

MINUTES
of the
FOURTH MEETING
of the
LAND GRANT COMMITTEE

October 29-30, 2009
San Antonio Mission Meeting Hall
Paseo de San Antonio Road
San Antonio de Las Huertas Land Grant
Placitas

The fourth meeting of the Land Grant Committee for the 2009 interim was called to order by Representative Miguel P. Garcia, chair, on Thursday, October 29, at 10:20 a.m. at the San Antonio Mission Meeting Hall in Placitas, New Mexico.

Present

Rep. Miguel P. Garcia, Chair
Sen. Richard C. Martinez, Vice Chair
Sen. Rod Adair (10/29)
Rep. Paul C. Bandy
Rep. Andrew J. Barreras (10/29)
Rep. Eleanor Chavez
Rep. Thomas A. Garcia (10/29)
Rep. Jimmie C. Hall
Rep. Debbie A. Rodella (10/29)
Sen. Sander Rue
Sen. Bernadette M. Sanchez

Absent

Sen. Gerald Ortiz y Pino

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Carlos R. Cisneros

Sen. Dianna J. Duran
Rep. Brian F. Egolf, Jr.
Rep. Ben Lujan
Rep. Richard D. Vigil

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

Staff

Damian Lara
Tamar Stieber

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Thursday, October 29

Welcoming Remarks, Invocation and Introductions

Tony Lucero, president, San Antonio de las Huertas Land Grant Board of Trustees, welcomed the committee to the land grant and offered a brief invocation. Representative Miguel P. Garcia asked committee, staff and audience members to introduce themselves.

San Antonio de las Huertas Update

Mr. Lucero noted that this was the second time his land grant has hosted the Land Grant Committee. He said the 150 years since the signing of the Treaty of Guadalupe Hidalgo represents a long battle that land grants have had with the United States government. He attempted to explain his point with a recording of *Se ve triste el hombre* by New Mexico singer/composer Cipriano Vigil, but the CD player did not work. At the behest of the chair, Mr. Lucero explained that the song tells the story of a man who is sad because he is heir to a land grant that lost all its land and, along with the land, many of its land-based traditions such as wood cutting and cattle grazing in the forest. He said the song illustrates what land grant heirs have been up against for a very long time. He said he knows that the heirs will never get back the land and the traditions they lost, but they are working on getting justice on a small scale. He thanked the committee for the work it has done on behalf of land grants.

Mr. Lucero read a letter he wrote in May to the federal Bureau of Land Management (BLM) on behalf of the land grant. In it, he explains that the BLM has disposed of about 6,000 acres in the Placitas area, much of that in recent years. As a result, Placitas has seen an increase in development along with an influx of new residents who outnumber the long-time residents. This, he wrote, has placed the "original people...on the threshold of extinction". In addition, he said, prices and property taxes have increased greatly and young people find it difficult to remain in the area.

The letter quotes then-Attorney General Tom Udall, testifying before a subcommittee of the Senate Energy and Natural Resources Committee in 1998, as saying that "there clearly have been wrongs inflicted on New Mexico's land grantees and their successors that need to be readdressed". It also quotes former Senator Pete Domenici, who, in introducing the Guadalupe-Hidalgo Treaty Land Claims Equity Act of 1998, said the bill can address "what has too long been a tale of land loss and denial without creating new problems or injustices".

The letter describes an "erroneous taking by the USA Government" of the 12,801.46-acre Tejon tract that, according to a scholar quoted in the letter, the United States took from the land grant and gave away illegally. It asks the BLM to return to the land grant a 500-plus-acre tract north of the Village of Placitas and to preserve another 200 acres as open space for wildlife and hiking. In exchange, the land grant will relinquish its claim on the 1,500-acre Crest of Montezuma, which the Wilderness Alliance and other wildlife organizations want the BLM to transfer to the U.S. Forest Service to protect it from commercial development and off-road vehicles while preserving it for hiking, bicycling and horseback riding. Mr. Lucero said that the groups feel the U.S. Forest Service can protect the crest better than the BLM, but that he and other heirs are not so sure about that. He said the smaller tract is more beneficial to the land

grant than the Crest of Montezuma, so the land grant is willing to use the Crest of Montezuma as a bargaining chip.

