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***NEW MEXICO
LAND GRANT
COUNCIL***

Annual Report

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New Mexico Land Grant Council Annual Report FY 2018

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EXECUTIVE SUMMARY

Over the past year land grants-mercedes have continued build upon the foundation which has been ever strengthening since they gained recognition as local units of government fourteen years ago. They have actively engaged in policy advocacy at the federal, state and local levels including involvement in federal planning processes affecting their former common lands. At the local level they have focused on improving the lives of their community members and the health of their surrounding natural environment. This includes establishing relationships with federal agencies, engaging in state legislative hearings, actively managing their natural resources, protecting their common lands and sharing and exchanging knowledge with other land grants-mercedes. Their top priorities include protecting their access to traditional uses on former common lands, being good stewards of the lands they still own, increasing their governance and fiscal capacity and creating socioecon-omic opportunities for their communities. Additional details about the state of land grants-mxercedes can be found in the next section of this document starting on page 2.

In this last fiscal year, the New Mexico Land Grant Council has continued to hold to its mission which include establishing a land grant support program to provide advice and assistance to land grants and to serve as a liaison between land grants and other federal, state and local governments (49-11-3 (A), NMSA 1978). In fiscal year 2018 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 2018 budget expenditures and FY 2019 approved budget can be found in the Council's Activities and Expenditures Section starting on page 10.

The Land Grant Council provided direct services and support to community land grants-mercedes throughout New Mexico in the following areas (detailed descriptions of each can be found starting on the pages noted in parentheses): Technical Assistance to Land Grants (pg 12); Liaison Work (pg 15); Policy Work (pg 21); Historical Research (pg 26); Legal Services for Land Grants (pg 27); Direct Financial Support (Land Grant Support Fund - pg 28); Management of Land Grant Registry (pg 29). Land grants-mercedes that received services or support from the Council in FY 2018 include:

- Merced de Los Pueblos de Tierra Amarilla
- San Antonio de las Huertas Land Grant
- Merced del Pueblo de Chililí
- Merced del Pueblo de San Joaquín del Río de Chama
- Merced del Pueblo de Tajique
- Cebolleta Land Grant
- Merced de San Antonio del Río Colorado
- Merced del Pueblo Abiquiú
- Merced del Manzano
- Merced de Cristobal de La Serna
- San Miguel del Bado Land Grant
- Merced Comunitaria de Juan Bautista Baldés
- Town of Tomé Land Grant
- Cañón de Carnué Land Grant
- Juan José Lobato Land Grant
- Merced del Santo Tomás Apóstol del Río de las Trampas
- Santa Bárbara Land Grant
- Anton Chico Land Grant



STATE OF LAND GRANTS-MERCEDES

Over the past year land grants-mercedes throughout New Mexico have continued to increase their visibility and strengthen their individual capacities to better serve their communities. In general land grants-mercedes have not shied away from engaging other governmental entities in order to ensure that the needs and interests of their constituent communities are being properly reflected in policies outside of their jurisdiction. For example, many land grants throughout the state have actively participated in the Forest Plan Revision process which is taking place in the Cibola, Santa Fe, and Carson National Forests. The Forest Plan Revision is the process by which the three National Forests are revising their land management plan. All of those plans are currently over 30 years old. Those land grants that are either adjacent to National Forest Lands or have former common lands that are now managed by the United States Forest Service have engaged in the process to ensure that forest restoration aimed at improving watershed health and reducing the risk of catastrophic wildfires and their communities' access to traditional use resources on federal lands are reflected in the plans. For those same reasons several land grants-mercedes have also been participating in Bureau of Land Management Resource Management Plan revision process taking place within their respective BLM District Field offices.

Apart from engaging in official revision work, land grants have also engaged both the U.S. Forest Service and the BLM on a regular and as needed basis. For instance, land grants in Northern New Mexico have been meeting with the Carson and Santa Fe National Forest on a quarterly basis to build better working relationships, identify needed projects and identify areas of concern. Land grants-mercedes surrounding the Piedra Lumbre Visitors Center located in Rio Arriba County have also, with help from the New Mexico Land Grant Council, been engaging the Carson National Forest in order to work out a deal with the National Forest for its purchase. If they successfully purchase the 40-acre property, they will look to utilize for community and economic development purposes. The land grants currently involved in the conversation include the San Joaquín del Río de Chama, the Juan Bautista Baldés and the Tierra Amarilla.

The Santa Bárbara Land Grant in Taos County has been engaging the Carson National Forest with regard to the identification of the Río Santa Bárbara as being eligible for a Wild and Scenic River designation. If identified as such in the finalized version of the Forest Plan the river will be managed as a Wild and Scenic River, which will limit certain activities within both the river and a quarter-mile corridor on either side. The Santa Bárbara Land Grant and communities around Peñasco are concerned that this identification could limit the communities' ability to manage the health of the river and surrounding forest in future and are therefore opposed to it.

The Cristóbal de La Serna Land Grant has been engaging the Carson National Forest with respect to the U.S. Forest Service's Miranda Canyon Purchase in 2017. The purchase represents approximately 5,000 acres of former land grant common land that was lost by the land grant community through a twenty-plus year-long adverse possession case decided in the 1990's. Although the case was closed the community has continued to use the land for grazing



of livestock, gathering of firewood, piñon and traditional herbs. The Land Grant has been providing the Forest Service with information about their use needs in order to protect their ability to continue to meaningfully access the newly acquired National Forest land.

The Abiquiú Land Grant has been in negotiations with the Santa Fe National Forest for several years regarding U.S. Forest Service easements that run through the Land Grant. Concerns over lack of required road maintenance and theft and destruction of land grant property by general public users of the easements had led to tension between the Land Grant and the National Forest. During the past year the Abiquiú Land Grant and the Santa Fe National Forest, with help from the Land Grant Council, have been working to reach consensus on addressing the issue.

Land Grants in the Cibola National Forest region have been participating in collaborative meetings at the District Ranger level in order to provide input to the Ranger Districts on projects and management priorities. These land grants include the San Antonio del las Huertas, Cañón de Carnué, Chillilí, Tajique, and Manzano. The Chillilí Land Grant has continued work on a cross jurisdictional forest restoration project with the Cibola National Forest and Isleta Pueblo. The project is aimed at improving watershed health and reducing risk of catastrophic wildfire. In addition, the Chillilí Land Grant continues to mitigate the effects that the 2016 Dog Head Fire had on the Land Grant Common Lands. This fire burned over one-third of the Land Grant's common causing destruction of common land ecosystem health, land grant road infrastructure, and pasture for livestock. The land grant has taken measures to reduce destruction from flooding and has re-fenced areas where the fence was destroyed by the fire.

In terms of state and local level policy engagement, several land grants hosted Legislative Land Grant Interim Committee hearings during the 2018 Interim Session. This included the Merced del Pueblo Abiquiú (Abiquiú Land Grant), the Tecolote Land Grant and the Merced del Pueblo de Chillilí (Chillilí Land Grant). In addition, to presentations by hosting land grants the Interim Committee also heard from the Merced de Santa Bárbara (Santa Bárbara Land Grant, the Merced de los Pueblos de Tierra Amarilla (Tierra Amarilla Land Grant), the Cañón de Carnué Land Grant, the Torreón Land Grant, the Tajique Land Grant, and the Merced del Manzano (Manzano Land Grant). Common legislative policy themes requested by land grants-mercedes statewide are: the need for a guaranteed revenue stream for land grants in order to conduct business and provide services for constituents; the need for a special tax assessment category for vacant land grant common lands similar to the agricultural exemption but without the need to reply and report livestock every year; the need to provide land grants the right of first offer/refusal on tax delinquent properties with the exterior historic boundaries of a land grant-merced in order to reconstitute as common lands of the land grant; the need for professional services and assistance including, legal services, surveying of common lands, natural resources management and community and economic development assistance; the need for protection of the land grant common lands and natural resources including common waters, from theft, encroachment and environmental effects such as climate change; the need to clarify election procedures for land grants and to establish a process for resolving election



disputes without immediately requiring district court action; the need for youth programs within land grant communities to curb the growing impact of drugs and alcohol. Many of these needs can be addressed by passing legislation to provide a guaranteed revenue stream for land grants and by increasing the operating budget of the New Mexico Land Grant Council and the University of New Mexico Land Grant Studies Program and properly funding the Treaty of Guadalupe Hidalgo Division.

Although Land Grants-Mercedes were recognized by the State as local governments in 2004, they do not have any state guaranteed revenue distributions like other similar government entities. In addition, land grants-mercedes must still pay property taxes to their respective counties for the common lands that they still own. Therefore, although they have local government status most lack substantial revenue streams that can be used to fund general operating expenses and for reinvestment back into their local communities. This includes: providing needed community services like senior meal sites, affordable housing opportunities, and cultural preservation; management and protection of common lands through ecological restoration projects, livestock grazing, fuelwood collection, etc.; maintenance and improvements to community buildings and infrastructure, including community centers, community water and sewer, roads, and fencing; and, economic development projects. In addition, a guaranteed revenue stream could be leveraged as a match for federal and state grant and loan programs aimed at rural and economic development and forest and watershed restoration or for the repurchase of former common lands.

The fiscal impact to the State for providing a guaranteed revenue stream to land grants-mercedes would be minimal and the potential benefits would far out weight the costs. Considering that there would be approximately 40 land grants-mercedes that could receive a revenue distribution from the state, if each of those land grants would receive \$40,000.00 a year the total cost to the State would only be \$1.6 million per year. The impact to the State's existing revenue streams would be minimal. For example, the total land grant-merced distribution amount would only be .07% (less than 1%) of the State's projected Base Gross Receipts Tax revenues for FY 2019 (See Table 2). In addition, there are numerous revenue streams available to the State which could be used to fund a land grant-merced guaranteed revenue stream. Examples include: Gaming Excise Tax, Corporate Income Tax, Licenses Fees, and Governmental Gross Receipts Tax. The \$1.6 million cost could be split among the different revenue categories, thereby lowering the overall impact to each. Table 2 below represents the individual impact that a guaranteed revenue stream for land grants would have on each source identified without splitting the cost among the different sources.

