



NEW MEXICO LEGISLATURE

LAND GRANT COMMITTEE

2017 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE
411 STATE CAPITOL
SANTA FE, NEW MEXICO 87501
(505) 986-4600
WWW.NMLEGIS.GOV

TABLE OF CONTENTS

INTERIM SUMMARY

WORK PLAN AND MEETING SCHEDULE

AGENDAS AND MINUTES

ENDORSED LEGISLATION

INTERIM SUMMARY

Land Grant Committee 2017 Interim Summary

The interim legislative Land Grant Committee held five meetings during the 2017 interim. Aside from the first and last meetings at the State Capitol in Santa Fe, the committee was hosted by the San Miguel del Bado (San Miguel) and the Town of Tomé (Tomé) land grants-mercedes and by the Arroyo Hondo Arriba partitioned land grant-merced.

Presentations before the committee generally fell into three categories: (1) internal land use and traditional-use access to state and federal lands; (2) economic development; and (3) governance issues facing land grants-mercedes and acequias.

Internal Land Use and Traditional-Use Access to State and Federal Lands

The committee heard from a number of land grants regarding how the loss of their historical common lands has inhibited the well-being of their communities. San Miguel, a land grant that includes several small villages along the Pecos River, reported that most of its historical acreage of 315,000 acres was transferred to the United States Forest Service (USFS) by the United States Supreme Court in 1890. The grant currently retains about 5,000 acres and is focused on providing senior services and refurbishing a community center for workforce training. Tomé reported that a failed real estate venture in the 1950s by the Horizon Development Corporation resulted in the sale of 47,000 acres of undeveloped land south of Los Lunas to international investors in quarter-acre lots. Most of these lots have proven to be too small to be of economic value. Many have been abandoned and are delinquent in property taxes. Board members from Tomé indicated that the disposition of the lands has depressed economic growth in the area; however, they reported that the land grant has had success with preservation of historic sites and the promotion of traditional culture. The committee discussed the potential for legislation to waive delinquent property taxes to encourage the aggregation of land into productive units.

The committee also heard several presentations from the federal Bureau of Land Management (BLM), the USFS and the Department of Game and Fish (DGF) regarding traditional uses on lands under their jurisdiction. The BLM reviewed its efforts to work with land grants on the transfer of historical cemeteries. The USFS and representatives of Santo Tomás Apóstol del Rio de Trampas Land Grant-Merced and La Merced de Santa Barbara reported that, subsequent to the committee's 2015 meeting in Penasco, they have been building a working relationship with regard to forest thinning, review of lands for wilderness characteristics and other issues. The USFS also reported on its efforts to confer generally with land grants and the Land Grant Council. In response to a specific request from the committee, the USFS also reported on the potential development of a water and wastewater treatment facility on forest land to serve the El Rito community within the original Juan Jose Lobato Grant. The USFS identified the current lack of a legally established entity to manage such a facility as the key challenge to meeting the request.

The potential closure of the DGF's Laguna del Campo fishing pond at Tierra Amarilla was an ongoing issue for the committee this year. Laguna del Campo, a brood pond associated

with Los Ojos Fish Hatchery, was constructed in 1934 on land that was part of the original commons for Tierra Amarilla. The DGF had decided that the facility was too costly to maintain and had contemplated closing it down. After consideration of support for the facility from the land grant and various committee members, the DGF decided to transfer Laguna del Campo to Tierra Amarilla. The committee voted unanimously to support the transfer in the event that approval through a legislative resolution would be needed. However, the DGF reported that the required administrative process, including a survey and an evaluation of the land, might not be completed prior to the 2018 legislative session.

The DGF also presented an update on the policy announced last year to open its lands to a wide range of traditional uses. The DGF has been conducting resource surveys of its lands and has found a wide array of cultural and historic sites. Therefore, new land management plans that open the lands to more uses will need to include preservation measures for those sites. The DGF also reported on the challenges to dispose unused land parcels at its Marquez game management unit. Land ownership at the Marquez is mixed between state and non-state lands in a "checkerboard" pattern. This has resulted in parcels that are difficult to manage for public use. However, the land was originally purchased with federal funds, and any disposal of the lands would trigger a requirement to repay the federal government at current land values.

Economic Development

Economic development continued to be a focus of attention in 2017. Representatives from Studio G at New Mexico State University's Arrowhead Center gave a presentation covering various entrepreneurial development programs. Studio G works with would-be entrepreneurs who have a product or a product concept but who need training or assistance in building a business model. It uses a three-pronged approach to producing successful entrepreneurs: (1) teaching the "how to" of establishing a business; (2) providing ongoing mentors to new entrepreneurs; and (3) reaching out to potential investors to provide start-up capital for new businesses. Studio G works with six universities to create workshops and symposia for adults across the state. It also has helped foster entrepreneurial programs in various public schools around the state. The faculty of Studio G offered to partner with the Land Grant Council or with members of the Land Grant Committee if there is interest in creating a land grant-specific business workshop in 2018.

The committee also heard status reports regarding business development at the Anton Chico Development Center (ACDC) and the Cañon de Carnué Land Grant-Merced (commonly referred to as Carnuel). The ACDC operates out of a former junior high school on the Anton Chico Land Grant-Merced and has been working to establish the facility as a multi-business center. ACDC staff reported that, in the last six months, the Apple a Day Home Visiting program and a sheriff's substation in Guadalupe County have been added to its list of tenants. Short-term goals for the ACDC include recruiting two separate call centers and establishing a community kitchen and movie theater in the facility. The projection is that these endeavors will create more than 50 jobs in the community. Staff has also started looking at using the projected

new job base to recruit additional commercial services, such as a gas station and an expanded grocery, to Anton Chico.

Board members from Carnuel reported that the land grant is using its location, which is immediately east of Albuquerque, as part of its business development planning. The land grant has opened a brewery and is working to redevelop an abandoned gravel operation site for use as an outdoor amphitheater and an adjacent landscaping business. The board members said that business inspections for many rural land grants are handled by the Construction Industries Division (CID) of the Regulation and Licensing Department and asked the committee to consider expanding the CID's jurisdiction to all land grants.

Governance Issues Facing Land Grants-Mercedes and Acequias

In addition to hearing status reports from the host land grants, the committee spent time exploring three issues of general concern to land grants: (1) water rights and adequate notice of water transfers and development; (2) issues with the current structure of the statutes governing elections for land grant boards; and (3) the potential to provide recurring funding for land grants. David Benavides, counsel for New Mexico Legal Aid, told the committee that land grant-based water systems often have a lengthy record of sustainability. However, surface and underground uses in any area are typically interconnected and are therefore vulnerable to hydrologic changes. Members of the Abiquiu and Town of Tajique land grants-mercedes provided examples of challenges that land grants are facing, and the committee discussed possible ways to increase the transparency of state administration of water rights.

Joe Chavez, board president of San Miguel, and Land Grant Council staffer Arturo Archuleta reported on structural deficiencies in the statutes governing elections for land grants. They said that these deficiencies directly resulted in years of litigation and a lack of certified governing boards at San Miguel and Anton Chico. Mr. Archuleta also outlined the benefits for strengthening land grant governing bodies and for economic development that would derive from recurring funding for land grants. The committee examined both issues, and committee members decided that they would need further development in 2018.

Endorsed Legislation

The committee endorsed one piece legislation for the 2018 session — a joint memorial requesting the Guadalupe Hidalgo Treaty Division of the Office of the Attorney General to lead a study group to develop recommendations regarding how to conform the plat map for the Cristobal de la Serna Land Grant-Merced into a format that will make the land more useful for the owners and provide for reasonable valuation of the land.

WORK PLAN AND MEETING SCHEDULE

**2017 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
LAND GRANT COMMITTEE**

Members

Rep. Miguel P. Garcia, Chair	Sen. Richard C. Martinez
Sen. Elizabeth "Liz" Stefanics, Vice Chair	Sen. Bill B. O'Neill
Sen. Gregory A. Baca	Sen. Cliff R. Pirtle
Rep. David M. Gallegos	Rep. Debbie A. Rodella
Rep. Jimmie C. Hall	Sen. Sander Rue
Sen. Linda M. Lopez	Rep. Tomás E. Salazar
Rep. Sarah Maestas Barnes	Rep. Christine Trujillo

Advisory Members

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

Work Plan

The Land Grant Committee was created by the New Mexico Legislative Council on June 5, 2017. The committee proposes to focus on the following topics.

