



NEW MEXICO LEGISLATURE

LAND GRANT COMMITTEE

2022 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE
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INTERIM SUMMARY

Land Grant Committee 2022 Interim Summary

The interim legislative Land Grant Committee held five meetings during the 2022 interim. Aside from the first and last meetings at the State Capitol in Santa Fe, the committee held meetings at the University of New Mexico-Taos, the Abiquiu Land Grant-Merced and the Chilili Land Grant-Merced.

The historic wildfires in New Mexico served as a backdrop for many presentations to the committee throughout the 2022 interim. As in past years, the committee continued to examine forest health and watershed restoration programs, activity and training for land grant youth programs, governance challenges within partitioned land grant communities and the needs of the acequias. However, this year, examination of those issues was often recast in terms of how the issues can be addressed to help reduce wildfire and flooding risks and to meet the need for better response mechanisms to disasters created by wildfire and flooding events.

The committee's meeting in Abiquiu focused on the problem of illegal dumping on land grant and public lands and on a model dumping-reduction program developed by the South Central Solid Waste Authority that provides trash collection services in Dona Ana, Sierra and Otero counties. The model requires an integrated campaign implemented by the authority and its associated counties, municipalities and special districts with similar capacity to land grants and acequias and incorporates private sector business involvement. Additionally, the Land Grant Council presented an overview of how it is preparing and training land grant boards to prepare for distributions from the Land Grant-Merced Assistance Fund and to maintain compliance with the requirements for those distributions.

In October, the committee heard reports regarding two collaborative land grant economic development projects: a tourist destination project to refurbish the historic jail and associated facilities in the Town of Tome Land Grant-Merced that is being implemented by the land grant and Valencia County; and the Mercedes Unidas Center, a joint effort by the San Joaquin del Rio de Chama Land Grant-Merced, the Juan Bautista Baldez Land Grant-Merced and the Land Grant-Merced de los Pueblos de Tierra Amarilla to develop and manage the former United States Forest Service Piedra Lumbre Visitor Center as a business site.

At its meeting in Chilili, the committee was given an update on the development of the Acequia and Land Grant Education Project being developed by New Mexico Highlands University, the University of New Mexico Land Grant Studies Program and the New Mexico Acequia Association. Finally, the committee heard a presentation from the first two law students participating in the Community Governance Attorney Act program that was created at the University of New Mexico School of Law by the legislature in 2019.

Endorsed Legislation

The committee endorsed two bills for the 2023 legislative session:

1) a bill to include land grant partitions that meet certain qualifications into Chapter 49, Article 1 NMSA 1978 as autonomous land grants-mercedes; and

2) a bill to include the Cristobal de la Serna Land Grant-Merced into Chapter 49, Article 1 NMSA 1978 as a land grant-merced.

WORK PLAN AND MEETING SCHEDULE

**2022 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
LAND GRANT COMMITTEE**

Members

Sen. Leo Jaramillo, Chair
Rep. Susan K. Herrera, Vice Chair
Rep. Rachel A. Black
Rep. Miguel P. Garcia
Rep. Matthew McQueen
Sen. Bill B. O'Neill

Sen. Gerald Ortiz y Pino
Sen. Michael Padilla
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez
Rep. Christine Trujillo

Advisory Members

Rep. Eliseo Lee Alcon
Sen. David M. Gallegos
Rep. Harry Garcia
Rep. D. Wonda Johnson

Sen. Linda M. Lopez
Sen. Shannon D. Pinto
Sen. Elizabeth "Liz" Stefanics

Work Plan

The Land Grant Committee was created by the New Mexico Legislative Council on April 26, 2022. As time permits, the committee proposes to examine the following topics:

A. Strengthening Governance Capacity

1. the Community Governance Attorney program, continuing legal education and other programs being developed at the University of New Mexico School of Law for land grants-mercedes and acequia associations, including an examination of client governance needs versus potential curriculum development;

2. a review of the processes being developed to implement distributions from the Land Grant-Merced Assistance Fund enacted during the 2022 legislative session, including any training sessions or other programs by the Land Grant Council to allow land grants-mercedes to receive those funds and to learn about the limitations regarding the expenditure of public funds;

