

# LAND GRANT COMMITTEE

2011 INTERIM  
FINAL REPORT



New Mexico Legislative Council Service  
Santa Fe, New Mexico  
December, 2011

## **Table of Contents**

1. Summary of the Land Grant Committee's Work and Legislation

2. Approved Work Plan and Meeting Schedule

3. Agendas for All Committee Meetings

June 15

July 28-29

August 25-26

October 17-18

November 21

4. Minutes for All Committee Meetings

June 15

July 28-29

August 25-26

October 17-18

November 21

5. Committee-Endorsed Legislation

## **LAND GRANT COMMITTEE 2011 INTERIM SUMMARY**

During the 2011 legislative interim, the Land Grant Committee (LGC) held five meetings. Meetings were held in Santa Fe twice, and in Abiquiú, Cebolleta and Cañón de Carnué. The LGC also toured the Abiquiú, Cebolleta, Cañón de Carnué and Cañones land grants.

Topics addressed this interim included the private property claims to land grant patents and clouded titles in Taos County; providing political subdivision status to non-patent land grants and partitioned grants; the status of the Tierra Amarilla Land Grant's mineral rights and Wind River Energy's Milagro Project; the return of common lands in the San Joaquin del Rio de Chama Land Grant; the history of the Juan Tafoya Land Corporation; boundary negotiations between the United States Forest Service and the Abiquiú and Truchas land grants; the land grant risk management process; film industry opportunities for land grants; the land grant demonstration project at the Santo Domingo de Cundiyo Land Grant; land grant legal training and dispute resolution; the acquisition by the Cebolleta Land Grant of the State Game Commission-owned Marquez Wildlife Management Area; the process for getting tax credits for donations to land grants; and Land Grant Council and Land Grant Studies Program updates.

The LGC endorsed eight pieces of legislation for the 2012 legislative session, including three that were endorsed by the committee the previous year. Those eight are:

- a bill, which was also endorsed by the LGC last year, authorizing the Land Grant Council to expend private and federal funds to assist community land grants-mercedes that are not political subdivisions of the state;
- a bill, which was also endorsed by the LGC last year, allowing the Town of Tecolote Land Grant-Merced to be governed under the provisions of Chapter 49, Article 1 NMSA 1978 as a political subdivision of the state;
- a bill, which was also endorsed by the LGC last year, moving the official land grant registry from the Office of the Secretary of State to the Land Grant Council office;
- a bill appropriating \$300,000 to start a land grant studies program at the University of New Mexico School of Law;
- a joint memorial requesting that the federal government negotiate with the state and representatives of displaced land grant heirs for the return of land grant lands;
- a joint memorial requesting that the United States Forest Service perform a boundary survey of the Pueblo de Abiquiú Land Grant-Merced and return lands according to the results;
- a joint memorial requesting that the United States Forest Service perform a boundary survey of the Nuestra Señora del Rosario San Fernando y Santiago Land Grant-Merced and return lands according to the results; and
- a joint resolution approving the sale of the State Game Commission-owned Marquez Wildlife Management Area to the Cebolleta Land Grant-Merced.

In addition, three pieces of legislation endorsed by the LGC for the 2011 legislative session passed into law. House Bill 81 (Chapter 96) provides that the common lands owned by land grants governed as political subdivisions of the state shall not be considered to be or treated as state lands and authorizes the boards of trustees of such land grants to enter into agreements with other political entities, including the governments of Indian nations, tribes or pueblos, for the

protection of cultural resources located within the common lands of a community land grant. Land grant board of trustee election procedures are clarified in House Bill 170 (Chapter 112), which gives land grants the option of providing staggered terms for board members. House Bill 278 (Chapter 68) grants the Town of Atrisco Land Grant-Merced recognition as a political subdivision of the state, and the land grant-merced will now be governed pursuant to the provisions of Chapter 49, Article 1 NMSA 1978.

**2011 APPROVED  
WORK PLAN AND MEETING SCHEDULE  
for the  
LAND GRANT COMMITTEE**

**Members**

Rep. Miguel P. Garcia, Chair  
Sen. Richard C. Martinez, Vice Chair  
Sen. Rod Adair  
Rep. Eliseo Lee Alcon  
Rep. Paul C. Bandy  
Rep. Alonzo Baldonado

Rep. Eleanor Chavez  
Rep. Jimmie C. Hall  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella  
Sen. Sander Rue  
Sen. Bernadette M. Sanchez

**Advisory Members**

Sen. Carlos R. Cisneros  
Sen. Kent L. Cravens  
Rep. Joni Marie Gutierrez  
Rep. Jim Hall

Rep. Ben Lujan  
Rep. Patricia A. Lundstrom  
Sen. David Ulibarri  
Rep. Richard D. Vigil

**Work Plan**

The Land Grant Committee was created by the New Mexico Legislative Council on May 9, 2011. The committee proposes to focus on the following topics:

1. legislation not passed in 2011:
  - House Bill 82 (would have amended Chapter 49, Article 1 NMSA 1978 to include the Tecolote Land Grant-Merced as a political subdivision of the state and would have repealed Tecolote's current governing statutes);
  - Senate Bill 154 (would have transferred the land grant registry from the Office of the Secretary of State to the Land Grant Council and would have provided for storage of historical records in the State Records Center and Archives); and
  - Senate Bill 176 (would have authorized the Land Grant Council to use private and federal funds to assist community land grants that are not eligible for state funds).
2. the camposanto and return of common lands in the San Joaquin del Rio Chama Land Grant;
3. requesting that the New Mexico federal delegation give political subdivision status to non-patent land grants, including San Antonio del Rio Colorado (Questa grant);
4. the relationship between state parks and land grants, including San Miguel del Bado, Manzano and Tierra Amarilla; revenue sharing; and phaseout of ownership;

5. private property claims tied to land grant patents, including:
  - A) case histories; and
  - B) consequences.
6. land grant benefits from the film industry;
7. federal and state processes for getting tax credits for money contributions and land donations to land grants;
8. arbitration processes in moderating land grant disputes, including:
  - A) tribunals; or
  - B) arbitration boards;
9. the risk management process for land grants, including due diligence;
10. the interest of sub-grants/partitioned grants in achieving political subdivision status;
11. an appropriation bill for a symposium addressing issues common to Native American/Spanish land grants;
12. updates by the Land Grant Council on:
  - A) a decrease of funding;
  - B) outreach to land grant communities;
  - C) discussions with the New Mexico congressional delegation on possible federal legislation;
  - D) the University of New Mexico land grant studies program; and
  - E) testimony to the American Bar Association Commission on Hispanic Legal Rights;
13. an update on United States Forest Service encroachment and boundary resolutions at Abiquiu and Truchas; and
14. a report on the Tierra Amarilla Land Grant mineral rights, the land grant board and Wind River Energy Corporation's Milagro Project.

## **2011 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 15 (actual)	Santa Fe
July 28-29	Abiquiu (Cañones)
August 25-26	Cebolleta
October 17-18	Cañón de Carnué
November 21	Santa Fe

# AGENDAS

**TENTATIVE AGENDA  
for the  
FIRST MEETING  
of the  
LAND GRANT COMMITTEE**

**June 15, 2011  
Room 307, State Capitol**

**Wednesday, June 15**

- 10:00 a.m.     **Call to Order/Introductions**
- 10:15 a.m.     **Interim Committee Protocols**  
                  —Raúl E. Burciaga, Director, Legislative Council Service (LCS)
- 10:30 a.m.     **2011 Legislation — Summary**  
                  —Peter Kovnat, Staff Attorney, LCS
- 11:00 a.m.     **2011 Interim Work Plan and Meeting Schedule Development**  
                  —Peter Kovnat, Staff Attorney, LCS
- 12:00 noon     **Public Comment**
- 12:30 p.m.     **Adjourn**

Revised: July 27, 2011

**TENTATIVE AGENDA  
for the  
SECOND MEETING  
of the  
LAND GRANT COMMITTEE**

**July 28-29, 2011  
Joe Ferran Community Center (Gym), Abiquiu**

**Thursday, July 28**

- 10:00 a.m.     **Call to Order/Introductions**  
—Representative Miguel P. Garcia, Chair
- 10:15 a.m.     **Welcoming Remarks and History: Abiquiu Land Grant**  
—Gilbert Ferran, New Mexico Land Grant Consejo; President, Merced del Pueblo Abiquiu Board  
—Moises A. Morales, Jr., Rio Arriba County Clerk
- 10:30 a.m.     **Private Property Claims to Land Grant Patents: Clouded Titles, Case Histories and Consequences**  
—Darren Cordova, Mayor, Taos  
—Elden Torres, President, Cristobal de la Serna Land Grant Board  
—Edward J. Roibal, Executive Director, New Mexico Land Title Association
- 11:30 a.m.     **Request That the New Mexico Federal Delegation Give Political Subdivision Status to Non-Patent Land Grants**  
—Esther Garcia, Mayor, Village of Questa; President, San Antonio del Rio Colorado Land Grant Board  
—Arturo Archuleta, Advisor, Land Grant Studies Program, University of New Mexico
- 12:30 p.m.     **Lunch**
- 1:30 p.m.     **Welcoming Remarks and History: Cañones Land Grant**  
—Hijinia Gallegos, President, Cañones Land Grant Board

1:45 p.m. **Report on the Status of Tierra Amarilla Land Grant's Mineral Rights and Wind River Energy's Milagro Project**

—Dennis Wells, President, Tierra Amarilla Land Grant Board

—Jack Steinhauser, President, Wind River Energy Corp.

—Belarmino Archuleta, Member, Tierra Amarilla Land Grant Board

—Jake Arnold, Public Affairs Officer, Rio Arriba County Sheriff's Office

3:15 p.m. **Camposanto and the Return of Common Lands in San Joaquin del Rio Chama Land Grant**

—Leonard Martinez, President, San Joaquin del Rio Chama Land Grant Board

4:15 p.m. **Tour Information for Tours of Abiquiu and Cañones Land Grants**

—Gilbert Ferran, New Mexico Land Grant Consejo; President, Merced del Pueblo Abiquiu Board

—Hijinia Gallegos, President, Cañones Land Grant Board

4:30 p.m. **Public Comment**

5:00 p.m. **Recess**

**Friday, July 29**

9:00 a.m. **Tour of Abiquiu Land Grant**

10:00 a.m. **Tour of Cañones Land Grant**

12:00 noon **Adjourn**

Revised: August 23, 2011

**TENTATIVE AGENDA  
for the  
THIRD MEETING  
of the  
LAND GRANT COMMITTEE**

**August 25-26, 2011  
Cebolleta Land Grant  
Cebolleta Community Center**

**Thursday, August 25**

- 10:00 a.m.     **Call to Order/Introductions**  
—Representative Miguel P. Garcia, Chair
- 10:15 a.m.     **Welcoming Remarks**  
—Lee Maestas, President, Cebolleta Land Grant Board  
—Representative W. Ken Martinez, Majority Floor Leader
- 10:30 a.m.     **History of the Cebolleta Land Grant**  
—Lee Maestas, President, Cebolleta Land Grant Board
- 11:00 a.m.     **Report on the Importance of an Appropriation Bill for a Symposium  
Addressing Issues Common to Land Grants and Native American Lands**  
—Sarah Maestas Barnes, Heir, Cebolleta Land Grant  
—Regis Pecos, Chief of Staff, Office of the Speaker of the House
- 12:00 noon     **Lunch**
- 1:00 p.m.     **History of the Juan Tafoya Land Corporation**  
—Flora Padilla, Reverend, Mending Broken Hearts Ministries; Shareholder, Juan  
Tafoya Land Corporation
- 1:30 p.m.     **Possibility and Procedure for Sub-Grants and Partitioned Grants to Achieve  
Political Subdivision Status**  
—Ernesto Lujan, Vice President, Las Vegas Land Grant Board
- 2:30 p.m.     **Update on United States Forest Service Boundary Resolutions at Abiquiu and  
Truchas Land Grants**  
—James Melonas, New Mexico State Liaison, United States Forest Service  
Southwestern Region



Revised: October 13, 2011

**TENTATIVE AGENDA  
for the  
FOURTH MEETING  
of the  
LAND GRANT COMMITTEE**

**October 17-18, 2011  
Cañón de Carnué Land Grant Hall**

**Monday, October 17**

- 10:00 a.m.     **Call to Order/Introductions**  
—Representative Miguel P. Garcia, Chair
- 10:15 a.m.     **Welcoming Remarks and History: Cañón de Carnué Land Grant**  
—Yolanda J. García, President, Cañón de Carnué Land Grant  
—LM García y Griego, Secretary, Cañón de Carnué Land Grant
- 10:45 a.m.     **How New Mexico Land Grants Can and Do Benefit from the Film Industry**  
—Nick Maniatis, Director, New Mexico Film Office  
—Trish Lopez, Programs Manager, New Mexico Film Office  
—Gilbert Ferran, New Mexico Land Grant Consejo; President, Merced del Pueblo Abiquiu  
—Juan Sanchez, President, Merced del Pueblo de Chilili  
—Jerry Fuentes, Member, Nuestra Señora del Rosario San Fernando y Santiago Land Grant; Political Action Committee Chair and Lead Lobbyist, Local 480, International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, Its Territories and Canada
- 12:00 noon    **Lunch**
- 1:00 p.m.     **Land Grant Demonstration Project in the Santo Domingo de Cundiyo Land Grant: Results and Lessons Learned**  
—G. Emlen Hall, Professor Emeritus, University of New Mexico School of Law
- 1:45 p.m.     **Development of a Land Grant Arbitration Board**  
—Juan Sanchez, President, Merced del Pueblo de Chilili  
—Annabelle Quintana, General Counsel, San Miguel del Bado Land Grant  
—Charles T. DuMars, Professor Emeritus, University of New Mexico School of Law
- 2:45 p.m.     **Opportunities, Challenges and Fiscal Implications Associated with Acquisition by Land Grants of State Game Commission-Owned Wildlife Management Areas**  
—Tod Stevenson, Director, Department of Game and Fish

3:45 p.m.      **Relationship Building Between State Parks and Land Grants**  
—Tommy Mutz, Director, State Parks Division, Energy, Minerals and Natural  
Resources Department (EMNRD)  
—Oliver Perea, President, San Miguel del Bado Land Grant  
—Dan Herrera, Vice President, Manzano Land Grant

4:30 p.m.      **Public Comment**

5:00 p.m.      **Recess**

**Tuesday, October 18**

9:00 a.m.      **Tour of Cañón de Carnué Land Grant**

12:00 noon    **Adjourn**

Revised: November 14, 2011

**TENTATIVE AGENDA  
for the  
FIFTH MEETING  
of the  
LAND GRANT COMMITTEE**

**November 21, 2011  
Room 322, State Capitol  
Santa Fe**

**Monday, November 21**

- 9:00 a.m.     **Call to Order/Introductions**  
—Representative Miguel P. Garcia, Chair
- 9:15 a.m.     **Land Grant Law: Training New Mexico's Law Students, Lawyers and Judges**  
—Kevin K. Washburn, Dean, University of New Mexico (UNM) School of Law  
—Pam Lambert, Director, Judicial Education Center; Interim Director, Institute  
of Public Law
- 10:15 a.m.    **Status of Negotiations for the Sale of the Marquez Wildlife Area from the  
State Game Commission to the Cebolleta Land Grant**  
—Jim Lane, Director, Department of Game and Fish  
—Jim McClintic, Chair, State Game Commission
- 11:00 a.m.    **Federal and State Processes for Getting Tax Credits for Money Contributions  
and Land Donations to Land Grants**  
—Arturo Archuleta, Advisor, Land Grant Studies Program, UNM
- 11:30 a.m.    **Working Lunch: Reconsideration of Senate Bill 176 (2011)**  
—Juan Sanchez, Chair, Land Grant Council  
—Arturo Archuleta, Advisor, Land Grant Studies Program, UNM
- 12:15 p.m.    **Developing Federal Legislation Giving Land Grants Right of First Refusal on  
Disposition or Sale of All Federal Lands That Were Once Common Lands  
and Fall Within the Boundaries of the Original Patent**  
—Jeff Bingaman, U.S. Senator, New Mexico (Invited)  
—Tom Udall, U.S. Senator, New Mexico (Invited)  
—Martin Heinrich, U.S. House of Representatives, First Congressional District of  
New Mexico (Invited)  
—Ben Ray Lujan, U.S. House of Representatives, Third Congressional District of  
New Mexico (Invited)  
—Steve Pearce, U.S. House of Representatives, Second Congressional District of  
New Mexico (Invited)
- 1:15 p.m.     **Reconsideration of House Bill 82 (2011)**

—Joe Herrera, Chair, Tecolote Land Grant

1:45 p.m. **Reconsideration of Senate Bill 154 (2011)**  
—Dianna J. Duran, Secretary of State

2:30 p.m. **Senate Joint Memorial 27 (2011)**  
—Andres Valdez, Vecinos Unidos

3:00 p.m. **Land Grant Council Updates on the Land Grant Studies Program, the  
American Bar Association, Loss of Funding (State and Federal) and Outreach**  
—Juan Sanchez, Chair, Land Grant Council

3:45 p.m. **Consideration of Legislation for Endorsement**

4:30 p.m. **Public Comment**

5:00 p.m. **Adjourn**

# MINUTES

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

**June 15, 2011  
Room 307, State Capitol  
Santa Fe**

The first meeting of the interim Land Grant Committee was called to order at 10:23 a.m. on June 15, 2011 by Representative Miguel P. Garcia, chair, in Room 307 of the State Capitol.