A. Strengthening Governance Capacity

1. Examination of land grant board elections and authorities, such as:
 - (a) how to structure interim authorities if elections are challenged;
 - (b) the potential for election assistance from the Land Grant Council or Office of the Attorney General; and
 - (c) the potential for staggering the terms of office for board members.
2. Examination of the authorities of the Office of the Attorney General's Guadalupe Hidalgo Treaty Division.
3. Review of plat map issues regarding the division of common land at Cristobal de la Serna Land Grant-Merced and other land grants.

4. Continue oversight of efforts to build strong internal financial structures within small governmental bodies, including land grants-mercedes and acequia associations.
5. Analysis of land-use planning, contracting and other governance capacities needed by land grants-mercedes and acequia associations.
6. Training opportunities and needs for land grant-merced board members.
7. The potential for a water resources ombudsman for land grants-mercedes.
8. The potential eligibility for state and federal hardship auctions and other assistance.

B. State and Federal Land Access: Traditional and Cultural Uses

1. Continue a dialogue with the Department of Game and Fish regarding traditional uses within wildlife management areas, stocking lakes and the department's "cultural use" proposal.
2. Receive an update on the revision process for the forest management plans for the Cibola, Santa Fe and Carson national forests. In particular, engage the United States Forest Service regarding the inclusion of forest-dependent communities, such as land grants-mercedes, in the development of the revised forest plans.
3. Receive updates from the United States Bureau of Land Management regarding cultural and traditional uses on public lands.
4. Receive updates from various state and federal land management agencies on potential land transfers to land grants and on resolution of boundary disputes.

C. Economic Development

Examine the threshold requirements to access various governmental and nonprofit funding programs and for private venture business opportunities. The goal would be to identify key capacity obstacles within land grants-mercedes that can be addressed. Specific programs and business opportunities to be reviewed include:

1. various programs offered by the Economic Development Department, including the potential to develop Local Economic Development Act projects;
2. United States Department of Agriculture Rural Development grant programs;

3. private nonprofit grant programs and the potential for nonprofit/public partnerships to build capacity;
4. development of location and vendor relationships with the film industry, including the possibility for regional liaison offices to work with land grants, tribes and counties;
5. opportunities for local entrepreneur training and development at land grants;
6. review of gross receipts tax issues and the best legal frameworks for land grant- or acequia-fostered businesses; and
7. continued examination of the business potential of a transfer of the United States Forest Service visitor center and museum in Abiquiu.

D. Reports from Individual Land Grants-Mercedes and Associated Entities

1. Hear reports from various land grants-mercedes.
2. Review the Land Grant Council's programs and updates from the Land Grant Consejo and the University of New Mexico Land Grant Studies Program.
3. Hear reports from the Acequia Commission and the New Mexico Acequia Association.

**Land Grant Committee
2017 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 26	Santa Fe
July 12-13	Arroyo Hondo Arriba
August 29-30	San Miguel del Bado
October 30-31	Tomé
November 20	Santa Fe

AGENDAS AND MINUTES

Revised: June 22, 2017

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

**June 26, 2017
State Capitol, Room 307
Santa Fe**

Monday, June 26

- 1:00 p.m. **Call to Order/Introductions**
—Representative Miguel P. Garcia, Chair
- 1:20 p.m. (1) **Laguna del Campo/Senior Lake: Proposed Closure by the Department of Game and Fish**
—Steve Polaco, President, Tierra Amarilla Land Grant-Merced
—Melvin Apodaca, Treasurer, Tierra Amarilla Land Grant-Merced
- 1:40 p.m. (2) **2017 Interim Work Plan and Meeting Schedule Discussion**
—Mark Edwards, Legislative Council Service
- 3:00 p.m. **Adjourn**

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

**June 26, 2017
State Capitol, Room 307
Santa Fe**

The first meeting of the Land Grant Committee (LGC) for the 2017 interim was called to order by Representative Miguel P. Garcia, chair, on June 26, 2017 at 1:15 p.m. in Room 307 of the State Capitol in Santa Fe.

Present

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

Absent

Rep. David M. Gallegos
Sen. Sander Rue
Rep. Tomás E. Salazar
Rep. Christine Trujillo

Advisory Members

Rep. Alonzo Baldonado
Rep. Harry Garcia
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom
Rep. Matthew McQueen
Rep. Jim R. Trujillo
Sen. James P. White

Rep. Eliseo Lee Alcon
Sen. Carlos R. Cisneros
Sen. Stuart Ingle
Rep. D. Wonda Johnson
Sen. Gay G. Kernan

Staff

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

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Monday, June 26

Introductions and Announcements

Representative Miguel P. Garcia welcomed committee and audience members and asked members and guests to introduce themselves. He then provided background information on the LGC, the history of land grants in New Mexico and his personal connection to New Mexico land grants.

Laguna del Campo/Senior Lake: Proposed Closure by the Department of Game and Fish

Steve Polaco, president, Tierra Amarilla Land Grant-Merced (Tierra Amarilla), presented information regarding the proposed closure of Laguna del Campo, a family fishing area open to young children and seniors in the Los Ojos/Parkview area. He and other community members objected to the lack of notice and the lack of information provided to the community regarding the proposed closure. Mr. Polaco recalled that at a meeting of the LGC during the 2016 interim, Alexa Sandoval, director, Department of Game and Fish (DGF), had stated that the DGF would improve its efforts to provide information to the community regarding scheduled meetings and any DGF plans that might affect community water use and wildlife issues.

Other community members, including Melvin Apodaca, treasurer, Tierra Amarilla, reported that they felt the DGF had treated the community with contempt in its failure to follow through on promises to publicize meetings and hearings and its failure to respond to specific community requests. Mr. Apodaca asked which state agency or entity — the DGF, the Office of the State Engineer (OSE), the Interstate Stream Commission or the State Game Commission (SGC) — should be contacted for information regarding the proposed closure. Committee members discussed a reported plan to divert water from Laguna del Campo to the acequias, and questioned why the water would be distributed to the acequias if, as reported, it belongs to Tierra Amarilla. LGC members also expressed concern and frustration regarding the continuing failure of the DGF to communicate effectively and appropriately with land grant communities, and committee members asked that the DGF be requested to attend a future meeting of the LGC to answer questions and provide information regarding the proposed closure of Laguna del Campo.

2017 Interim Work Plan and Meeting Schedule Discussion

Mr. Edwards presented information on the status of the legislation endorsed by the committee during the 2016 interim, and he provided an outline of the 2017 interim work plan and meeting schedule that focuses on three areas of continuing interest to the committee:

- strengthening the governance capacity of land grant communities;
- accessing state and federal lands for traditional and cultural uses; and
- developing economic opportunities for land grant communities.

In addition, Mr. Edwards noted that the LGC traditionally hears status reports from the land grant communities visited by the LGC during the interim. Members asked that specific items be added to the work plan, including:

- inviting representatives of the DGF, the OSE and the SGC to attend a meeting to discuss community notification protocol and the proposed closure of Laguna del Campo;
- asking representatives of the State Parks Division of the Energy, Minerals and Natural Resources Department and the DGF to provide updates regarding the status of land parcels at Marquez and Villanueva;
- requesting an update from the Anton Chico Land Grant-Merced regarding its water rights issues and economic development plans;
- requesting a presentation from the New Mexico Finance Authority (NMFA) on how the NMFA can be of assistance to land grant communities with respect to project financing;
- continuing discussions with the Department of Finance and Administration to enable land grant communities and acequias to access legislative appropriations made to land grants and acequias; and
- investigating the possibility of modifying Local Economic Development Act (LEDA) regulations to include building renovations as an eligible use of LEDA funds.

Mr. Edwards also presented the following proposed 2017 meeting dates and locations:

- June 26 — State Capitol, Santa Fe;
- July 12-13 — Arroyo Hondo Arriba Land Grant-Merced;
- August 29-30 — San Miguel del Bado Land Grant-Merced;
- October 30-31 — Town of Tomé Land Grant-Merced; and
- November 20 — State Capitol, Santa Fe.

On a motion duly made and seconded, the committee voted without objection to adopt the work plan and meeting schedule with the suggested changes.

Public Comment

Community members addressed the committee regarding the need for additional access to public lands for traditional and cultural uses and for job development in northern New Mexico. The chair asked that more in-depth presentations be given by the land grants represented at the meeting when the committee meets at the respective land grant locations. Ericka Luna, New Mexico state liaison for Region 3 of the United States Forest Service, introduced herself to the new committee members, and the chair invited Ms. Luna to attend all of the upcoming LGC meetings.