Table 1 - Guaranteed Revenue Stream for Land Grants - Cost Estimate

Approximate Number of Land Grants	Annual Distribution per Land Grant	Total Annual Distribution
40	\$40,000.00	\$1,600,000



Table 2 - Impact to Existing State Revenue Streams

State Revenue Sources	Total FY 2019 August Estimates*	% impact of guaranteed revenue stream for 40 Land Grants on each Revenue Source if total annual distribution (\$1.6 mil) taken from only one source	% impact of guaranteed revenue stream for 40 Land Grants on each Revenue Source if total annual distribution (\$1.6 mil) was divided equally among all 5 sources (\$320 K per source)
Base Gross Receipts Tax	\$2,289,500,000	0.07%	0.01%
Gaming Excise Tax	\$58,400,000	2.74%	0.55%
Corporate Income Tax	\$74,200,000	2.16%	0.43%
License Fees	\$57,100,000	2.80%	0.56%
Governmental Gross Receipts Tax**	\$39,551,268	4.05%	0.81%
*Estimates taken from NM Tax and Revenue - Presentation to the NM Legislative Finance Committee: General Fund Consensus Revenue Estimate - August 16, 2017.			
** Governmental Gross Receipts Tax estimate based GGRT Distributions to NMFA for FY 2017			

As mentioned above, even though they are local units of government, land grant-mercedes still have the obligation to pay property taxes on the common land. Because of their history of land loss due to taxation and encroachments many land grants-mercedes now have multiple separate parcels that make up their common lands. As such, one challenge they face is the differing assessment values for vacant lands that are essentially the same in terms of their use. Land grants-merceded whose common lands straddle more than one county, such as Anton Chico, face different property tax rates and methods of assessment and collection on common lands that are equal in value and 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. For example, 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 and not business based. A solution to this problem is to develop a standardized taxation rate/exemption specific for land grant-merced common lands. The rate would be similar to the agricultural exemption qualification for the rate would not require continual proof of eligible agriculture uses but rather simply that the land is owned and managed by the land grant-merced. The taxation rate could include categories of land use that would allow for rate differences among different parcels depending on their use. For example, all vacant lands used in common would be taxed at the lowest rate. In addition, land grant owned parcels with buildings/structures aimed at community services like community centers, parks, community water system etc., could be also be taxed at the lowest rate or exempted from property taxes altogether since they provide a community service function exactly the



same as similar properties owned by county or municipalities. Land grant-merced parcels that are part of the common lands but are leased for affordable housing could be taxed at a land grant-merced residential rate which could be set lower than standard residential rates since the purpose is to provide affordable housing opportunities for community members to remain in their communities. Lastly, parcels used for commercial type ventures can be taxed at the highest rate for a land grant-merced but lower than typical commercial properties since any revenues generated from such commercial ventures provides funding for reinvestment into community services.

The overall fiscal impact to the State for creating a new tax rate for land grant common lands would be minimal considering the fact that currently all active land grants-mercedes combined pay less than \$50,000 per year on approximately 200,000 of common land. In addition, a new tax rate/exemption for land grants would help ensure that any former common lands reacquired by a land grant-merced, particularly those that had been tax delinquent, will not become alienated from the tax roles in the future.

Apart from the need for a special tax assessment rate for land grant common lands there are also other issues relating to property taxation and land grants. In particular, there are two land grants currently working to address property tax related issues. The first is the Town of Tomé Land Grant. In the 2018 Legislative Session House Bill 88 was enacted which was created to address abandoned properties located in failed subdivisions containing five thousand lots or greater. The bill was passed and signed into law. It includes a provision that provides a land grant-merced the right of first offer on any abandoned properties, as defined by the law, that are within their patented exterior boundaries. This means that if any abandon properties are within those exterior boundaries then the Department of Taxation and Revenue can negotiate directly with the land grant-merced for purchase of those lands prior to putting it out for purchase by the general public. This provision is a huge step forward in addressing the reconstitution of former land grant common lands. Many of these lands were lost through illegal encroachments or for delinquent tax seizure by the state at a time when poor rural agrarian communities could not afford to pay the taxes imposed by the state, which in many cases was specifically intended to remove common lands from the ownership of the land grants. To date the only land grant that this legislation currently affects is the Town of Tomé. In the late 1960's and early 1970's the common lands of the Town of Tomé Land Grant were illegally sold by a handful of heirs acting in their own self-interest and not in that of the entire community. Although the sale was determined to be illegal by the courts, neither the land nor the money generated by the sale were ever returned to the land grant community. Most of the land was subdivided in an attempt to develop a planned community which eventually failed. As a result, thousands of lots within the subdivision are now considered abandoned as they have been tax delinquent for over 10 years. The Board of Trustees of the Town of Tomé Land Grant have been in conversations with the Department of Taxation and Revenue for the acquisition of many of those abandoned lots. The Department in conjunction with Valencia County is in the process of preparing lots for sale back to the land grant-merced, which could occur as early as the summer of 2019. The Land Grant may need to seek a legislative capital outlay appropriation to help with the purchase depending on final negotiated amount. The New



Mexico Land Grant Council has been providing support to the Town of Tomé Land Grant and will continue to do so.

The other taxation related issue concerns the Cristóbal de La Serna Land Grant. In the 2018 Legislative Session House Joint Memorial 1 was passed. This Memorial called for the the Office of New Mexico Attorney General in collaboration with the New Mexico Department of Taxation and Revenue to investigate the impact that the creation of tax assessment parcel known as “*Liñas*” has had on the land grant. These *Liñas*, which were intended to be a tax assessment tool for distributing the property tax burden to all the heirs of the land grant, have been wrongfully utilized to convey title of what was land grant common land to private ownership. This has led to adverse possession claims that have resulted in the loss of common lands by the community. The earlier mentioned Miranda Canyon purchase by the U.S. Forest Service was property that was privatized as a direct result of these *Liñas* being created and mis-utilized. The Attorney General’s Office had several meetings with the Land Grant, Taos County and the General Public to begin its work on the issue. Unfortunately, the Attorney General’s Office received no cooperation from the New Mexico Taxation and Revenue Department during this year. It will be necessary for the Department to engage in the matter in the coming year in order to properly address the issue. The Attorney General’s Office has recognized the need for additional resources to properly study the issue and has received an endorsement from the Land Grant Interim Committee on an appropriations request for \$50,000 to further investigate the matter. The New Mexico Land Grant Council has been providing assistance to the Cristobal de La Serna Land Grant and will continue its support until the issue is resolved.

The Attorney General’s Office and the Land Grant Council have also been providing support to the Tierra Amarilla Land Grant with regard to a property dispute relating to approximately 200 acres of common land of the Land Grant. The Attorney General’s has filed a complaint concerning the matter in the 1st Judicial District Court of New Mexico. Since the matter concerns pending litigation further details cannot be disclosed in this report. The citation for the case is *Board of Trustees of the Land Grant-Merced de Los Pueblos de Tierra Amarilla, a political subdivision of the State of New Mexico v. Al Frente de Lucha, Inc., a Colorado non-profit corporation, et al.*, No. D-117-CV-2018-00390. This can be used to access any public records relating to the case. The New Mexico Land Grant Council and the UNM Natural Resource Law Clinic have been providing support to the Land Grant on this matter.

The Anton Chico Land Grant is also seeking assistance from the Office of the Attorney General of New Mexico concerning the theft of rock from the land grant. The Land Grant manages over 100,000 acres of common land has for a number of years been unable to get control of the illegal removal of millions of tons of flagstone from the land grant. The cumulative value of the rock as well as the cost of rehabilitation of the land where it is being removed is estimated to be in the hundreds of thousands annually. The Anton Chico land grant is seeking assistance with the commissioning of a natural resources enforcement officer to help curb the illegal removal of rock. The Council is also assisting the Land Grant with addressing this issue.



All of the above examples are just a small subset of the legal service needs of land grants and these alone make a strong argument for the need to properly fund the Treaty of Guadalupe Hidalgo Division, a statutorily created division within the Attorney General's Office, and the New Mexico Land Grant Council.

Another local issue facing a contingent of land grants in the East Mountain Region of Central New Mexico relates to the establishment of a Regional Water Authority in Torrance County. This issue has the potential to impact the Chililí, Tajiique, Torreón and Manzano Land Grants as the original plans to develop a regional water authority included the land grants in their design without having consulted with them. As a result, the land grants collectively addressed their concerns to the newly forming Water Authority asking to be removed from the plans since they were not formally involved in the process of development the plan. The Water Authority has verbally agreed to exclude the land grants pending further discussion, therefore the issue is not fully resolved.

Another matter that faces land grants-mercedes is that of contested land grant board of trustee elections that result in costly court battles. While not a widespread issue it has affected at least 3 land grants within the past several years. Part of the issue relates to the need for amending current land grant election laws in order to provide more clarity and guidance on procedures for running land grant-merced elections. Another part of the problem is that District Court judges often times do not have good working knowledge of land grants in general nor about land grant election procedures. This has led to confusion and rulings that can complicate matters even further. This issue can be addressed in two parts. First, it is necessary to create an arbitration process by which a land grant election can be resolved without going to court. This can be done through assistance from an oversight agency like the Treaty of Guadalupe Hidalgo Division of the Attorney General's Office. Second, there need to be more opportunities for attorneys and judges to receive trainings on land grants and land grant related issues. Both the Land Grant Council and the University of New Mexico Land Grant Studies Program are working to address this issue in collaboration with the University of New Mexico Law School, including both the UNM Natural Resources Law Clinic and the Utton Transboundary Law Center. This partnership is working to provide more opportunities for law students, practicing attorneys and judges to learn about land grants and acequia issues. Events to date include providing a land grant 101 session for: 3 semesters to date for the Natural Resources Law Clinic; a Law School Lunch and Learn event in the fall of 2018; and at the Annual Water Judges Seminar in November 2018. Other works in progress include the development of: law review articles on land grants; Continued Learning Education (CLE) credit courses for practicing attorneys and judges; and an interdisciplinary course on the legal history of New Mexico to include lessons on land grants and acequias.

As mentioned earlier there is also a growing need for developing youth leadership development programs within land grant communities. Poverty and lack of opportunities in many rural communities has led to a rise in substance abuse throughout the state. Many land grant communities report a growing number of children being raised by grandparents due to substance abuse related issues with their parents. Land grant communities have also identified



the need to provide more culturally relevant and community-based project learning opportunities for their youth as a means of not only preserving the cultural integrity of their communities but also for reconnecting youth to the land and instilling values and respect for themselves, their communities and their natural environment. The University of New Mexico Land Grant Studies Program has taken a first step in developing a land grant youth program by hiring two part-time positions aimed at creating a youth leadership program. To date the program has begun to offer quarterly youth leadership events held in conjunction with the quarterly meetings of the New Mexico Land Grant Consejo, a grassroots consortium of land grants from throughout the state. Identifying and seeking funding for further develop the youth leadership program will be a top priority in the coming year.