**Present**

Rep. Miguel P. Garcia, Chair  
Sen. Richard C. Martinez, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado  
Rep. Jimmie C. Hall  
Sen. Gerald Ortiz y Pino  
Sen. Sander Rue  
Sen. Bernadette M. Sanchez

**Absent**

Sen. Rod Adair  
Rep. Paul C. Bandy  
Rep. Eleanor Chavez  
Rep. Debbie A. Rodella

**Advisory Members**

Sen. Kent L. Cravens  
Rep. Patricia A. Lundstrom  
Sen. David Ulibarri  
Rep. Richard D. Vigil

Sen. Carlos R. Cisneros  
Rep. Joni Marie Gutierrez  
Rep. Ben Lujan

**Staff**

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)  
Douglas Carver, Staff Attorney, LCS  
Andrew Pierce, Legal Intern, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Handouts are in the meeting file.

**Wednesday, June 15**

**Welcoming Remarks and Introductions**

Representative Garcia extended a welcome to the committee, staff and members of the public. He then briefly reviewed the agenda, noting that anyone wishing to make a public comment could address the proposed work plan. Representative Garcia acknowledged the new members of the committee and asked all committee members and staff to introduce themselves. He then invited members of the audience to introduce themselves as well.

## **Review of Accomplishments**

Representative Garcia briefly discussed the past accomplishments of the committee, the most significant of which included work on adverse possession claims against land grants, matching the highest bid in a public auction of lands within the confines of an original deeded grant, giving the board of trustees of a land grant the right of first refusal on the sale of state property within an original deeded grant, application of the Open Meetings Act and election reform to land grant boards of trustees, creating land grants as political subdivisions and clarifying that common lands of land grants are not state lands.

## **Interim Committee Protocols**

Mr. Kovnat presented protocols for all 2011 interim committees on behalf of LCS Director Raúl E. Burciaga. He stated that a quorum for the committee is seven of the 12 voting members. He also noted that the New Mexico Legislative Council wants all committees to examine cost-saving measures, and to that end, meetings requiring travel after August will require approval by the legislative council at its June 29, 2011 meeting. An additional cost-saving measure is that legislators would now only be allowed to attend two or three meetings in addition to those to which they have been assigned.

## **2011 Legislation Summary**

Mr. Kovnat also presented a summary of the disposition of legislative initiatives endorsed by the committee or related to the committee's work from the 2011 legislative session. Committee members commented on the various bills as follows.

The committee endorsed five pieces of legislation. Senate Bill 176, which would have authorized the Land Grant Council to use private and federal funds to assist community land grants that are not eligible for state funds, was passed by both chambers but pocket-vetoed by Governor Martinez. Committee members noted that the bill would have opened up to all land grants the ability to access benefits from the Land Grant Council and that the issue should be addressed again this year. House Bill 82, which would have amended Chapter 49, Article 1 NMSA 1978 to include the Tecolote Land Grant-Merced as a political subdivision of the state and would have repealed Tecolote's current governing statutes, passed the house of representatives unanimously but died on the senate floor after receiving a "do pass" by the Senate Conservation and Judiciary committees. Committee members discussed the failure of the bill, given that it was nearly identical to similar bills that had passed in past sessions. It was noted that a filibuster on the last day of the session prevented the bill from being called in the senate and that members of the Tecolote Land Grant-Merced had not been able to meet with senators due to illness among the leadership of the land grant. Senate Bill 154, which would have transferred the land grant registry from the Office of the Secretary of State to the Land Grant Council and would have provided for the storage of historical records in the state archives, was passed by both chambers but pocket-vetoed by the governor. Committee members expressed a desire to revisit this issue as well and to have someone from the Secretary of State's Office make a presentation to the committee regarding the transfer of the registry. Committee members also discussed, in relation to the two pocket vetoes, inviting the governor or her staff to the November committee meeting when bills are endorsed. House Bill 170 (Laws 2011, Chapter 112) allows board members of land grants to be elected for staggered terms and allows for those candidates who receive the most votes to be elected to the open seats on the board in each election. House Bill 81 (Laws 2011, Chapter 96) clarifies the status of common lands of land grants-mercedes that are political

subdivisions of the state by stating that the common lands are not state lands. Committee members noted that this bill provides clarification to a 2004 law regarding the rights of land grants as political subdivisions.

There were four additional pieces of legislation in 2011 related to land grants but not formally endorsed by the committee. House Bill 278 (Laws 2011, Chapter 68) includes the Atrisco Land Grant-Merced as a political subdivision of the state. It was asked whether this bill achieves the same goal that was attempted by House Bill 82. Committee members stated that it achieves the same goal, but they noted that the Atrisco Land Grant-Merced shepherded the bill through both houses, which was important for its ultimate success. House Bill 653, which would have created liability for knowingly filing or recording a fraudulent title to real property, passed both chambers but was vetoed by the governor. Committee members noted that this is an important issue in northern New Mexico and that the governor's veto message stated that there are laws already in place that accomplish the aims of this legislation. Senate Bill 153, which would have made an appropriation to the Land Grant Council to provide for a boundary survey and mapping of the Liñas area within the Cristobal de la Serna Land Grant in Taos County, did not make it to the floor. Senate Joint Memorial 27, which would have requested that the federal government negotiate with New Mexico and representatives of displaced land grant heirs for the return of land grants, was passed unanimously by the senate but was not acted upon by the house. House Joint Resolution 1, Senate Joint Resolution 10 and Senate Joint Resolution 17, all of which were included on the handout distributed to the committee, were not discussed as they did not pertain to the committee's work.

### **2011 Interim Work Plan and Meeting Schedule Development**

Committee members reviewed the proposed interim work plan. Representative Garcia informed those awaiting the public comment period that the committee would not vote on the proposed work plan or the proposed meeting schedule until after the public comments were concluded.

Arturo Archuleta, who through the University of New Mexico Land Grant Studies Program provides assistance to the Land Grant Council, and Gilbert Ferran, president of the New Mexico Land Grant Consejo and president of the Merced del Pueblo Abiquiu, were invited to comment upon the work plan items as the committee addressed each item. The individual work plan items and comments from the committee members follow.

**Work Plan Item 1.** Legislation not passed in 2011: House Bill 82, Senate Bill 154 and Senate Bill 176.

As discussed above, the committee would like someone from the Secretary of State's Office to discuss Senate Bill 154 with the committee.

**Work Plan Item 2.** The camposanto and return of common lands in the San Joaquin del Rio Chama Land Grant.

Mr. Archuleta noted that the San Joaquin del Rio Chama Land Grant wants to make a presentation to the committee and receive a letter of support. The New Mexico congressional delegation is looking at the return of the camposanto, but this would require an act of Congress as

the camposanto is on United States Forest Service land. Mr. Archuleta stated that a letter of support from the committee would assist the congressional delegation. There was also a discussion of materials that might be given to new members of the committee that would provide an overview of land grants in New Mexico.

**Work Plan Item 3.** Requesting that the New Mexico federal delegation give political subdivision status to non-patent land grants, including San Antonio del Rio Colorado (Questa grant).

Mr. Archuleta stated that this is an ongoing issue of concern with members of the state's congressional delegation, who have said that if these land grants could be regulated under state law first, it would assist their efforts at the federal level. Staff members of the congressional delegation have agreed to make a presentation on this issue to the committee. Mr. Archuleta cited the example of the San Antonio land grant as one that seeks to become a political subdivision, but under current statutes, it must be a patented land grant. Committee members noted that many of these land grants, such as Questa, are ones that went through the required process with the Surveyor General of New Mexico in the 1870s, but then dropped into limbo and were not approved.

**Work Plan Item 4.** The relationship between state parks and land grants, including San Miguel del Bado, Manzano and Tierra Amarilla; revenue sharing; and phaseout of ownership.

Mr. Archuleta stated that the land grants are still working on their relationships with the state parks, but that there have been good conversations with the director of the State Parks Division of the Energy, Minerals and Natural Resources Department. He also said that it would be helpful to have the director of the State Parks Division come before the committee. Committee members noted that some of the state parks are on common lands and that they would like to see some revenue sharing. Committee members also discussed the desire to have the Department of Game and Fish address the committee on similar issues.

**Work Plan Item 5.** Private property claims tied to land grant patents, including: A) case histories; B) consequences; and C) team law.

Mr. Archuleta indicated that this item is related to House Bill 653, which was vetoed, and that the Land Grant Council would be like the committee to examine this issue again.

**Work Plan Item 6.** Land grant benefits from the film industry.

Committee members commented that they had been contacted by people who want to talk about revenue generators from the film industry to bring information to the committee and to share experiences. Mr. Archuleta indicated that the land grants are beginning to realize that the film industry can be a source of revenue, a topic that will be discussed in an upcoming economic development workshop.

**Work Plan Item 7.** Federal and state processes for getting tax credits for money contributions and land donations to land grants.

Mr. Archuleta indicated that it is not clear whether a land grant can receive land donations and what the tax implications might be. He said that the Department of Game and Fish has a program allowing tax write-offs for donations. He suggested that the committee might wish to have someone from the Taxation and Revenue Department come to discuss the matter. In response to questions from committee members, Mr. Archuleta stated that at this point, donations of land that were contiguous to present land grants had been discussed, not ones outside of the boundaries of a grant.

**Work Plan Item 8.** Arbitration processes in moderating land grant disputes, including: A) tribunals; or B) arbitration boards.

Mr. Archuleta told the committee that as land grants are spread throughout the state, any legal disputes end up in various district courts, which has led to an array of sometimes differing case law. He wondered whether it would be possible to set a legal process such as an arbitration board that is specific to land grants, and he feels that one could be developed at little or no cost. He would like someone to discuss this possibility with the committee.

**Work Plan Item 9.** An amicus brief regarding the Cebolleta Land Grant/Mt. Taylor case.

Committee members decided to strike this item from the work plan.

**Work Plan Item 10.** The risk management process for land grants, including due diligence.

The Land Grant Council would like an update from the Risk Management Division of the General Services Department to see how many land grants have gone through this process. Committee members noted that the Risk Management Division had addressed the committee in the past but not for some time.

**Work Plan Item 11.** The interest of subgrants/partitioned grants in achieving political subdivision status.

Mr. Archuleta introduced this topic by noting that some grants are subsets of patented land grants. The land grant boards of a "mother grant" would at times give allotments to communities and give these communities the authority to govern themselves. Committee members invited Mr. Lujan, a member of the audience from the Las Vegas land grant, to speak. Mr. Lujan noted that the subgrants were awarded to give cohesion to communities and that the subgrants could allow grazing, collecting wood or using the land in other ways as long as the subgrants did not violate any covenants. He noted that the Las Vegas grant is unique in its division of subgrants. He also stressed the importance of the fact that most subgrants do not elect a board of directors. Committee members noted that these subgrants provide a unique situation and can be a divisive issue. Committee members stated that they would be glad to discuss this issue further in order to move forward to benefit both the partition and the mother grant.

**Work Plan Item 12.** An appropriation bill for a symposium addressing issues common to Native American/Spanish land grants.

Committee members indicated that they are in favor of continuing the dialogue between land grants and Native American tribal entities, with the possibility of a symposium exploring the overlap of issues for the two communities if funds could be found. The possibility of obtaining funds through the New Mexico Legislative Council was raised. Committee members expressed strong support for the dialogue between the two communities that had occurred of late and noted that while there is a long history of close relationships between land grants and Native American communities in the state, in recent years the two communities have become estranged. The dialogue that occurred concerning House Bill 81 provided a good basis for further and continuing discussion.

**Work Plan Item 13.** Updates by the Land Grant Council on: A) loss of funding; B) outreach; C) federal updates; D) the land grant studies program; and E) the American Bar Association update.

Mr. Archuleta stated that the Land Grant Council would like to give an update on its progress on the five issues in this item and that the council is seeking additional funds. The Land Grant Council also would like to have a hearing before the Legislative Finance Committee. Committee members noted that they also would like to look at the loss of funding for the Land Grant Council.

**Work Plan Item 14.** An update on United States Forest Service encroachment and boundary resolutions at Abiquiu and Truchas.

Committee members noted that this item was discussed earlier.

**Work Plan Item 15.** A report on the Tierra Amarilla Land Grant mineral rights, the land grant board and Wind River Energy Corporation's Milagro Project.

Committee members asked Mr. Kovnat to fill them in on the details of this item, which had come to the committee's attention just days before the meeting. Mr. Kovnat explained that the *Rio Grande Sun* had recently published an article concerning the purchase of mineral rights from the Tierra Amarilla Land Grant, and there was some question concerning who sold the rights, whether the land grant board had been informed of the sale and whether the sale was proper.

### **Meeting Schedule**

Committee members discussed the proposed meeting schedule. Representative Garcia noted that two-day meetings generally have the structure of a hearing on the first day followed by a tour of the land grant on the second day. Committee members noted that the planned trip to Cañon de Carnué might not be possible due to restrictions on committee travel after August because of the tight state budget. There was also a discussion of the efforts by the Cebolleta Land Grant to correct the misspelling of its name on state highway signs.

### **Public Comment**

Representative Garcia informed the members of the public in attendance at the meeting that the committee members would listen to public comment before making a motion on the committee's work plan and schedule. The committee members invited certain members of the public to address the committee at length.

Dr. Manuel García y Griego of the University of New Mexico and a member of the Board of Trustees of the Cañon de Carnué Land Grant gave an update on the Land Grant Studies Program, the mapping project and an upcoming community development workshop. He noted that the budget for the Land Grant Studies Program had fluctuated between \$117,000 in FY 2009 and \$29,000 in the current fiscal year. He asked for the committee's support for a \$60,000 appropriation for next year and stressed the importance of a consistent amount of funding from year to year to facilitate planning. Regarding the mapping project, he discussed research that had been undertaken at the National Archives as part of an effort to assemble all primary sources related to the history and boundaries of the land grants. He concluded his remarks by discussing the community economic development project that was to be held on June 17 at the university and will share ideas and experiences for economic development in land grants, including the film industry.

