

New Mexico Land Grant Council (NMLGC)
Regular Council Meeting
October 14th, 2011 10:00 am
Southwest Hispanic Research Institute
University of New Mexico
1829 Sigma Chi Road, N.E.
Albuquerque, NM

Minutes

REGULAR COUNCIL MEETING

Call to order Roll Call

Council Chair Juan Sánchez called the meeting to order at approximately 10:10am. Roll of the Council was taken: Council Members Leonard Martinez, Rita Padilla-Gutierrez, Macario Griego and Juan Sánchez were present; Council member Lee Maestas was absent.

Approval of Agenda

Council Chair Juan Sánchez moved to place Agenda item #7(Discussion by Samuel Ojinaga, LGD-DFA) after to follow #4 (Introduction of Guests) in deference to Mr. Ojinaga's schedule; Council Member Macario Griego moved with a second by Council Member Rita Padilla-Gutierrez that the agenda be approved as presented. Motion passed unanimously.

Approval of Meeting Minutes from the September 9, 2011 Regular Council Meeting

Council Member Rita Padilla-Gutierrez moved with a second by Council Member Leonard Martinez to approve the Minutes from the September 9, 2011 Council meeting. Motion passed unanimously.

Introduction of Attendees

James Melonas, New Mexico State Liaison with the U.S. Forest Service; Dr. Manuel Garcia y Griego (Director, UNM Land Grants Studies Program), Gilbert Ferrán (Abiquiu Land Grant and NM Land Grant Consejo Chair), Samuel Ojinaga, (Director, Department of Finance Administration, Local Government Division); Gerald Chacon and Frances Chacon, members of San Joaquin del Rio de Chama (arrived late); Arturo Archuleta (arrived late, UNM Land Grant Studies Program), Jacobo D. Baca (arrived late, UNM Land Grant Studies Program) Cathy Sánchez (arrived late, UNM Land Grants Studies Program).

Discussion by Samuel Ojinaga, LGD-DFA

Samuel Ojinaga, DFA, begins with an apology to Jimmy Rodriguez, in re discussion of conversations during July 8, 2011 meeting. Council members Rita Padilla-Gutierrez and Juan Sánchez thank him for his remarks. Ojinaga leaves the meeting thereafter.

Discussion and Action on State and Federal Legislation

Federal Legislation

Council Chair Juan Sánchez remarks that he has not heard anything from the NM Congressional delegation, particularly the Senators offices, regarding proposed legislation (the 'set aside'). Comments that Arturo Archuleta may have other news. Council Chair Juan Sánchez also mentions discussions of a stewardship agreement with the US Forest Service, including James Melonas, New Mexico State Liaison with the U.S. Forest Service, in meeting on October 5th between land grant council/representatives and US Forest Service representatives.

Council Chair Sánchez outlines simplicity of stewardship program and similarity to MOUs. James Melonas, New Mexico State Liaison with the U.S. Forest Service. LM Garcia y Griego added that in conversations with Dennis Dwyer (Regional Stewardship Contracting Coordinator), the US Forest Service expressed interest in land grant maps, but added that US Forest Service was interested in aiding land grant communities in lands of interest both within and without of historic boundaries through stewardship contracts. Council Chair Sánchez comments that implementing the stewardship program while being attentive to the NEPA (National Environmental Policy Act) was time consuming and needed to be included in implementation plans. State USFS Liaison James Melonas mentions that he plans to meet with district rangers to identify potential projects, likely those that are NEPA ready. Council member Macario Griego asks for clarification on the types of projects that may be pursued; Council Chair Sánchez clarifies with examples of potential projects and responsibilities of land grants and district rangers. USFS Liaison Melonas comments that a master agreement between the Land Grant Council and USFS will be made with project level agreements supplementing the master agreement.