Finally, here is quick rundown of the legislation that has been endorsed by the Land Grant Interim Committee for introduction in the 2019 Legislative Session. The legislation includes the following: A bill to create guaranteed revenue streams for land grants. As outlined above this would provide much needed resources for land grant boards of trustees to properly administer the land grants, provide community services, improve infrastructure, invest in community and economic development projects, further land management and conservation efforts and reacquire former land grant common lands. Another bill endorsed by the Committee would create a program and fund to provide 3rd year law students an opportunity to get tuition remission for the final year of law school provided that upon graduation they commit to working with an organization that provides free legal advice and assistance to land grants, acequias and colonias. This bill has made it passed the legislature on two occasions but has been pocket vetoed. If passed and signed into law the bill would help bolster efforts to both provide more legal support for land grants and educate practicing attorneys and judges about land grant relevant laws and issues. Another bill would strengthen the ability to land grants to self govern their common lands by removing an existing requirement to have comprehensive plans approved by the Department of Finance and Administration prior to being able to exercise zoning authority over their common lands. This requirement was established in 2004 when land grants were recognized as units of government but has been burdensome since DFA no longer has professional planners on staff. The Department is supportive of the change and it has made it passed the legislature but was pocket vetoed in the 2017 60-day Legislative Session. Another bill endorsed by the committee would amend the land grant General Provisions found in §49-1-1 NMSA 1978 to address clarifying the land grant election procedures to include establishing an arbitration process overseen by the Office of the New Mexico Attorney General. Also endorsed by the Land Grant Interim Committee is a bill that would amend the Treaty of Guadalupe Division statute found in §8-5-18 NMSA 1978 to clearly authorize the Attorney General's Office the ability to provide assistance to land grants-mercedes. A bill to recognize as political subdivisions certain existing land grants-mercedes that were established through a partition of an original Spanish or Mexican Land Grant after 1848 but prior to 20 years before the enactment of the bill. This Act is necessary to recognize existing land grants with functioning boards of trustees that were established many decades ago. These land grants operate as other land grants and were granted the common lands they manage through the partition of an original Spanish or Mexican Land Grant. There are 6 such land grants which include: Arroyo Hondo Arriba, El Carmel, San Agustín, San Gerónimo, Los



Vigiles and Lower Gallinas. The bill was passed by both chambers in the 2017 60-session but was pocket vetoed. The last bill endorsed by the Interim Committee pertaining to land grants is one that would make land grants eligible to participate in the Department of Transportation's Annual Hardship Equipment Disposal Auction. Collectively the active land grants that are political subdivisions of the state manage approximately 200,000 acres of common lands. In addition, many also maintain community infrastructure such as roads and water and sewer systems as well as community facilities. Being eligible to participate in the DOT hardship auction will provide them the opportunity to get low cost heavy equipment, vehicles and other equipment that will help them better serve their communities. Land Grants were allowed to participate in the Auction for several years before a review of the regulations determined that they were not eligible. When they were able to participate it helped provide much needed equipment for land grants with very limited budgets. In addition to these bills there is also a joint resolution and a joint memorial that have been endorsed by the Committee. The purpose of the resolution is to approve the transfer of Laguna del Campo property by the Department of Game and Fish to the Tierra Amarilla Land Grant. The purpose of the memorial is to encourage the Carson National Forest to support the Santa Bárbara Land Grants recommendation to not include the Río de Santa Bárbara as a Wild and Scenic Rivers eligible stream in the Carson National Forest Plan.

NEW MEXICO LAND GRANT COUNCIL ACTIVITIES AND EXPENDITURES OVERVIEW

FY 2018 APPROVED BUDGET AND ACTUAL EXPENDITURES

In fiscal year 2018 the New Mexico Land Grant Council received a \$221,900.00 General Fund appropriation from the New Mexico Legislature. Expenditures for FY 2018 totaled \$220,766.25. This included \$198,293.98 in a service contract with the University of New Mexico to provide program support and staff to the Council. The service contract included the following expenditures: \$125,425.00 on project personnel; \$7,919.97 on personnel travel; \$30,000 in a contract with New Mexico Legal Aid to provide free legal assistance to eligible community land grants; \$1,100.00 in supplies; \$800.00 in meeting expenses; and \$33,049.01 in Facilities and Administrative expenses to UNM. Additional expenses for FY 2018 included \$5,821.33 in mileage and per diem for Council members to attend Council meetings; \$1,038.98 in publishing costs to produce a book that compiled synopsis of selected land grants from the J.J. Bowden Appendix on Land Grants-Mercedes; \$3,400.00 in administrative fees to the Department of Finance and Administration and \$12,211.96 in direct funding to community land grants through the Land Grant Support Fund. Support fund projects funded in FY 2018 included: \$4,500 for the San Antonio de Las Huertas Land Grant for the construction of a recreational development area on the common lands of the land grant; \$2,811.96 for the Juan Bautista Baldés Land Grant for the purchase of fencing material in order to fence portions of the land grant common land; \$3,500 for the San Miguel del Bado Land Grant for the purchase of equipment for their community center; \$1,400.00 for the Town of Tomé Land Grant for the purchase of signage for the land grant community center and for the purchase of a printer.



There was a total of \$1,133.75 reverted back to the General Fund from the Council’s FY 2018 legislative appropriation. The revision amount is comprised of: \$788.04 in unspent Support Fund dollars awarded to the Juan Bautista Baldés Land Grant; \$71.02 in unspent publishing funds; \$178.67 in unspent travel reimbursement funds for mileage and per diem for Council members attendance at meetings; and \$96.02 in unspent funding from the UNM contract. Below is a detailed table for FY 2018 showing budgeted amounts versus actual expenditures by each line item.

Table 3 – FY 2018 Approved Budget and Actual Expenditures

FY 2018 Approved Budget Line Items	FY 2018 Budgeted Expenditures	FY 2018 Actual Expenditures	Unexpended Balance Reverted
DFA Admin Fee	\$3,400.00	\$3,400.00	\$0.00
Support Fund	\$13,000.00	\$12,211.96	\$788.04
Publishing	\$1,110.00	\$1,038.98	\$71.02
In State Travel	\$6,000.00	\$5,821.33	\$178.67
UNM	\$198,390.00	\$198,293.98	\$96.02
F&A	\$33,065.00	\$33,049.01	\$15.99
Staff Salary & Fringe	\$125,425.00	\$125,425.00	\$0.00
Personnel Travel	\$8,000.00	\$7,919.97	\$80.03
Legal Service Contract	\$30,000.00	\$30,000.00	\$0.00
Supplies	\$1,100.00	\$1,100.00	\$0.00
Meeting Expense	\$800.00	\$800.00	\$0.00
Totals	\$221,900.00	\$220,766.25	\$1,133.75

FY 2019 APPROVED BUDGET

The Council’s FY 2019 Budget as allocated by the Legislature in the 2018 Legislative Session is \$221,900.00. Below is the Council’s approved Line Item Budget for FY 2018 as adopted by the Council.

Table 4 - FY 2019 Approved Budget

Budget Line Item	Amount Budgeted
DFA Admin Fee	\$3,400.00
Support Fund	\$14,300.00
Publishing	\$0.00
In State Travel	\$5,756.00
UNM Contract	\$198,444.00
Total	\$221,900.00



Below is a detailed breakdown of the University of New Mexico contract budget by line item.

Table 5 - Breakdown of FY 2019 UNM Contract

Budget Line Item	Amount Budgeted
F&A	\$33,074.00
Staff Salary & Fringe	\$125,870.00
Personnel Travel	\$7,500.00
Legal Service Contract	\$30,000.00
Supplies	\$600.00
Postage	\$100.00
Meeting Expense	\$1,300.00
Total	\$198,444.00

COUNCIL ACCOMPLISHMENTS IN FY 2018

Below are the specific details relating to work of the Council throughout Fiscal Year 2018. Accomplishments are divided 7 different categories. These include: Technical Assistance to Land Grants; Liaison Work; Policy Work; Historical Research; Legal Services for Land Grants; the Land Grant Support Fund; and the Land Grant Registry.

TECHNICAL ASSISTANCE TO LAND GRANTS

In FY 2018 the New Mexico Land Grant Council provided direct technical assistant to land grants throughout the State on a variety of topics. Technical assistance support provides an opportunity for the Council to work directly with land grants-mercedes on issues they are facing. Technical support work to individual land grants may result in the Land Grant Council serving as a liaison between the land grant and other government entities and/or can lead to the Council working to amend or create policies changes at the state or federal level. Since these services can sometimes overlap this section will only cover direct technical assistance that does not transition into liaison or policy work. Those assistance projects that do transition into other areas of work are covered in those respective sections of this report.

During the fiscal year the Council provided technical support to the San Antonio de Las Huertas Land Grant with the review of their bylaws. This review was conducted to ensure compliance with applicable statutory requirements and for consistency with the Council's best practices recommendations. The review resulted in the Council providing the land grant with suggested revisions for their consideration. The Council also provided the land grant assistance. The Council also advised the land grant on process for properly documenting correspondence for the purpose of preserving a documentation record. In addition, the Council reviewed and provided comments on a draft letter prepared by the San Antonio de Las Huertas land grant addressing an issue relating to a vacancy on the Board of Trustees.

Throughout FY 2018 the Council provided technical assistance support to the San Antonio del Río Colorado Land Grant on a couple of issues. First, the Council has been assisting the land



grant-merced with genealogical research that will help them to properly identify membership eligibility through heirship as required by statute. This included online and archival research and meeting with representatives of the land grant to review progress and gather additional information. Second, the Council has also been providing the land grant assistance with the organization and digitization of their historical records. Both the genealogical research and the organization and digitation of their records is an ongoing project that will continue into FY 2019. Third, the Council provided advice to the land grant regarding the development of housing project concept that would provide an opportunity for community members to retain their familial properties and also provide housing for seasonal employees and visitors to the region.

The Council provided assistance to the Chililí Land Grant through the analysis of the impact of the 2016 Dog Head Fire on the common lands of the land grant. This included in-the-field assessments, GIS mapping and data analysis that culminated in an impact assessment report that was provided to the land grant board of trustees for their review and use. Staff also provided technical assistance support to the land grant with the preparation of financial reports and official payment requests for a federally funded forest restoration grant.