Jesus Anzures, a trustee of the Atrisco Land Grant-Merced, presented a draft of a rural economic development plan for the Merced de Atrisco. A copy of the plan was presented to the members of the committee.

Carmen Quintana discussed issues surrounding the status of Santa Fe as a subgrant and her concerns concerning the aforementioned Tierra Amarilla Land Grant sale of mineral rights.

Leanne Hocker of Cebolleta/Cubero thanked the committee for its efforts.

Daniel Herrera, vice president of La Merced de Manzano, thanked the committee for its support for retrieving wood from the national forests and noted that there were 39 cords of wood collected this past autumn and 34 cords over the winter in the Estancia Valley.

Sarah Maestas Barnes thanked the committee on behalf of the Cebolleta Land Grant for all of its hard work and said that the land grant looks forward to hosting the committee in July.

The final comment was from Catherine Montañó, who raised concerns about radiation contamination from Los Alamos National Laboratory.

### **Approved Work Plan and Schedule**

After the public comment period, the committee voted to approve the following work plan and meeting schedule.

**Work Plan Item 1.** Legislation not passed in 2011: House Bill 82, Senate Bill 154 and Senate Bill 176.

**Work Plan Item 2.** The camposanto and return of common lands in the San Joaquin del Rio Chama Land Grant.

**Work Plan Item 3.** Requesting that the New Mexico federal delegation give political subdivision status to non-patent land grants, including San Antonio del Rio Colorado (Questa grant).

**Work Plan Item 4.** The relationship between state parks and land grants, including San Miguel del Bado, Manzano and Tierra Amarilla; revenue sharing; and phaseout of ownership.

**Work Plan Item 5.** Private property claims tied to land grant patents, including: A) case histories; B) consequences; and C) team law.

**Work Plan Item 6.** Land grant benefits from the film industry.

**Work Plan Item 7.** Federal and state processes for getting tax credits for money contributions and land donations to land grants.

**Work Plan Item 8.** Arbitration processes in moderating land grant disputes, including: A) tribunals; or B) arbitration boards.

**Work Plan Item 10.** The risk management process for land grants, including due diligence.

**Work Plan Item 11.** The interest of subgrants/partitioned grants in achieving political subdivision status.

**Work Plan Item 12.** An appropriation bill for a symposium addressing issues common to Native American/Spanish land grants.

**Work Plan Item 13.** Updates by the Land Grant Council on: A) loss of funding; B) outreach; C) federal updates; D) the land grant studies program; and E) the American Bar Association update.

**Work Plan Item 14.** An update on United States Forest Service encroachment and boundary resolutions at Abiquiu and Truchas.

**Work Plan Item 15.** A report on the Tierra Amarilla Land Grant mineral rights, the land grant board and Wind River Energy Corporation's Milagro Project.

### **Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 15	Santa Fe
July 28-29	Cebolleta
August 25-26	Abiquiu (Cañones, San Joaquin)
October 17-18	Cañon de Carnué
November 21	Santa Fe

The motion to approve the work plan and schedule was made by Representative Hall. The motion was seconded by Senator Sanchez. The motion passed with no objection.

The committee adjourned at 12:45 p.m.

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

**July 28-29, 2011  
Ferran Gym  
Abiquiu**

The second meeting of the interim Land Grant Committee was called to order at 10:10 a.m. on July 28, 2011 by Representative Miguel P. Garcia, chair, in the Ferran Gym in Abiquiu.

**Present**

Rep. Miguel P. Garcia, Chair  
Sen. Richard C. Martinez, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado  
Rep. Paul C. Bandy  
Rep. Eleanor Chavez  
Rep. Jimmie C. Hall  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella  
Sen. Sander Rue  
Sen. Bernadette M. Sanchez

**Absent**

Sen. Rod Adair

**Advisory Members**

Sen. Carlos R. Cisneros  
Rep. Joni Marie Gutierrez  
Rep. Jim Hall  
Rep. Patricia A. Lundstrom (7/29)  
Sen. David Ulibarri  
Rep. Richard D. Vigil

Sen. Kent L. Cravens  
Rep. Ben Lujan

**Guest Legislator**

Sen. Timothy M. Keller (7/28)

(Attendance dates are noted for those members not present for the entire meeting.)

**Staff**

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)  
Douglas Carver, Staff Attorney, LCS  
Abenicio Baldonado, Intern, LCS

**Guests**

The guest list is in the meeting file.

## **Handouts**

Handouts are in the meeting file.

## **Thursday, July 28**

### **Opening Remarks and Introductions**

Representative Garcia extended a welcome to the committee, staff and members of the public who were present, and he thanked the Abiquiu and San Joaquin del Rio Chama land grants for hosting the committee and providing food and other refreshments. He then gave a brief introduction to land grant history and surveyed some of the committee's past accomplishments, particularly the return of 32 acres to the Abiquiu Land Grant. Representative Garcia asked all committee members and staff to introduce themselves. He then invited members of the audience to introduce themselves as well.

### **Welcoming Remarks and History: Abiquiu Land Grant**

Gilbert Ferran of the New Mexico Land Grant Consejo and president of the Merced Del Pueblo Abiquiu board, Leonard Martinez, president of the San Joaquin del Rio Chama Land Grant board, and Moises A. Morales, Jr., Rio Arriba County clerk, welcomed committee members to the community and thanked them for coming. Mr. Ferran introduced the Abiquiu Land Grant board members who were present and gave an overview of the centuries-old history of the land grant, including its connection with Native American, particularly Hopi, culture and the community's long association with Georgia O'Keeffe. Mr. Martinez introduced his board members and thanked the committee for its attention to land grant issues. Mr. Morales discussed the lands lost by the Abiquiu Land Grant over time, particularly those lost to the United States Forest Service. He provided various letters and other documents for the committee's review.

### **Private Property Claims to Land Grant Patents: Clouded Titles, Case Histories and Consequences**

The Honorable Darren Cordova, mayor of Taos, Elden Torres, president of the Cristobal de la Serna Land Grant board, Francisco "El Comanche" Gonzales from the Cristobal de la Serna Land Grant and Edward J. Roibal, executive director of the New Mexico Land Title Association, gave a presentation on this issue for the committee. Mayor Cordova opened his remarks by noting that he is an heir to the Cristobal de la Serna Land Grant. He stated that the dispute with the land grant has placed a cloud on the title of 9,000 properties, which means that a majority of the community can no longer get title insurance, which further means that they cannot, for example, sell or refinance their homes. He stated that he met with the Cristobal de la Serna Land Grant board and hopes for a recession of the deeds to remove the cloud over the titles. It was determined that only a judge could declare the deeds null and void, so the town filed suit against the land grant. The town consented to a declaratory judgment, which a judge signed the day before this meeting. Mayor Cordova stressed the importance of communication and the need for disputes to be resolved through proper channels, even while acknowledging past injustices. He also noted that a similar dispute with the Arroyo Hondo Land Grant is affecting 5,000 homes.

Mr. Roibal noted that the role of title insurance is limited; it focuses only on the real estate transaction when a property is sold, bought or mortgaged. When buying land, he said, it is critical that the buyer know that the seller owns the land and that there are no liens. Title insurers gather their information from public records. Certain items preclude an underwriter from taking a risk

on insuring a property if, for example, there is a deed or a redeclaration of a patent or renunciation of title. With the situation in Taos, because of the recording of instruments of record in the Cristobal de la Serna and Arroyo Hondo land grants, 99 percent of the time, title insurance will not underwrite the properties, and a judicial remedy is necessary.

Mr. Torres clarified that the members of the Cristobal de la Serna Land Grant are not trying to remove anyone from their property. The land grant's principal concern is that there are lands that have traditionally been common lands for the land grant that are beginning to be developed. The land grant wants to keep that property from any more construction or development, and it wants to protect the watershed. Mr. Torres pointed out that part of the problem is with the *lineas*, many of which are too small or ill-proportioned to be of use, such as ones that are 15 feet wide and five miles long. The land grant would like to be able to get property back so that it can stop people from dumping trash and put the land to use for the community.

Mr. Gonzales discussed the history of the strained relations between the Town of Taos and the Cristobal de la Serna Land Grant.

The chair granted John Kejr, president of the Taos County Association of Realtors (TCAR), permission to address the committee. Mr. Kejr said that he would like to offer an olive branch to the land grant community and would like to work with land grants and with the committee to address mutual areas of concern, particularly so that property rights of owners of record are protected. He also thanked Mayor Cordova for his work on these issues, and he asked the committee to help find ways to discourage the tactic of clouding titles as a way to settle land ownership issues.

Members of the committee expressed concern for the people who are on the land grant's land and what would be done with them. Members of the committee were also concerned that a solution crafted to address the situation with the Cristobal de la Serna Land Grant could have unanticipated consequences with other land grants in the state. Mr. Torres stated that it would not seem fair to remove people from the land, but his principal concern is to stop other people from moving onto or developing land that is unoccupied. He would like to see future transactions benefit the entire community, not just individual members. He said he feels that if the legislature were involved in a solution, people would listen. He stressed the importance of dialogue with groups like the TCAR to craft a solution.

Members of the committee had questions regarding the map of the Cristobal de la Serna Land Grant that was displayed by the land grant's board. Mr. Torres indicated that roughly two-thirds of the 22,000 acres under dispute either have homes or are being used for agricultural land. Mr. Torres also explained that the larger a family is, the more *lineas* it owns, and as a consequence, some families are better able to use their *lineas*. On the other hand, some people have *lineas* that are effectively useless, although they pay taxes on that land.

Members of the committee also asked whether House Bill 653, passed in the last legislative session but vetoed by Governor Martinez, would have taken care of these issues. Mayor Cordova indicated that the bill was repetitive of current law and not strong enough. Mr. Roibal interjected that the bill as originally introduced would have provided for a judicial remedy

with accelerated proceedings, but he concurred with Mayor Cordova that the bill vetoed by the governor would have brought no additional relief. Members of the committee noted that some land grant communities think that the approach in House Bill 653 is not the right one to use and that it would be advisable when crafting such a bill in the future to assess its impact on all land grant communities. Given the situation between the Cristobal de la Serna Land Grant and the Town of Taos, however, if an agreement cannot be reached with the town, the land grant board and the TCAR, there might be a need for further legislation in this area.

Members of the committee also asked about the issue of double-taxing. Mr. Gonzales stated that there are occasions when up to three different families are being taxed for the same piece of property. Members of the committee suggested that the New Mexico Association of Counties and its assessors' and treasurers' affiliates need to look into this issue and that legislation might be required. There was some discussion over whether the lands in question are private lands and of the possibility of doing surveys on the *lineas* or certified title abstracts to ensure that title belongs to the board of trustees of the land grant. Mayor Cordova stressed the need for surveying to ensure that the land is properly assessed. Mr. Torres added that the Cristobal de la Serna Land Grant board does not have any properties deeded over to it, though members of the board hold properties as individuals. Thus, the land grant itself is not paying taxes. He noted that the board is working on a CD about where the property came from and what is being done with it, with the idea that if land is not being used by heirs, it should be turned over to the board.

Members of the committee also asked whether it is worthwhile to try to push through Senate Bill 153 in the next legislative session. Mr. Gonzales indicated that this would be a good first step. Members of the committee also noted that if the revenue picture improves, it might be possible to set up a defense fund similar to those for water rights.

There was some discussion between the panel and the committee regarding whether the Cristobal de la Serna Land Grant is a private land grant or a community land grant. Members of the committee suggested that, before any legislation is submitted regarding a survey of the land grant, a letter could be sent to the Department of Finance and Administration to clarify what the status of the land grant is and whether it is eligible to receive money.

Members of the committee pointed out that there is a distinction between a real estate broker and a real estate agent and that a broker facilitates transactions, putting together a (usually) willing buyer and seller. It is important to bring both brokers and real estate agents to the table, but it is also important to keep in mind that they are merely facilitators.

### **Request that the New Mexico Federal Delegation Give Political Subdivision Status to Non-Patent Land Grants**

The Honorable Esther Garcia, mayor of Questa, and Arturo Archuleta, advisor to the land grant studies program at the University of New Mexico, gave a presentation to the panel on this issue. Mr. Archuleta related that in conversations he held recently with staff members of New Mexico's federal delegation about the Rio Colorado Land Grant, the delegation indicated that it could take up the status of non-patented land grants if the grants in question are first made political subdivisions under state law.

Mayor Garcia asked the committee to consider the Questa Land Grant (the San Antonio del Rio Colorado Land Grant) a political subdivision of the State of New Mexico. She said that the federal delegation needs the state to act before action can be taken at the federal level. She noted that legislation to effect this change has been given a "do pass" and that the land grant has the necessary survey, but Questa was bypassed, possibly because of a delay in getting paperwork to Española. She also noted that the watersheds in the common lands of the land grant are surrounded by wilderness areas, so she would like the land grant to have a seat at the table when looking at managing land grant lands that are under federal management. Mayor Garcia added that the U.S. Bureau of Land Management (BLM) issued back to the land grant the patent for the church belonging to the land grant, which indicates that the BLM recognizes that the land grant existed.

Members of the committee noted that everything necessary has been done by the land grant; Congress simply has to sign off on it. They analogized the situation this way: "We have the child, we just don't have the birth certificate.". Responding to a question, Mayor Garcia stated specifically that it was someone in U.S. Senator Jeff Bingaman's office who had said that the state should first grant political subdivision status to the land grant.

Mr. Archuleta first read a joint letter from U.S. Senator Bingaman and Senator Tom Udall and read a second letter from Representative Martin T. Heinrich. Both letters expressed support for state action to grant political subdivision status to land grants that meet the necessary criteria.

Mr. Archuleta noted that the Rio Colorado Land Grant is not patented, and its lands are United States Forest Service lands. He affirmed the importance of the land grant being at the table. He further stated that there is precedent, pointing the committee to the case of the Chaperito Land Grant. The land grant's claims were rejected by the court of private land claims. The community went to the legislature, and the legislature created the land grant by statute. Members of the committee discussed whether the Questa Land Grant could be treated in a manner similar to the Tecolote Land Grant or whether it would be possible to craft a generic process.

In response to questions from members of the committee regarding some of the historical information in the letter from Senator Bingaman and Senator Udall, Mr. Archuleta elaborated on the history of how land grants were confirmed after the Treaty of Guadalupe Hidalgo through the surveyor general for New Mexico and the court of private land claims. He also stated that it is hard to tell who might oppose the granting of political subdivision status until legislation is introduced.

In response to further questions from members of the committee regarding other land grants requiring legislation, Mr. Archuleta noted that while there are 14 other land grants that were either not confirmed or were rejected, those 14 no longer exist or they have not organized. The Rio Colorado Land Grant is the only one that has done everything required and registered with the secretary of state. While there might be some potential for these other land grants to organize, most of them probably would not do so. There was discussion between committee members and Mr. Archuleta regarding whether, when faced with similar situations in the future, it would be better to grant political subdivision status through individual pieces of legislation, craft a generic piece of legislation setting out the process or amend Chapter 49 NMSA 1978, which states that a land grant must be a patented grant.

### Motion 1

Representative Rodella moved that a letter be drafted to the governor placing the granting of political subdivision status to the San Antonio del Rio Colorado Land Grant on the call of the next legislative session and that the LCS draft the appropriate legislation. The motion was seconded by Senator Ortiz y Pino and passed, with all voting members present voting in favor.