The committee was unanimous and forceful in responding that the land grant should not cede any of its land to the federal government or to environmental groups — that it should demand the smaller tract as well as the Crest of Montezuma.

"I don't think this group (the Wilderness Alliance) should have any input", Senator Sanchez said. "I think it's an opportunity for you all to get your land back... Now that the BLM is letting it go, it's yours."

Stating that the land was stolen by Catron, Senator Sanchez said this is also an opportunity for Congress to honor the Treaty of Guadalupe Hidalgo by facilitating the return of the land to the San Antonio de las Huertas Land Grant. She said that the land grant should write to the New Mexico congressional delegation asking the members to support the return of both parcels, and the committee would support the land grant in its efforts.

Mr. Lucero responded that the land grant heirs have discussed this and decided that they would probably have more success negotiating a swap rather than trying to get both parcels back. "It's not that we're afraid", he said. "It's just that we're trying to be realistic."

Senator Sanchez said that the land grant should not settle; it should demand both parcels. Mr. Lucero said that would be wonderful.

Representative Hall made a motion to draft a memorial for the upcoming session and to write letters to the congressional delegation supporting the return of both parcels of land to the San Antonio de las Huertas Land Grant. Senator Sanchez suggested that the letters encourage face-to-face meetings with, in particular, Congressmen Ben R. Lujan and Martin T. Heinrich. She also suggested that the Land Grant *Consejo* get involved in the negotiations.

Juan Sanchez, president of the *consejo*, said it is already actively pursuing the issue with the congressional delegation, and the *consejo* hopes to meet with the congressional delegation in Washington, D.C.

Representative Miguel P. Garcia suggested splitting Representative Hall's motion into two separate motions — one motion to write letters to the congressional delegation and another motion to draft a memorial. Both passed without objection.

Traditional Cultural Property (TCP) Designation of Common Lands

Attorney Sarah Maestas Barnes, vice president of the Land Grant *Consejo* and a member of the Cebolleta Land Grant, and Dick Minzner, lobbyist, Neutron Energy, told the committee that the Cebolleta Land Grant is in a dire position. They explained that the Cultural Properties Review Committee (CPRC), which answers to the Historic Preservation Division of the Cultural Affairs Department, has designated land within the land grant as a TCP of importance to Native Americans. That means that the land grant must seek approval for any private or commercial activities on those lands, which could mean delays that can last months or even years or can mean denial of approval. Ms. Barnes said that Cebolleta is not opposed to the TCP designation

in concept, but it is opposed to private land being included in that designation.

Mr. Minzner told the committee that Neutron Energy was hoping to lease land on the Cebolleta Land Grant for uranium mining, but even with the land grant's agreement, it cannot do so without first going through the long CPRC approval process. He explained that the Cultural Properties Act limits its powers to state land, but that it defines state land as land owned or managed by a political subdivision of the state. That would include land grants, which only recently gained political subdivision status. He said it is ironic that land grants won a hard-fought battle for political subdivision status only to lose rights on their land. He added that it seems clear that it was not the committee's intent to impose this on land grants.

Mr. Minzner distributed a handout to the committee with two suggestions for amending the Cultural Properties Act, the Cultural Properties Protection Act, the Prehistoric and Historic Sites Preservation Act and the statutes governing land grants (Section 49, Article 1 NMSA 1978) to protect land grants from being restricted by a TCP designation.

Mr. Minzner said that, in his opinion, this is the most important issue to come before the Land Grant Committee during the interim. He said the TCP designation of Cebolleta Land Grant property is "driven pretty substantially by environmental groups interested in ceasing the use of Mt. Taylor for mineral exploration". He noted that the environmental groups have statutory support, which is why amending legislation is appropriate.