3. the management consultation and intervention caseload for acequias experienced by the New Mexico Acequia Association (NMAA), particularly with regard to caseload increases due to wildfire recovery or response efforts and the potential benefits of acequia management of implementing water metering;

4. status reports from the Guadalupe Hidalgo Treaty Division of the Office of the Attorney General; and

5. the basis for designation as a land grant-merced pursuant to Chapter 49, Article 1 NMSA 1978 or as a land grant corporation pursuant to Chapter 49, Article 2 NMSA 1978 and an analysis of how a land grant-merced designation pursuant to one article may be changed to a

designation pursuant to the other article, including a reexamination of the potential fire risk mitigation and fire response benefits of the partitioned land bill that passed the legislature in 2017, 2019 and 2021 but was not enacted;

B. Coordination and Leveraging of Federal, State and Nongovernmental Assistance Funding

1. the current, proposed or developing federal programs for project and programmatic assistance that land grants-mercedes or acequias could receive, particularly as those programs relate to infrastructure development or wildfire recovery; and
2. resources, such as the council of governments, that may assist in grant writing, project planning or development of project finance controls;

C. Fire and Natural Resource Issues

1. natural resource protection options for land grants-mercedes, including the potential for including flagstone harvesting within the state's mineral extraction regulation statutes;
2. continued examination of the land divisions at the Cristobal de la Serna Land Grant-Merced and other land grants-mercedes and potential methods to rationalize those divisions into useful properties;
3. potential models for collaborative federal, state and land grant-merced programs for fire planning, risk mitigation and recovery programs;
4. the feasibility of duplicating the Dona Ana waste management model to prevent illegal dumping in land grant-merced and acequia communities;
5. updates on land use access and coordination of activities and issues in regard to national forest lands, including the potential for wood clearing for use by land grants-mercedes;
6. updates from the federal Bureau of Land Management regarding cultural and traditional uses of public lands, including the potential for wood clearing for use by land grants-mercedes; and
7. the potential and requirements for land grant-merced participation in federal wildfire recovery and fire risk reduction programs, such as the Natural Resources Conservation Service's Environmental Quality Incentives Program, known as EQIP, the Collaborative Forest Restoration Program and other United States Department of Agriculture programs;

D. Economic and Youth Development

1. continued monitoring of the development plans for the Piedra Lumbre Visitor Center near Abiquiu;
2. presentations on building or rebuilding farm-based economies at land grants-mercedes and acequias, including:
 - a) New Mexico State University's Center of Excellence in Sustainable Food and Agricultural Systems' CREATE BRIDGES initiative, which fosters entrepreneurial development within rural communities; and
 - b) the current NMAA classroom and apprenticeship programs;
3. status updates on business development projects at various land grants-mercedes;
4. an examination of the potential for partnerships between land grants-mercedes and the Cultural Affairs Department or the Tourism Department to develop land grants-mercedes as tourism destination locations;
5. reports regarding programs to develop the next generation of leaders for land grant-merced and acequia communities, including the higher education curriculum development being done at New Mexico Highlands University and the youth training programs instituted the Land Grant Council and the NMAA;
6. the potential for land grants-mercedes to partner with state or county agencies or educational institutions to provide youth activities, drug prevention and library and other community enrichment programs;
7. reports from land grants-mercedes and the Department of Information Technology about the need for broadband services and state programs to help expand broadband networks to rural areas, including land grants-mercedes; and
8. an evaluation of whether the Property Tax Code could include an accommodation for land grant-merced common lands, similar to the special evaluation method for agricultural lands; and

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

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

**Land Grant Committee
2022 Approved Meeting Schedule**

| <u>Date</u> | <u>Location</u> |
|-----------------|-----------------------|
| June 13 | Santa Fe |
| August 18-19 | Rio Hondo Arriba/Taos |
| September 22-23 | Abiquiu |
| October 20-21 | Chilili |
| November 22 | Santa Fe |