Adjournment

There being no further business before the committee, the committee adjourned at 2:58 p.m.

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

**July 12-13, 2017
Juan I. Gonzales Agricultural Center
202 Chamisa Rd.
Taos**

Wednesday, July 12

- 10:00 a.m. **Call to Order and Introductions**
—Representative Miguel P. Garcia, Chair
- 10:15 a.m. (1) [Arroyo Hondo Arriba Land Grant-Merced: History and Status Update](#)
—Dr. David Argüello, President, Arroyo Hondo Arriba Land Grant-Merced
- 11:15 a.m. (2) [Juan Jose Lobato Grant: Disposition and Management of Lands](#)
—Juan Garcia, Heir, Juan Jose Lobato Grant
—Donald Martinez, Heir, Juan Jose Lobato Grant
—Felipe Martinez, Heir, Juan Jose Lobato Grant
—Jake Arnold, Heir, Juan Jose Lobato Grant
- 12:00 noon **Lunch**
- 1:00 p.m. (3) [La Merced de Santa Barbara: Update](#)
—Bonifacio Vasquez, President, La Merced de Santa Barbara
—Lorrie Garcia, Board Member, La Merced de Santa Barbara
- 1:30 p.m. (4) [Water Issues Facing Land Grants-Mercedes: Options for a Water Ombudsman](#)
—Max Archuleta, Range Manager, Abiquiu Land Grant-Merced
—Gerald Chavez, Heir, Tajique Land Grant-Merced
—Paula Garcia, Executive Director, New Mexico Acequia Association
—David Benavides, Counsel, New Mexico Legal Aid
- 3:00 p.m. (5) [Carson National Forest Update](#)
—Ericka Luna, New Mexico State Liaison, United States Forest Service,
Southwestern Region
- 4:00 p.m. **Public Comment**

4:30 p.m. **Adjourn**

Thursday, July 13

9:00 a.m. **Tour of Arroyo Hondo Arriba Land Grant-Merced**

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

**July 12-13, 2017
Juan I. Gonzales Agricultural Center
202 Chamisa Rd.
Taos**

The second meeting of the Land Grant Committee (LGC) for the 2017 interim was called to order by Representative Miguel P. Garcia, chair, on July 12, 2017 at 10:11 a.m. at the Juan I. Gonzales Agricultural Center in Taos.

Present

Rep. Miguel P. Garcia, Chair
Sen. Elizabeth "Liz" Stefanics, Vice Chair
Sen. Gregory A. Baca
Rep. David M. Gallegos (7/12)
Rep. Jimmie C. Hall
Sen. Linda M. Lopez
Rep. Sarah Maestas Barnes (7/12)
Sen. Richard C. Martinez
Sen. Bill B. O'Neill (7/12)
Sen. Cliff R. Pirtle
Rep. Debbie A. Rodella (7/12)
Rep. Tomás E. Salazar
Rep. Christine Trujillo

Absent

Sen. Sander Rue

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado (7/12)
Sen. Carlos R. Cisneros (7/12)
Rep. Harry Garcia (7/12)
Rep. Matthew McQueen (7/12)
Rep. Jim R. Trujillo (7/12)
Sen. James P. White

Sen. Stuart Ingle
Rep. D. Wonda Johnson
Sen. Gay G. Kernan
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom

Guest Legislators

Rep. Roberto "Bobby" J. Gonzales (7/12)
Rep. Tim D. Lewis

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

Staff

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

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Wednesday, July 12**Introductions and Announcements**

Representative Miguel P. Garcia welcomed committee and audience members and asked members and guests to introduce themselves. He acknowledged the work of the Land Grant Council (council) in providing technical assistance and support for land grants and described the many accomplishments of the LGC over the relatively short term of the LGC's existence. On a motion duly made and seconded, the minutes of the first meeting of the LGC for the 2017 interim were approved without objection.

Arroyo Hondo Arriba Land Grant-Merced: History and Status Update

Dr. David Argüello, president, Arroyo Hondo Arriba Land Grant-Merced (Arroyo Hondo Arriba), presented an affidavit of one and the same name for Arroyo Hondo Arriba and described the history and process by which Arroyo Hondo Arriba separated from the Arroyo Hondo Land Grant-Merced. He described a final decree from the Eighth Judicial District Court establishing the Arroyo Hondo Arriba boundaries. He also referred to approximately 1,100 pages of documentation representing real estate abstracts and lawsuits associated with Arroyo Hondo Arriba's efforts to clarify land titles.

Dr. Argüello provided a rich overview of the area's history and elucidated the connection of various community groups and governmental entities to the Juan I. Gonzales building. Arroyo Hondo Arriba has fought over the years to maintain water rights and clean water in the community of Valdez and was successful in regaining title to the land grant's morada, which had at one point fallen into private ownership. The morada is now being renovated and cleansed for religious use. Arroyo Hondo Arriba has been awarded five elk permits, which will be sold to commercial outfitters to provide some income for the land grant. Dr. Argüello reported that, as a partitioned land grant, Arroyo Hondo Arriba is disappointed by the governor's pocket veto of House Bill (HB) 35 sponsored by Representatives Salazar and Miguel P. Garcia during the 2017 regular legislative session. That bill would have given partitioned land grants status as political subdivisions. That status would have enabled Arroyo Hondo Arriba to pursue funding for needed facility improvements and land purchases.

Committee members discussed the pocket veto of HB 35 and agreed to request information from the governor regarding the veto. Representative Miguel P. Garcia moved to send a letter to the governor expressing the committee's continuing and full support for this important legislation, asking for an explanation of the governor's concerns with the bill and the reasons for the veto and asking that a message for consideration of the bill be included on the call for the upcoming short session in 2018. Representative Hall seconded the motion, and the motion was approved without objection. The chair suggested that supplemental letters from land grants be included with the committee's letter, and another member suggested that the letter include contact information for Arturo Archuleta, program manager, council.

Juan Jose Lobato Grant: Disposition and Management of Lands

Juan Garcia, Donald Martinez and Felipe Martinez, heirs, Juan Jose Lobato Grant, presented an historical overview of the grant and the heirs' claims, activities and proposed plan of action. The council is working with the Juan Jose Lobato Grant on organizational and governance issues in an effort to gain official recognition for the land grant-merced as a political subdivision. The heirs described some of the Juan Jose Lobato Grant's goals for economic and community development, cultural protection, historical preservation and partnering with Northern New Mexico College (NNMC) on a solar array project.

Research analyst Jake Arnold addressed the committee regarding the Juan Jose Lobato Grant's concerns with respect to water rights and protective covenants reportedly included in the land transfer to the United States Forest Service (USFS). Committee members encouraged the heirs to continue working with the council on governance issues and with NNMC on the solar array partnership. Members discussed other economic development ideas for the area, including bringing back sawmill operations and firefighting crews that used to operate in the area. One member requested that consideration be given to holding a future meeting in the El Rito area to get additional information on the Juan Jose Lobato Grant and that the heirs provide a map of the grant for the committee's final 2017 meeting in Santa Fe. The chair asked that the USFS provide any documentation that might be available regarding protective covenants for the Juan Jose Lobato Grant.

La Merced de Santa Barbara: Update

Bonifacio Vasquez, president, La Merced de Santa Barbara (Santa Barbara), provided an update to committee members regarding the issues that were raised with the USFS at the LGC meeting in Peñasco during the last interim. Mr. Vasquez reported that quarterly meetings are now held with the USFS to exchange information and to get updates from the USFS on the forest plan and wilderness designation surveys for the Carson, Santa Fe and Cibola national forests. He observed that the USFS has been responsive to the issues raised by Santa Barbara and has provided new maps for the wilderness areas that no longer encroach on Santa Barbara and the Santo Tomás Apóstol del Rio de Las Trampas Land Grant-Merced (Las Trampas). A draft of the forest plan will be available at an open house meeting to be held on July 19, which will provide an opportunity for additional comment. Mr. Vasquez also reported progress in working with the USFS on a Collaborative Forest Restoration Program (CFRP) proposal. Although no final word

has been received on the 2016 application, Santa Barbara and the USFS are continuing to cooperate on a plan to submit a 2017 CFRP application. A joint reconnaissance of Bear Mountain has been scheduled for later in the week to consider forest thinning and other management proposals in that area. Santa Barbara was successful in bringing the Pueblo of Picuris into the CFRP process per Representative Christine Trujillo's suggestion last year. Mr. Vasquez mentioned that Santa Barbara would be looking into possible encroachment on the lands at El Llano de San Juan de Nepomuceno, where it appears that fences may have been moved or removed. The county assessor will help identify boundaries and communal versus patented lands.