Questions and comments from the committee included the following:

- *Does the CPRC have public reviews, meetings or hearings?* After the CPRC voted in June to make permanent its temporary TCP designation on the Cebolleta Land Grant, there was no final review or proposed final review. The CPRC chair signed off on the designation, and the committee had a public comment period. Ms. Barnes and her father testified, but felt they were ignored. They only had two minutes each in which to comment.
- *How were you notified that the CPRC was holding a hearing and had the intention of declaring this land public?* When the process began in 2008, people were not notified. The attorney general determined that the committee violated the Open Meetings Act. The committee started the process again, approved the temporary TCP listing based on nomination by several Indian tribes, took "years" to make it permanent and waited only a month or two prior to its vote before opening it up to public comment.
- *Who nominated the land for TCP registration?* The five nominating tribes were the Pueblos of Acoma, Laguna and Zuni, the Navajo Nation and Hopi.
- *Have you discussed this with the governor?* Not yet. The presenters want to wait to see if this committee would be supportive of the proposed legislation.
- *How many acres of private land were included in the CPRC decision?* It included 19,000 acres in Cebolleta and a number of private landowners who were promised that their land would not be included.
- *Have you filed a freedom of information request?* The presenters have filed a request for inspection of public records and obtained documentation but cannot locate documentation specifically related to land grants, which leads Cebolleta to believe the issues were not properly addressed.

- *Do traditional cultural properties extend to private land? Yes.*
- *How can the CPRC do that without violating the takings clause? It is not supposed to be appropriating private lands. However, due to negligence or an oversight, many private landowners have had their private lands incorporated into this designation — unlawfully, according to Ms. Barnes.*

Commenting that the makeup of the CPRC does not reflect that of the state and that the members have a lot of control, Senator Sanchez made a motion to draft two bills, each with one of Mr. Minzner's alternative amendments, for the upcoming legislative session, which is supposed to deal primarily with budgetary matters. She said the issue cannot wait another year for a 60-day session, when germaneness does not apply. She advised Ms. Barnes and Mr. Minzner to ask the governor to put it on his call for the 2010 session. Following a second by Representative Rodella, the motion passed unanimously.

Representative Miguel P. Garcia asked why Mr. Minzner did not include an alternative for "knocking out political subdivisions from the cultural properties end". Mr. Minzner said that is much more extensive than the two alternatives he proffered and that he would rather knock out land grants from the Cultural Properties Act than knock out political subdivisions completely.

Representative Rodella moved that the committee also draft a memorial in the event the governor does not put the issue on his call. A memorial, she said, would help the communities involved in the lawsuit "venture forward" in their litigation. Representative Hall seconded the motion and the committee passed it unanimously.

Representative Bandy suggested that the committee write a letter to the CPRC to say that it is overstepping its authority by including land grants and private property in the TCP and write to the attorney general (AG) to ask for an opinion on the matter. Representative Rodella asked that the CPRC be invited to the next Land Grant Committee meeting along with the secretary of cultural affairs and the AG. Senator Cisneros said the committee cannot request an AG opinion, but an individual legislator can. Representative Hall said he would make the request.

Dr. Manuel Garcia y Griego, director, Southwest Hispanic Research Institute, University of New Mexico (UNM), pointed out that the Cultural Properties Act was conceived as a way to protect populations and traditions considered to have prior rights, i.e., rights that predate the United States, which means Native Americans and land grant heirs. He said the committee's attempts to protect land grants through political subdivision status is the modern way of trying to protect those prior rights. "My humble opinion is that you approach it from that perspective", he said.

Land Grant Studies Program Update

Dr. Garcia y Griego thanked the committee for its "prescience" in helping to get the Land Grant Studies program established. He said it took two attempts to get the program started and it finally began in July 2008. He described it as an interdisciplinary program that supports student internships and participation, community outreach and faculty involvement in land grants. In addition to having an academic component, the program is also a means for UNM to reach out to historic communities that he said have been neglected way too long. Through the program, students help land grants document their history, including loss of their land, and help them

determine how much land grant land is currently owned by federal agencies.

