

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

**August 13, 2010
Room 322, State Capitol
Santa Fe**

The third meeting of the interim Land Grant Committee was called to order at 10:25 a.m. on Friday, August 13, 2010, by Senator Richard C. Martinez, chair, in Room 322 of the State Capitol.

Present

Sen. Richard C. Martinez, Chair
Rep. Miguel P. Garcia, Vice Chair
Sen. Rod Adair
Rep. Andrew J. Barreras
Rep. Eleanor Chavez
Rep. Thomas A. Garcia
Rep. Jimmie C. Hall
Sen. Gerald Ortiz y Pino
Rep. Debbie A. Rodella
Sen. Sander Rue
Sen. Bernadette M. Sanchez

Absent

Rep. Paul C. Bandy

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Dianna J. Duran
Rep. Ben Lujan
Rep. Richard D. Vigil

Sen. Carlos R. Cisneros
Rep. Brian F. Egolf, Jr.

Staff

Jon Boller
Peter Kovnat

Guests

The guest list is in the meeting file.

Handouts

Handouts and written testimony are in the meeting file.

Friday, August 13

Welcoming Remarks and Introductions

Senator Martinez extended a welcome to all of the committee members, staff and audience present at the meeting. In addition, the legislators and staff introduced themselves to the audience.

Investment of Land Grant Funds — Local Government Investment Pool (LGIP)

Eamon Cargo, portfolio manager, Office of the State Treasurer, gave a brief history of the LGIP, explaining that in the late 1970s and early 1980s, local governments were getting no interest on money deposited in banks at a time when inflation was very high. In response, the state created the LGIP, which gave local governments a safe, short-term investment alternative. Many local governments invest revenue in the LGIP that will be needed for recurring expenses, such as monthly payrolls, on a short-term basis (within a week or a month or two, he explained). The advantage of investing in the LGIP is that the pool can earn better interest than individual accounts, and the money is liquid. Mr. Cargo said that with historically low interest rates, returns on investment have dropped. The market value of the LGIP as of June 30, 2010 was \$778 million, he noted, compared to \$1.7 billion at the same period two years ago.

Asked if land grants could invest in the fund, Mr. Cargo replied that it would depend on their governing statutes and bylaws. The minimum amount for an account is \$5,000, according to the material distributed to the committee by Mr. Cargo. Committee members asked if he could supply the committee with a list of the local governments that have accounts with the LGIP. He said he thinks he could supply a list of what entities have accounts with the fund, but not the balance of each account.

Status of H.R. 5388 and Future Legislative Plans

Antonio Sandoval, from the office of U.S. Representative Martin Heinrich, provided the committee with a letter from Representative Heinrich regarding H.R. 5388 and a proposed land exchange involving the Crest of Montezuma near Placitas. Mr. Sandoval explained that in response to concerns expressed by the committee, a substitute bill had been introduced that removes all provisions of the original bill involving the Crest of Montezuma. This will allow more time to consult with the local community and the San Antonio de las Huertas Land Grant on the proposal, he said. Committee members applauded Representative Heinrich's efforts to work with the committee and with the land grant community on this issue.

Also discussed in Representative Heinrich's letter was the recent approval by the U.S. House Appropriations Subcommittee on Interior, Environment, and Related Agencies of an appropriation of \$138,000 for the purchase of forestry management equipment for use by land grants located in central New Mexico. The committee discussed how the equipment would be used and shared by the various land grants in central New Mexico.

Public Comment

Carmen Quintana asked if the committee would ever look into private grants, such as the

Labato Grant, which she said has been incorporated into part of the City of Santa Fe. She said she would like to find out how much the private land grantees are owed for land that has ended up incorporated into Santa Fe and Albuquerque.

Tony Lucero, San Antonio de las Huertas Land Grant, thanked Representative Heinrich for getting the land grants the equipment and also thanked the committee for its support.

Oliver Perea, San Miguel del Vado Land Grant, informed the committee that he had started the process of negotiating with the Bureau of Land Management (BLM) on the return of a cemetery and thanked the committee for its letter of support.

Alberto Baros, Rio Arriba County Planning Department, announced that the American Bar Association will be holding a roundtable discussion on Hispanic and Latino issues in all 50 states, which will include discussion of the Treaty of Guadalupe Hidalgo.

