines are 10-12 years old. The current copying machine in the LGSP office is 10 years old; no more parts are made and the service technician cannibalizes older machines for parts to repair. Current costs are \$2,500 annually in maintenance & service and even in a lease, there would remain rental and service costs. In FY 2021 budget, we would need to include costs of rental in budget and there is some uncertainty with special session. If the Council purchases the machine, it owns it outright and only needs to pay for service and maintenance. The Council currently uses Sharp copier, which is considered a tier 1 copier in terms of quality. Ricoh, Xerox and Konica Minolta copiers are tier 1; both DSI and POA sell and service Konica Minolta copiers. DSI is locally owned and higher priced, but promise better service and budgeting assistance. Konica Minolta copiers are top of the line. Both Ricoh and Xerox offer technicians either close to or on campus and service and supplies will be close at hand. POA provided a purchase quote but Council staff was unable to contact for more information. Another factor to consider is that the purchase needs to be completed and goods delivered by June 30, 2020. DSI advised a 2 week turn around for delivery; Ricoh stated it would be 2-4 weeks out and the machine might not come until or after July 1, whereafter DFA would refuse delivery after. Xerox stated it would take 2-3 weeks for delivery, the sooner the order, the better the chance of delivery before June 30.

There are ~\$14,000 remaining in the Council DFA managed budget that can be spent on the copier; these monies were budgeted for in-state and out-of-state travel and were not spent due to the COVID outbreak. Ms. Gallegos stated that the Council does not need to go with the lowest quote and can consider other factors when choosing a copier. Councilor Correa Skartwed opined that the Council should purchase rather than lease a copier; Councilor Padilla agreed and added that she preferred going with a local company to help the local and state economy. Councilor Polaco asked if the lease price was set or if it adjusted yearly and if there were rebates or warranty. Mr. Archuleta responded that leases were typically 60 months and were adjusted

thereafter. They contain a clause where from State Purchasing that states the contract is subject to appropriation by the legislature, meaning the Council would not be on the hook if there was a budget cut. With a MSRP of ~\$20,000, and negotiated State and UNM rates much cheaper, there is unlikely to be rebates. All machines do come with a warranty that covers in wear and tear. The maintenance and service agreement cover repairs, regardless of cost. Councilor Correa-Skartwed added that a purchase was important as the FY 2021 budget is uncertain and the current machine is nearing the end of its life. Councilor Martínez agreed, as did Chairman Sánchez.

DSI guarantees delivery and installation by June 30th; Xerox said they could likely complete the order and installation by June 30th, but the order needed to be completed as soon as possible. Ms. Gallegos recommended that the Council chooses a particular vendor so that DFA can issue a purchase order; if there is a change in vendor, a new p.o. needs to be issued, causing a delay. Mr. Archuleta asked if the Council can authorize a contingency; Ms. Gallegos responded that they could but it needed to be very specific stated in the meeting minutes. Mr. Archuleta added that the costs might be lower if the vendor if allows DFA to purchase at the UNM cost rather than State cost. He added that if the Council reverts monies from lower costs, it will not be penalized for not expending their budget; Ms. Gallegos agreed. Mr. Archuleta commented that quotes provided were for the NM Land Grant Council and not issued directly to DFA and that UNM quotes were provided to the Land Grant Studies Program. He asked if this was okay for DFA; Ms. Gallegos responded that this was fine. He also clarified that maintenance and service billings are done through UNM, billed to LGSP, then billing is transferred internally to proper index number. Ms. Gallegos raised concerns that if billing went through GSA, then DFA would be billed the whole cost and asked how the costs would be broken up so that LGSP pays its portion. Mr. Archuleta responded that at UNM, internal billing transfers would ensure this and that if UNM needs to cut a check to DFA, it would be more complicated. Ms. Gallegos responded either scenario was doable.

Mr. Archuleta added that in FY 2020, \$1,900 was budgeted for this copier costs; 75% of copier usage is for the NMLGC and FY 2020 was the first year that Council paid for copies as a part of IGSA. Previously the LGSP covered all costs. He added that DSI (Document Solutions Inc.) is a local, minority and women owned business and asked DFA if these factors in considering pricing and choosing a quote. Cristina Martinez (DFA) stated that she would need to confirm this with GSA, but that she believed that typically state agencies are directed to choose the best obtainable price. There does exist a preference for locally owned businesses and New Mexico residence and there were taken into consideration in the statewide price agreement. Council members discussed the promptness of purchase and delivery, ensuring it would be completed before June 30, 2020 and the likelihood of better service by a local company rather than a national company with a local office. In considering these factors, they reached a consensus that DSI offered the best quality machine (Konica-Minolta), with better output speeds (45ppm), and the best promise of good service.

Councilor Martínez made a motion that the Council purchase a copier through DSI, provided that the purchase at the UNM rate (\$8,424.70) is allowable by the vendor (DSI); if it is not, the Council shall purchase a copier through Xerox, at state rate (\$7,255.00) or UNM rate (\$5,647.00). Councilor Polaco seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Martínez – aye
Councilor Correa-Skartwed – aye
Councilor Polaco – aye
Chairman Sánchez – aye

The motion passed.

6. Discussion and Possible Action on FY 2020 UNM Intergovernmental Service Agreement – Internal Budget Revision

Mr. Archuleta reported that the NMLGC is set to revert \$6,965.69 from the UNM IGSA (Intergovernmental Service Agreement). The Council previously considered using these monies to purchase a copier or to provide additional summer research salary to the P.I., Dr. LM García y Griego. Another alternative is office supplies purchases, either through Staples (an approved UNM vendor) or through Lobomart. Staples prices are typically better. He presented a ‘wish list’ of office supplies, adding that the Council operates at a minimal budget and uses second and thirdhand office furnishings from other departments on campus. The following items (included in the meeting packet) were presented and discussed by Councilors and staff. DFA approved the purchase of the chairs and adjustable desk and raised concerns over the storage and usage of the digital camera, portable document scanner and high capacity USB drive. Council staff responded that these items would be stored in the lockable firesafe cabinet and would only be accessible and used by Council staff. Some items may be tagged by UNM for inventory control.