The Council provided technical assistance support to the Merced del Pueblo Abiquiú (Abiquiú Land Grant) on two separate issues in the past year. The first, relates to the adjudication of their water rights. In addition, to legal assistance outlined in the Legal Services Section on page 27 of this report, 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 during the early colonial era or shortly before/after the granting of the grant in 1754; reviewing priority (water) rights reports developed for the Rio Chama, Río Vallecitos and Río del Oso by the State Engineer's Office; review of a State Engineer ruling relating to water rights for livestock grazing on the Lincoln National Forest. All of the research and analysis culminated in the development of a historical water uses report that was submitted to the Land Grant and the legal services attorney for use in the water adjudication negotiations with the Office of the State Engineer. The Council will continue to provide any needed support on this issue into the future. Second, the Council also provided direct technical assistance to the Abiquiú Land Grant with their 2018 board of trustees' election. This included providing them advice and assistance with the election proclamation and public notice requirements and the canvassing of their election results for their election that took place in the summer of 2018.

The Council provide direct technical assistance support to the Cebolleta Land Grant on three different items in FY 2018. First, the Council provided the Land Grant with a sample set of bylaws for use in their efforts to update their bylaws. Second the Council provide the land grant advice with questions relating to statutory bonding requirements for members of board of trustees as well as with information about board and liability insurance. Third the Council provided research assistance relating to: statutory requirements for the investment of public funds, information about the New Mexico State Treasurer Local Government Investment Pool, and Tort Liability Coverage offered by the State Risk Management Division.



During FY 2018 the Council provided direct technical assistance to the Merced del Manzano (Manzano Land Grant) for a variety of items. This included providing the land grant with information about local government requirement found in the Land Grant General Provisions. As a statute specific land grant the Merced del Manzano does not currently fall under the General Provisions Statutes but is interested in verifying their local government unit status. Their statutory language includes a provision declaring that the Merced del Manzano is a “Body Corporate and Politic” which is an archaic legal term for government entity. The Manzano Land Grant approached the Council seeking assistance to help clarify their governance status. Seeking to assist the Manzano Land Grant, the Land Grant Council submitted a formal request for an Attorney General’s Opinion on the matter while at the same time advocated for the issue to be brought before the Land Grant Interim Committee during the 2018 Interim Session. The Council also provided technical support to the land grant by drafting legislative language for amending their current statute to clarify their governance status and bring them up-to-date with other land grant statutory changes made in recent years. This draft language was shared with their local legislators and there will likely be legislation introduced in the 2019 Legislative Session. In addition, the Council provided the land grant with an overview of Open Meetings Act requirements and provided them with a sample Open Meetings Act resolution for their review, amendment and approval.

In FY 2018 the Council also provided technical assistance to the Cristobal de La Serna Land Grant concerning research relating to New Mexico Game Commission’s policy on the donation of hunting permits to non-profit entities. The land grant was seeking to obtain elk permits from the Department of Game and Fish through use of the policy. Unfortunately, the policy as currently written does not apply to the Land Grant since it is a local government body and not a non-profit corporation engaged in the promotion of hunting.

Also, in FY 2018 the Council provided direct technical assistance to the Cañón de Carnué Land Grant with conducting their 2018 Board of Trustees Election. This included working with the land grant to develop their eligible voter list, preparation of ballots, providing all of the material needed for the election, serving as the election judge, tabulating the election results and assisting with the canvassing of the votes. The Council also provided assistance to the land grant with the preparation of their annual financial reporting requirements to the State and with an issue pertaining to the status of land grant owned common land. This latter issue included providing the land grant with statutory language pertaining to the definition of common lands under the Land Grant General Provisions found in §49 NMSA, 1978.

During the fiscal year the Council also provided assistance to multiple land grants with the completion of their 2019 and 2020 Infrastructure Capital Improvement Plans (ICIP). This included assistance to the Chililí Land Grant, the San Joaquín del Río de Chama Land Grant, the Tierra Amarilla Land Grant, the San Antonio de Las Huertas Land Grant, and the Tajique Land Grant with the completion of their 2019 ICIPs. The Council also provided assistance to these land grants in making Department of Finance and Administration (DFA) requested changes to projects in the online database. The Council also provided two ICIP workshops for



land grants for assistance with completing their 2020 ICIPs. These workshops were held in Albuquerque and Española. The Council provided direct assistance to the Chililí and Anton Chico Land Grants with completing their 2020 ICIP in FY 2018. Also, in FY 2018 the Council assisted the Merced del Manzano with obtaining an ICIP entity code from DFA. Additional direct assistance to the Merced del Manzano and other individual land grants with filling out the 2020 ICIP continued into FY 2019.

In FY 2018 the Council also provided direct technical assistance support to the San Joaquín del Río de Chama, Cristobal de la Serna, San Antonio de Las Huertas and San Miguel del Bado land grants with the preparation of their FY 2019 Legislative Capital Outlay requests.

Also, during FY 2018 the Council provided copies of its publication *Water Rights and Adverse Possession Guide for Land Grants* to all active land grants, including mailing them to the following 13 land grants: Anton Chico, Jacona, Don Fernando de Taos, Nuestra Señora del Rosario, San Fernando y Santiago, Cristobal de la Serna, Tecolote, San Antonio del Río de Colorado, Santa Getrudis de lo de Mora, Torreón, Cebolleta, Cubero, Tajique, Cundiyo. The guide was published last fiscal year and had been distributed to other land grants during various events. Mailed copies ensured that all active land grants received a copy.

During the fiscal year the Council also contacted all land grants on State Auditor's At-Risk list to determine if the land grants needed any assistance with completing their reporting requirements.

Finally, the Council also provides duplication assistance services for numerous land grants throughout the year. The Council provides free printing and copy services to land grants that do not have sufficient funding for or access to copying machines and services. This provides an opportunity for land grants produce copies of meeting materials at no cost. This is particularly helpful when land grants need to print voluminous documents for review or for annual meeting packets. The Council can also provide plotting services for land grants for the production of large scale documents such as maps and posters. As mentioned above, the Council in conjunction with the UNM Land Grant Studies Program also provides scanning services for the digitization of paper records. In addition, to the digitization of records for the San Antonio del Rio Colorado Land Grant the Council also facilitated the digitization of records for the Juan Jose Lobato Land Grant, the Tierra Amarilla Land Grant, the Cañón de Carnué, and the Town of Tomé Land Grant.

LIAISON WORK

In FY 2018 the Land Grant Council, in accordance with one of its statutory purposes, conducted liaison work on behalf of community land grants throughout the State. Liaison work provided by the Council can be categorized in the following manner: assisting in the coordination and facilitation of events and meetings between land grants and other government entities; making public presentations concerning land grants-mercedes; disseminating information to land grants-mercedes from federal and state agencies; providing information about land grants-mercedes to government agencies as requested; serving as a



technical resource and advocate for land grants-mercedes in meetings with other agencies and entities (expertise with comments, advocate); and co-sponsoring the Annual Treaty of Guadalupe Hidalgo Day at the New Mexico State Legislature. Below are additional details about all the Council's liaison work throughout the past fiscal year organized by the various types of liaison work listed above.

Coordination and Facilitation of Meetings and Events

During FY 2018 the Council coordinated and facilitated general meetings between the Carson and Santa Fe National Forests and land grants-mercedes within those forest regions. These meetings took place in August of 2017 in Peñasco, in November of 2017 and in March 2018 in Española. The purpose of these regularly occurring meetings is to provide an opportunity for land grants-mercedes and both National Forests to establish stronger working relationships. The meetings provide an opportunity for the Forest Service and land grants to give project updates, propose and vet future projects, voice concerns and develop strategies for addressing identified issues. These meetings are open to all land grants within the two forest regions and are usually well attended by both land grants and Forest Service personnel, including both Forest Supervisors for the Carson and Santa Fe National Forest.

Public Presentation on Land Grants-Mercedes

In August of 2017 the Council helped coordinate, facilitate and present at a meeting between the Cibola National forest, land grants-mercedes on the eastside of the Manzano Mountains, Soil and Water Conservation Districts in Torrance, Bernalillo and Santa Fe Counties, Isleta Pueblo the Land Grant Council and a delegation from Indonesia. The purpose of the meeting was to provide information about land grants, including land management practices and policies concerning existing and former common lands now managed by the Federal Government in order to inform the Indonesian government about best practices concerning federal lands management. The Indonesian government is in the process of federalizing vacant and forested lands throughout the country and is looking to develop federal land management policies. They received some assistance from the U.S. Government including a week-long visit to New Mexico hosted by the Cibola National Forest. The Cibola National Forest reached out to the Land Grant Council to help coordinate a meeting and presentation about land grants since the Indonesian government was interested in learning about how the U.S. Forest works with traditional communities.

In October of 2017 the Council was asked to present at the Soil and Water Conservation District Association of New Mexico's annual meeting held in Taos. The Council was asked to give a panel presentation relating to traditional uses on Federal Lands.

During the fall of 2017 the Council also partnered with the UNM Land Grant Studies Program to develop a presentation on land grants-mercedes that was made before the annual conference of a National Agroforestry Association at the request of the U.S. Forest Service. The presentation took place at Tomé at the Town of Tomé Land Grant community center. The Agroforestry Association is a group that works to promote the use of trees in agricultural production. The presentation made by staff provided historical background on land grants as



well as discussed traditional uses relating to Agroforestry and the policy and relationship work that has been done by the Council and land grants with Federal agencies now managing former land grant common land.

During the months of December 2017 and January 2018 the Council partnered with the New Mexico Land Grant Consejo and the UNM Land Grant Studies to co-sponsor the annual Treaty of Guadalupe Hidalgo Commemoration event held every February 2nd at the New Mexico State Capitol. The Council's participation as a co-sponsor of the event includes: assistance with event logistics including scheduling speakers, developing the event agenda and programs; development of display materials; working with Legislators on the development of a Memorial introduced on the House Floor; and sending out meeting event notices.

During the Spring of 2018 the Council also helped coordinate meetings between land grants-mercedes and students in the Public Land Policy Program at Western State Colorado University (WSCU). WSCU reached out to the Council, at the suggestion of the USFS, in order to request assistance with setting up meetings with land grant communities to learn more about the relationship that traditional communities have to federal public lands and their management agencies. WSCU students visited New Mexico from 3/16/18 to 3/21/18. During that time Council staff coordinated two opportunities for the students to meet with and learn about land grant issues. These included: inviting them to attend the quarterly meeting between regional land grant and the Carson and Santa Fe National Forests; and coordinating a meeting at UNM between the students and the Chilili and Cañón de Carnué Land Grants.

