

# LAND GRANT-MERCEDES INTRO & OVERVIEW

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Presentation to the New Mexico Legislative Land Grant Interim Committee

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# LAND GRANT-MERCED HISTORY IN A NUTSHELL

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- Centuries-old communities established between 1692 and 1854.
- Established under the prior sovereigns of Spain and Mexico.
- Primarily populated by Mestizos and Genízaros.
- Common feature among land grant communities – common lands.
- Land claims for these communities adjudicated by United States between 1854 – 1904

# LAND GRANT-MERCED HISTORY IN A NUTSHELL

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- Where there were once hundreds today only dozens remain – main reason land loss.
- Collectively, the roughly 3 dozen remaining active land grant entities manage approximately 300K acres of land.
- Of the approximate 3 dozen land grants, 28 are recognized political-subdivisions of the State.
- Those land grants manage approximately 200K acres of common lands.

# LAND GRANT-MERCED GOVERNANCE

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- Origins of written laws concerning the governance authorities for land grants stretches back to the 1100s with the Siete Partidas.
- Most direct authorities established during Spanish Period in the Recopilación de Leyes de los Reinos de la Indias (1681).
- During the Mexican Period there were some colonization laws related to land grant settlements.
- U.S. Federal Government played a roll during the New Mexico Territorial Period.
- All current State statutes relating to Land Grant-Mercedes originate from Territorial Statutes.

# MODERN LAND GRANT-MERCED PUBLIC POLICY

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- Modern Statutes governing land grants are found in Chapter 49 of the New Mexico Statutes Annotated, 1978.
- Major overhaul of land grant General Provision and modern support for protection of land grants by the State originate in this committee, beginning in 2003.
- Establishment of the Treaty of Guadalupe Hidalgo Division at NM Department of Justice (formerly Attorney General's Office) -2003.
- Recognition of land grants as local governments (Poli-sub) - 2004
- Comprehensive planning and zoning authority - 2004
- Right to match highest bidder at delinquent tax auction and right of first refusal disposed State Land - 2005

# MODERN LAND GRANT-MERCED PUBLIC POLICY

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- Protection of common lands from most real property suits - 2007
- Creation of the Land Grant Council - 2009
- Eligibility for Risk Management Tort Waiver Coverage - 2010
- Creation of the Community Governance Attorney Program - 2019
- Establishment of Land Grant-Merced Assistance Fund - 2022
- Recognition of Tax Exempt Status of Common Land beginning in 2023
- Land Grant-Merced Institute Established at UNM 2024

# MODERN ROLE OF LAND GRANT-MERCEDES

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- Land Stewardship – Protection of natural resources and watersheds.
- Services for Community – community centers, senior and youth programming, fire protection
- Cultural Preservation – historic buildings, museums, cultural sites.
- Affordable Housing Development
- Development and Maintenance of Community Infrastructure – water, wastewater, roads, cemeteries
- Community and Economic Development
- Agricultural Production

# CURRENT LEGISLATIVE POLICY PRIORITIES

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- Land Grant & Acequia Infrastructure Fund
- Tweaks to Land Grant–Merced Assistance Fund
- Subdivision authority over common lands
- Watershed Protection and Rehabilitation & Reducing threats of catastrophic wildfires
- Traditional use access on certain State–owned properties within land grant historic exterior boundaries
- Increased funding for Land Grant Council
- Increased funding for Community Governance Attorney Program
- Support for culturally relevant youth programming initiatives