- Three office chairs
 - Needed to accommodate staff health/back issues
- Adjustable desk
 - Needed to accommodate staff health/back issues
 - Would like to replace table with this desk
- Paper – 5 boxes, 8 reams per carton
- Digital camera – documenting field research; archival research
- Ink for plotter (large format printer)
 - HP 727 Black Matte Ink Cartridge – 2
 - HP 727 Cyan Ink - 2
 - HP 727 Magenta Ink Cartridge - 2
 - HP 727 Photo Black Ink Cartridge - 2
 - HP 727 Gray Ink Cartridge - 2
 - HP 727 Yellow Ink Cartridge - 2
- Ink for portable printer
- Fujitsu ScanSnap SV600 PA03641-B305 Desktop Scanner
- PNY PRO Elite 1TB USB 3.0 Flash Drive
 - Important for transfer of materials that exceed capacity of typical drives and to ensure that drive is compatible with transferring device (PC/Mac)
- Centon MP – 8GB - USB 2.0 Pro Flash Drives, Gray; 2 - 50 count packs
 - To distribute items to land grants too large to e-mail, including, but not limited to archival materials; documents; mapping shape files;

- Martin Yale Letter folder
- When discussing copiers, letter folders that are part of finishing tray are \$1,000; Council can use and can be used to assist LGs as well
- Small portable document scanner
- Useful in field to scan important documents that land grants are unwilling to lend
- Monitor – to connect laptop computers
- Foldable Hand trucks – 2
- Small & Large
- Paperclips
- Wipes for digital screens
- Air dusters (for maintenance for machines)
- Binder clips
- Staples
- HP 62XL Black Ink Cartridge – for portable printer
- Display easels
- For presentations; signage; Council does not have any, typically borrow
- Sharpies, highlighters, pens
- Portable files folder boxes
- Banker boxes for file storage
- Classification file folders
- Useful for assisting LGs organize receipts for LGSF awards; organizing Council contracts, etc.
- Envelopes
- File folders
- legal pads
- mailing labels

Total cost for the above items is estimated at more than and would expend remaining Council monies under IGSA if purchased. The prices may change, items could be out of stock or could be cheaper if purchased through Lobomart. Ms. Gallegos reiterated that state agencies have been asked to minimize their purchases to what is absolutely necessary as the state is looking for as much reversions as possible and that agencies will not be penalized for reverting. Councilor Padilla asked that the list be reconsidered and paired down to what was necessary. Council members and staff discussed the list and removed the following items.

- Fujitsu ScanSnap SV600 PA03641-B305 Desktop Scanner
- 1 – 50 pack of 8GB flash drives
- Martin Yale Letter folder
- Handtruck – large
- Portable files folder boxes
- Classification file folders – 1 pack removed

Councilor Martínez made a motion to move funds from unexpended line items for the purchase necessary supplies not to exceed total amount remaining in UNM Inter-Governmental Services Agreement; Councilor Correa-Skartwed seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Martínez– aye
Councilor Correa-Skartwed – aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion passed.

7. Discussion and Possible Action on FY 2021 Legal Services Contract

Mr. Archuleta commented that the Council previously approved the scope of work for the legal services agreement and that Carmen Morin asked that DFA be provided something to confirm this approval. New Mexico Legal Aid offers the best value; their rate is \$125 per hour and additionally provide services after contract monies are expended, provided that client qualifies for income-based assistance. As a comparison, Holland and Hart’s cheapest rate is \$400 per hour and many attorneys currently working on land-grant related cases on a special contract are paid \$600.00 per hour. He added that NMLA attorney David Benavides’ level of expertise is unparalleled. The following rationale for the Council choosing NMLA was provided in the meeting packet

“Based on New Mexico Legal Aid’s level of expertise working on land and water issues for over 20 years, and their extremely low hourly rate compared to other law firms, the New Mexico Land Grant Council finds that a contract with New Mexico Legal Aid to provide legal services to land grants-mercedes would have the most value given the Council’s limited budget for legal services. Therefore the New Mexico Land Grant Council chooses to award a small legal services contract not to exceed \$40,000 to New Mexico Legal Aid for Fiscal Year 2021.”

Mr. Archuleta asked Ms. Morin if the rationale statement above would suffice; Ms. Morin responded in the affirmative. Ms. Martínez asked if the Council has anything in writing from NMLA regarding their hourly rate and added that DFA can contact NMLA to obtain the rate in writing.

Councilor Correa-Skartwed made a motion to award the legal services contract, not to exceed \$40,000, to New Mexico Legal Aid, especially considering their expertise and low hourly rate. Councilor Martínez seconded the motion.

Roll call vote: Councilor Padilla – aye
Councilor Martínez – aye
Councilor Correa-Skartwed – aye
Councilor Polaco – aye
Chairman Sánchez – aye

The motion passed.

8. Discussion and Possible Action on FY 2020 Publishing Expenditures

Mr. Archuleta presented a quote from the State Printing Office for the publication of the law book (Land Grant-Merced Laws and Statutes). In printing of the law book, he stated a preference to also print an appendix that includes other important and applicable laws that are also important

to distribute to land grants. The quote (in packet) is for a total of total of \$2,094.79 for 250 copies; it would expend the remaining publishing budget. Councilors agreed that the publication was necessary.

Councilor Martínez made a motion to approve quote from State Printing Office for \$2,094.79; Councilor Polaco seconded the motion.

- Roll call vote: Councilor Padilla – aye
- Councilor Martínez – aye
- Councilor Correa-Skartwed – aye
- Councilor Polaco – aye
- Chairman Sánchez – aye

The motion passed.