There was some further discussion between committee members and Mr. Archuleta regarding whether this would be the first non-patented land grant to be made a political subdivision and whether the granting of political subdivision status in this case might not create tiers among land grants. Mr. Archuleta said this would be the first non-patented land grant to receive political subdivision status, but the situation is not dissimilar to the Tecolote Land Grant, which is patented as a private land grant. Mr. Archuleta added that tiers among land grants exist already.

The chair allowed Dr. Manuel García y Griego to address the committee on the intersection between federal and state jurisdiction. Dr. García y Griego noted that the only reason there is federal involvement is to separate private land from land that is not owned, as those lands would revert to the public domain. Action to grant political subdivision status would not affect federal interests at this time — those would only come into play if, at a later stage, the Rio Colorado Land Grant were to lay claim to lands that are currently federal lands. If the land grant is a political subdivision, that would strengthen its hand in negotiations with federal agencies.

### Motion 2

Representative Rodella moved for a letter to be drafted to New Mexico's congressional delegation, asking it to move forward with confirming the San Antonio del Rio Colorado Land Grant, regardless of whether the delegation believes that the legislation will pass, and asking that the representatives of the congressional delegation who are present at the Land Grant Committee meeting bring the conversation on this issue to the attention of their congressional members. The motion was seconded by Senator Martinez, and it pass with all voting members present voting in favor.

### Motion 3

Senator Martinez moved that the minutes of the first meeting of the land grant committee be approved. The motion was seconded by Senator Sanchez, and it passed, with all voting members present voting in favor.

### **Welcoming Remarks and History: Cañones Land Grant**

Hijinia Gallegos, president of the Juan Bautista Valdez Land Grant board, welcomed the committee to the area and said that she is looking forward to its visit to the land grant the following day. She introduced members of the land grant board who were in attendance, including some younger members of the land grant who were at the meeting to give a presentation on the history and customs of the land grant. The land grant board presented a welcoming letter to the committee that summarized its presentation.

### **Report on the Status of Tierra Amarilla Land Grant's Mineral Rights and Wind River Energy's Milagro Project**

Dennis Wells, president of the Tierra Amarilla Land Grant board, Jack Steinhauser, president of Wind River Energy Corporation, Belarmino Archuleta, a member of the Tierra Amarilla Land Grant board, and Jake Arnold, public affairs director of the Rio Arriba County Sheriff's Office, gave a presentation to the committee on this matter. The chair indicated that the committee would hear from all of the panel members and then give the panel a chance to field questions.

Mr. Wells read from a memorandum giving some historical background, discussing the agreement with Wind River Energy and criticizing the *Rio Grande Sun's* coverage of the matter. Mr. Wells said that the board received \$233,000 and that it was meeting with a prominent attorney for further advice, after which it plans to call a meeting of all land grant heirs and then proceed according to the laws of New Mexico.

Mr. Steinhauser gave a PowerPoint presentation to the committee that provided background information on Wind River Energy and the Tierra Amarilla oil shale exploration "milagro project". The presentation also gave an overview of the steps that Wind River Energy took to clear the title cloud over lands in the Tierra Amarilla Land Grant, including details of the opinion letter of Santa Fe title attorney James Bruce that outlined the legality of the waiver agreement signed with the Tierra Amarilla Land Grant board.

Mr. Belarmino Archuleta gave an overview of the history of the Tierra Amarilla Land Grant, including details of his personal connection to the land grant. He expressed concern that the waiver was never brought in front of the commissioners. He stated that the community has been kept in the dark and has a right to know what is going on.

Mr. Arnold told the committee that the Rio Arriba County Sheriff's Office became involved in this matter when it heard last May that there might have been a problem with the purchase of mineral rights in the county. Mr. Arnold detailed his research into this matter, including interviews with Mr. Steinhauser and research at the Secretary of State's Office. He noted that both sets of bylaws filed with the Secretary of State's Office have a greater number of board members than called for in statute. He also discussed the actions of a different oil company, Approach Oil, in Rio Arriba County, which seem to raise questions similar to those with Wind River Energy.

The chair requested that Mario Martinez, the secretary-treasurer of the Tierra Amarilla Land Grant board, make a presentation to the committee. Mr. Martinez stated that the board has done everything required by the Secretary of State's Office. He also stressed that the land grant is a community land grant, never a private land grant. He discussed the history of previous attempts to organize the land grant heirs and addressed the "hysteria" that greeted the news of the waiver.

The chair noted that the committee had come to Rio Arriba County so that it might take testimony from all concerned with this issue. He also provided some background to the history of the land grant's loss of land, particularly Thomas Catron's plan to acquire property that belonged to land grants.

Members of the committee inquired of Mr. Wells and Mr. Martinez how many meetings they had held to discuss the waiver; where those meetings had been held; where they had been

advertised; and whether they had complied with the Open Meetings Act. Mr. Wells detailed what they had done to advertise the meetings. Members of the committee asked if the agreement had been filed with Rio Arriba County or with the Public Regulation Commission. Mr. Wells indicated that any required filing would be handled by their attorney. Members of the committee wanted to know whether a check had been issued. Mr. Steinhauser responded that one had been issued to the Tierra Amarilla Land Grant board of trustees and was deposited. The committee inquired further whether the \$233,000 was going to be distributed to the land grant heirs. Mr. Martinez discussed the various membership drives that the land grant's board had conducted over the years. When asked what the board intends to do with the \$233,000, Mr. Martinez responded that it would be spent for administrative purposes, particularly on legal expenses. Members of the committee expressed concern that the money does not seem intended for the heirs and that the waiver had been pursued and sold without consultation with the heirs.

The discussion with the members of the panel led to some confusion as to whether the Tierra Amarilla Land Grant is in fact a private land grant or a community land grant. Mr. Arturo Archuleta and Dr. García y Griego were asked to address the committee again to clarify the issue. Mr. Arturo Archuleta noted that he has not examined the patent, but historically, the land grant has been considered a private grant, though that status has always been challenged. Professor David Correia of the University of New Mexico, who is researching a book on the Tierra Amarilla Land Grant, was allowed to address the committee. He noted that the status of the land grant has never been directly addressed in various court cases that have been brought in quiet title actions. The courts have always referred to the land grant as a private land grant, but the question has never been directly before a court, and it is still in dispute.

Members of the committee questioned Mr. Steinhauser regarding the purchase of the waiver. He explained how Wind River Energy generally examines title ownership and the assurances the company had received from attorneys regarding the propriety of this sale.

Members of the committee asked further questions of Mr. Wells regarding whether, as Tierra Amarilla holds itself out as a community land grant, it had complied with all of the statutory requirements. Mr. Wells indicated that it currently is operating as an independent association and not under Chapter 49 NMSA 1978, and that this is one reason the land grant needs legal advice, which it is going to obtain after August 10. Mr. Archuleta explained that it seems to be the land grant's intent to act as a community land grant and that he has offered assistance, but he is not sure that the land grant has complied with all of the elements of the law. When asked about the heirs to the land grant, Mr. Martinez said that heirs have to register with the board, and he indicated that there are about 70 registered heirs. When asked to clarify what legal issues the board needs to pursue, Mr. Wells stated that it needs someone to ask the United States Congress to reexamine past decisions and erroneous conclusions it made about the land grant.

Members of the committee asked the land grant board what was in the bylaws regarding mineral rights. Mr. Martinez stated that the bylaws say that all actions must be taken to benefit the heirs. When asked how many heirs voted on the waiver of rights, Mr. Martinez stated that there was a unanimous vote of 20 heirs. Members of the committee expressed discomfort that so few heirs had voted on this issue. Members of the committee then asked Mr. Steinhauser whether

there is a way for the land grant to back out of the waiver. Mr. Steinhauser stated that there is no way to withdraw the waiver.

When asked about the process in the bylaws to change trustees, Mr. Martinez stated that there are a lot of processes, including voting and having to be an heir. When asked about the term that members of the board serve, Mr. Martinez stated that setting term limits is a future plan; that at present, the land grant has a perpetual board until such time as it gets land back and has a substantial membership. Members of the committee questioned whether there is any basis for the land grant board as constituted to sell a waiver and questioned whether the waiver of mineral rights is worth only \$233,000 when one would think it would be valued much higher. Members of the committee had further questions along these lines. They asked Mr. Wells and Mr. Martinez why they had not pursued royalties as well. Mr. Wells and Mr. Martinez did not have a clear answer to this question, and they indicated that this was part of the reason an attorney is needed.

Members of the committee also asked Mr. Steinhauser questions about the waiver versus mineral rights. Mr. Steinhauser indicated that mineral ownership is researched by title analysts. He also stated, when asked, that he would not release the names of those who own the mineral rights because that is proprietary information.

Members of the committee asked Mr. Wells and Mr. Steinhauser about the filing of the waiver agreement with state officials. Mr. Wells indicated that nothing has been filed and that the issue of filing is something else he wants to raise with an attorney. Mr. Steinhauser noted that Wind River Energy has not filed anything and that the company is in the process of accumulating land positions and would choose a time in the future to record and file.

Members of the committee asked Mr. Wells and Mr. Martinez about when board elections had been held. Neither Mr. Wells nor Mr. Martinez could give precise information about the dates or conduct of elections to the board.

Members of the committee questioned Mr. Steinhauser about hydraulic fracturing ("fracking"). Mr. Steinhauser gave an overview of the process and said that the negative reputation the process has is unwarranted. He also noted that there are already some 57,000 wells in the San Juan Basin, including some 11,000 in Rio Arriba County, and that most of these are fracked.

Members of the committee pressed Mr. Wells and Mr. Martinez further on the election and constitution of the land grant board, on the list of heirs and on required filings with the Secretary of State's Office. There was particular concern over the land grant board having too many members, on missing filings and on conflicting numbers of heirs in what has been submitted to the secretary of state and the board's testimony. Members of the committee expressed concern over what appears to them to be a lack of compliance by the board, and they wondered about nepotism among the board members, given that some of the board members are siblings. Mr. Martinez told the committee that anything that was wrong can be corrected. Mr. Arnold added some specific details from his files. Members of the committee also asked Mr. Steinhauser if any of these issues have been noted by the attorneys that Wind River Energy hired. Mr. Steinhauser replied that Wind River Energy's due diligence has focused on the legitimacy of the agreement itself.

The chair closed the discussion by stating that it is evident that there are important issues raised, and he encouraged the land grant board to reach out to available resources, such as the Land Grant Consejo or to other land grants, such as Cebolleta, that had confronted similar issues. He expressed hope that the various parties could get together to resolve their differences.

### **Camposanto and the Return of Common Lands in the San Joaquin del Rio Chama Land Grant**

Leonard Martinez, president of the San Joaquin del Rio Chama Land Grant board, gave the committee a brief overview of the history of the land grant, detailed the land grant's compliance with statutory requirements and presented a series of maps and satellite photographs that show where the camposanto is located and how access to the camposanto is restricted. He noted that members of the land grant's board met with New Mexico's congressional delegation in Washington, D.C., last year, and the delegation asked the land grant to go before the Land Grant Committee to get a letter of support for the return of the camposanto.

#### ***Motion 4***

Representative Jimmie C. Hall moved that a letter be drafted to New Mexico's congressional delegation asking for the camposanto to be removed from its wilderness designation. The motion was seconded by Senator Martinez, and it passed, with all voting members present voting in favor.

Members of the committee asked for further clarification of which roads lead to the camposanto, and they noted that there seems to be a conflict between what is required by the United States Forest Service and the blocked access to the camposanto.

### **Background Materials on Land Grants**

Dr. García y Griego was asked to go over background materials on land grants that he had provided to the committee. These materials had been requested by the committee at its previous meeting.

### **Information for Tours of Abiquiu and Cañones (Juan Bautista Valdez) Land Grants**

Mr. Kovnat went over the plans for a dinner that evening for the legislators, and Mr. Ferran went over the details of the following day's tour of the Abiquiu Land Grant and the Juan Bautista Valdez Land Grant.

### **Public Comment**

Virgil Sedillo of the Abiquiu Land Grant, whose family settled along the Chama River in 1734, had three points to make: (1) he would like to see more support for the land grant's cultural centers; (2) he would like the committee to look at acreage minimums and tax rates; and (3) he encouraged the committee to look at the status of who owns mineral rights in land grants. Members of the committee were particularly interested in the concerns expressed by Mr. Sedillo regarding the acreage requirements and taxation. The committee agreed to examine the issue further. Members of the committee also suggested further examination of the issue of mineral rights, suggesting that a memorial to the appropriate federal entities asking the federal government to relinquish mineral rights back to the land grants might be in order.

Carmen Quintana recommended a book to read, expressed dismay that Santa Fe County is the only county in New Mexico with a county surveyor; called for working with schools to help clean up the acequias and to teach the young about acequias; called on the legislature to give land grants first choice when properties in land grants are in foreclosure proceedings; and questioned whether land grants are considered enterprise zones.

James Carpenter of the Concerned Citizens Observation Group suggested that the committee examine the Uniform Commercial Code (UCC) and look at corporate activity in land grants in light of the UCC.

Catherine Montañó commented that drilling is not clean and expressed her concerns about contaminated water and radiation in the air from the Los Alamos fires.

The committee recessed at 6:00 p.m.

### **Friday, July 29**

The committee reconvened at 8:00 a.m. for a tour of the Georgia O'Keeffe house and a *morada* in Abiquiu, arranged by Mr. Ferran. Afterwards, the committee, hosted by Ms. Gallegos, visited by van various places in the Cañones Land Grant, learning about illegal trash dumping, a conflict over the camposanto and problems with, and ideas for, economic development in the land grant. The committee also visited the Cañones Land Grant's historic church. The committee then was shown the 32 acres returned to the Abiquiu Land Grant on the Rio Chama, and it learned about the land grant's plan to turn the riverfront area into a park with nature trails and wildlife observation platforms. The committee ended its tour of the land grants with a visit to Abiquiu's historic church. The committee adjourned at 1:30 p.m.

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

**August 25-26, 2011  
Cebolleta Land Grant  
Cebolleta Community Center**

The third meeting of the interim Land Grant Committee was called to order at 10:06 a.m. on August 25, 2011 by Representative Miguel P. Garcia, chair, in the Cebolleta Community Center.

**Present**

Rep. Miguel P. Garcia, Chair  
Sen. Richard C. Martinez, Vice Chair  
Sen. Rod Adair (8/26)  
Rep. Eliseo Lee Alcon (8/25)  
Rep. Alonzo Baldonado  
Rep. Paul C. Bandy  
Rep. Eleanor Chavez  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella  
Sen. Sander Rue  
Sen. Bernadette M. Sanchez

**Absent**

Rep. Jimmie C. Hall

**Advisory Members**

Sen. David Ulibarri  
Rep. Richard D. Vigil (8/26)

Sen. Carlos R. Cisneros  
Sen. Kent L. Cravens  
Rep. Joni Marie Gutierrez  
Rep. Jim W. Hall  
Rep. Ben Lujan  
Rep. Patricia A. Lundstrom

(Attendance dates are noted for those members not present for the entire meeting.)

**Guest Legislator**

Rep. W. Ken Martinez

## **Staff**

Peter Kovnat, Lead Staff Attorney, Legislative Council Service (LCS)  
Douglas Carver, Staff Attorney, LCS  
Abenicio Baldonado, Intern, LCS

## **Guests**

The guest list is in the meeting file.

## **Handouts**

Handouts are in the meeting file.

## **Thursday, August 25**

### **Opening Remarks and Introductions**

Representative Garcia opened the meeting by extending a welcome to the committee, staff and members of the public present. He thanked the Cebolleta Land Grant for hosting the committee and providing food and other refreshments. He asked all committee members and staff to introduce themselves and then invited members of the audience to introduce themselves as well.