Nuestra Senora del Rosario, San Fernando y Santiago Land Grant Boundary Correction Process and Taos Resource Management Plan Options Regarding Fun Valley

John Chavez, secretary, Nuestra Senora del Rosario, San Fernando y Santiago Land Grant (Truchas), said that he and Pablo Sedillo, from U.S. Senator Jeff Bingaman's office, met with U.S. Forest Service (USFS) representatives concerning the boundary dispute between the USFS and the land grant. The USFS places the burden of proof on the land grant to show where the *mojanares* that mark the boundaries are located, he explained, so the land grant is having the markers located by GPS and is photographing each *mojanare*. The terrain is difficult, and the work must be done on foot or on horseback, he noted, but he hopes to have the project done by the end of summer.

Asked if the Abiquiu Land Grant had similar success in its negotiations with the USFS, Mr. Chavez explained that he had attended the meeting and understood that the Abiquiu claim was for land outside its patented boundaries, unlike the Truchas claim. According to Mr. Chavez, the USFS representatives said they did not have the statutory power to alter boundaries outside the patented boundaries of a land grant.

Regarding the BLM Taos Resource Management Plan (RMP), Mr. Chavez said that none of the four alternatives are entirely satisfactory, noting that all options still allow mineral leasing activities and that off-highway vehicle (OHV) use is still the number one threat to the area. Silt from runoff from BLM land also continues to be a problem to area acequias, he noted. Mr. Chavez said he hopes there will be more collaboration between the BLM and the area land grants on management of these and other problems, and he said he wishes the RMP process had involved more consultation with area land grants.

Juan Sanchez, chair of the Land Grant Council, reported that the council had met with Mike Pool of the U.S. Department of the Interior in Washington, DC, and that the council hopes to meet with the state director of the BLM in the near future.

Sam DesGeorges, field manager, BLM Taos Field Office, outlined the RMP process, noting that the scoping process had been going on for 10 years and that the four alternative plans now being considered cover a broad range of options that may be mixed and matched in the final plan. Mr. DesGeorges pointed out several differences between the "preferred" alternative A and the existing RMP, noting that key decisions involved what to do about vehicle access to the El Palacio/Fun Valley area. He said that currently, 17,000 acres of the area are open to OHVs, while alternative A designates only 250 acres as open. OHV use would be restricted to designated roads over 64,740 acres in alternative A, he also noted, and grazing on 17,000 acres by the three existing permittees would continue. Mr. DesGeorges said that the BLM is asking for input from all parties on which aspects of the alternatives should be part of the final RMP.

Mr. Chavez said he would like a formal invitation to participate in the process of addressing the OHV problem in the area.

Cabresto Dam Reconstruction Report

John Romero, Dam Safety Bureau of the Office of the State Engineer, outlined the history of the Cabresto Dam project, and said that because the dam is located on USFS land, the federal National Environmental Policy Act of 1969 (NEPA) applies, which requires review of the project before construction can start. Nonetheless, he said he hopes that bids could be let in late November or early December so that construction could begin next spring once the snow melts and the area can be accessed. Mr. Romero noted that several hurdles had already been overcome, including the recognition of a 732-acre-foot storage right in the dam that had not been requested during the original adjudication of the region's water rights.

Land Grant Council Update

Mr. Sanchez reported that the council traveled to Washington, DC, on July 19-24 to meet with New Mexico's congressional delegation and staff; officials in the Department of the Interior; and officials in the Department of Agriculture. Mr. Sanchez said that Mr. Pool, for the BLM, thinks that the granting of certain use rights to area land grants could be handled at the state level, while others might need congressional approval. The use of memoranda of understanding between the BLM and recognized land grants would be no problem, Mr. Sanchez reported. He also said that the National Archives representatives are working to provide the council with copies of historical documents and maps, including the original maps of land grants from the surveyor general. Of his meeting with officials from the General Accountability Office (GAO), Mr. Sanchez reported that Jeffrey Malcolm and Alfredo Gomez scanned all the documents (other than two boxes that are still being reviewed) that had been submitted to the GAO during its research on New Mexico's land grants for the 2004 GAO report. He also noted that Representative Heinrich is looking into suitable language for the creation of an endowment to address longstanding community land grant claims in New Mexico. The council has also entered into a memorandum of understanding with the University of New Mexico land grant studies program to map the seven land grants that lost their common lands due to the *Sandoval* decision.

Additional Public Comment

Mr. Chavez thanked the committee for supporting **Senate Bill 41**, which required notice

of surveys that are conducted on or next to certain land grants. He said that it seems to be working, though it might help to have the committee send a letter notifying Rio Arriba County of the new recording requirements the bill imposes. The committee requested staff to prepare and send the letter and a copy of the new law.