9. Adjournment

Councilor Martínez made a motion to adjourn the meeting; Councilor Polaco seconded the motion.

- Roll call vote: Councilor Padilla – aye
- Councilor Martínez – aye
- Councilor Correa-Skartwed – aye
- Councilor Polaco – aye
- Chairman Sánchez – aye

The motion passed.

The meeting adjourned at 12:24pm.

Approved:

Chair

Date

New Mexico Land Grant Council (NMLGC)
June 25, 2020 – 10:00am
Virtual Meeting
Zoom ID: 923 2479 4833

Minutes – Final
Regular Council Meeting

1. Call to Order - Roll Call

Chairman Juan Sánchez called the meeting to order at 10:04 am. Roll call of the Council members: Andrea Padilla, Rebecca Correa Skartwed, Steve Polaco, Juan Sánchez and Leonard Martinez were present.

2. Introduction of Guests

Juan Sánchez (NMLGC); Rebecca Correa Skartwed (NMLGC); Andrea Padilla (NMLGC); Steve Polaco (NMLGC); Leonard T. Martinez (NMLGC); Congresswoman Deb Haaland; Arturo Archuleta (NMLGC/LGSP); Jacobo Baca (NMLGC/LGSP); Venessa Chávez (NMLGC/LGSP); Novela Salazar (Office of the New Mexico Attorney General); LM García y Griego (NMLGC/LGSP); Ian Fox (USFS); Ericka Luna (USFS); Laura McCarthy (NM State Forester); Ashley Wright (USFS); Amy Simms (USFS); Kris Graham Chávez (NRCS); Eric Chávez (Office of Congressman Ben Ray Luján); Isis López (Office of Congressman Ben Ray Luján); Sofia Sanchez (Office of Congresswoman Deb Haaland); Sarae Leuckel (USFS); Jack Lewis (USFS); Debbie Cress (USFS); Lisa Morrison (BLM); JR Logan (Cerro Negro Forest Council); Patricia Domínguez (Office of Senator Martin Heinrich); David Benavides (NM Legal Aid); Michelle Kavanaugh (Office of Sen. Tom Udall); Chris Chávez (Territorial Land Surveying); James Durán (USFS – Carson NF)

3. Approval of Agenda

Councilor Steve Polaco made a motion to approve the agenda; Councilor Rebecca Correa-Skartwed seconded the motion.

Roll call vote: Councilor Padilla - aye
Councilor Martínez- aye
Councilor Correa-Skartwed - aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

4. Approval of Meeting Minutes from Special Council Meeting of June 8, 2020

Councilor Andrea Padilla made a motion to approve the meeting minutes of the June 8, 2020 Special Council meeting; Councilor SP seconded the motion.

Roll call vote: Councilor Padilla - aye
Councilor Martínez - aye
Councilor Correa-Skartwed- aye
Councilor Polaco - aye
Chairman Sánchez – aye

The motion was passed.

5. Discussion and Possible Action on U.S. Forest Service Update – including Master Stewardship Agreement

Meeting attendees discussed the Master Stewardship Agreement (MSA) between the U.S. Forest Service Region 3 and the NMLGC. Mr. Archuleta commented that the Council tried such an agreement in the past. Since then, community forestry projects like the CFRP funded Cerro Negro Project and the community blocks at Las Trampas have taken place. There is no funding with this type of agreement, but local projects could fall under this agreement. Ian Fox (USFS R-3) added that the Council and the USFS almost completed this agreement in the past. He stated that the master stewardship agreement frames up what SPAs (Supplemental Project Agreements) created for local projects can do. There is a mutual benefit to community for watershed protection and this agreement would allow for community-based forestry projects, employment opportunities and opportunities for product removal. Three sections are very important and will lay out how the MSA will operate for the 10 year life of the agreement: the mutual benefit section; the 'USFS shall' section, which broadly outlines the expectations of the USFS; and the 'NMLGC shall' section, which discusses what the partner does under the MSA. SPAs can be executed under the MSA during the 10-year life of the MSA. Mr. Fox added that the Cibola, Santa Fe and Carson National Forests are excited to do this MSA.

Mr. Archuleta commented that there has been much progress and that Laura McCarthy, the New Mexico State Forester, is a good partner. Last time this was attempted, there was a road block when the exchange of funds came into play as the Department of Finance and Administration felt understaffed to implement the plan. The Council wants to start with small projects that are achievable, so as to not overwhelm the land grants or the Council. Laura McCarthy (NM State Forestry) added that the NM State Forestry Division can help with technical assistance and is willing to help with DFA as well. J.R. Logan (Cerro Negro Project / Taos County WUI Coordinator) added that he felt the MSA presented great possibilities in projects for communities in northern New Mexico. Venessa Chávez (Tajique LG) thanked Mr. Fox, Mr. Logan and Ms. McCarthy for their support and commented that her community of Tajique relies on fuelwood to heat their homes and to make extra money. Coming from a *leñero* family, this is vital and crucial to the community. James Durán (USFS - Carson NF) added that there is a lot of acreage in the Carson NF that needs treatment. The Cerro Negro project has shown the community investment that people have shown and is modeled off of the acequia, where a mayordomo is appointed to oversee community management of the resource. The USFS has had a hard time keeping up with the demand for firewood and the injunction that stopped commercial cutting has hit households as well, especially the elderly that are unable to get firewood themselves and depend on small scale commercial and communal cutters to provide firewood. While fuelwood is considered a low (commercial) value product, it is important to the communities of northern New Mexico, engaged youth in stewardship and traditional ways and the Carson National Forest supports the communal shared stewardship model.