Council member Macario Griego asked how such a program would be implemented in Canon de Carnue; USFS Liaison Melonas encouraged land grant communities to work with district ranger to identify potential projects. Council member Leonard Martinez asked if funding existed for forest thinning training held at New Mexico Highlands University; Council Chair Sánchez doubted if state funding was available; but also set out alternatives to federal and state funding, such as the Forest Guild. Council member Rita Padilla-Gutierrez asked for clarification of what NEPA is and what it entails. USFS Liaison Melonas clarifies NEPA, including different levels of analysis & public notification depending on project. Council Chair Sánchez adds additional commentary regarding fire plans. Council member Macario Griego asks if this should be in the discussion of the October Interim Land Grant Committee meeting in Carnue. Council Chair Sánchez suggested waiting until the November Committee meeting. Council member Macario Griego asked about hunting permits; USFS Liaison Melonas commented hunting permits falls under the purview of the New Mexico Department of Game and Fish. Arturo Archuleta mentioned the possibility utilizing the stewardship program for traditional practices like herb gathering and possibly even grazing given land grants providing lists of heirs who would be allowed to use traditional lands within US Forest Service. Council Chair Sánchez also mentioned that grazing was in the discussion of traditional uses in proposed federal legislation.

State Legislation

Council Chair Sánchez mentioned that the Interim Land Grant Committee would be meeting in Canon de Carnue on Oct. 17 & 18. Council Chair Sánchez addressed the development of a Land Grant Arbitration Board, an agenda item to be discussed at the Oct. 17th meeting in Carnue. Council Chair Sánchez believed that a tribunal would be preferable to an arbitration board that would still lead to district court. Council Member Leonard Martinez mentioned the status of state lands that were formerly land grant common lands. Council Chair Sánchez mentioned the role of the mapping project in clarifying what land might be included. Council Member Leonard Martinez mentioned questioned regarding leases made by the State of New Mexico, improvements made thereon and contract procedure of the state land office.

Commentary was made regarding the simplicity in procedure for leasing state lands. Council Member Leonard Martinez mentioned efforts made by the San Joaquin del Rio Chama grant to identify former land grant common lands currently possessed by the State of New Mexico or the Bureau of Land Management before they approach the interim Land Grant Committee for assistance in regaining former common lands or obtaining leases on these lands. Arturo Archuleta reviewed the agenda for the October 17th & 18th meeting of the Interim Land Grant Committee in Carnuel. Council Chair Sánchez closed by mentioning boundary questions regarding the Abiquiú Land Grant and the wish of the Interim Land Grant Committee for the Land Grant Council to work with the US Forest Service and land grants to resolve boundary issues/disputes. Council Chair Sánchez stated that John Chavez of Truchas met with the Forest Supervisor (Carson National Forest) who stated that if a boundary is disputed, the US Forest Service would move a fence only in the event that the US Forest Service are provided a survey that demonstrates an incorrect boundary. Council Chair Sánchez states the opinion of land grants is the survey of the US Surveyor General should stand as an accurate and existing survey.

Gil Ferran (Abiquiú; NM Land Grant Consejo) mentioned the lack of response by the US Forest Service regarding legal/illegal crossing on the Abiquiú Grant. Council Chair Sánchez asked USFS Liaison Melonas to aid in getting a response. USFS Liaison Melonas asked that the NM Land Grant Council aid in collecting specific complaints in writing that clarify exact issues to document complaints. USFS Liaison Melonas encourages USFS personnel to visit with land grants on site so both parties understand each other well. Arturo Archuleta mentioned that the age of the Abiquiú and Truchas led to fence lines not necessarily matching survey markers (brass caps) from the late 19th century US Surveyor General surveys, but rather matching a 1936 USFS survey. Arturo Archuleta also mentioned the need for the Land Grant Studies Program to walk the land grant boundaries with knowledgeable heirs who know the location of survey markers and make GPS/GIS boundary maps based on these markers. Dr. Garcia y Griego offered to provide maps for the Abiquiú and Truchas land grants. Council Chair Leonard Martinez asked USFS Liaison Melonas about permits for heirs for dead and down firewood in the Carson National Forest.