Lorrie Garcia, board member, Santa Barbara, reported that the quarterly meetings with the USFS have provided opportunities to build positive relationships and bring people together for the forest restoration effort. She asserted that securing a CFRP grant will be another step forward in building a partnership with the USFS. Alex Lopez, president, Las Trampas, agreed that the quarterly meetings with the USFS have been productive, reporting that some large roadside trees had been removed by the USFS in response to safety concerns and that green-wood-cutting permits had been addressed in a timely fashion this year. Further, he reported that the USFS brought in a federal mediator to address concerns regarding a community cemetery within the forest boundary. Committee members discussed the USFS process to update the forest plans that will be continuing for the next two years. Members also discussed impediments to receiving the CFRP grants.

Water Issues Facing Land Grants-Mercedes: Options for a Water Ombudsman

Max Archuleta, range manager, Abiquiu Land Grant-Merced, and Gerald Chavez, heir, Town of Tajique Land Grant-Merced, reported on the continuing problems the land grants are experiencing in accessing and protecting water resources. Mr. Chavez noted that the East Mountain land grant communities all maintain their own private or mutual domestic water systems. These communities not only share the water from the Estancia Basin, but they physically sit at the top of the region where the natural water recharge occurs from snow and rain. Mr. Chavez reported that the recent formation of the Estancia, Moriarty, Willard and Torrance County Water Association (EMWT) without input from the land grant communities is a cause of great concern.

Paula Garcia, executive director, New Mexico Acequia Association (NMAA), presented information regarding the lessons learned by the NMAA over the past 25 years with respect to water rights and land grants. Ms. Garcia observed that the acequias and land grants have a common and interwoven history but are governed by different statutes in New Mexico. Acequias generally work with surface water rights and management, while land grants work with managing common lands and waters. Ms. Garcia reported that the NMAA has worked closely with land grant communities and with New Mexico Legal Aid (NMLA) over the years to address water rights issues. She further noted that it is a continuing challenge for rural communities to secure a seat at the table for discussions regarding land and water management.

David Benavides, counsel, NMLA, provided information to the committee regarding the Treaty of Guadalupe Hidalgo, New Mexico statutes and case law bearing on the issues of land and water rights management in New Mexico. He discussed a number of specific issues currently facing land grants-mercedes, including declarations of ownership of water rights and adjudication of land grant-merced water rights. With respect to declarations of ownership, which are important in New Mexico law as a tool to establish the seniority of water rights, he observed that the state engineer is now rejecting declarations. A related issue for adjudication purposes is the proper priority date that the state engineer or the courts will recognize. Mr. Benavides also discussed prospective water systems and the issue of possible acquisition of water rights, as well as the disruption of local hydrology. He noted that land-grant-based water systems often have a lengthy record of sustainability. However, surface and underground uses in any area are typically interconnected and therefore vulnerable. Any new water service must be extremely careful not to impair the hydrologic system or the current uses that the community values. Assumptions in one section of a county, for example, about the desirability of acquisition of agricultural water rights or installation of large-volume wells may not be shared in a part of the county that has a strong agricultural tradition, has early priority water rights, is in the upper part of the watershed with good quality and quantity of water and already has community-based water management systems, such as acequias or land grants, in place.

Committee members discussed the recent start-up of the regional water system in the East Mountains. A member noted that there is currently a legal mandate for consultation with tribes and pueblos in such instances and asked the panelists if there might be value in establishing such a mandate for consultation with land grant communities. The panelists agreed that this could be a valuable tool for land grant communities in the effort to have their voices heard with respect to water issues. The members also discussed amending the appropriate statutes to require the state engineer to accept declarations of ownership of water rights and considered the value of having an advocate or water ombudsman, noting that the purpose of an ombudsman is generally investigation into the issues at hand.

Carson National Forest Update

Ericka Luna, New Mexico state liaison, USFS, Southwestern Region, provided a brief update for the Southwestern Region. She reported that the USFS finds the quarterly meetings with land grant communities fruitful and observed that the meetings provide an opportunity for land grant communities to share information and ideas with each other as well. Ms. Luna stated that the USFS continues to work with Santa Barbara on water issues and to complete the requirements of the National Environmental Policy Act for the CFRP. The CFRP is not the only remedy for forest restoration in New Mexico, according to Ms. Luna, but is unique to New Mexico and has brought \$63 million in federal dollars into the state over the last 16 years. Many of these dollars have been granted to small businesses, fostering 583 unique partnerships. She noted that any wilderness designation recommendations developed as part of the forest planning process are just that — recommendations that ultimately must be acted upon by Congress to take effect. Ms. Luna reported that the USFS continues to work closely with the council on issues of importance to land grant communities.

Kevin Naranjo, forest planner, Carson National Forest, described the forest planning process as a years-long process. He reported that the Carson National Forest hosted meetings this year with representatives from four counties, the New Mexico Association of Counties, the council, the Department of Game and Fish, the New Mexico Stockman's Association, the Department of Environment, the Forestry Division of the Energy, Minerals and Natural Resources Department, other stakeholders and the general public to solicit input on the forest plan. Mr. Naranjo stated that the comment process on the forest plan is never done and that it is important to the USFS to recognize and value traditional and cultural uses and to provide effective communication, engagement and action.

Erica Enjady, forestry program manager, Carson National Forest, provided additional information regarding the CFRP, stating that a total of \$360,000 may be awarded for a given project during a period of no more than four years, with the intent to build community relationships, improve watershed health and reduce the risk of wildfire, among other purposes. A 20 percent local match is required for the CFRP projects, often provided as in-kind donations or work by grantees. She stated that the CFRP can work well for projects aimed at traditional uses and that the USFS sees opportunities to develop those types of projects in the future.

Public Comment

Mr. Archuleta reported that the Department of Finance and Administration (DFA) has rejected reimbursement requests for software included in the computer purchases made for land grants-mercedes. The council is working to clear the DFA's requirements because the computer systems are not really functional without the software.

Adjournment

There being no further business before the committee, the committee adjourned at 5:38 p.m.

Thursday, July 13

Tour of Arroyo Hondo Arriba

Members met in the old schoolhouse, which now serves as a meeting site for community groups, in the community of Valdez and toured the morada that is under renovation. A full-circle view of the boundaries of the land grant, including the "miraculous" acequia that seemingly flows uphill to Arroyo Seco, was observed from Arroyo Hondo Arriba's community cemetery.

Revised: August 25, 2017

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

**August 29-30, 2017
San Miguel del Bado Senior Center
279 State Route 3
Ribera**

Tuesday, August 29

- 10:00 a.m. **Call to Order/Introductions**
—Representative Miguel P. Garcia, Chair
- 10:15 a.m. (1) **[San Miguel del Bado Land Grant-Merced Status Update](#)**
—Joe Chavez, President, San Miguel del Bado Land Grant-Merced
- 11:15 a.m. (2) **[Opportunities Presented by the Federal Recreation and Public Purposes Act](#)**
—Sarah Schlanger, Manager, Taos Field Office, United States Bureau of Land Management
- 12:00 noon **Lunch**
- 1:00 p.m. (3) **[United States Forest Service Follow-Up to Questions Raised at July Committee Meeting](#)**
— Ericka Luna, New Mexico State Liaison, Southwestern Region, United States Forest Service
—Jim Upchurch, Deputy Regional Forester, Region 3, United States Forest Service
- 1:30 p.m. (4) **[Department of Game and Fish Update](#)**
—Alexa Sandoval, Director, Department of Game and Fish
- 3:00 p.m. (5) **[Laguna del Campo \(Senior Lake\) — Status Update](#)**
—Steve Polaco, President, Tierra Amarilla Land Grant-Merced
- 3:10 p.m. (6) **[Requested Governance Changes for Land Grants-Mercedes with a Focus on the Election Code](#)**
—Arturo Archuleta, Program Manager, Land Grant Council

4:00 p.m. **Public Comment**

4:30 p.m. **Recess**

Wednesday, August 30

9:00 a.m. **Tour: San Miguel del Bado Land Grant-Merced**

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

**August 29-30, 2017
San Miguel del Bado Senior Center
Ribera**

The third meeting of the Land Grant Committee (LGC) for the 2017 interim was called to order by Representative Miguel P. Garcia, chair, on August 29, 2017 at 10:24 a.m. at the San Miguel del Bado Senior Center in Ribera.