### **Welcoming Remarks: Cebolleta Land Grant**

William Hocker of the Cebolleta Land Grant Board and Representative W. Ken Martinez welcomed the committee to the land grant. Mr. Hocker noted that Cebolleta was the first land grant that was made a political subdivision of the state and thus understands many of the challenges that land grants face. Representative Martinez welcomed the committee to the area, noting that the communities around Mount Taylor were the first European and Spanish settlements off of the Rio Grande corridor. He told the committee that this part of the state has some of the most welcoming people in New Mexico.

### **History of the Cebolleta Land Grant**

Mr. Hocker reviewed the history of the land grant, noting that records extend back to the 1760s, when Franciscans came to Christianize the indigenous inhabitants. He noted the role played by the original settlers of the land grant, who had come from the Atrisco Land Grant, as a buffer between the Atrisco Land Grant and the Navajo Nation. He told the committee that in 1872, 199,000 acres had been patented to the Cebolleta Land Grant, but he noted how through court rulings, the majority of the land grant's land had been alienated from the grant, not least because Anglo courts did not make an attempt to understand Spanish land law. Mr. Hocker stated that in its heyday, the land grant had supported 1,000 families, was self-sufficient, and had good relations with the neighboring members of the Pueblo of Laguna, whom they considered brothers and sisters. He briefly discussed the role members of the land grant had as "Cold War patriots", with the uranium mines bordering the land grant used to build nuclear bombs to use against the U.S.S.R. He stated that the land grant needs what everyone else needs: affordable health care, good education and clean, affordable and dependable drinking water. He said that Cebolleta is glad to be a political subdivision but noted that such status brought with it challenges, including remaining in compliance with all of the necessary rules and regulations. He concluded by thanking the committee for its attention to, and support of, the land grant's needs.

Representative W. Ken Martinez discussed the important role of faith, and particularly the role of the *penitentes*, in the life of the land grant, and he noted how past legislators had honored that tradition. Mr. Hocker discussed how the land grant wishes to manage all of its lands and noted the help that legislators have given in the past, particularly Senator Ulibarri, Representative Alcon and Representative Martinez. Mr. Hocker and Representative Martinez both peppered their comments with personal stories of life in the land grant.

Members of the committee asked Mr. Hocker about the health impact that uranium mining had on members of the land grant community and whether federal Radiation Exposure Compensation Act (RECA) payments were adequate to cover losses. Mr. Hocker said that health problems in the community because of uranium mining were well-documented and that the RECA payments had not been adequate, for, on the one hand, payments can never be adequate enough to replace the loss of a life, and on the other, payments were especially inadequate for post-1971 miners. He also discussed the challenges of reclaiming the land after a uranium mine had closed.

In response to questions from members of the committee, Mr. Hocker gave more detail on how the Cebolleta Land Grant had gone from 199,000 acres to the present holding of 35,000 acres. He said that the land grant is negotiating with private landowners to get some of its land back.

Members of the committee also asked Mr. Hocker for an update on the cultural properties designation of part of the land grant. Mr. Hocker noted that Mount Taylor is important to everyone in the area, and he stated that recently there had been a ruling from a district court judge that recommended that the decision be returned to the Cultural Properties Review Committee. He then deferred his answer to Sarah Maestas Barnes, heir to the Cebolleta Land Grant. Ms. Maestas Barnes added that the judge had recommended that the Cultural Properties Review Committee reverse its decision, but the Pueblo of Acoma had lodged an appeal with the court of appeals; most of the briefing has been completed, oral arguments need to be scheduled and a decision is expected next year. She stated that the land grant still holds that Cebolleta should not be included in the cultural properties designation as it is not state land. There was extensive discussion among members of the committee and Ms. Maestas Barnes concerning whether there should be a letter from the committee to the court of appeals and to the Cultural Properties Review Committee concerning this matter, focusing on the fact that the legislature intended that land grant lands that were granted political subdivision status not be considered state-owned property. It was noted that some members of the committee were part of an amicus brief that had been filed as part of the lawsuit.

#### Motion 1

The committee entertained a motion from Representative Rodella, seconded by Representative Alcon, calling for a letter to be drafted to the court of appeals and to the Cultural Properties Review Committee stating that the legislative intent in granting land grants political subdivision status was that the land would not be considered state-owned property. The motion passed with all voting members present voting in favor, with the exception of Senator Ortiz y Pino, who voted in the negative.

Members of the committee asked Mr. Hocker if there is more uranium mining in the future of the land grant. Mr. Hocker replied that the land grant is pursuing mining and has leased mining rights to a uranium mining company, and the company is getting the necessary permits. He said that the president of Neutron Energy, Inc., the company in question, would provide more information during the following day's tour of the land grant.

Members of the committee asked whether any of the lost patented land grant property is now in federal hands. Mr. Hocker explained that most of the land had been lost to adverse possession claims, but some former property is now state or federal land. There was further discussion among members of the committee and Ms. Maestas Barnes about the impact the traditional cultural property (TCP) designation had on Cebolleta's ability to manage its lands. Ms. Maestas Barnes noted that the TCP designation covered 19,000 of the 34,000 acres of the land grant, and while the TCP designation had an impact on the land grant's ability to manage its land, the mining would not occur in the TCP area. There was further discussion of the slow progress (over 30 years) in cleaning up the tailings from the uranium mining that had occurred on the neighboring Pueblo of Laguna and whether there had been contamination of the area's ground water. Mr. Hocker indicated that the Energy, Minerals and Natural Resources Department and the Department of Environment would probably best be able to answer the ground water question. Representative Martinez noted that Congressman Ben Ray Lujan, former Congressman Harry Teague and Senator Tom Udall had proposed amendments to the RECA to increase the amounts available and the time span covered by the act and to appropriate funding for family members of uranium miners.

Mr. Hocker also stressed that the land grant wants to "do it all" for economic development and is not relying solely on mining. He informed the committee that the land grant is examining a wind farm project on land grant lands similar to the one that had been built on land neighboring the present land grant (on lands that once belonged to Cebolleta), a project involving solar panels on a former uranium mining tailings pile and community agricultural projects. He noted that mineral leases had provided seed money so that matching funds could be made available from local, state and federal grants. There was further discussion between Mr. Hocker and members of the committee on the wind farm neighboring Cebolleta.

### Motion 2

The committee entertained a motion from Representative Chavez, seconded by Representative Rodella, calling for a letter to be drafted to the New Mexico congressional delegation supporting an extension of the RECA. The motion passed with all voting members present voting in favor.

### **Report on the Importance of an Appropriation Bill for a Symposium Addressing Issues Common to Land Grants and Native American Lands**

Ms. Maestas Barnes made a short presentation to the committee concerning the symposium. She stated that the passage of HB 81 had experienced some difficulties and revealed some misunderstandings. She hoped for an appropriation for a symposium or a workshop, but she said that, first, input is needed from the Native American community. Representative Garcia noted that Regis Pecos, chief of staff, Office of the Speaker of the House, and part of the leadership team of the Pueblo of Cochiti, had hoped to be at the committee's meeting to present

with Ms. Maestas Barnes, but he was called away to help manage the flooding crisis on the pueblo.

### **History of the Juan Tafoya Land Corporation**

Flora Padilla, reverend, Mending Broken Hearts Ministries, and shareholder, Juan Tafoya Land Corporation, discussed the history of the Juan Tafoya Land Corporation and issues surrounding a dispute among the shareholders to the land corporation. She initially read from a long prepared statement and then took questions from the committee. Reverend Padilla discussed the land corporation's connection with the village of Marquez and gave a history of the partition of the lands and of the recent legal disputes surrounding the Juan Tafoya Land Corporation. She also had lengthy comments concerning problems with a particular attorney retained by the land corporation's board and various disputes that she and other shareholders had with the board.

Representative Garcia spoke for the committee by informing Reverend Padilla that, given the fact that the Juan Tafoya Land Corporation does not fall under Chapter 49 NMSA 1978 of the land grant statutes, the committee has no authority to intervene in the corporation's dispute, although the committee could offer suggestions. He also noted that some of the issues seem to fall into areas governed by the Public Regulation Commission. James Martinez, heir to the Juan Tafoya Land Corporation, gave the members of the committee some additional history of how shares in the corporation had been allocated and passed on to descendants. Members of the committee had questions about the conduct of the meetings of the Juan Tafoya Land Corporation Board and whether the meetings followed the requirements of the Open Meetings Act. Reverend Padilla indicated that the meetings did not meet those requirements. Members of the committee also asked Reverend Padilla about the annual payments to the board from Neutron Energy, Inc. Mr. Martinez indicated that the funds from Neutron Energy, Inc., had not been properly distributed to the heirs.

### **Possibility and Procedure for Sub-Grants and Partitioned Grants to Achieve Political Subdivision Status**

Ernesto Lujan, vice president of the Las Vegas Land Grant, gave a presentation to the committee on the Las Vegas Land Grant and the dynamics of partition grants. Mr. Lujan gave a history of the Las Vegas Land Grant and detailed how, after the United States annexed New Mexico, the land grant's board came under the control of wealthy attorneys, who sold much of the land to people from the eastern United States. He also discussed the armed rebellion against this alienation of land by local residents, and the impact of the coming of the railroad, which led to more alienation of lands and loss of water rights. In the 1930s, after the old board had "sucked all of the good from the land grant", a new board came to control the grant, which turned over common lands to local communities. While the Las Vegas Land Grant was the mother grant to these allotments, it did not tell them how to manage their affairs and left it to the allotments to manage their lands for the benefit of their communities. Mr. Lujan discussed problems with illegal dumping and the cost of a mandated cleanup. He added that the Las Vegas Land Grant had done a great deal for the allotments, that it had turned over land for schools for the City of Las Vegas and that it is not interested at this point in becoming a political subdivision of the state.

Members of the committee asked Mr. Lujan for more details on the land grant land that have been turned over for educational purposes. Mr. Lujan indicated that some of the transfers

had no reverter clause, but others do. Members of the subcommittee urged Mr. Lujan to ensure there are reverter clauses in future transfers in order to stop more land transfers to the state.

There was some discussion between the members of the committee and Mr. Lujan regarding the legal status of the Las Vegas Land Grant and the allotments, which included details of the land grant's unique status.

### **Update on United States Forest Service Boundary Resolutions at Abiquiu and Truchas Land Grants**

James Melonas, New Mexico state liaison, United States Forest Service (USFS), Southwest Region, gave a presentation to the committee on the USFS's efforts to resolve boundary disputes between land grants and USFS land. Mr. Melonas noted that his position is a new one and that he has been working with the Land Grant Council on this issue. He noted that the USFS had signed a memorandum of understanding with the Land Grant Council that sets a framework to manage land, reduce fire risk and allow traditional products to be taken from the forest. He said that next steps include looking into stewardship agreements, which would allow communities adjacent to USFS lands to exchange goods for services.

Referring specifically to the Abiquiu and Truchas land grants, Mr. Melonas noted that representatives of the Santa Fe National Forest had met with representatives of those grants last year and that a follow-up in the field is planned to identify old markers. He noted that there are two issues with boundaries. First, if there are genuine issues with where a fence is, the USFS will go out with representatives and clarify the boundary. Second, there is the question of which lands are whose, which is a question that is out of the USFS's authority. If a land grant feels it has a claim to USFS land, the USFS has no administrative authority to remedy the issue. He added that if the Land Grant Council or members of the committee would like to meet with the representatives from Santa Fe National Forest, the administrators of the forest would be willing to hold that meeting. He also noted that his position is to help facilitate communication between the USFS and state government and legislators.

Members of the committee asked Gilbert Ferran of the Land Grant Consejo, who was in attendance in the audience, about what kinds of boundary information land grant leaders have that could be made available to the USFS. Mr. Ferran noted that for Abiquiu, a final report is due by the end of September, but the land grant realizes already that some surveys will have to be done and that they will be working with the USFS. Members of the committee noted the historic encroachment on land grant lands by the USFS and the importance of collaboration between the land grants and the USFS to rectify past errors. Members of the committee also expressed the importance of traditional use of the land by members of land grants, especially grazing and cutting of wood, and how it is important that the USFS work with members of the land grants to ensure these traditional uses could still occur. Mr. Melonas repeated that the USFS is willing to work with the Abiquiu and Truchas land grants to help to determine the proper boundaries.

### *Motion 3*

The committee entertained a motion from Representative Rodella, seconded by Senator Sanchez, calling for a joint resolution to be drafted asking the New Mexico congressional delegation to direct the USFS to return those lands encroached upon by the USFS that were part of the Abiquiu Land Grant and recommending that a new survey be done, with the land grant

community showing the USFS where the original markers are. The motion passed with all voting members present voting in favor.

Members of the committee also noted that a patent was granted to the Abiquiu Land Grant before the creation of the USFS, which gives the survey for the land grant precedence.

### **Risk Management Process for Land Grants**

Porfirio "Bear" Perez, deputy director, Risk Management Division (RMD), General Services Department, gave a presentation to the committee about the risk management process as it relates to land grants. He presented packets to the members of the committee that contained a legal memorandum on RMD coverage for land grants; a copy of the "State of New Mexico Liability Certificate of Coverage", which discusses the use of funds from the Public Liability Fund; copies of the relevant statutes; copies of the relevant administrative rules; a copy of the "Community Land Grant Questionnaire" that must be completed to gain coverage; and a land grant membership roster. He discussed in brief detail the three lines of coverage available — general, civil rights and automobile — and discussed premiums. Juan Sanchez of the Land Grant Council asked whether boards of the land grants would be covered. Mr. Perez noted that they would be covered under the general coverage. Mr. Perez also noted that errors and omissions are covered by the liability certificate, but surety bonds are not covered under the general liability coverage, though the land grants could perhaps get together and negotiate a quote with insurance adjusters. Mr. Perez stated that the RMD would continue to work with the land grants on these issues.

### **Information for Tour of Cebolleta Land Grant**

Ms. Maestas Barnes gave the members of the committee details on Friday's tour of the land grant.

### **Public Comment**

Leane Hocker thanked the committee for coming to the Cebolleta Land Grant.

Mr. Hocker addressed the committee again and noted the service of members of the Cebolleta Land Grant community in the armed forces.

Walter Baca, president of the Juan Tafoya Land Corporation, stated that he is perplexed at the presentation given earlier in the day regarding the land corporation and that many unjust accusations had been presented to the committee. He stated that many of the points that had been made are inaccurate and offered different figures. He also stated that he welcomes a review of the land corporation's files by the Public Regulation Commission if one is requested. He also requested that if the committee wishes to hear a presentation on the land corporation that the board be invited. Representative Garcia thanked Mr. Baca for addressing the committee and stressed that as the committee is a public body, anyone could ask to be on the agenda.

Richard Jaramillo, an heir to the Cebolleta Land Grant, encouraged the members of the committee to visit the community's church and especially to take note of the stained glass windows that had been made by his sister-in-law.

Mr. Martinez thanked the committee for coming to Cebolleta, noting wryly that although "we all don't get along, some day we will".

The committee recessed for the day at 4:03 p.m.

**Friday, August 26**

The committee reconvened at 9:00 a.m. for a tour of the Cebolleta Land Grant and the Red Mesa Wind Farm of NextEra Energy Resources, LLC. The wind farm tour was led by John Dailey, business manager for NextEra. During the tour, the members of the committee also heard a presentation from Neutron Energy, Inc., about the potential uranium mine on the land grant. This presentation was conducted by Rick Karlson, manager, project development, Neutron Energy, Inc..

The tour ended, and the committee adjourned at 1:30 p.m.