AGENDAS AND MINUTES

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

**June 13, 2022
State Capitol, Room 309
Santa Fe**

Monday, June 13

- 1:00 p.m. **Call to Order and Introductions**
—Senator Leo Jaramillo, Chair
- 1:15 p.m. (1) **[The Rural and Frontier Communities Ombud Office Introduction and Current Status](#)**
—Shanna Sasser, Rural Equity Ombud, Local Government Division,
Department of Finance and Administration
- 1:45 p.m. (2) **[Review of 2022 Committee-Endorsed Legislation](#)**
—Mark Edwards, Bill Drafter, Legislative Council Service (LCS)
- 2:00 p.m. (3) **[2022 Proposed Work Plan and Meeting Schedule Discussion](#)**
—Mark Edwards, Bill Drafter, LCS
- 3:00 p.m. **Adjourn**

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

**June 13, 2022
State Capitol, Room 309
Santa Fe**

The first meeting of the Land Grant Committee for the 2022 interim was called to order by Senator Leo Jaramillo, chair, on Monday, June 13, 2022, at 1:10 p.m. in Room 309 of the State Capitol in Santa Fe.

Present

Sen. Leo Jaramillo, Chair
Rep. Susan K. Herrera, Vice Chair
Rep. Miguel P. Garcia
Rep. Matthew McQueen
Sen. Bill B. O'Neill
Sen. Gerald Ortiz y Pino
Rep. Christine Trujillo

Absent

Rep. Rachel A. Black
Sen. Michael Padilla
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez

Advisory Members

Sen. David M. Gallegos
Sen. Linda M. Lopez
Sen. Shannon D. Pinto
Sen. Elizabeth "Liz" Stefanics

Rep. Eliseo Lee Alcon
Rep. Harry Garcia
Rep. D. Wonda Johnson

Staff

Mark Edwards, Bill Drafter, Legislative Council Service (LCS)
Michelle Jaschke, Researcher, LCS
Anthony Montoya, Staff Attorney, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Monday, June 13

Welcome and Introductions (1:12 p.m.)

Senator Jaramillo welcomed the committee and asked members, staff and attendees to introduce themselves.

The Rural and Frontier Communities Ombud Office Introduction and Current Status (1:21 p.m.)

Shanna Sasser, rural equity ombud, Local Government Division, Department of Finance and Administration, introduced the committee to the new Rural and Frontier Communities Ombud Office.

Review of 2022 Committee-Endorsed Legislation (1:41 p.m.)

Mr. Edwards provided a brief overview of committee-endorsed legislation from 2022.

2022 Proposed Work Plan and Meeting Schedule Discussion (1:44 p.m.)

Mr. Edwards presented a proposed work plan and meeting schedule for the 2022 interim. Following discussion of the work plan, upon a motion duly made and seconded, and without any objections, the committee adopted the work plan and meeting schedule as amended. The work plan and meeting schedule can be found here:

<https://www.nmlegis.gov/handouts/LGC%20061322%20Item%203%20proposed%20work%20plan.22.pdf>.

Public Comment (2:48 p.m.)

Arturo Archuleta, program manager, Land Grant Council, updated the committee on the council's current funding, activities and concerns for the coming year.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:00 p.m.

Revised: August 16, 2022

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

**August 18-19, 2022
Bataan Hall
University of New Mexico-Taos
121 Civic Plaza
Taos**

Thursday, August 18

- 10:00 a.m. **Call to Order and Introductions**
—Senator Leo Jaramillo, Chair
- 10:15 a.m. (1) **[Welcome to University of New Mexico \(UNM\)-Taos](#)**
—Dr. Mary Gutierrez, Chancellor, UNM-Taos
- 10:30 a.m. (2) **[Arroyo Hondo Arriba Land Grant Partition \(AHALGP\) Status Update](#)**
A. Introduction and a Brief History of the AHALGP Board of Directors
—Miguel Villareal, Secretary
—Dr. Trish Martinez, Treasurer
—Francisco Montoya, Warden
—Elias Espinosa, Jr., Vice President
—Louie Garcia, Member at Large
—Joaquín Arguello De Jesús, President
Youth Board Mentees
—Maria Garcia
—Miguel Garcia
—Isaiah Espinosa
—Orlando Martinez
—Faith Pino
Elders
—Herman Torres, Former Secretary
—Art Montoya, Former Vice President
—Larry Montoya, Former Warden
—David Arguello, Former President
B. Historical Perspective of the Valdez and Rio Hondo Watershed
—Dr. Sylvia Rodriguez, Commissioner and Anthropologist, Acequia de San Antonio
C. Impacts of Development on Acequias
—Paula Garcia, Executive Director, New Mexico Acequia Association