Ericka Luna (USFS) introduced Debbie Cress and Jack Lewis: Ms. Cress will be the acting Forest Supervisor on the Santa Fe NF while James Melonas is at Region 3; Mr. Lewis was the Questa District Ranger and now is the acting Deputy Forest Supervisor for the Santa Fe NF. Ms. Cress stated that she was raised in southern New Mexico, started with the Santa Fe NF in January 2020

and worked in the Tonto National Forest previously. Mr. Lewis stated that he has just joined the Santa Fe NF and added that at the Questa RD, the Cerro Negro Project was able to get firewood to communities, especially in light of the COVID-19 related forest shutdowns. Ms. Luna gave more personnel updates: Cal Joyner is recovering from surgery and will be retiring in August and appreciates the support he has received from the community and his work with land grants and the Council; Elaine Kohrman was acting Regional Forester but will resume as deputy regional forester as Sandy Watts will now be acting Regional Forester. James Melonas will serve as the other acting deputy. Ms. Luna reported that her detail as the chief of staff is over and that she will be the acting ranger on the Wilderness District of the Gila National Forest starting on July 6, 2020, for the period of one year. She will be sure that person taking on her liaison duties is connected to the Council. Ashley Wright, acting legislative affairs and issues manager, is on the call as well.

Mr. Archuleta commented that the Piedra Lumbre Visitors Center purchase is nearly complete. The law firm of Holland and Hart is reviewing ownership and operating agreements. They will wrap up official work on June 30 but will stay on. Sarae Leuckel reported to Mr. Archuleta that the Office of the General Counsel has reviewed the agreements and there is a time crunch to get the documents signed and executed by July 4th, when the appraisal expires. Larry Montaña of Holland and Hart will review and advise land grants in their signing and has a notary on staff to witness land grant presidents signing of the agreements. They were notarized to sign by the purchase proclamations. Sarae Leuckel, the New Mexico Lands Zone Lead, reported that she will receive the documents today (June 25th) and will send them to Larry Montaña of Holland and Hart. Mr. Archuleta will coordinate with the presidents of the San Joaquín del Rio Chama, Tierra Amarilla and Juan Bautista Baldes Land Grants to visit the Holland and Hart offices and sign the agreement.

Chairman Sánchez welcomed Congresswoman Deb Haaland to the meeting. Congresswoman Haaland reported that she is back in Washington DC to vote on important legislation. She thanked Council members for their work for New Mexico's land and people. The nation is undergoing a cultural shift and it seems to be divisive in New Mexico. Congresswoman Haaland added that we need to stick together, that all need education, a clean she environment and that she is here for the Council and land grants and is a phone call away. She values all of the relationships that she has made across not only her district and throughout New Mexico and the time that spent with land grants last summer she holds close to her heart. Congresswoman Haaland will fight for land grants, their love of the land, our culture and stewardship of New Mexico. She offered thanks to Arturo Archuleta and stated that when land grants do well, all of New Mexico will do well. Hopefully that H.R. 3682 will move through the Natural Resources Committee this summer.

Chairman Sánchez thanked Congresswoman Haaland for her remarks and for joining the Council meeting. Mr. Archuleta thanked the Congresswoman for her support of HR 3682 and thanked the Congresswoman for her continued support and kind words at the prayer breakfast and leadership in these divisive times. Councilor Martínez thanked the Congresswoman for her kind words and that it pointed that our communities are interconnected through work, communication and dialogue. The San Joaquín Grant is connected to the Jicarilla Apache communities and recently the Grant was reached out to Navajo representatives that visited are

sharing wood gratis. Councilor Polaco welcomed Congresswoman Haaland and shared that because the Tierra Amarilla Land Grant common land is now privately owned and there is very little public land in New Mexico, access to the 90,000 acres of former common land in Colorado is very important. While he thanks the San Joaquín Grant for sharing firewood, the 100-mile round trip is burdensome and he thanks the Congresswoman for helping all land grants in New Mexico. Councilor Correa-Skartwed thanked Congresswoman Haaland you for her continued support of the Council and land grant communities. Councilor Padilla offered her thanks and stated that Congresswoman Haaland's words touched her, that it was good to see that people see the connection between all of us. Congresswoman Haaland thanked the Council and land grants for taking care of New Mexico's land.

Sarae Leuckel added that remaining items that we need to do to complete disposal includes the signature of docs. They do not need to be signed all on the same day together and land grants can sign closer to their own communities and have the documents compiled later. She needs to receive an electronic copy of the signed document with all signatures by July 4th and the hardcopy of the document can be sent and received after. The site needs an environmental site assessment and she wants to ensure that the land grants are listed as a client so that land grants can pursue opportunities later. Finally, unrecorded easements need to be recorded. Land grants need to reach out to the utility companies that are easement holders and have documents in draft so that they can be recorded with the deed. The USFS is not involved in this process but she will advise Mr. Montaña of Holland and Hart and the transmittal letter will have this easement information and contacts. Mr. Archuleta added that the money for the PLVC was part of reauthorization and a new grant agreement will be executed with the San Joaquín del Río Chama LG as they are fiscal agent. Once grant agreement is in place, we can send documents to obligate funds and they'll be able to do purchase at that point. The three land grants LGs must spend money within 5 days of receiving it. Ms. Leuckel asked how long it will take for this to take place as the ESA work will be done through a contract, not in house. Mr. Archuleta clarified that the reauthorization required a new grant agreement to be issued to clarify use of the funds in excess of the purchase price. The Council can notify DFA that we need the process done quickly to ensure the purchase goes through.

Regarding traditional use legislation, Mr. Archuleta reported that H.R. 3682 gives the USFS the authority to work with land grant communities. Any concerns or questions raised as we move through legislative process would be better addressed now rather than later. Ms. Luna stated that the USFS watched the hearing and the USFS does not take positions on legislation. If there are requests from Congressional offices, the USFS will provide any info requested of the agency. Ashley Wright (USFS- Region 3) reiterated that any technical assistance, from a Congressional member of their staff, can be provided. Mr. Archuleta also offered the assistance of the Council for clarification as to the intent of the legislation. The Department of Interior did raise some questions and submitted questions.