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

**October 17-18, 2011  
Cañon de Carnué Land Grant  
Cañon de Carnué Community Center**

The fourth meeting of the interim Land Grant Committee was called to order at 10:08 a.m. on October 17, 2011 by Representative Miguel P. Garcia, chair, in the Cañon de Carnué Community Center.

**Present**

Rep. Miguel P. Garcia, Chair  
Sen. Richard C. Martinez, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado  
Rep. Paul C. Bandy  
Rep. Eleanor Chavez  
Rep. Jimmie C. Hall  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella  
Sen. Sander Rue  
Sen. Bernadette M. Sanchez

**Absent**

Sen. Rod Adair

**Advisory Members**

Sen. Carlos R. Cisneros (10/17)  
Rep. Jim W. Hall (10/17)  
Rep. Patricia A. Lundstrom

Rep. Joni Marie Gutierrez  
Rep. Ben Lujan  
Sen. David Ulibarri  
Rep. Richard D. Vigil

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Peter Kovnat, Lead Staff Attorney, Legislative Council Service (LCS)  
Douglas Carver, Staff Attorney, LCS  
Abenicio Baldonado, Intern, LCS

**Handouts**

Handouts are in the meeting file.

**Monday, October 17**

**Opening Remarks and Introductions**

Representative Garcia opened the meeting by extending a welcome to the committee, staff and members of the public. He thanked the Cañon de Carnué Land Grant for hosting the

committee and providing food and other refreshments. He asked all committee members to introduce themselves and then invited members of the audience to introduce themselves as well.

### **Welcoming Remarks and History: Cañon de Carnué Land Grant**

Dr. Manuel Garcia y Griego, Secretary of the Cañon de Carnué Land Grant; Andy A. Gonzales, Jr., vice president of the land grant; and Macario Griego, trustee of the land grant, welcomed the committee to the land grant, provided a map showing the last and present boundaries of the land grant and related some of its history. Mr. Gonzales noted that the land grant was established from Albuquerque in 1763. The land grant originally had 90,000 acres, but it currently has 45,000. The United States Supreme Court decision, *United States v. Sandoval* (1897), reduced the common land to 2,000 acres. Of that, only 200 acres is still common land.

Dr. Garcia y Griego related further details regarding the land grant's history and also discussed the economic challenges facing the land grant. He noted that Cañon de Carnué's proximity to Albuquerque puts the land grant in a position that is a bit different than most land grants. Property taxes are high, around \$11,000 a year on the 200 acres of common land, which amounts to approximately 20 percent of the land grant's annual budget of \$50,000. On the other hand, proximity to Albuquerque provides economic opportunities not available to the more remote land grants. The bulk of the land grant's earnings comes from cell tower leases, and there is some revenue from billboard leases as well. Dr. Garcia y Griego added that the land grant realizes that, given changes in technology, the cell phone towers are not likely to be a permanent source of revenue. He also noted that a lot of the land grant's land was lost with the construction of the original U.S. Highway 66 and, later, Interstate 40. Economic development and property taxes are the two major challenges the land grant faces. Mr. Griego noted that the highway has resulted in a great deal of waste and debris in the canyon, and he raised concerns about water contamination.

Members of the committee discussed with Mr. Griego and Dr. Garcia y Griego the environmental review of the highway's impact on the land grant and the environmental impact of the highway, particularly on the stream that runs through the land grant. Members of the committee also discussed the tax burden on the land grant. Dr. Garcia y Griego suggested that the issue was not simply the differential in taxes, but whether the land grant should have a tax rate that is different from other lands that are in private hands, such as, for example, grazing or agricultural land that is taxed differently. Members of the committee also asked for more details about the taking of land grant lands for the two highways. Mr. Griego noted that the land grant received \$300,000 for the condemnation of lands for Interstate 40, which is how the land grant community building was constructed.

#### *Motion 1*

Representative Lundstrom made a motion, which Representative Jimmie C. Hall seconded, that the committee send a letter to the New Mexico Finance Authority for a uniform funding request regarding surface water degradation for oil and grease pollution coming off of the highway. The motion passed with all voting members present voting in favor.

Motion 2

Senator Sanchez made a motion, seconded by Senator Rue, that the committee consider legislation to partially exempt land grants from property taxes. The motion passed with all voting members present voting in favor.

Members of the committee noted that there are a number of different state entities that do not pay property taxes, and they recommended that members of the statewide land grant leadership meet with LCS staff to see whether something can be drafted by the November meeting of the committee to partially exempt or modify property taxes for land grants. Members of the committee also recommended that the issue of local governments being reimbursed by the state for the money they would lose under such legislation be considered.

Members of the committee discussed the prospects of marketing goat cheese from the land grant and the disposition of the concrete plant that is in the traditional boundaries of the land grant. Mr. Griego discussed the history of the plant, noting that most of the land on which the plant is located is leased from the U.S. Forest Service.

## **How New Mexico Land Grants Can and Do Benefit from the Film Industry**

### *Part I*

Nick Maniatis, director, New Mexico Film Office, and Trish Lopez, program manager, New Mexico Film Office, gave the first part of the presentation on this topic to the committee. They presented an outline of their key points to the committee for their review. Mr. Maniatis noted that while the changes in the tax incentives to the film industry are being debated, there is a lull in filming, but he is optimistic about the spring. He said that the economic opportunity for land grants is the same as for other areas of the state and that the New Mexico Film Office is there to help. Ms. Lopez discussed the importance of the land grants appointing a film liaison — a person who would be trained and certified by the New Mexico Film Office — who could sign a memorandum of understanding between the land grant and the New Mexico Film Office. She also noted that each land grant should consider what are the unique aspects of the land grant, how accessible its property is, what might be allowed to be done on or with the property and the importance of a permitting process and telephone listing of support services in the community. She recommended having professional location photographs done for the land grant's portfolio and noted that land grant businesses could be placed on the New Mexico Film Office's vendor list or property listings. She concluded by counseling that members have patience with the process, and she noted that the New Mexico Film Office does not decide where films are shot, but it promotes all areas of the state. She stressed how important it is for land grants to provide quick responses to inquiries from production companies.

Members of the committee discussed various options for the land grants to work together by possibly having a joint liaison with the New Mexico Film Office. Members of the committee also discussed the impact of the reduction in the film tax credit and how what has transpired in New Mexico compares to other states. Mr. Maniatis stressed the importance of certainty in the state's scheme for the film industry. Mr. Maniatis also discussed plans to develop film tourism in New Mexico, highlighting where great films had been shot in the state. He also discussed the progress of the study of the economic impact of the film industry in New Mexico, noting that results are expected by the end of the fiscal year. Mr. Maniatis stressed the importance of having land grants' film liaisons properly trained in order to be effective. He also noted that production

companies are interested in television as well as film projects and that television projects are especially welcome because they have longer shooting cycles and often create ancillary benefits, such as a director buying a home in the state.

Members of the committee mentioned the multiplier effect the film industry brings to New Mexico and that the land grant structures tend to be more flexible than municipalities or tribal lands; thus, they could be more rapidly responsive to the needs of production companies. Mr. Maniatis and Ms. Lopez provided the members of the subcommittee with a map showing where films were shot in New Mexico between January 2003 and September 2011 and a fact sheet on the film liaison network.

## *Part II*

Gilbert Ferran of the New Mexico Land Grant Consejo, president, Merced del Pueblo Abiquiu; Juan Sanchez, president, Merced de Pueblo de Chilili, chairman of the Land Grant Counsel; and Lou Sena, heir and chairperson of the finance advisory committee to the San Miguel del Bado Land Grant, gave the second presentation on this topic to the committee. Mr. Ferran related the Abiquiu Land Grant's experiences when filming occurred on its land. He noted that overall the experience was positive, that the land grant made \$12,000 for the use of the school and school houses and the production company fixed items in the community for which the land grant had been trying to get funding to repair for years.

Mr. Sanchez related the experience of the Chilili Land Grant, noting that the film industry wanted everything to be done quickly and discussing the working relationship between the land grant and members of the production company. He also said that land grants would have to be prepared for the large number of people who might be involved in filming, which, in Chilili's experience, meant 75 to 80 people daily with all of the associated vehicles and that, on shooting days, could rise to 200 to 300 vehicles. He also noted that the Land Grant Council held workshops in conjunction with the Land Grant Consejo and flagged problems, such as the requirement for union labor for many jobs in film production.

Mr. Sena walked the committee through a handout that gave an overview of the collaborative relationship between the land grants and the film industry. He noted that the land grants have plenty of expertise and viable enterprises, but the expertise is disparate, unchanneled and unfocused. He discussed a film industry panel that met in June 2011 and the formation of a working group that has the following objectives: 1) determine the viability of a collaborative relationship among the land grants; 2) determine mutual benefits; 3) quantify economic and community development opportunities; 4) select pilot relationships; and 5) develop outreach and business development materials. He noted that in FY 2011, there was direct spending by the film industry of \$232.1 million, with 181,366 worker days and 1,700 union crew positions, which was greater than in FY 2010. He noted that there is a preference for local sourcing for services and materials and that pre- and post-production work is less constrained by union contracts. Challenges, however, include that most filming takes place within a 60-mile radius of Albuquerque or Santa Fe, an area that excludes many land grants; the ability to create extraordinary or unique locations that might attract a production; and the uncertain political and economic climate, particularly concerning film tax incentives. The mutual benefits to a collaborative relationship include: 1) developing a memorandum of understanding with a consortium of land grants; 2) a single point of contact for multiple sites with diverse and unique

settings; 3) uniformity, speed, consistency, optimization and clarity of terms and conditions for filming; and 4) economic and community development. There are plans to leverage the land grant consortium to identify resources, services, skills and capabilities to apply throughout the land grants and to reach out to land grants in the 60-mile radius. The hope is to develop a draft business development kit and to hold a collaborative symposium with the land grants and the film industry.

Members of the committee were pleased with the evident organization and planning that is going into developing the economic opportunities that film production might bring to land grants. Mr. Sena detailed some of the economic impacts of the film productions in Abiquiu and Chilili and noted that there is plenty of potential for the impacts to be greater and for additional resource streams to be developed, such as concessions or providing water. Members of the committee were pleased that the land grants are working with the North Central New Mexico Economic Development District Council of Governments on this project. Mr. Ferran noted that the improvements to certain buildings and roads in Abiquiu are in addition to the money that is directly paid to the land grant by the production company and that the director of the film made a large donation to the Abiquiu Cultural Center, bringing, in total, several thousand more dollars from the film shoot. Members of the committee also discussed union labor on film shoots and suggested the possibility of negotiating temporary union memberships for members of the land grant who work on films. Mr. Sanchez discussed how the efforts surrounding the film industry are separate from, and in addition to, the economic development plans being organized with the help of the Land Grant Council.

### **Land Grant Demonstration Project in the Santo Domingo de Cundiyo Land Grant: Results and Lessons Learned**

G. Emlen Hall, professor emeritus, University of New Mexico School of Law (UNMSOL), gave a presentation to the committee on the demonstration project that worked to settle all land claims in the Santo Domingo de Cundiyo Land Grant in the 1970s. Mr. Hall said that the project was designed to see whether the title claims in the land grant could be straightened out quickly and fairly. He stated that Santo Domingo was picked because it was small, a cohesive community and was not the center of any land grant controversy, so it did not have a long history of internal and external problems. The project ran from 1974 to 1977 and involved two lawyers — Mr. Hall and Charles T. DuMars, currently a professor emeritus at the UNMSOL — and an abstractor/surveyor. Mr. Hall detailed some of the past history of the land grant. He stated that the goal of the project was to settle title to all tract and common lands. The first step was to compile a genealogy, the second was to obtain abstracts for the 104 tracts of land within the land grant and the third was to survey the tracts. This third step was key, as it required getting everyone in the land grant together to agree to where the boundaries are. Once there was an agreement on the boundaries, stakes with mirrors were placed on every corner and an aerial survey was conducted. The fourth step was a quiet title suit, with the board of the land grant as plaintiff, and all claimants to property in the land grant as defendants. The final step was when the court allowed the issuance of new deeds, which set all claims to rest. Additional benefits, aside from the settling of property boundaries, were that young people from the land grant were trained in how property transfers work and the district court confirmed the land grant as a community land grant. A downside, some noted, was that with clear title, it would be easier for

individuals to sell off their portions of the land grant. A remaining squabble in the community concerns what to do with the approximately 2,000 acres of common lands. Mr. Hall concluded with two recommendations: 1) that someone should clear up the status of quasi-community land grants; and 2) that a law should be passed defining the interest of land grant heirs in unappropriated lands in community land grants or other land grants.

Mr. Hall noted that the entire project took about three and one-half years. Only land title was perfected, not water rights. Mr. DuMars stated that, at the time, they were working with legal services, and the total cost was around \$200,000, with about one-third of that amount used for photo telemetry. Mr. DuMars noted that the process has not been replicated since, and their project received a lump sum grant to complete the work. Members of the committee asked where one might get information on the project. Mr. DuMars stated that there is a *New Mexico Law Review* article that discusses the project. Members of the committee directed staff to find the article and provide copies to the committee.

### **Development of a Land Grant Arbitration Board**

Mr. Sanchez, Mr. DuMars and Annabelle Quintana, general counsel, San Miguel del Bado Land Grant, gave a presentation to the committee regarding how a mandatory alternative dispute resolution process might provide a viable alternative to settle land grant claims. Ms. Quintana stated that the problems for land grants in using regular court channels to resolve disputes include that the land grants have limited resources and there is little guidance as there is only published case law if a case is appealed to the court of appeals. Additionally, results of litigation can vary widely from one judicial district to another. There is also a concern that there are very few attorneys practicing in this area. She noted that the data from the Second Judicial District Court's arbitration/court alternatives program demonstrated the efficacy of arbitration to resolve land grant disputes without burdening dockets.

The general structure of arbitration would be that arbitration would be a mandatory first step before a case is brought to district court and that a panel of arbitrators would be created with representation from each land grant, which would involve setting standards for the arbitrators and training arbitrators on the unique issues facing land grants. Costs for such a program would include a stipend for the arbitrator and administrative costs. Possible sources of funds include payments by the parties to the arbitration, development of a program to pay a stipend for each case or funding through an existing program, such as the Court Alternatives Program. The principal benefit would be the reduced cost to the state and to land grants to settle disputes. Additionally, the time frame for settling disputes would be reduced, and the arbitration process tends to produce less polarization among the parties. There would also be greater consistency in the resolution of cases, and the district court would be able to call on the arbitration panel to serve as special masters if a case were appealed after arbitration to district court. A further benefit would be that the arbitration process could develop a deeper understanding of land grant issues that could then be used to help in developing legislation. Ms. Quintana concluded with an additional ethical dimension to the arbitration process, as the arbitration panel would ensure that land grants are represented by attorneys who do not have a conflict of interest, that the legal advice that parties get would come from qualified persons and that frivolous lawsuits would be screened.

Mr. Sanchez discussed how the Chilili Land Grant had been involved continuously in lawsuits in the 25 years he had been involved with the land grant, and he stated that it is a problem that there is no tribunal established, which would be the best way to resolve such disputes.

Members of the committee noted that the issue presented a problem for legislators as it would be best if a resolution came from the judiciary, and they also noted that it is important to have trained, experienced lawyers working with the land grants.

Mr. DuMars said that as there is no proposed legislation, he could not comment specifically on the proposal, but the idea intrigues him. He noted that similar legislation was passed for Family Court, but the court decided that it could not deny jurisdiction, which is a right. He noted that bringing federal agencies into the process would allow appeals to the federal courts. He also discussed how, as there was some precedent, there may be a process for allowing appeals directly to the Court of Appeals if there is created through statute an administrative body with the capacity to hear cases. He also noted that significant questions would include the venue for such a body and, more importantly, what its scope of authority might be. There is also the question of whether the body should be one that creates a record of its proceedings.