D. Protection of Acequias and the Taos Valley Watershed

—Judy Torres, Executive Director, Taos Valley Acequia Association

- 11:30 a.m. (3) [Los Vigiles Land Grant Partition: Fire Effects and Status Update](#)
—Eddie Quintana, President, Los Vigiles Land Grant Partition
—Joseph Padilla, Board Member, Los Vigiles Land Grant Partition
- 12:00 noon (4) [Santa Barbara Watershed: Firewood Distribution Program Challenges](#)
—Bonifacio Vasquez, President, La Merced de Santa Barbara
- 12:30 p.m. **Lunch**
- 1:30 p.m. (5) [Cerro Negro Forest Council and Taos Valley Watershed Coalition: Community-Based Forest Management](#)
—J.R. Logan, Representative, San Cristobal Neighborhood Association
—David Arguello, Representative and Former President, AHALGP
—Lloyd Garcia, Representative, Acequia de San Antonio
Youth Scientific Researchers
—Grace Powell
—Carlos Miller
—Michael Trujillo
- 2:30 p.m. (6) [Acequia and Land Grant Youth Development Programs](#)
—Anissa Baca, Community Outreach Specialist, Land Grant Council
—Chas Robles, Director, Ancestral Lands Conservation Corps
—David Garcia, Coordinator, Acequia Education and Outreach, New Mexico Acequia Association (NMAA)
—Emily Arasim, Coordinator, Youth Education and Communications, NMAA
- 3:30 p.m. (7) [Finalizing the Carson National Forest and Santa Fe National Forest Management Plans: Connections with Forest-Dependent Communities; Watershed and Forest Health Provisions; and Accommodating Youth Conservation Programs](#)
—Andrea Jones, Acting Deputy Forest Supervisor, Carson National Forest
—Adam Livermore, Acting Congressional and Intergovernmental Affairs New Mexico Lead, United States Department of Agriculture Forest Service, Southwest Region
—Zach Behrens, Public Affairs Officer, Carson National Forest
—Julie Anne Overton, Public Affairs Officer, Santa Fe National Forest
- 4:30 p.m. **Public Comment**
- 5:00 p.m. **Recess**

Friday, August 19

9:00 a.m. **Tour of AHALGP (Valdez)**

12:00 noon **Adjourn**

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

**August 18-19, 2022
Bataan Hall
University of New Mexico-Taos
121 Civic Plaza
Taos**

The second meeting of the Land Grant Committee for the 2022 interim was called to order by Senator Leo Jaramillo, chair, on Thursday, August 18, 2022, at 10:16 a.m. at the University of New Mexico (UNM)-Taos.

Present

Sen. Leo Jaramillo, Chair
Rep. Susan K. Herrera, Vice Chair
Rep. Miguel P. Garcia
Rep. Matthew McQueen (8/18)
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez
Rep. Christine Trujillo

Absent

Rep. Rachel A. Black
Sen. Bill B. O'Neill
Sen. Gerald Ortiz y Pino
Sen. Michael Padilla

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Linda M. Lopez (8/18)
Sen. Shannon D. Pinto (8/18)
Sen. Elizabeth "Liz" Stefanics (8/18)

Sen. David M. Gallegos
Rep. Harry Garcia
Rep. D. Wonda Johnson

Guest Legislator

Rep. Kristina Ortez (8/18)

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

Staff

Mark Edwards, Bill Drafter, Legislative Council Service (LCS)
Michelle Jaschke, Researcher, LCS
Martin Fischer, Bill Drafter, LCS
Anthony Montoya, Staff Attorney, LCS

Guests

The guest list is in the meeting file.