Present

Rep. Miguel P. Garcia, Chair
Sen. Elizabeth "Liz" Stefanics, Vice Chair
Sen. Gregory A. Baca (8/29)
Rep. Jimmie C. Hall (8/29)
Rep. Sarah Maestas Barnes (8/29)
Sen. Richard C. Martinez
Sen. Sander Rue (8/29)
Rep. Tomás E. Salazar (8/29)
Rep. Christine Trujillo (8/29)

Absent

Rep. David M. Gallegos
Sen. Linda M. Lopez
Sen. Bill B. O'Neill
Sen. Cliff R. Pirtle
Rep. Debbie A. Rodella

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado (8/29)
Sen. Carlos R. Cisneros (8/29)
Rep. Harry Garcia (8/29)
Rep. Matthew McQueen (8/29)
Sen. James P. White

Sen. Stuart Ingle
Rep. D. Wonda Johnson
Sen. Gay G. Kernan
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom
Rep. Jim R. Trujillo

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

Staff

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

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Tuesday, August 29

Introductions and Announcements

Representative Miguel P. Garcia welcomed committee and audience members and asked members and guests to introduce themselves. He observed that the San Miguel del Bado Land Grant-Merced (San Miguel del Bado) is the wellspring for several other land grants in the state. He said that San Miguel del Bado had fostered four other land grants-mercedes established in the early 1800s in the nearby communities of Los Trigos, Anton Chico, Tecolote and Las Vegas.

Minutes

On a motion duly made and seconded, the minutes of the second meeting of the LGC for the 2017 interim were approved without objection.

San Miguel del Bado Status Update

Joe Chavez, president, San Miguel del Bado, oriented members to the meeting site. The San Miguel del Bado Senior Center is owned by San Miguel del Bado and has recently been renovated and restored in anticipation of restoring services for seniors and the community through the center. Mr. Chavez provided an overview of the history of San Miguel del Bado and presented the committee with a copy of the original request to the Spanish crown for a land grant made by Lorenzo Marquez and other petitioners.

San Miguel del Bado was established in 1794 and originally encompassed 315,300 acres. Mr. Chavez stated that as a result of the *Sandoval Seven* lawsuit (initiated by Julián Sandoval of San Miguel del Bado) and the U.S. Supreme Court decision in that case, San Miguel del Bado and six other New Mexico land grants-mercedes lost access to millions of acres of land, leaving San Miguel del Bado now with roughly 5,000 acres. While the lawsuit is infamous within land grant communities, Mr. Chavez observed that few outsiders understand the breadth and impact of the U.S. Supreme Court decision in that case. Mr. Chavez provided maps of the original and current boundaries of San Miguel del Bado as well as a map showing the many small communities that now exist in the Pecos River Valley (El Valle) from Ribera south to Villanueva.

Compliance with the Open Meetings Act, the Procurement Code, the Audit Act and election laws established for land grant boards continues to challenge land grant communities, according to Mr. Chavez. He described San Miguel del Bado as the "poster child" for what can go wrong with land grant elections because of some ambiguity in the current law. San Miguel del Bado sought relief through the district court to settle a dispute regarding the election process in 2012. The resulting litigation and court orders continued for five years, during which time the business of the land grant came to a halt. In addition to the considerable expense of attorney fees and election supervision, San Miguel del Bado had to discontinue the services that were provided to seniors through the senior center until the land grant was able to successfully reorganize the board of directors. The center is currently uninsured and requires additional maintenance that San Miguel del Bado cannot fund at present. Mr. Chavez counted among the losses to the land

grant during the lengthy litigation process opportunities to apply for and secure capital project funding.

San Miguel del Bado has three cemeteries on, or partly on, U.S. Bureau of Land Management (BLM) land that are managed by the Archdiocese of Santa Fe. Mr. Chavez reported that the archdiocese has tentatively agreed to have San Miguel del Bado take the lead in applying to the BLM to transfer the cemetery lands back to the land grant. Committee members discussed the opportunities available to land grant boards for training and guidance from the Land Grant Council and issues surrounding the use of quit claim deeds and quiet title action to establish ownership of lands.

Mr. Chavez stated that he would like to give the committee a "sense of place" regarding El Valle. He provided an overview of the geographic features of the area and talked about the insular nature of rural communities and the pride these communities take in their self-sufficiency. However, he related that one of the biggest challenges currently in El Valle is a substance abuse problem. He said the problem frequently leaves grandparents caring for grandchildren and may result in incarceration for the young people involved, and it contributes to an exodus of young people from the area. In Mr. Chavez's view, incarceration does not address the basis of the problem of addiction and only serves to intensify its effect on the community. Committee members agreed that the issue is a community-wide problem and suggested that the sense of place that Mr. Chavez provided regarding community ties to the church, acequias and agricultural traditions is key to addressing the problem. Members discussed ways to provide opportunities for young people to engage in local agricultural and cultural traditions.

Opportunities Presented by the Federal Recreation and Public Purposes Act (RPPA)

Sarah Schlanger, manager, Taos Field Office, BLM, provided an overview of the RPPA. The RPPA authorizes the sale or lease of public lands for recreational or public purposes to state and local governments and to qualified nonprofit organizations. Typical uses under the RPPA include historic monument sites, campgrounds, schools, firehouses, law enforcement and municipal facilities, hospitals, parks and fairgrounds. Certain restrictions apply with respect to the amount of land that may be purchased, and the RPPA only applies to certain categories of BLM lands.

Ms. Schlanger noted that for the purposes of the cemetery lands in question, the BLM would transfer, rather than lease, the lands to San Miguel del Bado. She stated that the BLM feels that cemetery lands are generally better managed by counties or land grants. A nominal cost of \$10.00 per acre, a valuation not tied to the actual appraised value of the land, is required for the transfer. Ms. Schlanger further noted that the costs for conveyance are mostly due to public accountability requirements. A survey and an appraisal are required so that the BLM can document the value of the conveyance. This process also requires that an environmental site assessment and a minerals report be completed. Some of the appraisal and survey costs fall to the applicant.

In response to members' questions, Ms. Schlanger reported that the process for conveyance of the cemeteries in question could require a year to complete. She stated that the BLM is always willing to consult with land grant communities, but to receive lands, a land grant must hold political subdivision status. With respect to a question regarding mission churches under the auspices of the archdiocese that are falling into disrepair on BLM or land grant lands, she asserted that the BLM would be available to discuss options regarding those properties. Further, she stated that the BLM has an obligation and a responsibility to reach out in a direct way to stakeholders when considering conveyance or a change in public use for certain lands. Requirements for identification as a cemetery are not written in stone, she reported, and the BLM is still identifying cemetery sites on BLM lands, some of which are in extensive disrepair. Representative Miguel P. Garcia thanked Ms. Schlanger for her informative presentation and invited her and Lisa Morrison, land grant liaison, BLM, to attend future LGC meetings on a regular basis.

United States Forest Service (USFS) Follow-Up to Questions Raised at the July Committee Meeting

Ericka Luna, New Mexico state liaison, Southwestern Region, USFS, and Jim Upchurch, deputy regional forester, Region 3, USFS, reported on issues raised by representatives of the Juan Jose Lobato Grant at the committee's July 12, 2017 meeting regarding forest management in the El Rito area. Mr. Upchurch reported that the issues identified in that area relate more to water and wastewater facilities needs than to forest planning. The district ranger in that area is the only official contact for residents because the area lacks any incorporated local entity. Mr. Upchurch reported that the USFS is willing to look at opportunities to place facilities on USFS land if appropriate. A major impediment to any such effort is the lack of an existing organization that could manage the facilities. Permitting, fees and the difficult federal requirements for any transfer of forest lands all raise questions of feasibility. Ms. Luna reported that she will be organizing a meeting of concerned parties in that area to discuss options for moving forward.

In response to committee members' questions, Mr. Upchurch stated that the USFS is looking for an entity that is sustainable over time, as demonstrated by taxing capacity, state support or other funding assurance, to proceed with any development. Ms. Luna observed that, in essence, El Rito and the Juan Jose Lobato Grant are one and the same and that the capacity of the mutual domestic water association in that area is limited by an aging local population and the inherent limitations of any organization run by volunteers. The Juan Jose Lobato Grant itself does not have the requisite political subdivision status.