Lastly, the Council always sends representatives to the quarterly meetings of the New Mexico Land Grant Consejo, a grassroots consortium of land grants-mercedes from around the State, throughout the fiscal year. During the meetings the Council is given an opportunity to provide updates about the work of the Council. The Council also uses the meeting as an opportunity to gather information from land grants concerning current issues they are facing and get feedback from them concerning land grant related policy matters. The quarterly meetings of the Land Grant Consejo take place in March, June, September and December of each year.

Disseminating Information to Land Grants-Mercedes

Throughout the fiscal year the Council disseminates information it receives from other government agencies and or relevant private sector groups to the appropriate land grants-mercedes. This information is distributed via e-mail and through the Council's website. Examples of information distributed to land grants this past year include: information concerning fuelwood collection opportunities, prescribed burns, closures and wild fire updates on federal lands; relevant reports issued such as the New Mexico Basin Outlook Report; Training opportunities and reporting deadlines for financial reporting to the Office of the State Auditor and Infrastructure Capital Improvement Planning; funding opportunities such as the Collaborative Forest Restoration Program and the Rio Grande Watershed Protection Program.

During the past fiscal year, the Council also obtained digital records relating to land grants held by State Historian's Office. These records included digital copies of the *J.J. Bowden Thesis*



Appendices which contain useful researched synopsis of all land grants in New Mexico. The Council compiled records pertaining to active land grants and published them for distribution to land grants-mercedes and other relevant agencies.

Providing Information on Land Grants-Mercedes to Requesting Agencies

The Council does its best to provide information concerning land grants-mercedes to requesting federal and state agencies. Requests for information about land grants can vary but are typically related to information about a particular land grant such as their governance status or history. In FY 2018 the Council provided contact information for active land grants to the Carson National Forest, the United States Forest Service Regional Office, and the Bureau of Land Management State Office and Taos Field Office. As well, GIS shape files of the patented and historical boundaries of the San Joaquin del Rio de Chama Land Grant were provided to the Bureau of Land Management at their request. This information was provided to BLM in support of a Freedom of Information Act request made by the Land Grant to BLM concerning lease revenues earned by BLM on former land grant common lands. The BLM as requested contact information for various land grants throughout the fiscal year in order to contact those land grants regarding BLM projects in their local area.

Serving as a Technical Resource/Advocate for Land Grants-Mercedes

At times it is necessary for the Council in its liaison role to serve as a technical resource and/or an advocate for a land grant-merced during meetings or interactions with federal and state agencies. Below is detailed information about when the Council served in that capacity for various land grants-mercedes.

In FY 2018 the Council served as a technical resource and advocate for two land grants-mercedes in need of high level legal assistance from the Office of the Attorney General. The first instance relates to a property dispute matter concerning the Merced de Los Pueblos de Tierra Amarilla (Tierra Amarilla Land Grant). The Council in conjunction with the University of New Mexico Natural Resources Law Clinic has been providing legal assistance to the land grant on this matter and it was determined that it would be helpful for the Attorney General's Office to weigh in on the manner since the property dispute involves an out of state corporation. The Council contacted the Attorney General's office and helped coordinate a meeting between the Attorney General, the Tierra Amarilla Land Grant, New Mexico Legal Aid (the Council contracted legal service provider) the UNM Natural Resources Law Clinic and the Council. As a result of the meeting the Attorney General agreed to join in on the case. The Council has remained involved serving as a technical resource for both the land grant and the Attorney General's Office. This has included helping coordinate meetings of the legal team with the land grant and conducting historical research relating to the case. The Council will continue to active serve in this role until the matter is settled.

The Council has also serving as a technical resource and advocate for the Cristobal de La Serna Land Grant relating to House Joint Memorial (HJM) 1 from the 2018 Legislative Session. That HJM requested that the Office of the Attorney General and the New Mexico Department of Taxation and Revenue investigate the impacts and legal ramification of the method by which



the common lands of the Cristobal de La Serna Land Grant were taxed. The taxation of the land grant common lands was done in such an odd manner that it has led to numerous property title disputes, encroachments and adverse possession claims all resulting in the significant loss of the community's common lands. The Council attended meeting called by the Attorney General's Office concerning HJM 1 during FY 2018 to ensure that the land grant's concerns which created the impetus HJM 1 are property articulated before the Attorney General's Office. The Council will continue its work relating to this issue in FY 2019.

In FY 2019 the Council also provided technical resource and advocacy assistance to the Tierra Amarilla Land Grant concerning the closure of the Laguna del Campo Lake by the Department of Game and Fish. This included attending two public hearings on the matter held on the matter. One was held by the Department in Tierra Amarilla. The Council sent a representative to the meeting to ask questions and provide public comments in support of keeping the lake open. Following the meeting the Council helped the land grant draft an Opening Meetings Act violation investigation request to the Office of the Attorney General concerning the failure of the New Mexico State Game Commission to properly provide public notice for the meeting in which they had decided to close the lake. The Council also provide support to the land grant in the drafting of a letter to the Game Commission asking them to reconsider their decision to close the lake. This resulted in the Game Commission revisiting the issue in their subsequent meeting. This is the second public hearing attended by the Council which was held in Albuquerque in the Fall of 2017. The Council spoke in support of the New Mexico Game Commission transferring the Laguna del Campo property to the Land Grant rather than simply closing the lake. The Commission decided in favor of transferring the lake property to the Land Grant and has begun preparations for the transfer including conducting a survey and appraisal. The matter was brought before the Land Grant Interim Committee in both the 2017 and 2018 sessions and the Committee has endorsed a Joint Memorial in support of the land transfer that will be introduced in the 2019 Legislative Session.

In FY 2018 the Council also provided technical resource and advocacy support for the Town of Tomé Land Grant with regard to House Bill 88 from the 2018 Legislative Session. That bill creates a mechanism for the negotiated sale of tax abandoned properties in failed housing subdivision by the Department of Taxation and Revenue. There is a provision in the bill that requires the department to provide a right of first offer to land grants-mercedes if any of the abandoned properties as defined in the law are located within the exterior boundaries of a land grant-merced. This provision has already proven to be applicable to the Town of Tomé Land Grant. It has been determined that there are tens of thousands of tax abandoned parcels located on the former common lands of the Town of Tomé Land Grant. The Council has provided support to the Town of Tomé Land Grant in its meetings with the Department of Taxation and Revenue concerning the negotiated sale of those abandoned properties back to the land grant. The process for the sale of those lots is cumbersome and will take mutiple years before its completion. The Council will provide continued support to the Town of Tomé Land Grant throughout the process.



The Council has also been providing technical resource and advocacy to the three land grants in Rio Arriba County relating to negotiating the purchase of the Piedra Lumbre Visitor's Center from the Carson National Forest. The Juan Bautista Baldés, San Joaquín del Río de Chama and Tierra Amarilla Land Grants have all expressed joint interest in obtaining the property which has been listed for disposal by the Carson National Forest. The Council's work on this issue began over four years ago and the Council has played a significant role in fostering the potential transfer via direct sale to the land grants. Initial work began with the coordination of meetings between the Carson National Forest, the US Forest Service Region 3 Office and the interested land grants. Work by the Council also included funding the development of a conceptual master plan by the University of New Mexico Resource Center for Raza Planning two years ago. The Council also presented the issue before the Land Grant Interim Committee in the 2016, 2017 and 2018 interim sessions. The Council submitted a Freedom of Information Act request to the Carson National Forest on behalf of the land grants relating to information on the history of the property including how it came into the ownership of the U.S. Forest Service and previous management arrangement for the property. The Council's work also resulted in the U.S. Forest Service's agreement to conduct an in-house appraisal of the property and waive those costs for the land grants, which normally would be passed on to the buyer. The Council also successfully advocated for the Carson to amend its purchase timeline from 90 days after the completion of the appraisal to 1 year. This will allow land grants the opportunity to seek funding for the purchase. The appraisal price has been set at \$600,000 which is non-negotiable under the applicable regulations. The Council will be assisting the land grants with legislative capital outlay requests for the purchase and has continued to provide support for the project into FY 2019.

The Council has also provided technical resource and advocacy support to the Merced del Pueblo Abiquiú (Abiquiú Land Grant) with ongoing negotiations with the Santa Fe National Forest relating to several easements through the land grant held by the U.S. Forest Service. The easements have been a longstanding concern for the land grant because of the property loss and damage caused by the general public's use of the easements. The main concerns have been the theft of wood and cattle belonging to the land grant as well as the damage to the road and adjacent common lands due to traffic on the easement during the winter and early spring. Although the easement agreement calls for bi-annual maintenance on the road the Forest Service no longer has the budgetary resources to fulfill that requirement. The Council has played the role of advocate for the land grant in their negotiations on how to address the issue. This included helping identify underlying issues, brainstorming solutions and pressing the Forest Service to ensure agreed upon next steps come to fruition. Assistance also included: providing funding to the land grant in a previous fiscal year for the purchase of signage for placement along the roads and working with the Santa Fe National Forest to properly label their travel management maps so as to clearly delineate forest property from land grant property. The Council also helped to coordinate a field trip for the Santa Fe National Forest Supervisor and the U.S. Forest Service Region 3 Government to Government liaison to the visit the land grant to investigate the issues. This field trip culminated in an agreement between the Santa Fe National Forest and the Land Grant to close the road during the months between December to March for resource protection.



The Council also served as a technical resource and advocate for the Santa Bárbara and Santo Tomás Apóstol del Río de las Trampas Land Grants concerning the Carson National Forest's Wild and Scenic River Eligibility Evaluation. The evaluation is part of the Forest Plan Revision process and raised concern for the land grant communities when several stretches of local rivers were identified for eligibility and management as Wild and Scenic Rivers. In order to ensure that the land grants had a clear understanding of the evaluation process and significance of what the eligibility identification meant the Council helped coordinate a community meeting between the land grants, the Carson National Forest and the U.S. Service Region 3 Wild and Scenic Rivers Specialist. After the meeting the Council provided assistance to the Santa Bárbara Land Grant with the development of official comments for outlining their concerns for submittal to the Carson National Forest. The Council also advocated for an opportunity to present their concerns before the New Mexico Legislative Land Grant Interim Committee, which took place in July of 2018 and resulted in the Committee endorsing a House Joint Resolution asking for the Carson National Forest to support the local communities' management recommendations for the Río Santa Bárbara to not be identified as Wild and Scenic Rivers eligible.

Lastly, the Council provided technical resource/advocate services to the Juan Bautista Baldés Land Grant with the preparation and submittal of official comments relating to an Environmental Assessment being conducted by the Bureau of Land Management on a proposed land exchange between the BLM and the State Land Office. The proposed exchange includes BLM lands located adjacent to the land grant which are currently used by the local community. The Council helped prepare comments outlining the communities desire to ensure that traditional uses on those lands would not be adversely affected by the exchange. Additional discussion about the proposed exchange can be found under the Federal Level Policy Work section found on page 24 of this report.