These are questions that need to be answered succinctly and systematically and sometimes require legal knowledge, Dr. Garcia y Griego said, adding that the institute often solicits help from law students. Since the departure of Em Hall as a full-time faculty member, the law school does not have a lawyer dedicated principally to land grant issues, he said, and a land grant curriculum and courses would help address that. Students need to demand these things, he said. If they do, the school could probably get a grant for the courses and the professors. He noted that land grant legal issues are very complicated and encompass international law, self-executing treaties and common law, including property and water issues.

Senator Sanchez encouraged the committee to set up a meeting with UNM's new dean of law and ask about setting up a land grant program at the law school.

Dr. Garcia y Griego said that the ongoing land grant studies program activities include:

- placing student interns, many of whom are land grant heirs, with community land grants and preparing them to be leaders;
- monthly seminars at UNM with roundtable discussions;
- setting up web sites, including photography, for community land grants, which pay only domain and service fees;
- responding to the U.S. General Accounting Office "Report to Congressional Requesters on the Treaty of Guadalupe Hidalgo"; and
- offering pre-doctoral fellowships in which Ph.D. or master's degree candidates can do cutting-edge, path-breaking work on behalf of land grants.

Dr. Garcia y Griego said one pre-doctoral fellow is doing "amazing" documentation on land grant rituals and is donating her archive of materials to the land grant program. He said it will be available online. He said the web sites are important because they help advocate for the return of land grant land and help get the message out to heirs and other stakeholders. He stressed, however, that the institute does not dictate the content of the web sites; its students simply help set them up, including editing them, and the land grants review all content before it goes online.

Questions and comments from the committee included the following:

- *Is it hard to get applicants?* Dr. Garcia y Griego said he is having a harder time recruiting students than he expected. As a result, the program has expanded to include all UNM campuses.
- *What is the status of the land grant law clinic?* The clinic requires professors and/or staff members who are knowledgeable about land grant issues. With a few exceptions — e.g. a Tecolote Land Grant case that went all the way to the U.S. Supreme Court — there is not a big market for experts in land grant issues.
- *Describe a typical student that might be attracted to the Land Grant Studies program.* The students are incredibly varied with majors that include history, planning, sociology, Chicano studies and undeclared.
- *Is the program mostly field work?* It is all field work. The only classroom time is a monthly meeting to share experiences.

- *How many students have gone through the program?* About 15 students went through the program last year.
- *Why are so many land grants named for San Antonio? What is the relevance of San Antonio to the settlement of communities?* Many of the saint names are associated with places and churches in New Mexico. It has to do with a particular time period when Spanish settlers arrived. One of the most common names among them was Antonio San Antonio.
- *Have you had any encouragement from the Hispano Chamber of Commerce?* It needs to be reminded of earlier conversations the institute has had with it about land grants.
- *Have you had any contact with New Mexico State University?* Just emails and some conversations.

Congressional Response to Land Grant *Consejo* Proposal on Federal Lands

Representative Miguel P. Garcia asked Mr. Sanchez of the Land Grant *Consejo* to summarize its proposal on land use rights for former common lands now controlled by state and federal agencies. The *consejo* proposes the following:

Federal and State Land Disposal

- Community land grants shall have a priority right to federal and state lands that used to be common lands and that are to be sold, traded or otherwise transferred.
- Federal and state agencies shall return former common lands to the boards of trustees of land grants when those lands will have an immediate positive impact on the land grants.

Federal and State Land Management Practices on Former Common Land

- Community land grants shall have priority rights to leases.
- Leases to non-eligible descendants shall include compensation to their respective land grants.
- Priority rights to new leases shall be effective immediately.
- A land grant's board of trustees shall be included in the management of former common lands, including forest and watershed restoration.
- Land grant heirs shall maintain traditional use rights on former common lands.