Members of the committee were supportive of the outlines of the proposal, but they suggested that it would be useful to get input from the Courts, Corrections and Justice Committee (CCJ). Members of the committee wondered what the volume of land grant lawsuits is and who the parties are. Ms. Quintana indicated that the suits usually involve a member of the land grant suing the land grant, but neither she nor Mr. Sanchez are sure of the total numbers. Mr. Sanchez indicated that the number of lawsuits vary from land grant to land grant. Members of the committee suggested that the committee could draft legislation and then present it to the CCJ, which has been done in the past. Members of the committee also stated that they look forward to discussing the issue of training of lawyers in New Mexico on land grant issues with the dean of the UNMSOL in the committee's next meeting. Members of the committee also wondered about the budget that might be necessary. Ms. Quintana indicated that there are 20 cases a year and the cost would be about \$20,000 for the arbitrators. Members of the committee suggested that a pilot project might be considered to get the program off the ground. Mr. DuMars agreed to assist if the proposal begins to take formal shape, and he noted that there is a need for consistency in court decisions. He pointed to how water cases are handled as a possible model and discussed how he speaks to classes at the Institute for Public Law on water issues.

### Motion 3

Representative Rodella made a motion, seconded by Representative Hall, that the committee send a letter to the Administrative Office of the Courts asking it to contact the UNMSOL to ensure that training regarding land grants is included in upcoming judicial conferences. The motion passed with all voting members present voting in favor.

Members of the committee wondered how much money arbitration saves the courts. Ms. Quintana noted that there is only a 13-percent appeal rate from the Second Judicial District's arbitration court's program, which means that 87 percent of the cases do not go into the courts.

## **Opportunities, Challenges and Fiscal Implications Associated with Acquisition by Land Grants of State Game Commission-Owned Wildlife Management Areas**

Tod Stevenson, director, Department of Game and Fish (DGF); and Jim Lane, incoming director, DGF, gave a presentation to the committee discussing issues that have developed in the past between the department and land grants. Mr. Stevenson noted at the outset that several of the DGF's properties sit within the boundaries of historic land grants, and he stated that there may be opportunities to allow activities in wildlife areas. He discussed the problems of turning over DGF lands to land grants that had been purchased with federal money, among which is the requirement that 75 percent of today's value would have to be paid to the U.S. Fish and Wildlife Service. He discussed returning areas that are not involved in wildlife management and the possibility of grazing in certain wildlife areas. He has met with land grant members about clearing wood products, either by using land grant members or the DGF's own contractors, but stated that the DGF would need help in administering such a program because the DGF cannot be responsible for determining who is part of a given land grant. He noted that the State Game Commission meeting to be held on November 3, 2011 would be considering the proposed purchase of lands in the Marquez Wildlife Area by the Cebolleta Land Grant.

### Motion 4

Representative Rodella made a motion, seconded by Representative Hall, that the committee approve the minutes of the August meeting of the committee. The motion passed with all voting members present voting in favor.

Representative Garcia noted that the legislation that passed giving land grants the right of first refusal if a state entity puts former land grant lands up for sale, and he invited Sarah Maestas Barnes of the Cebolleta Land Grant to address the committee on how Cebolleta is approaching the potential purchase. Ms. Maestas Barnes noted that the main priority of her land grant is to reacquire its former common lands and that Cebolleta is very interested in the Marquez Wildlife Area purchase, but the land still needs an appraisal. She said that she hopes the committee will support a joint resolution that would require affected land grants to be notified if state land were coming up for sale. Representative Garcia and Mr. Stevenson agreed that at this point it is premature to discuss the matter, but that it would be a suitable item for an update at the committee's November meeting. Mr. Stevenson and Mr. Lane both said that it would be useful for members of the committee to attend the November 3 meeting of the State Game Commission to indicate the committee's support for the sale to Cebolleta.

Members of the committee asked whether it would be possible for temporary grazing on DGF lands. Mr. Stevenson noted that the DGF is open to the possibility, but it would be difficult to turn around a request on a short-term basis. Mr. Lane stated that he would be interested in sitting down with interested parties to discuss what might be done.

Members of the committee had a series of questions about the Bill Humphries Wildlife Area. Mr. Stevenson said that he would forward data on the elk population. He stated that approximately \$100,000 is brought into the department each year from the Humphries, but he does not have the acreage numbers. Returning to the Marquez property, Mr. Stevenson stated that numerous entities have consulted over the years regarding the viability of maintaining the Marquez. He also discussed the department's responsibilities regarding cultural properties in the Rio Chama area and the migration of deer and elk herds in the Rio Chama area.

Members of the committee discussed the status and rights of the Juan Tafoya Land Corporation in connection with the sale of part of the Marquez Wildlife Area with Mr. Stevenson. Mr. Stevenson gave some details concerning the DGF's discussions with the Juan Tafoya Land Corporation, and Ms. Maestas Barnes outlined some of the history between Cebolleta and the Juan Tafoya Land Corporation. Members of the committee also inquired about the status of the New Mexico State University Range Improvement Task Force and recommended that the DGF work with the task force as it looks at grazing issues. Mr. Lane assured the committee that the DGF would do so.

### **Relationship-Building Between State Parks and Land Grants**

Ms. Quintana; John H. Bemis, secretary-designate, Energy, Minerals and Natural Resources Department (EMNRD); Tommy Mutz, director, State Parks Division, EMNRD; Oliver Perea, president, San Miguel del Bado Land Grant; and Dan Herrera, vice president, Manzano Land Grant, gave a presentation to the committee on this topic. Secretary Bemis and Mr. Mutz took a moment to introduce the members of their staff who were in attendance. Secretary Bemis noted that the state parks are economic engines for their communities, but none of them makes money and, thus, they rely on general fund money. He stated that as far as returning any land, all of the land in the parks is governed by various documents and contracts, but the State Parks Division has done well in hiring members of the local land grants.

Mr. Mutz noted that the parks generally have a positive relationship with their communities, including the land grant communities. He said that he has been working with Mr. Perea regarding land in Villanueva State Park, and that three parcels lack certified boundary surveys. He understands that the San Miguel del Bado Land Grant is interested in these parcels, and he wants to initiate a survey so that he can establish the boundaries. He noted that the Manzano Land Grant is closely connected to the state park, which is important to economic development in that area. He said that he is not aware of any specific proposals from the Manzano Land Grant. Mr. Mutz detailed the finances of the state parks system and discussed the problems posed by decreased budgets, not least of which is a substantial number of vacant staff positions.

Mr. Perea noted that Villanueva State Park has been good for the community, but when land was deeded to create the park, there was reversionary clause that stipulated that land not used should revert to the land grant. He said that there are three parcels that are not given to the state — one is seven acres, one is 2.4 acres and one is 1.9 acres. Two of these are in the best-use part of the park, and the 1.9-acre parcel is a couple of miles above the village. He detailed some of the research that has gone into the land grant's land that is in the park and the discussions that have occurred regarding the land.

Mr. Herrera discussed the history of the Manzano Land Grant and how, due to straightened financial circumstances, the park is brought in for economic development. He directed the attention of the committee members to Malcom Ebright's *The Manzano Mountain State Park: History of Title and History of the Manzano Land Grant*, copies of which he provided, and he read aloud from Mr. Ebright's concluding page. Mr. Herrera recommended that either the Manzano Land Grant be given back its lands or that the land grant run the park mutually with the State Parks Division. Mr. Herrera stated that as an intermediate step he would like young people from the land grant to be able to work in the park.

Members of the committee had further questions for the presenters regarding the three parcels of land at issue in Villanueva State Park. Mr. Mutz noted that while the park does not currently have use for the parcel that is furthest from the active area of the park, part of the mission of the park is to provide open space; when funding becomes available, that parcel would provide a tremendous opportunity. Members of the committee also asked about grazing in the park. Secretary Bemis said that it is difficult to allow grazing because there are issues of cultural properties and fencing, and the park is meant for tourists. He added that grazing is not an issue that has come up with local communities. There is further discussion about the use of other resources in the park, such as firewood, piñon or other traditional uses. Mr. Mutz deferred to Christie Tafoya of his office, who noted that there are special scientific permits and that the State Parks Division has been talking with certain Native American tribes and could hold similar conversations with land grants as well. Members of the committee recommended that the State Parks Division conduct those conversations.

#### Motion 5

Representative Rodella made a motion, seconded by Representative Bandy, to have staff prepare legislation to transfer the 1.9-acre parcel of land to the San Miguel del Bado Land Grant. The motion was amended to have staff draft a memorial, along the same lines as for transfer of land to the Abiquiu Land Grant, for the DGF to transfer two parcels of land to San Miguel del Bado: the 1.9-acre parcel and the 2.4-acre parcel. The motion passed with all voting members present voting in favor.

There was further discussion about the Manzano Land Grant and some discussion among members regarding what land grants must do for themselves without waiting for the state to act.

#### **Information Concerning Tour of Cañon de Carnué Land Grant**

Dr. Manuel Garcia y Griego gave the members of the committee details regarding the following day's tour of the land grant.

#### **Public Comment**

Mr. Torres expressed the desire to set up a committee to investigate complaints against a land grant board.

Andres Valdez, of Vecinos United, asked the committee to put on its November agenda a memorial asking the federal government to begin proceedings to investigate lands stolen by the U.S. Bureau of Land Management or the U.S. Forest Service. He suggested that the committee work with Attorney General Gary King and Senator Linda M. Lopez, who have already explored this issue.

The committee recessed at 5:30 p.m.

#### **Tuesday, October 18**

The committee reconvened at 9:00 a.m. Dr. Garcia y Griego introduced Yolanda J. García, president of the land grant, who was not able to welcome the members of the committee the previous day because she had to attend a funeral. Ms. Garcia thanked the members of the committee for visiting the land grant. Dr. Garcia y Griego gave a presentation to the committee

discussing the challenges of economic development in the land grant, using as the basis for his discussion a detailed outline he provided to the members of the committee for their review. He then conducted the members of the committee on a tour of the land grant.

The tour ended and the committee adjourned at 12:00 noon.

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

**November 21, 2011  
Room 322, State Capitol  
Santa Fe**

The fifth meeting of the interim Land Grant Committee was called to order at 9:15 a.m. on November 21, 2011 by Representative Miguel P. Garcia, chair, in Room 322 of the State Capitol in Santa Fe.

**Present**

Rep. Miguel P. Garcia, Chair  
Sen. Richard C. Martinez, Vice Chair  
Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado  
Rep. Paul C. Bandy  
Rep. Eleanor Chavez  
Rep. Jimmie C. Hall  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella  
Sen. Sander Rue  
Sen. Bernadette M. Sanchez

**Absent**

Sen. Rod Adair

**Advisory Members**

Rep. Jim W. Hall

Sen. Carlos R. Cisneros  
Rep. Joni Marie Gutierrez  
Rep. Ben Lujan  
Rep. Patricia A. Lundstrom  
Sen. David Ulibarri  
Rep. Richard D. Vigil

**Approval of Minutes**

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

**Staff**

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)  
Douglas Carver, Staff Attorney, LCS  
Abenicio Baldonado, Intern, LCS

**Guests**

The guest list is in the meeting file.

## **Handouts**

Handouts are in the meeting file.

## **Monday, November 21**

### **Opening Remarks and Introductions**

Representative Garcia opened the meeting by extending a welcome to the committee, staff and members of the public present. He asked all committee members and staff to introduce themselves.

### **Land Grant Law: Training New Mexico's Law Students, Lawyers and Judges**

Kevin Washburn, dean of the University of New Mexico School of Law (UNMSOL), and Pam Lambert, director, Judicial Education Center (JEC) and interim director of the Institute of Public Law, gave a presentation to the committee on education and training on land grant issues in the New Mexico legal community. Dean Washburn noted that this is his first time appearing before the committee, and although he is new to the law school, he has seen some evidence of the efforts made regarding land grants in the past. He discussed recent successes of the law school, including that it was ranked the tenth most popular law school among those who attended after acceptance; was ranked the seventh best value; and was ranked in the top five law schools for Hispanics. He discussed his varied tasks as dean of the law school and the unique role the law school plays in the state. Dean Washburn said that he understands that land grants are an important part of New Mexico's heritage and a part of the state's legal legacy.

Dean Washburn stated that the UNMSOL has had a wealth of talent in the area of land grant law, including Professor G. Emlen Hall, who now is an emeritus professor, and Professor Laura Gomez, who recently was lured away to the University of California, Los Angeles, as it was able to offer her a greater salary than the UNMSOL could afford. Dean Washburn noted that it is hard to keep good faculty when only relatively low salaries could be paid.

Dean Washburn stated that he had met with Dr. Manuel Garcia y Griego of the University of New Mexico (UNM) Land Grant Studies Program to discuss experts who might be able to teach some courses, because with the departures of Professors Hall and Gomez, the UNMSOL is now thin on talent regarding land grants. Dean Washburn added that the UNMSOL has a good relationship with the Atrisco Heritage Academy, and the hope is that students there decide ultimately to attend the UNMSOL.

Ms. Lambert read from a handout discussing the mission, programs, funding and training areas of the JEC. She stated that the JEC is proud of the intense orientation that it gives the state's magistrate and municipal judges, noting that it works closely with the Administrative Office of the Courts (AOC) and the UNMSOL faculty. She added that the JEC is self-supported and funded through the judicial education fee. She discussed how the annual judicial conclave, a two-day program in June, is the most likely venue for land grant instruction, but that there are a number of training topics that compete for attention at the conclave. In addition, judges are sent to programs that the JEC does not put on itself. She encouraged the members of the committee to provide suggestions for training topics so she can propose them to the planning committee that organizes training.

There was a discussion between members of the committee and Dean Washburn concerning the amounts that might be required to set up a land grant program at the UNMSOL along the lines of the Indian Law Program. Dean Washburn noted that he could not speak for the university regarding funding, but the clinical component of the Indian Law Program needs approximately \$300,000 in funding, although the funding is presently at under \$200,000.

Ms. Lambert explained that the judicial education fee is a penalty assessed in the courts by statute, intended for judicial education. These fees bring in \$400,000 per fiscal year in the district court and \$800,000 per fiscal year in the municipal courts. She also noted that there is a separate one-week-long magistrate judge training; at the request of the AOC, funds for training for magistrate courts are used to train staff on the Odyssey case management system. Members of the committee asked whether the conclave could be opened to attorneys, at least for any land grant portion. Ms. Lambert explained that the conclaves are held using funds intended for judicial education and they provide a rare and valuable forum for judges to meet without attorneys. Nevertheless, it would be possible for the New Mexico State Bar to hold a continuing legal education session on land grants, and, in addition, there are regional seminars that include judges, staff and attorneys that might provide a suitable forum.

In response to questions from members of the committee, Dean Washburn noted that approximately 90 percent of UNMSOL graduates stay in New Mexico. He also stated that while he does not know how many total cases statewide involve land grants, he does not think that the number is particularly large, and he thinks that they probably tend to be in particular areas. Ms. Lambert added that she had yet to have a judge request that land grants be covered as a topic in a judicial conclave, but said that she would welcome suggestions for presenters who could discuss land grants in the context of the courts.

### **Motion**

Representative Rodella made a motion, seconded by Representative Jimmie C. Hall, for the committee to send a letter to the JEC planning committee for the conclave, suggesting as topics: 1) the recent court decision in Colorado; and 2) the recent litigation concerning the Tecolote Land Grant. The motion passed with all voting members present voting in favor.