POLICY WORK

Throughout FY 2018 the Council engaged in policy work at both the State and Federal levels. This included both administrative and legislative policy work. Because one of the Council's statutory missions is to serve as a liaison between land grants and other government entities there can be overlap between the Council's liaison work and its policy work. In an effort to not be redundant below are details about the policy work conducted respectively at the Federal and State levels that were not fully covered in the previous section on Liaison Work.

Federal Level Policy Work

In terms of federal policy work the Council continued working with the New Mexico Congressional Delegation on the development of federal legislation to address land grant-merced needs in New Mexico. These efforts included the Council's participation in quarterly conference calls between land grant-merced leadership and the New Mexico Congressional Delegation staff from both Washington D.C. and New Mexico. Efforts also included working with individual members of the New Mexico Congressional Delegation on the development and introduction of federal legislation pertaining to land grants-mercedes. Work associated with



these efforts included the developing draft legislative language recommendations for congressional delegation members, reviewing and analyzing draft bills provided by congressional staff and developing comments and recommended changes in order ensure that draft bills properly addressed the needs of land grants-mercedes in New Mexico. The federal policy work conducted during FY 2018 culminated in the introduction of four separate pieces of legislation by four different members of the New Mexico Congressional Delegation. It also resulted in foundational work on potential future federal legislation. Below are additional details about those legislative efforts.

Two pieces of federal legislation that were introduced respectively by Congresswoman Luján-Grisham and Senator Udall were related to the Farm Bill. The process relating to these bills began with the Council's an initial review of existing programs from the 2014 Farm Bill in order to determine which programs have applicability to land grants and any need to be amended to allow for funding land grants-mercedes. This works was done at the request of the Congresswoman Michelle Luján Grisham's and Senator Tom Udall's offices in order to determine what if any Farm Bill programs would be suitable for land grants in New Mexico. The review and analysis included researching the different Farm Bill titles and the relevant federal agency program objectives and eligibility requirements. It also included multiple phone conferences with Congressional staff. Analysis found that conservation programs, such as the Environmental Quality Incentives Program (EQIP) offered through the USDA Natural Resource Conservation Service appear to be the most beneficial programs for land grants. However, it was determined that the program currently excludes eligibility for political sub-divisions of the state. As a result, at the request of the Council both Senator Udall and Congresswoman Luján-Grisham developed and introduced amendments to the Farm Bill to make land grant eligible for funding. The Council reviewed and provided input on the language of each amendment, including helping both congressional offices develop a federal definition for land grant-merced. Additional efforts included developing language on behalf of the Council for use in press releases related to the dropping of the legislation. It also included providing a briefing paper on community land grants to Congresswoman Luján-Grisham's New Mexico and Washington D.C. offices. The purpose of the briefing paper was to provide a background on land grants for staff and committees. All members of the New Mexico Congressional Delegation have been supportive of these efforts and recently sent a letter to the House and Senate Conference Committee working on amending the Farm Bill encouraging them to include funding eligibility for land grants-mercedes. The Council will continue to work on this issue in the 116th Congress.

Another piece of federal legislation worked on during FY 2018 was H.R. 6487, the Land Grant and Acequia Traditional Use Recognition and Consultation Act, which was introduced by Congressman Ben Ray Luján in July of 2018. When passed this bill will provide for the recognition of and access for traditional uses by land grant and acequia communities on former land grant-merced common land now managed by the federal government. It will also require that federal land management agencies consult with land grant-mercedes regarding the protection of traditional uses and their related natural resources during land management plan revisions and whenever a proposed action requires NEPA analysis. The Council has



worked with Congressman Luján on the development of this bill for over 4 years. Work on the bill in FY 2018 included: the review and analysis of bill drafts to ensure the bill language met the needs of land grants-mercedes and the policy stances adopted by the Council; the development of oral and written comments and change recommendations on bill drafts; the presentation of bill drafts and developed comments to land grant-mercedes through quarterly meeting of the New Mexico Land Grant Consejo, a consortium of land grants-mercedes from throughout the state; phone conference calls and email correspondence with D.C. legislative staff to review comments and concerns; and an in-person meeting with Congressman Luján to review and discuss the legislation and strategy for moving it forward. The bill although introduced has yet to receive a committee hearing. The Council will continue its push to get this legislation passed, which will require its reintroduction in the 116th Congress.

The final piece of federal legislation worked on by the Council that has been introduced is the H.R. 6365, the Treaty of Guadalupe Hidalgo Land Claims Act, which was introduced by Congressman Pearce in July of 2018. The intent of the legislation is to create a federal commission that can evaluate unresolved property claims brought forth by community land grants-mercedes stemming from the unjust and incomplete application of the property rights protection provisions of the Treaty of Guadalupe Hidalgo. The legislation would provide for not only the evaluation of claims by the commission but also for the recommendation of restitution options, including land returns and traditional use access. The Council's work on this bill included the review of past similar legislation including the Pueblo Lands Board Act, the creation of the Indian Claims Commission, the Alaska Indian Claims Settlement Act, the Treaty of Guadalupe Hidalgo Land Claims Act of 1998 and a draft bill circulated to the Congressional Delegation by the New Mexico Land Grant Consejo in 2009. The Council then worked with Congressman Pearce's staff to develop draft language for the bill. The Council also consulted with relevant stake holders including individual land grants, the New Mexico Land Grant Consejo, the Northern New Mexico Stockmen and the New Mexico Acequia Association to discuss draft language and identify and resolve any potential issues or conflicts. The Council reviewed and commented on all legislative drafts developed by the Congressman as well as responded to any questions relating to the Council's comments from legislative staff. All of this work culminated in the introduction of the bill in July 2018. The bill received a hearing in September of 2018 before the House Sub-committee on Federal Lands to which the Council sent a representative to provide testimony. The bill made it passed the sub-committee and as well as the House Committee on Natural Resources. It is highly unlikely that it will not make it out of the House before the the close of the 115th Congress and will therefore have to be reintroduced in the 116th. The Council will continue to work on advancing this federal legislative priority in 2019.

During FY 2018 the Council also had discussions with Senator Heinrich's office regarding the development of legislation relating to historic land grant-merced community cemeteries now located on federal lands. The Council worked on identifying cemeteries located on federal lands in order to develop legislation for addressing use, access and possible return. In addition, Council staff contacted the State Historic Preservation Office Archaeological Records Management Section regarding access to information on historic cemeteries located on federal



public lands. The Council will continue to further develop policy recommendations relating this issue in FY 2019.

During FY 2018 the Council also begin discussion with Senator Udall's office on the development of a draft legislative proposal relating to the establishment of a federal revenue source for land grants. This work included researching possible funding streams, old proposals and comparable existing federal legislation. The Council has also been engaging in discussion with the Senator's office with regard to H.R. 6487 as he has agreed to sponsor the Senate version of the bill. Work on both legislative efforts are continuing into FY 2019.

Apart from federal legislative policy work in FY 2018 the Council also continued working on administrative policies directly with federal agencies. This included the Council's continued work as a Cooperating Agency with the Carson, Cibola and Santa Fe National Forests relating to the forest management plan revisions for all three forests. Work on this matter has included reviewing the US Forest Service's review matrix to the recommendations relating to the 1968 Hassell report and 1972 Northern New Mexico Policy provided to the USFS by the Council in September of 2017. In addition, the Council met with all three Forests' planning teams to discuss the Council comments and the USFS's unofficial response. Staff attended a Santa Fe National Forest Plan Revision Monitoring Plan development meeting held in Santa Fe on November of 2017 to learn more about how the Monitoring Plan will work and timeline for development, review and comment. During the period staff also begin its review of the Carson National Forests Draft Plan Alternatives and participated in a cooperating agency meeting to discuss the draft Plan Alternatives held in Taos on November 2017. The Council developed a matrix for Forest Plan monitoring questions for submittal to the USFS as part of the ongoing Forest Plan Revision. Development of the matrix included reviewing and analyzing the monitoring questions proposed by the USFS as well as reviewing the relevant sections of the draft plan. The Council also reviewed and developed comments to the Carson National Forest Draft Plan Rural Historic Section. The Council attended and participated in community, cooperating agency, and technical meetings held by all three forests throughout the fiscal year.

In addition, to serving as a cooperating agency with the U.S. Forest Service the Council in FY 2018 also entered into a cooperating agency agreement with the Bureau of Land Management (BLM) for a proposed land exchange between the BLM and the State Land Office. The proposed exchange is for tens of thousands of acres of State lands located within the Rio Grande del Norte National Monument. The Council reviewed the proposed land exchange map and submitted official comments to the BLM during the scoping process. The Council also reviewed and provided comments on the first 2 chapters of the Bureau of Land Management's draft Environmental Assessment on a proposed land exchange. The proposed exchange was put on hold in the late summer of 2018 by the State Land Office in order to allow for the new incoming land commissioner to determine if the office will proceed with the exchange. The Council will continue to serve as a cooperating agency until the project comes to a conclusion.

Finally, the last piece of federal policy work done during FY 2018 was the preparation, planning and initial steps in reconstruction of patented boundaries of active land grants utilizing



ArcGIS. Work included: creating a file structure that organized data pertaining to priority land grants; reviewing survey plat sketches and previously translated mete and bounds tables; development of an ArcGis model and two associated Python script tools to automate the selection of cadastral points that potentially correspond to land grant survey points; utilizing the model Council staff was able to reconstruct the patented boundaries of approximately 25 active land grants. This mapping work will be critical to the establishment of traditional use areas on federal public lands that are former land grant common lands.

State Level Policy Work

In FY 2018 the Council engaged in state level policy work in a variety of different areas, this include both legislative and administrative policy work as well as providing expert testimony relating to judicial proceedings. Below are details about the state level policy work conducted in FY 2018.