Affirmation of Priority Rights

The proposal affirms land grant priority rights for land, water, minerals and other natural resources.

Antonio Sandoval, representing Congressman Heinrich, read a prepared statement from the congressman that included the following points:

- Congressman Heinrich acknowledges the dedicated work of the New Mexico Land Grant Council/*Consejo* and honors the deep-rooted history of many land grant descendants to land in New Mexico. That connection is an innate part of the state's heritage and must always be respected.
- Regardless of how the land stewardship has shifted over time, the current agencies and mechanisms are in place to ensure the highest and best use of public lands across

the country.

- Agencies like the BLM and the U.S. Forest Service sometimes fail to recognize the historical and cultural significance of lands that were at one time part of traditional land grant communities.
- It is possible to respect land grants' historical ties to the land and to improve the interaction between the land management agencies.
- He supports the right of first refusal of transfer of land ownership if those lands are identified as surplus by the agency process and Indian tribes' consultation rights are maintained.
- Land grants should have the first opportunity to acquire grazing leases on public lands that are not renewed by their current holders.
- Land grants should have every opportunity to provide comment and consultation on former community lands. Congressman Heinrich is encouraged about the existing forest and watershed restoration programs already under way.
- The congressman looks forward to advancing the extension of these principles and programs in the future, and he offers his office's full assistance in doing so.

Representative Hall objected to Congressman Heinrich's using the term "traditional uses" and suggested that he address specifics, i.e., livestock grazing, firewood gathering, hunting, etc. Senator Cisneros added acequias to the list. Representative Miguel P. Garcia said the congressional delegation needs to make an effort to address land claims that are "real clear cut in terms of the violations", especially violations by the BLM and the U.S. Forest Service.

Jennifer Manzanares, speaking for Congressman Lujan, told the committee that the congressman entered into the congressional record the AG's response to the GAO report on the Treaty of Guadalupe Hidalgo so that it can be referenced officially. The congressman intends to use the response as an official reference while he works to move land grant legislation forward. She told the committee that the congressman's office would like to work with the members to revise the language to legislation that was introduced earlier this year addressing their concerns.

Representative Miguel P. Garcia requested that Congressmen Lujan and Heinrich make a point of having representatives at all land grant meetings, such as Senator Tom Udall has been doing.

Chain of Title Research of State Lands

Sandra Jaramillo, director, State Records Center and Archives, updated the committee on a project that started in 2004 with Senate Joint Memorial 10, which directed the archives to conduct a survey of state-owned properties that were once part of the common lands of land grants. The archives contracted with former State Historian Robert Torres to do the survey, she said, and he identified some of those properties as belonging to the Department of Game and Fish, the Energy, Minerals and Natural Resources Department and the General Services Department. Mr. Torres concluded that the study requires researching chains of title and abstracts to determine how the properties changed hands and how they wound up with the state.

Ms. Jaramillo said that in fiscal year 2008, the archives received additional funding to do abstracts of seven properties: 1) Coyote Creek State Park; 2) El Vado Lake State Park; 3) the

Humphries Wildlife Management Area; 4) Villanueva State Park; 5) Storrie Lake State Park; 6) New Mexico State Hospital; and 7) Manzano Mountain State Park. The abstracts by themselves did not provide much information, Ms. Jaramillo said, so the archives contracted last year with Professor Malcolm Ebright, president of the Center for Land Grant Studies, to research the background and history of each of the seven properties.

Mr. Ebright said that while some of the abstracts were thick with detail, they did not provide much valuable information. He supplemented the information by working with abstract companies, he said. Most of the work he has done on land grant histories starts with either the acceptance or rejection of a land grant claim in the old court of land claims and determining whether they are clear-cut claims. In El Vado, for example, the state park owned fewer than 100 acres of former land grant land, which he said is not much land to justify the park's giving it back. New Mexico State Hospital is in the same category, he said, explaining that none of it was part of the common lands of the Las Vegas Land Grant.