Minutes Approval

The committee did not review the minutes for this meeting and they have not been officially approved by the committee.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

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Thursday, August 18

Welcome and Introductions (10:16 a.m.)

Senator Jaramillo welcomed the committee and asked members, staff and attendees to introduce themselves.

Welcome to UNM-Taos (10:33 a.m.)

Dr. Mary Gutierrez, chancellor, UNM-Taos, welcomed the members of the committee and members of the public to the Taos branch of UNM. Dr. Gutierrez briefly provided an overview of the campus mission statement and the importance of respecting and preserving the land, water and traditional cultures in Taos. Dr. Gutierrez also provided an update on the housing of the Acequia Archives at UNM-Taos.

Arroyo Honda Arriba Land Grant Partition (AHALGP) Status Update (10:37 a.m.)

Joaquín Arguello De Jesús, president, AHALGP, began the presentation by explaining the importance in the community of hearing all voices and presenting collectively. With that in mind, Mr. Arguello De Jesús asked other members of the community and presenters to introduce themselves and their roles in the community. Those present included Miguel Villareal, secretary, AHALGP; Dr. Trish Martinez, treasurer, AHALGP; Francisco Montoya, warden, AHALGP; Elias Espinosa, Jr., vice president, AHALGP; Louie Garcia, member at large, AHALGP; Maria Garcia, youth board mentee, AHALGP; Miguel Garcia, youth board mentee, AHALGP; Isaiah Espinosa, youth board mentee, AHALGP; Orlando Martinez, youth board mentee, AHALGP; Faith Pino, youth board mentee, AHALGP; Herman Torres, former secretary, AHALGP; Art Montoya, former vice president, AHALGP; Larry Montoya, former warden, AHALGP; David Arguello, former president, AHALGP; Dr. Sylvia Rodriguez, commissioner and anthropologist, Acequia de San Antonio; David Garcia, coordinator, Acequia Education and Outreach, New Mexico Acequia Association (NMAA); and Judy Torres, executive director, Taos Valley Acequia Association. The presentations covered the history of the AHALGP, the AHALGP board, historical challenges and current efforts to increase youth

participation on the AHALGP board. The presenters also discussed the current acequia management and development. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=8/18/2022&ItemNumber=2>.

Los Vigiles Land Grant Partition: Fire Effects and Status Update (12:24 p.m.)

Eddie Quintana, president, Los Vigiles Land Grant Partition, and Joseph Padilla, board member, Los Vigiles Land Grant Partition, provided an update on the Los Vigiles Land Grant Partition and the effects of the recent wildfires in northern New Mexico. A picture of the fire damage that was presented to the committee can be found here:

<https://www.nmlegis.gov/handouts/LGC%20081822%20Item%203%20Picture%20of%20Fire%20Effects.pdf>.

Motion for Letter (1:01 p.m.)

A motion was made, duly seconded and without opposition to request that a letter be drafted and sent on behalf of the committee to the Federal Emergency Management Agency and the Homeland Security and Emergency Management Department, with copies to the congressional delegation and the governor, requesting that urgent action be taken to address the limitations of the water supply for the City of Las Vegas due the historic wildfires in northern New Mexico this year and the effects of those fires on watersheds.

Approval of Minutes (1:09 p.m.)

On a motion made, duly seconded and without opposition, the minutes of the June 13, 2022 meeting were approved.

Cerro Negro Forest Council and Taos Valley Watershed Coalition: Community-Based Forest Management (1:10 p.m.)

J.R. Logan, representative, San Cristobal Neighborhood Association; Mr. Arguello; and Lloyd Garcia, representative, Acequia de San Antonio, presented on the forest mayordomo project as a program to promote healthy watersheds, improve forest health and boost the rural workforce. Grace Powell, Carlos Miller and Michael Trujillo, who serve as youth scientific researchers, presented the perspective of youth participants. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20081822%20Item%205%20Cerro%20Negro%20Forest%20Council.pdf>.

Acequia and Land Grant Youth Development Programs (2:26 p.m.)