In an ensuing general discussion, committee members and USFS staff discussed forest management in wilderness areas, fuelwood parcels, grazing allotments, aspects of the federal Small Tract Act of 1938 and incorporating traditional use guidelines in the forest plan. James Melonas, forest supervisor, Santa Fe National Forest, USFS, also briefly addressed the committee regarding the forest planning process and noted that the forest plan is posted on the Santa Fe National Forest website for review and comment.

Department of Game and Fish (DGF) Update

Alexa Sandoval, director, DGF, provided background information on Laguna del Campo, formerly Burns Lake, established in 1934 as a brood pond associated with Los Ojos Fish Hatchery. Ms. Sandoval reported that the State Game Commission (SGC) owns 11 dams across the state and that, in accordance with a requirement that the dams be evaluated for safety, has worked with the Office of the State Engineer (OSE) over the past 10 years to classify the dams and develop mandated plans for mitigating any dam hazards. Laguna del Campo has been classified as a high-hazard dam, meaning that downstream communities could be at risk of dam failure. The cost to repair the dam is estimated at \$8 million, and the cost to breach the dam and restore the lands is estimated at \$1.8 million. Due to the high costs associated with required repairs to other higher-risk facilities, including particularly Eagle Nest Lake and Lake Roberts, the SGC opted to breach the dam at Laguna del Campo.

In response to protests regarding the proposed closure of Laguna del Campo from the Tierra Amarilla Land Grant-Merced (Tierra Amarilla) and community members, the DGF has determined that it is possible to transfer the lake to Tierra Amarilla, as no federal ties to the lake exist. If Tierra Amarilla continues to operate the lake as a publicly available site, the DGF could continue to stock the lake, but any transfer of the property would not bind Tierra Amarilla to a particular use. A current water use agreement with the DGF is in place and would not be affected by any transfer.

Ms. Sandoval updated the committee on a number of other issues as well, including the potential transfer of the "checkerboard" Marquez town lots, elk hunting permits and providing access to wildlife management areas for traditional uses. She noted that some DGF lands were acquired with federal funding through a program that requires the state to pay for transfers out of wildlife uses. She noted that repayments are based on current land valuations, which can be complex when the land ownership pattern is mixed between government agencies and private owners — a circumstance commonly referred to as checkerboard ownership. Regarding elk hunt permitting, Ms. Sandoval noted that existing statutory requirements have been the result of intense legislative debate over the years.

Ms. Sandoval stated that the DGF is committed to eventually allowing a wide range of traditional uses within wildlife management areas. However, she said that as the DGF has started an on-the-ground analysis of the lands it manages, it has found a great variety of cultural and historic sites that it is legally required to protect. She relayed that the department has been strenuously working to develop both an accurate inventory of, and protection plans for, these sites. In response to committee members' questions regarding jurisdictional issues for dams and other facilities, Ms. Sandoval spoke to the complexity of aligning federal interests with those of multiple state agencies in trying to transfer or reassign such facilities. She further reported on how determinations are made to allow or disallow all-terrain-vehicle access to state and federal lands.

Laguna del Campo Update

Steve Polaco, president, Tierra Amarilla, thanked LGC members and the DGF for their work on the potential transfer of Laguna del Campo. He stated that Tierra Amarilla is cognizant of the liability issues that would accompany such a transfer and that the land grant will work with the OSE to sort out these issues. Members discussed the liability issues involved in the proposed transfer and what costs might fall to the state in other ways to remediate the dam issues.

Requested Governance Changes for Land Grants-Mercedes with a Focus on the Election Code

Arturo Archuleta, program manager, Land Grant Council, presented an analysis of the problems that land grants-mercedes have encountered with the Election Code as it exists now as well as suggested solutions to those problems. He requested that the committee consider developing legislation to address those issues, noting that the courts lack good direction under the law to address land grant elections. Members discussed the Election Code, the possibility of having county clerks assist in the election process and the pros and cons of establishing political subdivision status for any given land grant-merced. Mr. Archuleta reported that the council proposes to continue to work with the committee to develop legislation to strengthen land grant election processes, with a likely target for introduction during the next 60-day session.

Public Comment

Community members requested assistance from the committee in litigating a perceived failure to enforce the provisions of the Treaty of Guadalupe Hidalgo, in repairing a portion of El Camino Real that extends through the community of Villanueva and in renovating El Valle Community Center to provide access for area youth and others to educational opportunities. Committee members and visiting San Miguel County Commissioner Janice Varela discussed needed road repairs in the area and the types of road maintenance that fall under the purview of the county.

Adjournment

There being nothing further on the day's agenda, the committee adjourned at 5:35 p.m.

Wednesday, August 30

Committee members toured El Valle from Ribera south to Villanueva, including a visit to Villanueva State Park, the site of an early and lengthy encampment by members of Francisco Vásquez de Coronado's expedition. Staff and members viewed a completed acequia restoration and capital improvement renovation project on the Acequia de los Trigos and visited an organic farm near the community of Coruco. In addition, members viewed two of the cemeteries under discussion for conveyance from the BLM to San Miguel del Bado and inspected that portion of El Camino Real in Villanueva that has been blocked off by a resident and abandoned by county road crews. Committee members also visited El Valle Community Center, where a branch library, a computer learning lab and facilities for community meetings and events have been established in an old school building. The center requires extensive repairs and maintenance, including a new roof, improved access and kitchen equipment.

Revised: October 27, 2017

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

**October 30-31, 2017
2933 N.M. Highway 47
Tomé**

Monday, October 30

- 10:00 a.m. **Call to Order/Introductions**
—Representative Miguel P. Garcia, Chair
- 10:15 a.m. (1) **Tomé Status Update**
—Andrea Padilla, President, Town of Tomé Land Grant-Merced
- 11:15 a.m. (2) **Business Development Training Opportunities: K-12 and Adult Programs**
—Kathryn Hansen, Director, Arrowhead Center, New Mexico State University (NMSU)
—Dr. Kramer Winingham, Director, Studio G, Arrowhead Center, NMSU
—Alexis Cornidez, Chief Business Development Officer, Torch Bearer Ltd. Co.
- 12:15 p.m. **Lunch**
- 1:15 p.m. (3) **Business Planning and Challenges at Cañon de Carnué Land Grant-Merced**
—Elias Griego, Treasurer, Cañon de Carnué Land Grant-Merced
—Manuel Garcia y Griego, Secretary, Cañon de Carnué Land Grant-Merced
—Linda Gutierrez, Board Member, Cañon de Carnué Land Grant-Merced
- 2:15 p.m. (4) **Anton Chico Economic Development Center (ACEDC) Status Update**
—P. Pearl Maestas, Manager and Board Member, ACEDC
—Evaristo Maestas, Board Chair, ACEDC
- 3:15 p.m. (5) **Thoughts on Stabilizing Land Grant Financing**
—Arturo Archuleta, Program Manager, Land Grant Council
- 3:45 p.m. **Public Comment**
- 4:15 p.m. **Adjourn**

Tuesday, October 31

- 9:00 a.m. **Tour: Town of Tomé Land Grant-Merced**

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

**October 30-31, 2017
Tome Dominguez Community Center
Tome**

The fourth meeting of the Land Grant Committee (LGC) for the 2017 interim was called to order by Representative Miguel P. Garcia, chair, on October 30, 2017 at 10:17 a.m. at the Tome Dominguez Community Center in Tome.

Present

Rep. Miguel P. Garcia, Chair
Sen. Elizabeth "Liz" Stefanics, Vice Chair
Sen. Gregory A. Baca
Rep. Jimmie C. Hall
Rep. Sarah Maestas Barnes
Sen. Richard C. Martinez (10/30)
Sen. Bill B. O'Neill (10/30)
Rep. Debbie A. Rodella
Rep. Tomás E. Salazar
Rep. Christine Trujillo

Absent

Rep. David M. Gallegos
Sen. Linda M. Lopez
Sen. Cliff R. Pirtle
Sen. Sander Rue

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. D. Wonda Johnson
Rep. Matthew McQueen (10/30)

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

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

Staff

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

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Monday, October 30

Introductions and Announcements

Representative Miguel P. Garcia welcomed committee and audience members and asked members and guests to introduce themselves.

