

**MINUTES
of the
FIFTH MEETING
of the
LAND GRANT COMMITTEE**

**November 20, 2017
State Capitol, Room 307
Santa Fe**

The fifth meeting of the Land Grant Committee (LGC) for the 2017 interim was called to order by Representative Miguel P. Garcia, chair, on November 20, 2017 at 10:17 a.m. in Room 307 of the State Capitol in Santa Fe.

Present

Rep. Miguel P. Garcia, Chair
Sen. Gregory A. Baca
Rep. Jimmie C. Hall
Sen. Linda M. Lopez
Rep. Sarah Maestas Barnes
Sen. Richard C. Martinez
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle
Rep. Debbie A. Rodella
Rep. Christine Trujillo

Advisory Members

Rep. Alonzo Baldonado
Rep. Matthew McQueen

Absent

Sen. Elizabeth "Liz" Stefanics, Vice Chair
Rep. David M. Gallegos
Sen. Sander Rue
Rep. Tomás E. Salazar

Rep. Eliseo Lee Alcon
Sen. Carlos R. Cisneros
Rep. Harry Garcia
Sen. Stuart Ingle
Rep. D. Wonda Johnson
Sen. Gay G. Kernan
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom
Rep. Jim R. Trujillo
Sen. James P. White

Guest Legislator

Sen. Nancy Rodriguez

Minutes Approval

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

Staff

Mark Edwards, Drafter, Legislative Council Service (LCS)
Michelle Jaschke, Researcher, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Monday, November 20**Introductions and Announcements**

Representative Miguel P. Garcia welcomed committee and audience members and asked members and guests to introduce themselves. On a motion duly made and seconded, the minutes of the fourth meeting of the LGC for the 2017 interim were approved without objection.

Santa Fe National Forest: Status Update on Forest Plan Revision

James Melonas, forest supervisor, Santa Fe National Forest (SFNF), and Ericka Luna, New Mexico liaison, Southwestern Region, United States Forest Service (USFS), provided an update on the status of the forest plan revision and the continuing efforts to address concerns brought forth by land grant communities. Mr. Melonas described the forest plan as the guiding document for interaction with neighboring communities as well as for the protection and use of natural resources. The plan addresses concerns in the areas of fire risk, recreational opportunities, traditional use rights, forest thinning, wilderness designations and related issues.

Mr. Melonas reported that the supervisors for the Carson, Santa Fe and Cibola national forests are coordinating closely in the planning process to ensure that traditional use regulations are consistent across the three plans and that they recognize the unique cultural history of northern New Mexico. Draft plans are scheduled to be issued in June 2019, with a subsequent round of public comment. Mr. Melonas thanked the Land Grant Council for its help in developing the plan, noting that quarterly meetings with land grant communities continue to be a valuable tool and that the next quarterly meeting will be held in Las Vegas.

Ms. Luna reported that the USFS is working on a response to a letter received from the LGC regarding the status of certain projects. Mr. Melonas reported that the analysis has been completed for the proposed fencing of the cemetery that has been a concern for the San Joaquin del Rio de Chama Land Grant-Merced (Chama Land Grant-Merced). All that remains is for the Chama Land Grant-Merced to submit an action plan for installing the fence. Mr. Melonas also reported that the Coyote Ranger District is working with the United States Department of Agriculture's Natural Resources Conservation Service to develop a mutually beneficial plan for restoration of the historic orchard for the Chama Land Grant-Merced. The USFS is assessing the

concerns of conservation groups regarding that project because of the Wild and Scenic Rivers designation at that site.

In response to members' questions, Mr. Melonas reported that alternatives are still being weighed with respect to potential wilderness designations and that the final decision-making capacity in that regard resides with the United States Congress. The SFNF includes four wilderness areas: the Chama River Canyon Wilderness, the Dome Wilderness, the Pecos Wilderness and the San Pedro Parks Wilderness. Mr. Melonas reported that he would provide a map that shows the boundaries of the current wilderness areas. He observed that certain issues, including most land transfers, require congressional action, but the SFNF is looking at what it can do within its own authority to resolve tribal rights and traditional use issues that arise from the unique history and culture of New Mexico. According to Mr. Melonas, the forest supervisors and planning teams are working regionally to ensure that permitting processes for traditional uses are accessible and appropriate. While forest plan revisions are triggered on a 15-year cycle, Mr. Melonas observed that the reality is that planning and comments are constantly in process. He noted that the USFS is trying to capitalize on the current energy surrounding these issues in developing its plans. Members also discussed access to cemeteries on forest lands and urged the inclusion of language in the forest plan to ensure accessibility. Representative Miguel P. Garcia requested that the USFS make a presentation to the interim committee next year regarding the draft forest plan.

Leonard Martinez, president, Land Grant Consejo, joined the discussion to provide additional information regarding restoration of the orchard at the Chama Land Grant-Merced and delays encountered in the effort to purchase and develop the Piedra Lumbre Visitor Center property (formerly operated by the USFS as a wildlife exhibit and museum). Mr. Martinez reported that grafts prepared by Michigan State University from the heirloom apple trees in the orchard are ready to return to New Mexico for planting. Mr. Melonas noted that issues complicating the restoration of the orchard include the need to develop a plan in conjunction with the U.S. Department of the Interior's Bureau of Land Management regarding water rights from neighboring lands and the need for a specific proposal from the Chama Land Grant-Merced. Regarding the visitor center, Mr. Martinez said that recent staff departures from the Carson National Forest have resulted in delays in securing documents important to the potential sale of the property. He reported that there is movement on these issues, but that progress is slow. Mr. Melonas concurred that these processes are always more time-consuming and complicated than expected but that the USFS is still willing to proceed with a direct sale of the Piedra Lumbre property.