The Manzano Spring and Ditch Association sent a letter to the New Mexico Attorney General's office regarding the Merced de Manzano's desire to be involved in the negotiations relating to the lake. Questions are being raised as to who is party to the management of the lake and the USFS has been involved in past agreements for use of the Lake. The Manzano Lake sits on Merced de Manzano common lands and the Merced acknowledges that they take no issue with water rights

by parciantes of acequia, but they owe a responsibility to the community and that the excess waters of lake belong to the Land Grant-Merced. While the USFS and New Mexico Game & Fish sometimes shy away from conflict like this, the Council hopes that the community does not lose out in this case as the agencies look to carry out the official needs of agencies. Though both agencies have worked with the Spring and Ditch Association, it seems evident that Merced de Manzano and the Spring and Ditch should both be at the table and we look to the New Mexico Attorney General's guidance on the issue. Ms. Luna reported that an alternate source of water for the USFS has been located at the Apple Ranch. The ranger at the Mountainair Ranger District (Ernie Taylor) wants to continue to work with grant and it is important to understand who the proper parties are, which is generally clear on the land grant side, but was confusing in the case of Manzano LG. Mr. Archuleta added that this is confusing as leadership of these local governing bodies is often shared and as communities grow and elected officials change, there is sometimes a departure. The Manzano Land Grant has put in FOIA request regarding payments to the Manzano Spring and Ditch to help understand that if funds are reflected in work that has been done and what is the community benefit. Ms. Luna stated that these records are well beyond the retention schedule (7 years) for fire related work. The Albuquerque Service Center is looking and found some records and is reviewing to see if they are important. Mr. Archuleta stated that the Council remains the authority as to which land grants are in compliance, though the Council's records are not always 100% correct as land grants do not always update the Council when changes happen. In these cases, the NMLGC will help ascertain the correct authorities. As to the acequia side, we are not sure if the New Mexico Acequia Association or the New Mexico Acequia Commission keeps a list. All agencies do need to follow statute. The NMLGC requests that land grants submit updated lists and that they are in compliance on elections, which should be held every 2 years. The NMLGC is a liaison to both land grants and to agencies working with land grants. Ms. Luna commented that this has not been an issue with the Carson and the Sante Fe but this is the second time that the issue has come up in the Cíbola. The USFS is tracking this and the agency will talk to the regional forester to discuss how things can go n=more smoothly. Regarding the FOIA, Mr. Archuleta added that it is difficult as communities do not know agency processes and when they are trying to request info, they do not always know what the request needs to have. The USFS and NMLGC might collaborate on training to ensure a FOIA is written properly to ensure they receive documents that they want. Ms. Luna stated that she will talk to the director of FOIA to see if they can attend council meeting or if there is training they provide. Councilor Martínez commented that he submitted a FOIA request on the acquisition of the Cañón de Chama but has received nothing. Ms. Luna stated that she will look into it and under the impression it was completed. Councilor Martínez added that the forest service needs to clean the waterways above their ojitos on the above Mesa 3 miles above the Cañón de Chama.

6. Discussion and Possible Action on BLM Update

Lisa Morrison (BLM) stated that the Farmington RMP comment period extended to September 2020. The Horse Thief Mesa (n. of Arroyo Hondo) scoping report meeting was postponed to July 22. The Rio Puerco District is hoping to release the final EIS on the RMP in July and records of decision in October. She reported that she provided a map of known cemeteries of BLM land to Jacobo Baca, NMLGC staff. Councilor Martínez asked if the map included USFS and BLM cemeteries; Ms. Morrison replied that it only included BLM cemeteries.

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

Mr. Archuleta reported that he delivered testimony on behalf of the Council for a Congressional subcommittee hearing for HR 3682 (“Land Grant and Acequia Traditional Use Recognition and Consultation Act”). Eric Chávez (Office of Congressman Ben Ray Luján) thanked the Council for their work and Mr. Archuleta for testifying. The Congressman’s office was excited and felt the committee hearing was successful. The Committee is having ongoing reviews and is working toward markups and is having conversations with and receiving comments from other agencies. Congressman Luján’s office will be in contact with the Council as the bill moves along. The tentative date to get this through is in July 2020. The Congressman’s office feels that the testimony provided helped clarify Section 10 of the bill. Any additional comments or letters of support need to be received by Isis López, Levi Patterson, or Eric Chávez by the end of next week (June 30). H.R. 3682 moves forward the federal recognition of land grants; with the passage of the 2018 Farm Bill and and HR 2 (the infrastructure bill), recognized land grants will also soon be able to access wildlife mobility permits. Once the Congressman’s office receives comments back from the Committee staff regarding Section 10 of the bill they will share these with the Council. Isis López (Office of Congressman Ben Ray Luján, DC staff) commented that this is one of Congressman Luján’s top priorities and he considers it important to his legacy in the House. His Washington DC office has yet to receive any updates from the Natural Resources Committee and will communicate with the Council regarding a possible markup in July. Responding to an inquiry by Mr. Archuleta, Mr. Chávez commented that Congressman Luján’s office will likely plan a virtual event regarding the bill and will be in contact with details. He also acknowledged the assistance of Congresswoman Deb Haaland and her staff.

Mr. Baca reported that he has shared materials regarding historic cemeteries with the Council members and Ms. Dominguez. This is compilation of information received from the Santa Fe National Forest, the Carson National Forest, the BLM and the Archaeological Resources Management Section of the New Mexico Historic Preservation Office. These sites will be placed on a map for Council members and Ms. Domínguez. Patricia Dominguez added that she will be back in the office August 1 and will finally have access to her files, including those regarding federal cemetery legislation. She hopes to have more information by the August 2020 Council meeting.