Approval of Minutes

On a motion duly made and seconded, the minutes of the third meeting of the LGC for the 2017 interim were approved without objection.

Town of Tome Land Grant-Merced (Tome) Status Update

Andrea Padilla, president, Board of Trustees, Tome, introduced other members of the Tome board, including Joe R. Baca, vice president, Rosemarie Romero, treasurer, and Heidi Zamora, member. Ms. Padilla welcomed committee members and guests and thanked the members for their support for land grant communities. Ms. Padilla asked for a moment of silence to honor former Tome president Lawrence Sanchez, who passed away recently and was a stalwart of the land grant community in New Mexico.

Ms. Padilla reported that Tome, established in 1739, is one of the five oldest land grants in New Mexico. She observed that Tome has a history of successes, challenges and important pivotal points that have led it to its present-day focus on cultural and historic preservation. Since the reconstitution of the land grant-merced and after having achieved political subdivision status, Tome has garnered many achievements, including the acquisition of El Cerro de Tome (encompassing approximately 280 acres), Tome Hill Park and the surrounding 11 acres, an 1880s-era cemetery, the Tome Dominguez Community Center, a veterans and local history museum, a Korean War memorial, a baseball field and several donated lots on the old common lands.

Tome remains a visible and active part of Valencia County and New Mexico, Ms. Padilla said, by hosting a variety of events, such as offering free lunches for veterans on Veterans Day and Memorial Day, offering free tai chi classes at the community center, hosting a farmers' market in the spring and summer months and hosting an annual balloon glow to collect food for local food pantries. Tome has also adopted Sedillo Road (a portion of the old Camino Real), which leads to the historic Tome Plaza. Several capital improvement projects have been completed and others are under way on the Tome-Adelino baseball field. Ms. Padilla showed a short film covering some of the history of Tome.

Committee members discussed the sale of approximately 47,000 acres of the land grant to the Horizon Development Corporation in the 1950s and the resultant sale of thousands of undeveloped and unusable quarter-acre lots to individuals in an international market. Local

governments now suffer the burden of having to try to collect taxes on these lots, frequently incurring more expense in mailings than the tax valuations on the properties themselves. Some of these lots have been gifted back to Tome; however, Tome lacks the capacity to cover the taxes for any substantial gifts in this regard.

When the initial sale of land was up for approval, the land grant had provided notice to what it believed was a complete list of the land grant's heirs. Subsequent legal challenges regarding the sale led to rulings that: 1) affirmed the sale; and 2) greatly increased the number of people identified as heirs and entitled to a portion of the sale proceeds. The combination of the legal costs connected to challenges to the sale and the increase in the number of heirs resulted in very little money from the sale accruing to any of the heirs. In response to members' questions, Ms. Padilla reported that the Valley Improvement Association (VIA), established in the wake of Horizon Development Corporation's dissolution, is a nonprofit organization similar to a homeowners' association, but without any homes under its purview. The VIA became financially untenable, and now individuals who are divesting themselves of these lots are in some instances turning them over to Tome. Members discussed reviving proposed legislation that would waive back taxes on lands donated to political subdivisions.

Business Development Training Opportunities: K-12 and Adult Programs

Kathryn Hansen, director, Arrowhead Center, New Mexico State University (NMSU), and Dr. Kramer Winingham, director, Studio G, Arrowhead Center, NMSU, presented information on the entrepreneurial development programs that NMSU offers to assist adults and students at all grade levels in launching new businesses. The Arrowhead Center boasts a number of clients and public-private partnerships in its programs of business creation and growth, intellectual property commercialization and education and training. The programs supports start-up entrepreneurs through business start-up and incubation programs and provides access to networks, business support and financing.

Studio G, a component of the Arrowhead Center, currently serves six New Mexico universities and colleges with plans to expand to six additional New Mexico universities and colleges in fiscal year (FY) 2018. In FY 2017, Studio G assisted in securing over \$1.2 million in investments, grants and contracts for some of the 218 business ventures developed under its auspices with 367 entrepreneurs. The programs are modeled on best practices developed at Massachusetts Institute of Technology and Stanford University for business start-ups.

Alexis Cornidez, chief business development officer, Torch Bearer Ltd., described his journey as a young entrepreneur and the numerous successes he has experienced as a result of his focus on business development in association with NMSU. Mr. Cornidez owns and operates a number of small businesses and elaborated on his intent to establish and maintain his businesses as New Mexico-grown and -based. In response to members' questions, the panelists reported that NMSU would be able to work with land grant communities to develop a workshop tailored to the needs of those communities if sufficient interest exists. Venessa Chavez-Gutierrez, Town of Tajique Land Grant-Merced, provided samples of a non-toxic fire starter product she has

developed through her locally grown business, Ignite. Members discussed the importance of establishing local business opportunities to counter the insurgency of national dollar store chains. These chains contribute to the creation of food deserts by making it difficult for locally owned businesses that offer fresh produce and other local products to compete.

Business Planning and Development at Canon de Carnue Land Grant-Merced

Elias Griego, treasurer, Canon de Carnue Land Grant-Merced (commonly referred to as Carnuel), Dr. Manuel Garcia y Griego, secretary, Carnuel, and Linda Gutierrez, board member, Carnuel, provided an overview of the comprehensive plan developed by the land grant-merced and the businesses it currently operates in Tijeras Canyon. Carnuel receives income from cell tower leases, a trailer park, a landscape materials yard, a food truck, the community hall, picnic grounds and a brewery. Extensive renovations have been completed on the community hall, but Carnuel continues to experience difficulties and delays in permitting improvements through the county government. Dr. Garcia y Griego described Carnuel's plans to turn short-term projects into long-term developments, including developing an abandoned gravel pit into an amphitheater and establishing a landscaping business to accompany the materials yard.

In response to committee members' questions, the panelists described how Carnuel has saved money from its business ventures over time to launch and develop new ventures and improvements to existing facilities. Dr. Garcia y Griego noted that Carnuel has largely avoided the lengthy delays and red tape of the Department of Finance and Administration as a result of having its own resources; however, he pointed out that the inconsistent standards applied by Bernalillo County for permitting improvements create delays, driving up costs. He observed that most land grants-mercedes are able to permit improvements directly through the Construction Industries Division (CID) of the Regulation and Licensing Department at the state level by virtue of their status as political subdivisions. The chair noted that land grant communities are able to permit improvements through the CID where no local zoning authority exists but that Bernalillo County has its own permitting and zoning authority. Members also discussed the possibility of establishing regional business/equipment cooperatives among land grant communities.

Anton Chico Economic Development Center (ACEDC) Status Update

Pearl Maestas, manager and board member, ACEDC; Evaristo Maestas, board chair, ACEDC; and Roberto Mondragon, former lieutenant governor of New Mexico and board member, ACEDC, updated the committee on developments at the former school in Anton Chico that now serves as an economic development center for the community. Lieutenant Governor Mondragon reported that Anton Chico is seeking to establish sustainable enterprises for the rural community by promoting local business and economic opportunities. Ms. Maestas provided an overview of the progress made in renovating the facility and the variety of services the ACEDC has established and is seeking to establish in the center. The ACEDC will be replacing the heating system in the center in November. Ms. Maestas reported that the most pressing renovation needs for the center are a new roof and new exterior stucco.

Top priorities for development at the ACEDC facility include:

- establishing a commercial kitchen (the ACEDC is working with the Luna Community College commercial kitchen in Las Vegas as well as the South Valley Mixing Bowl kitchen to develop a plan for facility needs and staff training);
- customizing space for rental to small businesses and community services;
- developing continuing education, computer labs and General Educational Development certificate programs; and
- establishing a movie theater and restaurant.

Ms. Maestas operates the Apple A Day home visitation program out of the center under a four-year contract with the Children, Youth and Families Department to provide parenting and early childhood education services in the area. Members discussed the importance of providing these services to help mitigate the substance abuse and other problems that exist in some rural areas. Ms. Maestas stressed the importance of funding early childhood education as a means to support parents and prevent the substance abuse that frequently leads people into the criminal justice system. Ms. Gutierrez provided additional information on the many public and private partnerships that the ACEDC has developed to assist in its economic development efforts.