Guadalupe Hidalgo Treaty Division: Lessons from One Year of Funding

Victoria Bransford, executive assistant to Attorney General Hector Balderas, addressed the committee to express the attorney general's sincere apologies for not having an attorney from the Guadalupe Hidalgo Treaty Division (Treaty Division) of the Office of the Attorney General (OAG) available to report at the meeting. She stated that the attorney general is available to meet with individual members or the full committee at the members' convenience. Dylan K. Lange,

assistant attorney general, Open Government Division, OAG, asked for direction from committee members regarding the reporting they would like to see from the OAG. Members asked that the committee receive a briefing from the OAG at the beginning of the next interim and a full report on the activities of the Treaty Division over the past year, including an update on the status of funding for the current year. It was reported that funding for the Treaty Division had been eliminated for the current year, but that the OAG is requesting \$150,000 for the Treaty Division's budget in fiscal year 2019.

Land Grant Council Status and Budget Update

Juan Sanchez, chair, Land Grant Council, presented the council's annual report. He reported that the council now has three staff members in cooperation with the University of New Mexico (UNM) Land Grant Studies Program and that the council continues to work with the USFS to ensure input from land grant communities into the forest plan revisions. Mr. Sanchez described a range of training and technical assistance activities for land grant communities that the council has provided over the past year, including:

- workshops coordinated with the Department of Finance and Administration (DFA) to assist in grants administration;
- assistance in completing the Infrastructure Capital Improvement Plan and in monitoring capital project expenditures;
- working with New Mexico Legal Aid to secure needed legal services;
- addressing National Environmental Policy Act issues with the USFS;
- assisting with amendments to land grant-merced bylaws, compliance with the Election Code and other governance issues;
- mapping losses from the Dog Head Fire;
- researching genealogy issues;
- providing assistance with water rights issues arising from the establishment of an East Mountain Water Authority in Torrance County;
- addressing compliance issues with the Office of the State Auditor;
- working with local assessors regarding land valuations and ownership issues; and
- working with the New Mexico congressional delegation to secure access to heavy equipment grants and to address traditional use boundary issues.

In addition, Mr. Sanchez reported that the Land Grant Council has provided direct financial assistance to land grant communities for the purchase of computers, fencing, copy machines and gravel for cemetery roads. The council continues to develop publications related to issues of taxation, water rights declarations and adverse possession to assist land grants-mercedes. Members discussed the council's interaction with UNM Law School. Mr. Sanchez said the law school's natural resources clinic has been working on land grants and acequias and had presented a seminar in the fall. He said the clinic is working toward a regular class on land grant and acequia legal issues. On a motion duly made and seconded, the committee voted without objection to send a letter to the governor requesting that members be appointed to fill seats on the Land Grant Council and the Acequia Commission.

Proposed Legislation

Mr. Edwards presented an overview of legislative initiatives discussed during the interim and presented a draft house joint memorial to address land use and valuation issues created by the official plat map for the Cristobal de la Serna Land Grant-Merced. On a motion duly made and seconded, the committee voted without objection to endorse the memorial. Representative McQueen will sponsor the memorial, and Senator Cisneros will be the lead co-sponsor in the senate. Mr. Edwards also presented a draft of legislation requested by the committee to establish a funding stream for land grants-mercedes with political subdivision status. He noted that the committee had requested a concept draft with the idea that it could be vetted during the 2018 interim in preparation for possible introduction in 2019.

Melvin Apodaca, board member, Tierra Amarilla Land Grant-Merced, reported to the committee that an agreement had been reached with the Department of Game and Fish (DGF) regarding the lands to be transferred at the Laguna del Campo. He said that the DGF would retain a stone building and transfer the rest of the site to the land grant. The committee discussed the need for the legislature to pass a resolution to approve the transfer if the property is valued at over \$100,000. A member informed staff that a resolution would need to include the legal description of the transferred property from an official survey. On a motion duly made and seconded, the committee voted without objection to endorse the concept of an approval resolution. Drafting of the resolution will depend on the receipt of a legal description of the property from the DGF.

Ralph Vigil, chair, Acequia Commission, requested that the committee draft and endorse a memorial to expand the authorities of the commission. The committee heard testimony that similar legislation was introduced during the last regular session but failed due to concerns that expanding the commission's authority would affect the long-standing roles of the Interstate Stream Commission and the commission in the management and preservation of acequia systems. A committee member requested that staff work with the commission to draft a memorial requesting that proposals to expand the commission's authority be developed with input from all parties and presented in the 2018 interim.

Public Comment

Mr. Apodaca reported that the board of trustees for the Tierra Amarilla Land Grant-Merced has been reorganized and that the planned transfer of the Laguna del Campo from the DGF to Tierra Amarilla represents an historic moment for the land grant.

Adjournment

There being nothing further on the agenda, the committee adjourned at 1:54 p.m.