Discussion and Action on Mapping and Technical Assistance Project (UNM Land Grant Studies Program)

Dr. Garcia y Griego provided 23 maps corresponding to the 23 units of government (excluding the San Antonio del Rio Colorado map, which is not a unit of government,

and the Santo Domingo de Cundiyo grant, which is a unit of government whose map was not circulated). Maps are created by Jason Jaramillo of the Land Grant Studies Program. Dr. Garcia y Griego provided the technical notes for the five grants of the five council members (Chililí, Tomé, San Joaquin del Río de Chama, Cañon de Carnué, & Cebolleta). The map provided is known as the political subdivision with ownership detail, especially that of federal and state agencies and that of the land grant itself, as well as boundaries, often with historic boundaries and alternative boundaries in the event of confusion. Regarding boundaries, the imprecision of land grant boundaries is treated by reviewing original petitions, later surveys, etc.

A consistent methodology was developed (i.e., treating the ridge of a mountain as a boundary unless otherwise stated). When surrounding grants were adjudicated & patented and the shared boundaries established, said boundary was considered definitive and that boundary was represented on these maps. Small adjustments need be made to the Sevilleta / La Joya de Sevilleta Grant map because of the changing location of the village of Sabino. The Trampas Grant boundary overlaps with the patented boundary of a neighboring grant and the map needs to be adjusted to reflect this overlap. The maps and technical notes for all grants will be provided to the Land Grant Council later in October.

Beyond the mapping project, Dr. Garcia y Griego mentioned workshops and other services administered by the Land Grant Studies Program. Stamps and seals particular to each grant were provided, as well as copies of Recopilacion de las Leyes de Las Indias (Laws of the Indies, Books IV & VI). Arturo Archuleta circulated a report for the Legislative Finance Council regarding the work of the Land Grant Council. A broadside with the seals of every land grant was circulated. Grants that did not provide artwork were provided with a seal including their grant name with the shape of the grant on the stamp/embosser. Arturo Archuleta provided to the Land Grant Council members packets that included; a stamp, an embosser, inkpads, extra ink; four flash drives with the complete guidebook, designs for the seals for the grants; copies of a report regarding state owned land on historic land grant lands for the seven grants effected; a copy of the NM Attorney General's response to the 2004 GAO Treaty of Guadalupe Hidalgo report; a combined volume of the 2001 & 2004 GAO Treaty of Guadalupe Hidalgo Reports; Books IV & VI of the Laws of the Indies (translated) regarding the settlement of lands and rules for settlement near Native American peoples.

Arturo Archuleta mentioned 8-9 separate trainings/workshops held from April through September included: the Audit Act compliance; Budgeting; compliance with Open Meetings and Inspection of Public Records Act; Infrastructure and Capital Improvement Planning; Understanding Land Grant Statutes; Land Grant Election Process; Understanding the Procurement Code; & Understanding the New Mexico Legislative Process. Two trainings were held for each topic (16 total workshops; 8 in Albuquerque; 8 in the New Mexico Highlands University/Española area). Council Chair Juan Sánchez asked is additional copies of the Laws of the Indies (Vol. IV & VI, translated) were available for interested members of the Interim Land Grant Committee. Arturo Archuleta mentioned cost as a prohibitive factor in producing more copies. Jacobo Baca also mentioned copyright issues and permission by the Center for the American West at the University of Utah to reproduce 25 copies of each book. Council Chair Juan

Sánchez asked that the Land Grant Studies Program check the quality and accuracy of the translations of Books IV & VI. Jacobo Baca advised that he believed that S. Lyman Tyler's translations were considered accurate and a more fruitful exercise may be scrutinizing the translations of US Attorney Matthew G. Reynolds (1891-1904), whose work on Spanish and Mexican land law was used in decisions, particularly the *US v. Sandoval* (1897) case. Dr. García y Griego clarified that Reynolds interpreted the notion that the sovereign owned the common lands. Dr. García y Griego also noted that some of the US Surveyor General boundary translations & interpretations were questionable when reexamined by UNM Land Grant Studies Program staff.

Arturo Archuleta mentioned that the UNM Land Grant Studies Program would work toward providing copies of pertinent information from the Spanish Archives of New Mexico (I&II) and the Mexican and Territorial Archives. Dr. García y Griego also mentioned that mapping project materials presented today represented the first of three phases in boundary mapping and surveys. Dr. García y Griego mentioned that the NM State Legislature funded the UNM Land Grant Studies Program at \$29,000 (FY 2012), and that UNM presented the Land Grant Studies Program as one of its top 10 funding priorities (in special projects) to the Higher Education Department Commission, requesting additional recourses.