In response to members' questions, the panelists addressed the water rights transfer issues that continue to threaten maintenance of the acequias in Anton Chico and the agrarian lifestyle of its residents. Lieutenant Governor Mondragon reported that Anton Chico needs to establish a wastewater system and that the community continues to seek a means to prevent the transfer of water rights that adversely affects the acequias. Mr. Maestas described a situation wherein water that has been passed through to Santa Rosa for drinking water is now being used for other unsustainable purposes. He also observed that neighboring counties are drawing water from the Pecos River, both upstream and downstream of Anton Chico. While some litigation has been initiated regarding the water rights transfer issue in question, the community lacks funding to fully pursue its legal options. Representative Salazar observed that a bill intended to afford additional transparency in water rights transfers passed both chambers during the last regular legislative session but was then pocket vetoed by the governor.

Thoughts on Stabilizing Land Grant Financing

Arturo Archuleta, program manager, Land Grant Council, thanked the committee for the members' work to protect and preserve land grant communities in New Mexico. He requested the committee's assistance in considering legislation to create a sustainable revenue stream for land grant communities that have attained political subdivision status. Mr. Archuleta reported that a guaranteed revenue stream from the state would enable land grant communities to meet reporting requirements, to leverage funding for community and capital improvement projects and to repatriate some common lands. He noted that even a small stream of \$20,000 to \$30,000 annually would go a long way toward stabilizing land grant communities.

Mr. Archuleta provided an analysis of some of the current funds utilized by the state to support local entities and observed that only a small portion of those funds would be required to sustain a revenue stream for land grant communities. Extrapolating the \$20,000 to \$30,000 per

year figure for existing land grant communities with political subdivision status, Mr. Archuleta reported that a total of around \$1.2 million would be needed annually. If that amount were drawn equally from four possible revenue sources (gross receipts taxes, gaming taxes, corporate income taxes and license fees), only .0001%, .005%, .004% and .005%, respectively, would be drawn from the projected FY 2019 revenue base of those sources.

Public Comment

Ms. Padilla thanked the committee for its visit to Tome and for its continued support and assistance. She informed the committee that protection of water rights for agricultural uses is of primary importance to Tome. Ms. Padilla also spoke in support of establishing a funding stream to help land grant communities transition from being run by volunteers to having some shared professional staff.

Ericka Luna, New Mexico state liaison, Southwestern Region, United States Forest Service (USFS), reported that United States Senator Martin Heinrich has planned an economic development forum to promote opportunities for local businesses to contract with the USFS in Rio Arriba County. Details will be forthcoming from Senator Heinrich and the USFS. Ms. Luna noted that her family has owned and operated a small business in the Los Lunas area for many years, and she reiterated the importance to the community of providing opportunities for local business development and success.

Janice Varela, commissioner, San Miguel County, provided an overview of water issues in San Miguel County and noted the county commission's support for maintaining and protecting acequias. She asserted that the state engineer's approval of pumping ground water and river water overrides the long-established traditions of water time-sharing and shortage sharing established by agricultural and acequia traditions in New Mexico. Commissioner Varela observed that with ongoing and ever-increasing water shortages, severing the water from the land sets up dangerous ecological challenges, and the county needs resources to counter the wealthy interests and powerful law firms seeking to take water from agriculture for unsustainable developments.

Leonard Martinez, president, Land Grant Council, reported on several issues of continuing concern to the Land Grant Council. He stated that although an engineering report has been submitted to the USFS for the San Joaquin del Rio de Chama Land Grant-Merced (Rio de Chama), the USFS has not responded to Rio de Chama's request related to reestablishing orchards that were previously on those lands. Further, he reported that the USFS has not responded to the request regarding the development of the Piedra Lumbre property near Ghost Ranch. On a motion duly made and seconded, the committee voted without objection to send a letter to the USFS requesting follow-up on those items.

Adjournment

The committee adjourned at 4:25 p.m.

Tuesday, October 31

Committee members toured the Korean War memorial and the historic museum adjacent to the Tome Dominguez Community Center. On a walking tour from the center, members proceeded on that part of the Camino Real adopted by Tome to the old cemetery that is now owned and maintained by Tome. Members visited the site of the old courthouse and the preserved stone jail house near the historic plaza and toured the plaza and the old Tome church. Members also visited El Cerro de Tome and nearby Tome Hill Park. Tome is working with students at the University of New Mexico to develop a plan for the park that will include picnic grounds and a serenity garden.

Revised: November 15, 2017

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

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

Monday, November 20

- 10:00 a.m. **Call to Order/Introductions**
—Representative Miguel P. Garcia, Chair, Land Grant Committee
- 10:15 a.m. (1) **[Santa Fe National Forest: Status Update on Forest Plan Revision](#)**
—James Melonas, Forest Supervisor, Santa Fe National Forest
- 11:15 a.m. (2) **[Guadalupe Hidalgo Treaty Division: Lessons from One Year of Funding](#)**
—Marlo Aragon, Attorney, Office of the Attorney General
- 12:15 p.m. (3) **[Land Grant Council Status and Budget Update](#)**
—Juan Sánchez, Chair, Land Grant Council
- 12:45 p.m. (4) **[Proposed Legislation](#)**
—Mark Edwards, Staff, Legislative Council Service
- 1:15 p.m. **Public Comment**
- 1:30 p.m. **Adjourn**

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

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

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

Present

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

Advisory Members

Rep. Alonzo Baldonado
Rep. Matthew McQueen

Absent

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

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

Guest Legislator

Sen. Nancy Rodriguez

Minutes Approval

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

Staff

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

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Monday, November 20**Introductions and Announcements**

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

Santa Fe National Forest: Status Update on Forest Plan Revision

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

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

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

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

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

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

Guadalupe Hidalgo Treaty Division: Lessons from One Year of Funding

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

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

Land Grant Council Status and Budget Update

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

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

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

Proposed Legislation

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

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

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

Public Comment

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

Adjournment

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

ENDORSED LEGISLATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE MEMORIAL

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

A MEMORIAL

DECLARING FEBRUARY 2, 2018 "GUADALUPE HIDALGO TREATY DAY" AT THE HOUSE OF REPRESENTATIVES, RECOGNIZING THE TWENTY-FIRST ANNUAL CELEBRATION OF GUADALUPE HIDALGO TREATY DAY AND COMMEMORATING THE ONE-HUNDRED-SEVENTIETH ANNIVERSARY OF THE SIGNING OF THE TREATY OF GUADALUPE HIDALGO BETWEEN THE UNITED STATES AND THE REPUBLIC OF MEXICO.

WHEREAS, on February 2, 1848, the United States and the Republic of Mexico signed the Treaty of Peace, Friendship, Limits and Settlement, known as the Treaty of Guadalupe Hidalgo, at the main altar of the old cathedral of Guadalupe at the Villa Hidalgo to end the war between the two nations; and

WHEREAS, the lands relinquished or ceded by Mexico, totaling over seven hundred ninety thousand square miles, now constitute all or parts of eight states in the American west,

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 including Arizona, California, Colorado, Nevada, New Mexico,
2 Texas, Utah and Wyoming; and

3 WHEREAS, the Treaty of Guadalupe Hidalgo included
4 provisions for the protection of established property rights,
5 including community land grants, within the transferred areas;
6 and

7 WHEREAS, Spanish and Mexican community land grants and
8 Native American pueblo communities throughout New Mexico have
9 relied on the provisions of the Treaty of Guadalupe Hidalgo to
10 protect their current remaining common lands and as the basis
11 to pursue a just recovery of their traditional, former common
12 lands; and

13 WHEREAS, on February 2, 1998, community land grant heirs
14 and advocates from around the state came together at the state
15 capitol to celebrate the first-ever Guadalupe Hidalgo treaty
16 day; and

17 WHEREAS, pursuant to Section 12-5-10 NMSA 1978, the second
18 of February is set apart each year and known as "Guadalupe
19 Hidalgo treaty day" in New Mexico; and

20 WHEREAS, February 2, 2018 marks one hundred seventy years
21 since the signing of the Treaty of Guadalupe Hidalgo; and

22 WHEREAS, over generations, New Mexico's land grant
23 communities have experienced phenomenal changes in government,
24 culture and economy, and their resilience is demonstrated by
25 their growing vitality as political subdivisions of the state;

.209881.2

underscored material = new
~~[bracketed material]~~ = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that February 2, 2018 be recognized as the twenty-first annual commemoration of Guadalupe Hidalgo treaty day; and

BE IT FURTHER RESOLVED that state and federal legislative support for all Spanish and Mexican community land grants and Native American pueblos should continue far into the future.



LEGISLATIVE COUNCIL SERVICE
SANTA FE, NEW MEXICO