8. Discussion and Possible Action on FY 2019 Land Grant Capital Outlay Updates

Mr. Archuleta reported that the special session ended and cuts will impact land grants receiving capital outlay. HB 1, called the “sanding bill,” will shave off funding in new fiscal year. There is no official word from DFA but it looks like the Council will have a 4% cut, ~\$12,000, which aligns with the general cuts to DFA. The Council hoped to have a DFA representative in today’s meeting but they were unavailable. Part of what was included in FY 2021 budget was a 4% increase to staff; this will be rolled back and the increase might be 1-1.5%. This will account for a portion of the cuts. Mr. Archuleta hopes to give recommendations to the Council once it has received a budget from DFA. The Land Grant Studies Program received a cut of \$7,000.

Regarding capital outlay, land grants have a 90-day grace period from when bill is signed into law to be compliant with the State Auditors office and spend 5% of their funds on their projects. The Cañón de Carnué Land Grant is listed and is not compliant with the State Auditors office; they also need to spend 5% of their award. The Tecolote Land Grant has not yet completed their

audit certification; this is simple as they make under \$50,000 and only need to complete a simple audit certification. The Grant has quotes for roof repairs needed to their community center; their encumbrance of funds should be doable. Cristóbal de la Serna LG received funding appropriated to the NMLGC to buy land and they have identified property owners willing to sell. The Council has asked DFA how to proceed as a grant agreement was sent by DFA to the Grant which they did not sign as it was not issued to them. The Council wants to ensure that the funding does not fall between cracks because NMLGC and DFA bureaucratic issues. Mr. Archuleta commented that the Grant needs to comply with Executive Order 1306 and needs to encumber funds (at least 5%) or the purchase will not happen. The Council may ask the assistance of the Treaty Division in getting this accomplished.

Councilor Padilla asked if the Council has received word regarding the bond sale for capital outlay projects as it was supposed to take place on June 20th because of the special session. Mr. Archuleta read an email update from DFA. DFA will likely execute grant agreements and will likely sell bonds soon if they have not yet. There are also deadlines for agencies with end of fiscal year. DFA cannot accept notice of obligations for FY 2020 expenses and will need to wait until July 1. Reimbursement requests need to be in by July 15. Councilor Padilla stated that they wanted to know bond sale happened so that the Grant can encumber the money; Mr. Archuleta advised that the grant cannot do so until the grant agreement is issued, which typically happens after bonds are sold. We still have not heard from the Board of Finance if they will allow reimbursement of past expenses.

9. Discussion and Possible Action on State Forest Action Plan Updates

Official comments for the New Mexico Forest Action Plan were due at the end of May. Comments were created by Council staff (Mr. Baca with input from Mr. Archuleta and LM García y Griego) Overall the plan is good and inclusive of traditional uses for tribal and land grant communities. The plan is divided into topic areas, then strategies and sub-strategies under each area. Chairman Sánchez stated that Councilors will review the comments before adopting in the July meeting.

10. Discussion and Possible Action on Professional Surveyor Services Contract - Updates and Requests

Chris Chavez (Territorial Land Surveying) reported that he completed a survey of the Tomé Park area near Tomé Hill. He shared a boundary survey plat that was completed as a result of the project. For clarity, he did not map the ATV trails and he wants to set the corners, but needs to ensure that the ATVs will not destroy them. With assistance from the Tomé LG, he can install counter sinkers or other boundary identification devices; he will coordinate with the Grant to set the markers. Valencia County does not have information regarding unknown parcels from the western boundary to Entrada Road. A survey filed by "lands claimed by Williams" shows undefined parcels that persons are claiming; these are merely a claim with no reasoning. The completed survey will be the first and work will go on. A 1955 MRGCD survey shows common lands, then considered in private ownership, before the Grant was reorganized as a political subdivision. The parking lot for Tomé Hill is very active. Councilor Padilla stated it was the intention of the Tomé Land Grant to claim unclaimed land for the Tomé Land Grant.

Mr. Chávez added that he planned a site visit to the Juan Bautista Baldes Land Grant with David Benavides and Joe Lennihan of New Mexico Legal Aid to examine the claim. Mr. Benavides stated that Mr. Chávez was key in this case and Mr. Archuleta added that the Council did include surveyor services in the FY 2021 budget. The new contract for Council is still in play and we do not know the official start date of contract, but the surveyor contract is under a professional services contract that, once procured, allow for amendments for 3 years. The Council can amend the contract and does not have to go through procurement, but needs the contract executed by the state and a new index number assigned to execute the FY 2021 contract. With this billing, only remaining a few cents on this contract. Councilor Martínez thanked Mr. Chávez for his work and stated that as next month is the new fiscal year, the San Joaquín del Río Chama Land Grant has a small ask. They would like for the Land Grant Studies Program to help map acequias in the Cañón de Chama. Most of this can be done with a computer and the Office of the State Engineer map only lists the T.D. Burns Acequia, even though there existed in the Cañón an old acequia, dug prior to 1806. This and smaller acequias need to be mapped

Councilor Padilla made a motion to approve invoice 2020-05 for \$8,313.97; Councilor Correa-Skartwed seconded the motion.

Roll call vote:

Councilor Padilla - aye

Councilor Martínez - aye

Councilor Correa-Skartwed - aye

Councilor Polaco - aye

Chairman Sánchez – aye

The motion was passed.