Mr. Ebright said that he finds it fascinating that the board of trustees of the San Miguel del Vado Land Grant gave away land for the Villanueva State Park with a provision that if the land were used for anything other than a state park, it would revert back to the land grant.

Questions and comments from the committee included the following:

- *Where did you find records to verify the abstract on Coyote Creek?* Mr. Ebright, who is an attorney, filed quite a few title suits in the area of the Mora and Guadalupita land grants and has survey plats, maps, land grant records, etc. He said he could make copies available to the committee.
- *Regarding El Vado, even the return of one or two acres is important, as per the Abiquiú Land Grant, to which the state Department of Game and Fish returned 33 acres.* El Vado is confusing because the abstracts and El Vado is like "no man's land". The railroad did not own it; Catron did not own it; and it is unclear when it became a state park and which part, if any, might have been common land.
- *Did the state parks grant land grants any of the traditional uses of the land, including cattle grazing, harvesting wood, etc., or was it just a straight transfer of land?* It was a straight transfer of land. There was no reservation of rights. But in the Humphries, heirs asserted their rights by putting sheep on the land in direct contravention of the law.
- *Will the reports be available to the public?* The archives wanted to make the reports available to the committee first, and it will publish them on its digital web site. The reports will be available to libraries and other institutions, probably on CD.
- *Is there anything out of the ordinary that land grants can use to pursue legitimate claims on former common lands?* Mr. Ebright thought the Manzano State Park is the best candidate for reversion back to a land grant.

Representation of Land Grants Not Governed As Political Subdivisions

Wilfred Romero, president, and John Chavez, secretary, Nuestra Senora del Rosario, San Fernando y Santiago Land Grant Board of Trustees, described a problem their land grant is having with surveyors, who they said are randomly doing second surveys at the direction of landowners and extending private landowners' boundaries onto land grant property. They

directed the committee's attention to a map that showed a land grant survey followed by a new survey done at the behest of a family that wanted to subdivide its property in order to put in a mobile home. The boundaries on the new survey encroach on land grant property. They said surveyors are performing surveys without deeds and the county is registering them without color of title. Among the problems is that a landowner can register a new survey with different borders, say nothing about it for 10 years and then sue for adverse possession. They requested that the committee endorse new legislation requiring that:

- surveyors notify a land grant board of trustees prior to entering the land grant to do a survey;
- surveyors provide to the board of trustees a deed showing why they are doing a survey; and
- counties, prior to accepting a new survey, must inform land grant boards of trustees that a new survey is being registered.

Representative Miguel P. Garcia called this an important issue and invited discussion by the committee. Senator Martinez noted that last year, the legislature passed a similar bill for Indian land, which he said zipped through the committees.

Other questions and comments included the following:

- *Is it the same surveyor doing all the surveys?* No, there are about three different surveyors involved in this type of practice.
- *Are the landowners land grantees?* Some are, some are not.
- *Is there a surveyor's board?* Yes, its members often appear before the House Business and Industry Committee.
- *You can dispute a survey and win, but it can cost thousands of dollars.*
- *The ambiguity lies in the adverse possession statute. It is in a landowner's best interest not to let anyone know about a new survey, because if anyone challenges it within 10 years, the action is reversed. While it is not illegal, it is devious, at best.*
- *Can legislation be drafted to protect private landowners as well as land grants?* That would require repealing the statutes for abandoned property and adverse possession, which would garner a lot of opposition. If it is limited to land grants, it would not be as difficult to gain support.

The committee agreed to invite the chair of the state board of licensure for professional engineers and professional surveyors to its next, and last, meeting of the interim. Upon a motion by Representative Hall and seconded by Representative Rodella, the committee voted to draft legislation requiring that surveyors who survey property within or adjacent to the boundaries of a land grant must provide notice to the land grant's board of trustees. Representatives Bandy and Thomas Garcia voted no.