Anissa Baca, community outreach specialist, Land Grant Council; Chas Robles, director, Ancestral Lands Conservation Corps; Mr. David Garcia; and Emily Arasim, coordinator, Youth Education and Communications, NMAA, discussed various programs available to youth living

within and outside of land grants-mercedes that are focused on teaching and preserving these traditional communities. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=8/18/2022&ItemNumber=6>.

Finalizing the Carson National Forest and Santa Fe National Forest Management Plans: Connections with Forest-Dependent Communities; Watershed and Forest Health Provisions; and Accommodating Youth Conservation Programs (3:33 p.m.)

Andrea Jones, acting deputy forest supervisor, Carson National Forest; Adam Livermore, acting congressional and intergovernmental affairs New Mexico lead, United States Department of Agriculture Forest Service, Southwest Region; Zach Behrens, public affairs officer, Carson National Forest; and Julie Anne Overton, public affairs officer, Santa Fe National Forest, provided an update on the United States Forest Service plan and answered questions regarding receiving and implementing community input. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20081822%20Item%207%20USFS%20Update.pdf>.

Public Comment (4:38 p.m.)

Marcia Gonzales welcomed the committee to the community and provided a brief history of her time in the local community. She touched on the importance of respecting and preserving cultural values.

Recess

The meeting recessed at 5:04 p.m.

Friday, August 19

Tour of AHALGP (Valdez) (10:00 a.m.)

Committee members met in Valdez and toured numerous sites within the AHALGP.

Adjournment

There being no further business before the committee, the meeting adjourned at 1:30 p.m.

Revised: September 21, 2022

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

**September 22-23, 2022
Saint Thomas the Apostle Catholic Parish
Parish Hall
1 Church Plaza
Abiquiu**

Thursday, September 22

- 10:00 a.m. **Call to Order and Introductions**
—Senator Leo Jaramillo, Chair
- 10:15 a.m. (1) **[Abiquiu Land Grant-Merced Status Update](#)**
—Victoria Garcia, President, Abiquiu Land Grant-Merced
- 11:15 a.m. (2) **[Dona Ana County Illegal Dumping Partnership Model: A Model for Limiting Illegal Dumping in Rural New Mexico](#)**
—Patrick Peck, Director, South Central Solid Waste Authority
- 12:15 p.m. **Lunch**
- 1:15 p.m. (3) **[Panel on Solid Waste Challenges in Rio Arriba: Would a Dona Ana County-Type Model Work?](#)**
—Lucia Sanchez, County Manager, Rio Arriba County
—Max Archuleta, Vice President, Abiquiu Land Grant-Merced
—Frankie Lopez, Range Manager, Abiquiu Land Grant-Merced
—Chris Roybal, President, The Corporation of the Bartolome Sanchez Land Grant
—Audoro War, Vice President, The Corporation of the Bartolome Sanchez Land Grant
—Herbert Romero, Secretary, Nuestra Señora del Rosario, San Fernando y Santiago Land Grant-Merced
- 3:45 p.m. (4) **[Preparing for the Land Grant-Merced Assistance Fund: What Do Land Grants-Mercedes Need to Prepare, and What Sorts of Training Need to Be Put in Place?](#)**
—Arturo Archuleta, Program Manager, Land Grant Council
—Elena Tercero, Co-Deputy State Auditor, Office of the State Auditor
- 4:45 p.m. **Public Comment**
- 5:00 p.m. **Recess**

Friday, September 23

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

12:00 noon **Lunch and Performance by the Comanches of Taos**

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

**September 22-23, 2022
Saint Thomas the Apostle Catholic Parish
Parish Hall
1 Church Plaza
Abiquiu**

The third meeting of the Land Grant Committee was called to order as a special subcommittee by Senator Leo Jaramillo, chair, on September 22, 2022 at 10:24 a.m. at the Saint Thomas the Apostle Catholic Parish Hall in Abiquiu.