Throughout the fiscal year the Council actively engaged in legislative policy support for land grants-mercedes through the New Mexico legislative process. This included participation in committee hearings pertaining to land grants during both the interim and regular legislative sessions. Interim work included developing written and oral testimony for the New Mexico Legislative Land Grant Interim Committee relating to land grant governance and election issues. The Council provided background information, policy recommendations, and draft legislative language on these issues before the Interim Committee in both the 2017 and 2018 sessions. The need for clean-up language in the Land Grant General Provisions found in §49-1-1 NMSA 1978 particularly with regard to land grant elections has become apparent over the past several years as several land grant elections have been contested and have found their way into the District Court process. The Court process can be lengthy, expensive and overly burdensome to land grants, sometimes resulting in the lack of a proper board of trustees until after the Court has rendered a decision. This has in some case taken over 4 years for the Court to make a final ruling. Much of this can be avoided through some simple updates to the statutes that will clarify ambiguous statutory language or set specific rules in place. Also strengthening the role of the Treaty of Guadalupe Hidalgo Division's statutory language found in §8-5-18 NMSA 1978 will provide additional support to address this matter.

The Council provided oral and written testimony in both the 2017 and 2018 interim sessions on the need for guaranteed revenue streams for land grants-mercedes. Policy work related to this included researching existing revenue sources for the State of New Mexico and assessing the impact that creating a revenue stream for land grants would have on those sources. The need for a guaranteed revenue stream for land grants is a longstanding issue as most land grants-mercedes have annual budgets well under \$10,000. The need for secured funding from the state for land grant-mercedes has been a top priority for land grants and the Council for over 10 years. The Council also provided oral and written testimony before the Land Grant Committee during the 2018 Interim Session relating to the work of the Council from inception to date as well as what additional roles the Council can play in assisting land grants into the future.



In addition to providing testimony before the Land Grant Interim Committee the Council has served as a resource for both the Committee and Legislative Council Service. This has been accomplished by providing input to the Legislative Council Service staff and Interim Committee members regarding current land grant issues that may need to be addressed before the Committee. This included meetings with the committee Chair, Vice-Chair and staff to provide an update of land grant issues and recommend topics for discussion during the 2018 interim session.

In terms of administrative policies at the State level the Council reviewed the DFA Budget and Finance Bureau's standard Revenue and Expenditure Form for Special Districts to determine what additional budget line items need to be included specifically for land grants. In addition, Council staff attended the Local Government Budget Management Training in order to understand how the new system will affect land grants.

Finally, additional policy work at the state level included staff providing expert testimony before the New Mexico 13th Judicial District Court in Grants as part of a trial relating to a challenge of Cebolleta Land Grant Elections held in April of 2017. Expert testimony was given with regard to the procedures for land grant elections as required by state law. The Council also reviewed the New Mexico 13th Judicial District Court decision on the Cebolleta Land Grant Election case to determine potential impact on other land grants. In addition, the Council met with the attorney for the case's defendants regarding their potential appeal of the decision and the impact that an appeal could have on land grant election law. The Council determined it would monitor the case as it moves through the appeals process to determine if any action is necessary from the Council to ensure that the final court decision does not have an adverse impact on land grants as a whole.

HISTORICAL RESEARCH

At the request of the Council research was conducted in conjunction with the UNM Land Grant Studies Program by Dr. LM Garcia y Griego. This included research conducted at UNM and at other locations. Travel to other locations was covered by the UNM Land Grant Studies Program and the Council covered salary expenses for the time that research was conducted on behalf of the Council. Research at UNM included review of materials on four square-league decision on Pueblo grants made during the 1700's and confirmed by the Surveyor General and U.S. Congress in 1859-1865. Research was also conducted in Washington D.C. at the National Archives I and Library of Congress, Oklahoma State University, and at the Denver Regional National Archives facility. Research in Washington D.C. included scanning and review of: docket files for New Mexico private land claims; reports of the General Land Office and materials relating to U.S. v. Sandoval. At Oklahoma State University Low Library research included scanning materials on U.S. public lands policies of the 19th century and a translation of part of the *Recopilación de Leyes de los Reinos de las Indias* for comparisons to a translation from the University of Utah. At the Denver Regional National Archives research was done relating to land use and permits records from the U.S. Forest Service for New Mexico Forests in Central and Northern New Mexico. In addition, to the out of state archival research, staff also travelled to the Abiquiú Public Library to research their archive relating to historical



water use and land use within the Abiquiú Land Grant and a road easement with the U.S. Forest Service. This research is being used to in the development of the water uses report that will accompany their water rights declaration and to further discussions with the Santa Fe National Forest pertaining to the existing road easement, negotiated seasonal closure of the road and road maintenance agreement.

LEGAL SERVICES

In FY 2018 the Council provided \$30,000.00 worth of legal services directly to and in general support of land grants-mercedes. This was accomplished through a contract with New Mexico Legal Aid. This legal work included assisting the Merced del Pueblo Abiquiú with its water rights adjudication claim before the Office of the State Engineer. This work included assistance with developing the water rights declaration and negotiating water right quantities and priority dates. The Abiquiú Land Grant is seeking protection of its water right for both irrigation and livestock water rights that date back prior to the establishment of the land grant-merced in mid-1700's. The Office of the State Engineer has agreed to the stock water rights but the priority dates for that water right is disputed by the land grant-merced. Those priority dates offered by the State Engineer are based on the modern construction of stock ponds some as recent as the 1990's even though the use of the common waters on the land grant for livestock grazing has been in existence since the 1700's. This legal assistance to the Abiquiú Land Grant is continuing into FY 2019.

Legal work in FY 2018 also included continued assistance to the Tierra Amarilla Land Grant with both a property dispute and a probate case. The property dispute issue relates to a 216-acre parcel of land that was deeded to the community in 1989. In FY 2018 New Mexico Legal Aid advised board of trustee members of the Tierra Amarilla Land Grant relating to the gathering of documentary evidence to support the land grant's claim to the property. Support also included working with the University of New Mexico Natural Resources Clinic and the New Mexico Attorney General's Office to conduct the legal research and develop a legal complaint that was filed by the Office of the New Mexico Attorney General on behalf of the Tierra Amarilla Land Grant in July of 2018. Legal assistance with the property dispute issue will continue into FY 2019. In addition to the property dispute legal assistance to the Tierra Amarilla Land Grant also included with help with a probate matter. This probate matter stems back to 2015 where the Council provided legal assistance to the land grant board of trustees to file a probate claim on funds belonging to the land grant that were embezzled by a former board member. The settlement of that matter has stretched into the most recent and current fiscal year.

The Council also provided legal assistance to the Tajique Land Grant relating to a solid waste transfer station lease with Tarrant County. The land grant owns a property on which the County has a solid waste transfer station. Since the original placement of the transfer station the Land Grant has constructed a community playground and basketball courts between their community center and transfer station. With the new addition of the playground and basketball courts the land grant expressed an interest in offering a new property for moving the transfer station. The Council provided legal assistance with the negotiation of a lease agreement with



Torrance County for a new monthly rental fee for the existing site as well as a time limit to determine by when the transfer station must be moved.

During FY 2018 the Council, through its contract with New Mexico Legal Aid, also begin to provide legal assistance to the following land grants for the following issues: the Santa Barbara Land Grant concerning a declaration of water rights for the land grant; the initial assessment of legal assistance needs of the Don Fernando de Taos Land Grant concerning a property dispute relating to a historic community cemetery; Review of legal issues relating to mineral rights claims for the San Joaquín del Río de Chama Land Grant; Initial review of water rights issues facing the Anton Chico Land Grant; Initial review of governance status issues facing the Manzano Land Grant.

In addition, to working directly with land grants-mercedes, legal work sponsored by the Council also included broader level legal analysis and legal work affecting land grants-merced. One of the main activities was work relating to an amicus brief in the N.M. Court of Appeals relating to a case involving the Parkview Community Ditch. The case was regarding the right of local public bodies, such as land grants and acequias, to conduct public meetings and elections in Spanish. This is significant to land grants-mercedes since some do hold all or portions of their meetings in Spanish. New Mexico Legal Aid drafted portions of the brief and also, as lead attorney for the amicus parties, supervised and reviewed the drafting of other portions by the UNM Natural Resources Law Clinic and the attorneys acting in a pro bono capacity. Three of the amicus parties NMLA represented were the Land Grant Council, La Merced del Pueblo de Chililí and La Merced del Pueblo de San Joaquín del Río Chama. Other work included the review of a New Mexico District 13 Court decision relating the Cebolleta Land Grant election process. The District Court decision makes a ruling about residency requirements for land grant heirs to participate in land grant elections the case was appealed to the NM Supreme Court and was evaluated to determine if an amicus brief be filed to provide information to the Court to help ensure that a Supreme Court ruling does not have a wide spread adverse impact on land grant elections.

LAND GRANT SUPPORT FUND

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 provided over \$125,000 in direct financial support to eligible land grants-mercedes. In Fiscal Year 2018 the Council provided \$12,211.96 in direct financial support to four land grants-mercedes for various community projects and administrative needs through the Land Grant Support Fund. The San Antonio de Las Huertas Land Grant received \$4,500.00 from the Council for the construction of a recreational development area on the common lands of the land grant. This included the construction of a gazebo and the purchase and installation of a composting toilet. The Juan Bautista Baldés Land Grant received \$2,811.96 from the Council for the purchase of fencing material in order to fence portions of the land grant common land. The San Miguel del Bado Land Grant received \$3,500.00 from the Council for the purchase of equipment for their community center this included a washer/dryer combo, a steam table and serving counter. The Town of Tomé Land



Grant received \$1,400.00 from the Council for the purchase of signage for the land grant community center and for the purchase of a printer.

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 sub-divisions 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 to a community land grant to demonstrating they are a unit of government. In Fiscal Year 2018 the Council received the following documents into the New Mexico Community Land Grant Registry:

August 2017

- The Arroyo Hondo Arriba Land Grant submitted a historic document regarding an early 20th century court case and a recent filing of said document in Taos County.
- The Tierra Amarilla Land Grant submitted their updated by-laws.
- The Merced de Pueblo de Chililí submitted the results of their 2017 election.
- The Atrisco Land Grant submitted the results of their 2017 election.

October 2017

- The Don Fernando de Taos Grant submitted election certificates from their April 2016 election and the organization of their board, as well as their amended by-laws, adopted February 21, 2016.

April 2018

- The Town of Tomé Land Grant submitted notice regarding the appointment of Tony Moya and Steven Baca to the Town of Tomé Land Grant Board of Trustees, replacing Monica Padilla and Heidi Zamora, who resigned.
- The San Antonio de Las Huertas Land Grant submitted their updated and adopted by-laws
- The San Joaquín del Río de Chama Land Grant submitted a copy of a FOIA request sent to Ericka Luna, USFS, requesting a list of all resources permitted by the USFS within the historic boundaries of San Joaquín del Río de Chama LG.
- The Don Fernando de Taos Land Grant submitted 2015-2017 Annual Reports

May 2018

- The Cañón de Carnué Land Grant submitted election results from the April 2018 election of Rodney Moisés Gonzales and Juan José Herrera to the Cañón de Carnué Land Grant Board of Trustees, and the organization of the Board for the 2018-2020 period.
- The San Joaquín del Río de Chama Land Grant submitted the meeting minutes of the August 5, 2017 annual membership meeting, including the appointment of Mike Vigil



and Thelma Lovato Chávez to vacant board positions, as well as the organization of the board.