In answer to Senator Cisneros' question about the popularity of the name "San Antonio", Mr. Chavez said it stems from the time the Spanish settlers put likenesses of San Antonio above the Aztec feathered serpent god, Cuauhtemoc, to indicate that San Antonio was more powerful.

Atrisco Issues

Jerome Padilla and Joe Garcia, president and vice president, respectively, of the Town of Atrisco Board of Trustees, appeared before the committee to request its support in reconstituting the Atrisco Land Grant. They passed out a packet containing letters and legal opinions about reconstituting the land grant, including a letter of support from the Atrisco Heritage Foundation, which has not always been in favor of reconstitution. Carolyn Ortega, Atrisco Heritage Foundation program director, was seated at the witness table to voice her organization's support.

A September 26, 2008 AG opinion said the land grant cannot reconstitute, because it converted into a domestic corporation, Westland Development Corporation, which then sold the land grant to SunCal Corporation. However, attorney Richard Rosenstock joins Mr. Padilla and other land grant board members in contending that the land grant incorporated against the wishes of many of the original heirs. These are stakeholders who had no say in the outcome of the sale of assets, especially after the 1967 incorporation, which Mr. Padilla described as a hostile takeover.

Mr. Padilla said Westland Development Corporation did not recognize land grant issues; it only concerned itself with corporate issues. He said it is important to have a democratic process to elect trustees and allow the heirs to benefit as a political subdivision.

Ms. Ortega said it is "imperative" for the Atrisco Heritage Foundation not only to communicate with former shareholders but also with the heirs, whose effort to reconstitute has the full support of the foundation.

Representative Miguel P. Garcia, who is an heir to the original Atrisco Land Grant, asked Mr. Padilla if what the board is wanting to do is to recreate itself as a political subdivision of the state. He said that would be the "cleanest" way to do it in statute rather than drafting a "masterpiece document of 100 pages".

Senator Sanchez, whose district includes Atrisco, asked for a history of how the board developed and who was at that meeting. She asked to what kind of agreement the various factions have come and said she wants to be sure all parties are communicating before the board comes to the Senate Conservation Committee, on which she sits, during the legislative session. She also stressed that Atrisco's situation is very different from that of Tomé because the law allowing land grants to incorporate did not exist when Tomé became a corporation. She said she is in favor of the reconstitution, but she wants to be sure that all parties are in agreement.

Senator Cisneros asked if the board has spoken to Governor Richardson about putting the issue on the governor's call. Mr. Padilla said he was waiting to get an endorsement from the committee.

Representative Eleanor Chavez moved that the committee consider the Atrisco reconstitution effort as a piece of legislation during the upcoming legislative session. Senator Sanchez said the committee's consideration should be contingent upon an memorandum of understanding or, at the very least, a letter of intent among the parties. The motion was seconded, and the committee voted in favor.

Public Comment

Arturo Archuleta of the North Central New Mexico Economic Development District said that the Cebolleta Land Grant wants to invest money in accordance with state law, but that the law is vague as to whether and how land grants can do this. He asked that, in anticipation of the 60-day session in 2011, the committee look at the specific language in Chapter 49 NMSA 1978 regarding how land grants can invest money. He said Cebolleta has a scholarship fund from Neutron Energy, but giving that money directly to heirs might violate the state's anti-donation laws.

Andres Valdez of the *Alianza Federal de Mercedes* reminded the committee that it voted unanimously in an earlier meeting to write a letter to President Barack Obama urging him to meet with the *alianza* to discuss land grant issues.

Carmen Quintana, founder of *La Herencia* in Santa Fe and president of the Lovato Land Grant in Santa Fe, thanked the committee for working with her to recognize land grants within Santa Fe.

Recess

The committee recessed at 5:06 p.m.

Friday, October 30

Tour

The committee toured the San Antonio de las Huertas Land Grant. It adjourned at about 12:30 p.m.