11. Discussion and Possible Action on Treaty of Guadalupe Hidalgo Division – Updates and Requests

Novela Salazar (NMAG / Treaty Division) reported that the New Mexico Attorney General's office did receive a complaint regarding the Manzano Land Grant (Merced de Manzano). The NMAG's role is understanding the management of waters. The office has received a response by Merced de Manzano president Jason Quintana, but has not yet received requested information from the complaint. Once the deadline has passed for receipt of the information, the office will review information. The USFS will be involved, as will the NMLGC. The NMAG's office has also received another packet of information regarding the Anton Chico Land Grant. This is not an official complaint and contains significant overlap with a previous complaint. Mr. Archuleta commented that the officials at the USFS intimated that they understood that the NMAG stated that the Manzano Spring and Ditch had the sole authority over the Manzano Lake. Ms. Salazar responded that the NMAG has issued no opinion and has just now started the investigation. Regarding Anton Chico, a similar packet was left at the Land Grant Studies Program office, issued to "Consejos." The Anton Chico Grant has contacted the Council as they are constantly getting attacked and it is getting in the way of their work. People not in the community are getting involved as well, included those opposed to the partition bill.

12. Discussion and Possible Action on Legal Services for Land Grants – Update and Requests

David Benavides (New Mexico Legal Aid) and Mr. Archuleta presented the final invoice from New Mexico Legal Aid (NMLA), which expends the remainder of funds under the contract. Mr. Benavides commented that this fiscal year, NMLA has done more important litigation than ever. Other years, legal services have largely been providing sound advice or publications. Litigation is time consuming and has taken time beyond that of the contract. Litigation involving the Juan Bautista Baldes LG is ongoing, as is the Abiquiú Land Grants water issue. The Tajique LG cell tower issue is at the Court of Appeals. While the Laguna del Campo is not litigation, it has also taken significant time. Mr. Benavides reminded that at the September 2019 Council meeting, he reported to the Council that he was overextended with litigation and while this has slowed down, litigation is still in process. In the Juan Bautista Baldes LG case, for instance, the plaintiffs have changed their theories and court has allowed refileing. Claims of adverse possession are now on top of a quiet title suit. Luckily a tortious interference claim, added when the deal with a New York City couple fell through, was vacated. At Tajique, the Land Grant lost its case in district court, and docking statements have been send to the NM Court of Appeals, which will be reviewed. The Tierra Amarilla LG's case against Al Frente de Lucha continues with attorney Jesús López taking the lead, but Laguna del Campo is in the negotiation phase. The Office of the State Engineer never moved the Abiquiú case forward in the second half of the 2020 fiscal year. Mr. Benavides stated that this was too much work to do considering contractual obligations to the New Mexico Acequia Association and the loss of attorney Enrique Romero. Luckily one time funding from SB 244 brought on assistance from Mara Yarbrough and Joe Lennihan, and Chris Chávez has added important expertise. The invoice presented, for \$1,006.35, represents the remainder of the contract, which was maxed out in the first week of April. Mr. Benavides implored the Council to ensure that FY 2021 was not a repeat of FY 2020, as he was so busy that he was not able to provide advice or brief services to land grants. While the cases might wind down, all are ongoing and we do not know what might happen. Chairman Sánchez thanked Mr. Benavides for his work and Mr. Archuleta for the dedication as legal issues are continuing. Legal services are something that needs to be addressed in the long term, as interns hired by Natural Resources Law Clinic through extra funding are also coming to an end. The Council needs to have an attorney on staff and despite the funding challenge, the case needs to be made to the administration.

The Council passed a motion in the June 2020 special meeting for New Mexico Legal Aid to be the contracted legal services provider and needs an hourly rate reported to DFA to move forward for procurement. Mr. Benavides replied that he figured NMLA needed to discuss with the Council before reporting back to DFA.

Councilor Polaco made a motion to approve pay request #9 for \$1,006.35; Councilor Martínez seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Correa-Skartwed- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

Mr. Benavides proposed an idea to alleviate the logjam of legal work. In FY 2021, he proposed subcontracting part of contract to attorney Joe Lennihan, who is currently working on the Juan Bautista Baldes case. He case is likely a year away from trial and Mr. Benavides would like for Mr. Lennihan to serve as counsel and himself as co-council. The NMLA rate would remain. Chairman Sánchez stated that DFA would need to approve but that this sounds like it could work. Councilor Padilla asked if there was any grant money that could pay for legal issues that the MLECT or the Consejo could apply for. Chairman Sánchez stated that the Council tried to increase legal assistance through the legislature and it will always pursue that type of funding. Mr. Archuleta commented that they did apply for IOLTA (Interest on Lawyer Trust Accounts) funding in the past through the New Mexico Bar Association, which can do grants for legal services. Sarah Maestas Barnes helped with the application, which was submitted through the MLECT (a non-profit) in the early days of the Council; the application was not successful. This has been considered a potential source for the 3rd year law program with the premise that graduating law students could work with NMLA and Mr. Benavides. The bill creating the program passed, but without funding. Now, the NM State Bar might fund opportunities for young lawyers to continue this work. This has been discussed with Gabe Pacyniak of the UNM Natural Resources and Environmental Law Clinic and applications to the Ford Foundation and Kellogg Foundation to fund NMLA to create the land and water legal defense portion of NMLA. The Council might be able to prepare something in partnership with UNM Law School and others. Councilor Padilla asked if the IOLTA Grants were still available. Mr. Archuleta added that last time they applied, they were not properly advised and they needed to have an entity like the Law School involved. This work fits with mission of bar, continuing legal education and helping needful communities.

13. Discussion and Possible Action on Council FY 2020 & FY 2021 Budget

FY 2020

Mr. Archuleta presented an update on the FY 2020 budget (in packet). No word has been received on the DFA administrative fee until it is all said and done. Regarding the Land Grant Support Fund, \$9,180.98 has been submitted and 3 of 5 projects are completed (Manzano, San Antonio de las Huertas and San Miguel del Bado). The Tierra Amarilla project only awaits signatures and all but \$600 awarded dollars will be spent. The Don Fernando de Taos Land Grant's purchase of a microfilm viewer fell through and the Grant is trying to purchase other needed office equipment. Legal services will be expended in full as will publishing. The copier purchase is complete (\$8,427.70) and the new copier will be installed on Monday, June 29. For the UNM contract (Intergovernmental Service Agreement), \$168,722.39 has been spent. This does not include final billing, the summer salary nor \$8,000 for planning services. Moises Gonzales will continue working with the Tajique Land Grant on planning services and will provide baseline GIS data to the Council and will train Council staff to complete in house work. The Council will revert some monies back to the State, which is positive considering the state budget. Councilor Padilla commented that the Town of Tomé Land Grant does have a microfilm viewer that can be given to the Don Fernando de Taos LG.