FY 2020 BUDGET REQUEST

For fiscal year 2020 the Council is requesting an increase in its budget from \$221,900 to \$365,000. An increase of this amount would provide the resources necessary for the Council to be properly staffed and to expand the services it offers to eligible community land grants. Below is an overview of the Council's FY 2019 budget request as well as a detailed budget and budget narrative.

1. Administration & Operations -	\$156,340.00 (20% of total budget)
2. Personnel -	468,036 .00 (60% of total budget)
3. Publishing -	5,624.00 (1% of total budget)
4. Land Grant Support Funding -	50,000.00 (7% of total budget)
5. Land Grant Insurance Assistance Fund -	40,000.00 (5% of total budget)
6. Legal Services Contract -	<u>55,000.00</u> (7% of total budget)
Total:	\$775,000.00

Table 6 – FY 2020 Detailed Budget

Budget Line Items	FY 2020 Budget Request
Admin Fee DFA @ 1.5%	\$ 11,453
Support Fund	\$ 50,000
Insurance Assistance Fund	\$ 40,000
Publishing	\$ 5,624
In State Travel for Council	\$ 7,000
Out of State Travel for Council	\$ 7,000
UNM Contract	\$ 653,923
Total	\$ 775,000

Table 7 – FY 2020 UNM Contract Cost Breakdown

Approved UNM Contract Line Items	Budget Request
F & A Fee UNM @ 20%	\$ 108,987
Personnel Travel In State	\$ 14,000
Personnel Travel Out of State	\$ 3,500
Legal Services Contract	\$ 55,000
Supplies & Misc	\$ 2,600
Meeting Expense	\$ 1,800
Personnel Total	\$ 468,036
Total	\$ 653,923



Table 8 – FY 2020 Personnel Cost Breakdown

Personnel Breakdown	FY 2020 Budget Request
<i>Program Manager</i>	\$ 52,500
<i>Research Historian</i>	\$ 25,000
<i>Attorney</i>	\$ 52,000
<i>Surveyor</i>	\$ 46,000
<i>Conservationist</i>	\$ 36,000
<i>Planner</i>	\$ 35,000
<i>Planner</i>	\$ 35,000
<i>Cartographer</i>	\$ 9,360
<i>Youth Coordinator North</i>	\$ 16,640
<i>Youth Coordinator Central</i>	\$ 16,640
<i>Principal Investigator</i>	\$ 10,611
<i>Graduate Student</i>	\$ 8,320
<i>Undergraduates</i>	\$ 5,220
<i>total Fringe</i>	\$ 119,745
Totals	\$ 468,036

FY 2019 BUDGET JUSTIFICATION

Administration & Operations - \$156,340.00

This would cover general administrative and operating costs associated with fulfilling the Council's statutory mission, including: Administrative fees paid to DFA, Facilities and Administration fees paid to UNM, equipment and supply purchases, meeting expenses, travel for the Council for attending meetings and travel for personnel.

A. Meeting Expense - \$1,800.00

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

Benefit: Provides adequate meeting space for Council meetings.

Deliverable: The Council will hold 12 regular monthly meetings throughout FY 2020.

B. In-State Travel Mileage & Per Diem for Council - \$7,000.00

Purpose: Provides funding for the Land Grant Council members to receive mileage and per diem for 12 regular meetings.

Benefit: Funding will allow the Council to meet 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; conservation; (c) techniques of historical research; (d) grant writing; (e) economic development strategies; (f) rangeland management and water;
- (7) disseminate information to relevant federal, state and local agencies on land grant issues and activities and, when requested, on the status of individual land grants;
- (8) review state and federal policies, plans and legislation affecting land grants in New Mexico;

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

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

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

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



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

D. In-State Travel - Personnel- \$14,000.00

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

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

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

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

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

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

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

F. Facilities and Admin Fee to University of New Mexico - \$108,987.00

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 State is 20%.

Benefit: F & A provides the Council with office space at the University of New Mexico as well as 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 copy machines, printers, plotters, computers and other office equipment.



G. DFA Admin Fee (@ 1.5% of total Budget)- \$11,453.00

Purpose: To pay Department of Finance and Administration admin fee for services related to the Council being administratively attached to the Department of Finance and Administration.

Benefit: Offset the DFA costs associated with administering legislative appropriation to NM Land Grant Council.

Deliverables: Processing of Council member travel and per diem, Land Grant Support Fund agreements and payments, executing of service contract with UNM, processing of payments related to publishing, and processing of Land Grant Insurance Assistance Fund payments.

H. Supplies and Postage - \$2,600.00

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

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

Deliverables: Ability to produce and disseminate information to community land grants, federal and state agencies and the general public.

Personnel - \$468,036.00

To provide staff positions to support the Council in fulfillment of its mission to provide a program of support to land grants-mercedes. The positions would consist of: a full-time program manager, a part-time research historian/archivist; a full-time attorney; a full-time surveyor; a full-time conservationist; 2 full-time regional planners; a part-time cartographer; 2 part-time youth program coordinators; a part-time principal investigator for the University of New Mexico; and graduate and undergraduate student positions. Several positions (program manager, research historian/archivist, youth coordinators and students) will be shared positions with the University of New Mexico Land Grant Studies Program. Therefore, only a portion of the salary for these positions will be covered by the Council. Below are additional details about the positions, including amount needed for each position, purpose, benefit and deliverable for each. All staff will also provide general administrative support to the Land Grant Council as needed in the areas of drafting agendas, securing meeting locations, posting meetings notices, development of meeting minutes, coordinating activities with the Department of Finance and Administration (DFA), programmatic administration of Land Grant Support Fund and Land Grant Insurance Fund, oversee and administer contracts awarded by the Council, develop correspondence on behalf of the Council and disseminate information to land grants and to other entities as requested



A. Program Manager - \$52,500.00

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

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

Deliverables: Ensure completion of annual report to Governor and Legislature; ensure the proper expenditure of New Mexico Land Grant Council annual budget; ensure needed services are being provided land grants-mercedes statewide; Ensure that state and federal policies affecting land grants are reviewed and that the Council provides official responses; Ensure that the Council and land grants-mercedes are represented at relevant meetings and during official government required processes.

B. Research Historian/Archivist - \$25,000.00

Purpose: The research historian/archivist will oversee the New Mexico Land Grant Registry, conduct historical research on land grants as it pertains to policy analysis 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.

C. Attorney - \$52,000.00

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

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



issues relating to land grant elections at the state level and unresolved legal claims at the federal level such as the *United States v. Sandoval* decision.

Deliverables: Provide free legal services to land grants-mercedes as directed by the Council.

D. Surveyor - \$46,000.00

Purpose: To provide professional surveying services to land grants-mercedes in order to decrease illegal encroachments on common lands.

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 a survey on staff would not only allow land grants to have their lands surveyed but would also provide them with the technical expertise to review and, if needed, challenge any surveys being conducted by private parties adjacent to their existing common land.

Deliverables: Provide free professional surveyor services to land grants-mercedes as directed by the Council.

E. Conservationist - \$36,000.00

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

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

Deliverables: Provide land grants-mercedes with advice and assistance to better management and utilize common lands for benefit of community. This would include advice and assistance in range and forest management; assistance with applying for and managing grant funding for



conservation/restoration projects; training and capacity building in the areas of land management practices and ecological monitoring.

F. Regional Planners (2) - \$70,000 (\$35,000 each)

Purpose: The regional planner would provide direct technical assistance to land grants-mercedes. Two positions would allow for planners to focus on specific regions of the State (Central and Northern New Mexico).

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

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

G. Cartographer - \$9,360.00

Purpose: The purpose of the cartographer is to provide maps pertaining to land grants-mercedes on an as needed basis.

Benefit: Maps provide illustrative data about location of patented, historical/traditional and current boundaries of land grant-merced common lands, natural resources, areas of use, vegetation, restoration project areas, etc. that can be used in development of policies relating to land grants-mercedes.

Deliverables: Developments of maps for distribution to relevant federal and state agencies and for public display online or at community meetings and events.

H. Youth Coordinators (2) - \$33,280.00 (\$16,640.00 each)

Purpose: To develop, in conjunction with the UNM Land Grant Studies Program, a land grant youth development leadership program that targets land grant youth from throughout the State. Two positions would allow for youth coordinators to focus on specific regions of the State (Central and Northern New Mexico).

Benefit: Provide service-learning opportunities for land grant-merced youth to develop leadership skills, self-esteem, and stronger connections to their communities in order to combat the drug and alcohol epidemic facing rural communities in Central and Northern New Mexico. Long-term benefits include the preservation of the socio-economic and cultural integrity of land grant-merced communities which are an integral part of New Mexico's unique and rich history and culture.



Deliverable: Development of land grant-merced youth targeted programming in Northern and Central New Mexico.

I. Principal Investigator - \$10,611.00

Purpose: The principal investigator (P.I.) position will be the UNM faculty member that will oversee the compliance of the intergovernmental agreement between UNM, DFA and the Council. The Council will only fund a small percentage of principal investigator's annual salary equivalent to approximately one month of their time. In addition, to assuring compliance with the intergovernmental agreement the P.I. also provides historical and archival research services in out of state archives for the Council upon request.

Benefit: To serve as a liaison between the New Mexico Land Grant Council and the University of New Mexico.

Deliverable: Ensure scope of work in intergovernmental agreement is met and provide historical research to Council when requested.

J. Graduate and Undergraduate Students - \$13,540.00

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

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

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

K. Fringe Benefits - \$119,745.00

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

Benefit: Provide employee benefits as required by law.

Deliverables: Ensure compliance with federal and state deduction requirements.

Publishing - \$5,624.00

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

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



Deliverables: Publication of book(s) relating to land grants-mercedes during the fiscal year.

Land Grant Support Fund - \$50,000

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

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

Land Grant Insurance Fund - \$40,000.00

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

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

Deliverables: Provide at least 15 land grants-mercedes with financial assistance to cover insurance premium costs.

Legal Services Contract - \$55,000.00

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

Benefit: Most community land grants lack the budgetary capacity to obtain the legal services necessary to properly utilize and protect the common lands of the



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

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