Representative Garcia recommended that the Land Grant Council (LGC) form a subcommittee to work with the UNMSOL regarding legal initiatives. He also suggested that the UNMSOL could draw from the members of the land grant communities to find individuals who might be able to replace some of the expertise lost with the retirement of Professor Hall.

### **Motion**

Senator Sanchez made a motion, seconded by Senator Martinez, to fund \$300,000 for a land grant law studies program at the UNMSOL. The motion passed with all voting members present voting in favor.

## **Status of Negotiations for the Sale of the Marquez Wildlife Area from the State Game Commission to the Cebolleta Land Grant**

Jim Lane, director, Department of Game and Fish (DGF), and Jim McClintic, chair, State Game Commission (SGC), gave a presentation to the committee regarding the transfer of the Marquez Wildlife Area to the Cebolleta Land Grant. Mr. McClintic stated that he had only recently been told of the possibility of a transfer of the Marquez to Cebolleta. When it became known that the Marquez might be sold, the SGC received hundreds of emails opposing the transfer. He did not know that former DGF Director Tod Stephenson had agreed to a transaction to sell the Marquez to Cebolleta. Mr. McClintic stated that he had voted against the transaction. He stated that the SGC is not interested at this point in selling the Marquez, but if it decides to sell it, it would of course give the necessary right of first refusal to the Cebolleta Land Grant. The SGC is concerned about state residents losing hunting opportunities.

Director Lane noted that he has found that the communication between his department and the SGC has been lacking. He added that he understands the SGC's position but that he is open to work with Cebolleta as well. Members of the committee asked questions about the miscommunication among Cebolleta, the DGF and the SGC.

Pat Block, assistant director, DGF, stated that there are significant issues with trespass on the Marquez property, which uses significant staff and financial resources. A trade had been discussed for years — if possible, one that would maintain good hunting but require less management. Mr. Block stated that the DGF was careful not to commit the SGC to anything and he did not feel that anyone had been strung along. The DGF is still contemplating a trade and is open to a transaction of some kind in the future. Mr. McClintic added that the Marquez has been owned for 44 years by the DGF. He further added that the vote against the sale by the SGC had been unanimous, but that the commission is not closing the door on some kind of arrangement in the future.

Mr. McClintic noted that he understood that the prior director had made representations to the committee that the DGF wanted to sell the Marquez but, he added, the SGC owns the property, not the DGF. Mr. Lane agreed with members of the committee that it is incomprehensible that a miscommunication of this magnitude had occurred.

Members of the committee expressed their amazement and disappointment that representations had been made to the committee that the DGF was prepared to sell the Marquez to Cebolleta, returning historical property to the land grant under the new right of first refusal statute, only to learn that the SGC was not at all in agreement with the sale. Members of the committee encouraged the DGF and the SGC to continue to work with Cebolleta to see if some kind of arrangement could be made.

Members of the committee discussed grazing issues with Mr. McClintic and Mr. Lane.

Members of the committee and Mr. Lane discussed the costs associated with maintaining the Marquez and the revenue the Marquez brings into the state through the sale of hunting permits.

## **Federal and State Processes for Getting Tax Credits for Money Contributions and Land Donations to Land Grants**

Arturo Archuleta, advisor to the Land Grant Studies Program at the UNM, gave a presentation concerning whether land parcels donated to land grants could be deducted from one's taxes. He noted that under regulations of the Internal Revenue Service, it is possible for deductions to be made to political subdivisions, if the contribution is made solely for public purposes. He also noted that New Mexico taxes are generally based upon the adjusted gross income from one's federal taxes and, thus, a deduction on federal taxes for a donation of land would also be reflected in one's New Mexico taxes. There was discussion between Mr. Archuleta and the members of the committee regarding how a land grant becomes or is considered a political subdivision, and whether the LGC might be able to play a role in deciding the status of individual land grants.

## **Reconsideration of Senate Bill 176 (2011)**

Mr. Archuleta and Juan Sanchez, chair of the LGC, discussed SB 176 from the 2011 regular session that was pocket-vetoed by the governor. Mr. Sanchez noted that the bill would have expanded the powers of the LGC to help land grants with funding. Mr. Archuleta noted that the goal is to make it possible for the LGC to be able to help land grants that are not political subdivisions. Mr. Archuleta and Mr. Sanchez answered questions from the members of the committee regarding whether it is best to have the council determine whether a land grant is eligible to be a political subdivision, or whether the council should just determine whether a given land grant is merely in compliance with the requirements to become a political subdivision. Mr. Archuleta and Mr. Sanchez both indicated that the council does not want the power to determine which land grants should become political subdivisions.

Upon a motion by Senator Martinez, seconded by Senator Sanchez, the committee voted without objection to endorse a new version of SB 176 (2011), a bill to allow the LGC to use private and federal funds to assist community land grants that are not political subdivisions and clarifying the council's authority to determine the status of community land grants, with changes to be made to Paragraph (8) of Subsection C of Section 3 of the bill draft to reflect that the LGC would only decide whether a land grant is in compliance with the requirements to become a political subdivision (file no. 187923.2).

## **Developing Federal Legislation Giving Land Grants Right of First Refusal on Disposition or Sale of All Federal Lands That Were Once Common Lands and Fall Within the Boundaries of the Original Patent**

Jennifer Catechis, district director, office of Congressman Ben Lujan, read a letter from the congressman that discussed a concept paper on possible federal legislation supporting traditional use of land grants and acequias being incorporated into the resource management plans for the United States Forest Service (USFS) and the Bureau of Land Management (BLM). She informed the committee that she was not there to testify before it, merely to read the congressman's letter. Pablo Sedillo from the office of Senator Jeff Bingaman, Anna Rael Delay from the office of Senator Tom Udall and Antonio Sandoval from the office of Congressman Martin Heinrich informed the committee that they were attending the meeting to listen but were not allowed to testify. Members of the committee stressed to the congressional staff in attendance the importance of the state's congressional delegation working on legislation to help to rectify land use disputes between land grants and federal landholders, particularly the USFS and the

BLM. There was discussion regarding the concept paper. The congressional staff were informed that they have a standing invitation, and are encouraged, to attend every meeting of the Land Grant Committee.

### **Reconsideration of HB 82 (2011)**

Joe Herrera, chair of the Tecolote Land Grant, and Angela Herrera of the Tecolote Land Grant spoke to the committee about the adverse possession lawsuit that the land grant had endured. They noted that the bill to grant the Tecolote Land Grant political subdivision status became caught up in the filibuster at the end of the last regular legislative session and asked the committee to endorse the resubmission of the bill.

Upon a motion by Senator Martinez, seconded by Senator Rue, the committee voted without objection to endorse a new version of HB 82 (2011) to make the Tecolote Land Grant a political subdivision (file no. 187924.2). It was agreed that Representative Garcia would carry the bill.

### **Reconsideration of SB 154 (2011)**

Mary Quintana, deputy secretary of state, and Patricia Herrera, operations director for the Office of the Secretary of State (OSS), spoke to the committee about SB 154 from the 2011 regular session that was pocket-vetoed by the governor and the history of the OSS possession of the New Mexico Community Land Grant Registry. They noted that the secretary of state approves of the transfer of the registry to the LGC. Mr. Sanchez noted the benefits that would ensue from the transfer of the registry to the council. Deputy Secretary Quintana said that her office would help to track the legislation during the session and would communicate with the governor's office about the bill. There was some concern expressed about the possibility of historical documents and maps currently in the possession of the OSS being lost or damaged. Mr. Sanchez indicated that the council would only keep modern records, and anything of historic value would be copied and then transferred to the state archives. Representative Rodella expressed her opposition to the transfer, noting that she feels it would be easier for the public to access the land grant registry's documents if they are kept in the OSS, and that the registry would be easier to maintain if kept in the OSS.

Upon a motion by Senator Martinez, seconded by Senator Rue, the committee voted to endorse a new version of SB 154 (2011), a bill to transfer the New Mexico Community Land Grant Registry from the OSS to the LGC (file no. 187925.2). Representatives Bandy and Rodella opposed the motion. It was agreed that Senator Martinez would carry the bill.

### **Consideration of Legislation for Endorsement**

Upon a motion by Representative Rodella, seconded by Senator Martinez, the committee voted without objection to endorse a joint memorial asking the USFS to conduct a survey of its boundaries with the Merced del Pueblo de Abiquiu and to return real property to the merced according to the findings of the survey (file no. 187711.2). The memorial would only be introduced if the mapping is not being done already. It was agreed that Representative Rodella would carry the bill.

Upon a motion by Representative Rodella, seconded by Senator Martinez, the committee voted without objection to endorse a joint memorial asking the USFS to conduct a survey of its

boundaries with the Nuestra Señora de Rosario (file no. 187983.1) Land Grant and to return real property to the land grant according to the findings of the survey. It was agreed that Senator Cisneros would carry the bill.

Upon a motion by Senator Martinez, seconded by Representative Chavez, the committee voted without objection to endorse a bill granting political subdivision status to the San Antonio del Rio Colorado Land Grant-Merced (file no. 187272.2). It was agreed that Senator Cisneros would carry the bill.

Upon a motion by Representative Garcia, seconded by Senator Martinez, the committee voted without objection to endorse a joint resolution proposing the sale or trade of the Marquez Wildlife Area to the Cebolleta Land Grant (file no. 187868.2). The bill language was approved pending some editorial changes, including the legal description of the real property. It was agreed that Representative Garcia would carry the bill.

The members of the committee discussed, but did not act on, two competing drafts of a bill to provide for a special method of valuation for the lands of those New Mexico land grant-mercedes that are recognized as political subdivisions of the state (file nos. 187723.1 and 187754.2).

### **Approval of Minutes**

Senator Martinez made a motion, seconded by Representative Rodella, to approve the minutes of the fourth meeting of the committee. The motion passed with all voting members present voting in favor.

### **LGC Updates on the Land Grant Studies Program, the American Bar Association, Loss of Funding (State and Federal) and Outreach**

Mr. Sanchez gave a presentation to the members of the committee, providing two reports for their review: 1) "New Mexico Land Grant Council", a summary of the council's activities over the prior year; and 2) "New Mexico Land Grant Council — Budget Request for FY 2013 — \$200,000.00". He discussed some of the highlights of the summary report, including the development of the land grant support fund, progress on the mapping and archival research project, the provision of a number of workshops and training sessions, the distribution of materials pertaining to land grants and the development of a web site development for the council. He also noted that the council is working with the state congressional delegation on three bills: 1) a set-aside program to be placed in the Farm Bill that would start at \$20 million; 2) a traditional use rights bill with the BLM; and 3) the return of common lands and the camposanto in the Rio Chama Land Grant. He also requested that the committee send a letter to the Legislative Finance Committee (LFC) supporting the requested funding.

### **Motion**

Representative Garcia made a motion, seconded by Representative Jimmie C. Hall, for a letter to be drafted from the committee to the LFC endorsing the LGC's budget. The motion passed with all voting members present voting in favor.

### **Senate Joint Memorial 27 (2011)**

Andres Valdez of Vecinos Unidos and Assistant Attorney General Steven Vigil made a brief presentation to the members of the committee on SJM 27 from the 2011 regular session. Mr. Vigil noted that the attorney general is not endorsing any specific legislation, but that he endorses the concept behind the bill.

Upon a motion by Representative Rodella, seconded by Senator Ortiz y Pino, the committee voted without objection to endorse a new version of SJM 27 (2011), a joint memorial asking the federal government to negotiate with New Mexico and representatives of displaced land grant heirs for the return of land grants. It was agreed that Senator Linda M. Lopez would carry the bill (file no. 187984.1).

#### **Public Comment**

There was no one in attendance who wished to make a public comment.

#### **Other Matters**

Representative Alcon mentioned that former Lieutenant Governor Mondragon had CDs available of his music.

Mr. Archuleta noted that copies of maps of land grants that are being developed by the Land Grant Studies Program would be provided to the LCS.

#### **Adjournment**

There being no other business before it, the committee adjourned at 3:05 p.m.

**ENDORSED  
LEGISLATION**

<b>Legislation Endorsed by the 2010 Interim Land Grant Committee</b>	
<b>Title</b>	<b>Brief Description</b>
Senate Bill 176 (Sen. Bernadette M. Sanchez) - Passed both chambers, pocket vetoed by the governor.	Authorizes the Land Grant Council to use private and federal funds to assist community land grants that are not eligible for state funds.
House Bill 82 (Rep. Miguel P. Garcia) - Passed the house unanimously, died on the senate floor after a do pass at Senate Conservation and Judiciary committees.	Amends Chapter 49, Article 1 NMSA 1978 to include the Tecolote Land Grant-Merced as a political subdivision of the state and repeals Tecolote's current governing statutes.
Senate Bill 154 (Sen. Richard C. Martinez) - Passed both chambers, pocket vetoed by the governor.	Transfers the registry from the Office of the Secretary of State to the Land Grant Council and provides for storage of historical records in the state archives.
<b>House Bill 170</b> (Rep. Debbie A. Rodella) - Passed into law (Laws 2011, Chapter 112).	Allows board members of land grants to be elected for staggered terms and allows for those candidates who receive the most votes to be elected to the open seats on the board in each election.
<b>House Bill 81</b> (Rep. Miguel P. Garcia) - Passed into law (Laws 2011, Chapter 96).	Clarifies the status of common lands of land grants-mercedes that are political subdivisions of the state by stating that the common lands are not "state lands".

#### **Other 2011 Legislation Related to Land Grants**

<b>Title</b>	<b>Brief Description</b>
<b>House Bill 278</b> (Rep. Dianne Miller Hamilton) - Passed into law (Laws 2011, Chapter 68).	Makes the Atrisco Land Grant-Merced a political subdivision of the state.
House Bill 653 (Rep. Roberto "Bobby" J. Gonzales) - Passed both chambers, vetoed by the governor.	Creates liability for knowingly filing or recording a fraudulent title to real property.
House Joint Resolution 1 - (Rep. Jim R. Trujillo) - Failed in the house (35-35).	Proposes an amendment to Article 12, Section 7 of the Constitution of New Mexico to provide for an annual distribution from the land grant permanent funds equal to five and eight-tenths percent of the historical average of the value of the fund and that a portion of the amount distributed from the Permanent School Fund will be used to implement and maintain education reforms as provided by law.

<p>Senate Bill 153 (Sen. Richard C. Martinez) - Action postponed indefinitely.</p>	<p>Makes an appropriation to the Land Grant Council to provide for a boundary survey and mapping of the Liñas area within the Cristobal de la Serna Land Grant in Taos County.</p>
<p><b>Senate Joint Memorial 27</b> (Sen. Linda M. Lopez) - Passed unanimously.</p>	<p>Requests the federal government to negotiate with New Mexico and representatives of displaced land grant heirs for the return of land grants.</p>
<p>Senate Joint Resolution 10 (Sen. Cynthia Nava) - Action postponed indefinitely.</p>	<p>Temporarily increases the distribution from the land grant permanent funds to require a portion of the increased distribution from the Permanent School Fund to be used for early childhood education programs operated by the public schools or pursuant to contracts between the state and private entities; and to indefinitely extend another distribution, with the requirement that the portion of the distribution from the Permanent School Fund be used to implement and maintain educational reforms and to suspend the distributions if the average value of the funds is less than \$8 billion or if the legislature, by a vote of three-fifths of the members elected to each house, votes to suspend the distribution.</p>
<p>Senate Joint Resolution 17 (Sen. William F. Burt) - Passed the senate unanimously, action postponed indefinitely.</p>	<p>Proposes to amend Article 12, Section 7 and Article 16, Section 6 of the Constitution of New Mexico to preserve the land grant permanent funds and the Water Trust Fund by increasing the duty of care and changing the limitations on investment.</p>