Dr. García y Griego closed by thanking the NM Land Grant Council for placing their trust in the Land Grant Studies Program. Council member Rita Padilla-Gutierrez on behalf of the Council thanked Dr. García y Griego and Arturo Archuleta for their work. Gil Ferrán also thanked Arturo Archuleta and Dr. García y Griego. Council Member Leonard Martinez thanked Arturo Archuleta, Cathy Sanchez, and Dr. García y Griego.

A discussion regarding the inconsistency of boundary surveys commenced. Council Member Macario Griego commented that the land grant movement has changed since the early days of the New Mexico Land Grant Forum and the movement is seen as more professional, intellectual and legitimate, especially in the eyes of the Congressional delegation.

Public Comments

US Forest Service Liaison James Melonas discussed the Secure Rural Schools Program/PILT (Payment in Lieu of Taxes) programs, which were created in the 1990s when timber receipts declined, depriving counties of income that had been available since the creation of forest reserves by President Theodore Roosevelt in the early 20th century. The program was re-authorized in 2008-2009 and Senator Jeff Bingaman has introduced legislation to re-authorize the program, with broad support from the National Association of Counties. Council Chair Juan Sánchez requested the amount. US Forest Service Liaison James Melonas stated he would provide the figure later.

Council member Leonard Martinez asked US Forest Service Liaison James Melonas about the status of the Ghost Ranch properties and their potential sale / end of lease. Council member Leonard Martinez states that he believes that the land, which falls in the historic boundaries of the Piedra Lumbre Grant, should be returned to Piedra Lumbre land grant heirs.

Gerald Chacon mentioned a bill sponsored by Sen. Jeff Bingaman to include all Wilderness Study Areas, including one on the San Joaquin del Rio de Chama grant, into national Wilderness preserves. Chacon advised that this could potentially complicate land grant issues it may be politically inexpedient to return wilderness land to private control. The House of Representatives has placed a bill attempting to end all Wilderness study areas. Chacon mentioned that while a Wilderness Study Area is active, any changes are prohibited, including improvements, etc. Chacon advised the NM Land Grant Council to look into the matter, especially as they affect land grants. Discussion followed regarding the designation of wilderness areas and the need to retain a bipartisan posture.

Other Business

Council Chair Juan Sánchez reminded members of the Nov. 3 & 4, 2011 (8:30-5:00, both days) meeting of the USDA Minority Farmer Advisory Committee at the Hotel Albuquerque regarding the 2012 Farm Bill. Council Chair Juan Sánchez advised attendance because programs affecting land grants are funded through the farm bill, including the set aside.

Council Chair Juan Sánchez also reminded members of the Infrastructure Finance Conference October 25-27, 2011 meeting of at the Hard Rock Casino.

Council Chair Juan Sánchez also mentioned that while land grant common land had traditionally be been assessed taxes as soon as they received their patent, an interpretation of the New Mexico State Constitution might consider them tax exempt, which many grants had believed they were under the terms of the Treaty of Guadalupe Hidalgo. According to passages of the New Mexico State Constitution, could be interpreted as tax exempt if interpreted as a ‘town,’ which many grants are called in their patents. Council Chair Juan Sánchez will test this theory in a hearing in front of the Bernalillo County Tax Review Board later in the month.

Cathy Sanchez, formerly of the UNM-Land Grant Studies Program, thanked the New Mexico Land Grant Council for the opportunity and to present a summary report of the accomplishment of the UNM Land Grant Studies Program from April-September 2011.

Date for next Council meeting

Next Meeting will be scheduled for November 11, 2011 10:00am-2:00pm at the University of New Mexico’s Southwest Hispanic Research Institute, 1829 Sigma Chi Road NE, Albuquerque, NM 87106.

Adjournment

Council Chao Juan Sánchez moved to adjourn; Council member Rita Padilla-Gutierrez seconded motion to adjourn. Motion passed unanimously. The NMLGC adjourned at approximately 12:35 am.

Chair

Date