FY 2021

Mr. Archuleta commented that we can assume the 4% cut will apply. In the July meeting, the Council will likely make an amendment to the approved budget. Councilor Martínez commented that the Council should preserve the legal and surveyor services in the FY 2021 budget and that the travel budget might be adjusted as the Council is unlikely to hold in person meetings anytime soon. Mr. Archuleta commented that the Council hopes to know its FY 2021 budget by the July Council meeting. Part of the gap will be made up through a drop in the 4% pay increase that was planned and mandatory; this dropped to 1.5%. The Council will work to make sure impact is minimal. Councilor Martínez again commented that the Council cannot have a flat budget and mandatory increases. Mr. Archuleta responded that the issue was discussed with the Governor's office at the close of the 2020 Legislative Session. While the Governor recommended an increase, Legislative Finance recommended a flat budget. The COVID-19 pandemic hit and discussions of increases came to a screeching halt.

14. Discussion and Possible Action on UNM Intergovernmental Agreement – FY 2020 & FY 2021

The contract for the FY 2021 Intergovernmental Agreement was rejected by DFA due to electronic signature but will be re-signed today. The Council will have to amend budget in light of budget cuts coming out of the Special Session. Mr. Archuleta presented pay request #10, which covers May 2020. DFA requires that everything related to the FY 2020 contract is received by July 15. UNM does not close books until July 14 and the final pay request is an estimated invoice. In past, DFA has underpaid or overpaid UNM.

Pay request 10 is actual expenses, including personnel. A glitch in system locked out OVPR staff and J. Alderete made adjustments as Mr. Baca was improperly billed. The surveyor contract invoice presented today will be next month. Pay request 10 is for \$27,620.34, leaving a balance is \$47,223.71 in the UNM Contract.

Councilor Martínez made a motion to approve pay request 10 for \$27,620.34; Councilor Padilla seconded the motion.

Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Correa-Skartwed- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed.

15. Discussion and Possible Action on Land Grant Support Fund

Discussed above. Ms. Chávez (NMLGC) thanked the land grants for their patience commented that the Don Fernando de Taos LG was working to spend as much of their award as possible.

16. Discussion & Action on Piedra Lumbre Visitors Center Update

Discussed above. Councilor Martínez asked if the \$300,000 remaining after \$600,000 purchase of the PLVC will be swept. Mr. Archuleta responded that the State is looking for projects are making progress; 5% is considered enough progress; 2/3 (66%) will be spent and is beyond that

5%. The next part of the PLVC is renovations and the three land grants need to have conversations about the site and will go through a procurement process in working on the PLVC.

17. Discussion and Possible Action on Manzano Lake Issue

Discussed above.

18. Discussion and Possible Action on Laguna del Campo

The Office of the State Engineer has not contacted David Benavides regarding their investigation of water rights for the Laguna. The Council will contact the OSE, NM Dept. of Game and Fish Director Mike Sloan and will work to include Mr. Benavides. Council staff will coordinate with Tierra Amarilla Land Grant President and NMLGC Councilor Steve Polaco. Councilor Polaco commented that he has discussed the issue with NM G&F Commissioner Jeremy Vesbach.

19. Discussion and Possible Action on Land Grant Registry

None.

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

Mr. Archuleta reported that the LGSP staff is not yet on campus and the LGSP offices are not yet open. Mr. Baca added that this is impacting research as archives are closed and equipment is unavailable. The CLE session with the UNM Law School Natural Resources Law Clinic and the Utton Center has yet to be rescheduled and may take place virtually.

21. Discussion and Possible Action on Correspondence

The Council was CC'd on a letter from the Santa Bárbara Land Grant asking Taos County for funding for their work on state trust lands. The Grant is asking for \$10,000 for a project providing fuelwood for the community.

22. Discussion and Possible Action on Staff Assignments

Councilors Martínez and Polaco thanked Venessa Chávez for her assistance on 2019 capital outlay and the Land Grant Support Fund.

23. Public Comments – Discussion only

None.

24. Miscellaneous Announcements

Mr. Archuleta stated that the ICIP for land grants is now due September 15. These are important for capital outlay projects, though there may be no CO funds because of the economic downturn caused by the COVID-19 outbreak. Councilor Padilla commented that the Town of Tomé LG applied for the State Highway Department hardship auction but has yet to hear anything. Chairman Sánchez replied that he has not heard anything either. Mr. Archuleta added that there was a great interest from land grants and that letters went in right before the COVID outbreak. Restrictions might be preventing an in-person auction. Councilor Martínez asked if there is a land grant equipment list that can be shared among land grants. Chairman Sánchez responded that interested grants can work through the Consejo and the Council. Mr. Archuleta added that all land grants that are political subdivisions of the State are eligible to go through state surplus

property and that the Council has provided letters to land grants that have purchased materials from State Surplus Property. The items are not free but greatly reduced.

25. Date and Location for July Council Meeting

The July 2020 Council meeting will take place virtually (online) on Monday, July 13, 2020 at 10:00am.

26. Adjournment

Councilor Correa-Skartwed made a motion to adjourn; Chairman Sánchez seconded the motion. Roll call vote:

- Councilor Padilla - aye
- Councilor Martínez - aye
- Councilor Correa-Skartwed- aye
- Councilor Polaco - aye
- Chairman Sánchez – aye

The motion was passed. The meeting adjourned at 1:58pm MDT.

Approved:

Chair

Date