Present

Sen. Leo Jaramillo, Chair
Rep. Susan K. Herrera, Vice Chair
Rep. Miguel P. Garcia
Rep. Matthew McQueen (9/22)

Absent

Rep. Linda Garcia Benavides
Rep. Rachel A. Black
Sen. Bill B. O'Neill
Sen. Gerald Ortiz y Pino
Sen. Michael Padilla
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez
Rep. Christine Trujillo

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Linda M. Lopez (9/22)
Sen. Shannon D. Pinto
Sen. Elizabeth "Liz" Stefanics (9/22)

Sen. David M. Gallegos
Rep. Harry Garcia
Rep. D. Wonda Johnson

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

Staff

Mark Edwards, Bill Drafter, Legislative Council Service (LCS)
D. Martin Fischer, Staff Attorney, LCS
Michelle Jaschke, Researcher, LCS
Anthony Montoya, Staff Attorney, LCS

Guests

The guest list is in the meeting file.

Minutes Approval

The committee did not review the minutes for this meeting, and they have not been officially approved by the committee.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

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Thursday, September 22

Welcome and Introductions (10:24 a.m.)

Senator Jaramillo welcomed the committee, and the members introduced themselves.

Abiquiu Land Grant-Merced (ALGM) Status Update (10:30 a.m.)

Victoria Garcia, president, ALGM, welcomed the legislators, introduced herself and gave an update on the ALGM. She stated that the ALGM is currently renovating its medical clinic. Ms. Garcia thanked the legislators for a recent house bill and discussed the ALGM's desire to purchase a church building. She spoke about the illegal dumping problems on the land grant that have been worsening and noted that there is a shortage of employees at the waste management facility. Ms. Garcia and the ALGM are working to address problems created by tourists and visitors, such as base jumping off of the land grant's cliffs and the removal of cultural items, including pottery shards.

Ms. Garcia discussed the ALGM's path to ownership of the clinic after a 25-year lease. She stated that the buildings were in disrepair, but with capital outlay financing, the ALGM has improved and restored them. Ms. Garcia spoke about the history of the land grant dating back to President William Howard Taft and his administration's negative perceptions of land grants. She highlighted the rich traditions, ceremonies and culture. Ms. Garcia discussed ALGM's asset base of land and financial accounts.

Ms. Garcia requested increased capital outlay funding, noting that the ALGM would like to build a park for children and families, since no similar area currently exists in the ALGM. She discussed locking the gate to the higher road in the winter and how the land grant is working with the United States Forest Service (USFS) to ensure that the roads are being maintained. She complimented the USFS's efforts to collaborate with the land grants and incorporate them into the USFS's management plans. She noted the USFS's efforts at the last Land Grant Committee meeting in Taos, where the USFS made a presentation and then a USFS representative accompanied committee members during a tour of the Arroyo Hondo Arriba Land Grant partition.

Dona Ana County Illegal Dumping Partnership Model: A Model for Limiting Illegal Dumping in Rural New Mexico (11:15 a.m.)

Patrick Peck, director, South Central Solid Waste Authority (SCSWA), expressed his appreciation for the opportunity to speak to the committee. He described the SCSWA's landfill and transfer stations, community collection centers, a recycling program and waste collection programs. Mr. Peck spoke about his 25 years of experience managing solid waste. He characterized illegal dumping as destroying and defacing the beautiful land and communities of New Mexico and talked about several studies on the cost of illegal dumping. Based on his observations and experience, he said that he believes the root causes of illegal dumping to be convenience, lack of facility access and cost avoidance. He suggested looking at the profile of the dumpsites by looking at the trash being dumped to better understand who is dumping what, where and why.

Next, Mr. Peck presented about the SCSWA's multi-agency approach to pool resources and create partnerships. The Illegal Dumping Partnership was created in 2011 with the federal Bureau of Land Management (BLM), the SCSWA and Dona Ana County. The three entities decided to pool their collective resources to combat illegal dumping through a coordinated campaign that alleviated resource shortages. The BLM pledged labor, funding and rangers for enforcement; Dona Ana County pledged codes and ordinances, geographic information system mapping of the dumpsites, community groups, volunteers and political support, especially from county commissioners; and the SCSWA pledged discounted fees for waste from illegal dumpsites, hauling services, equipment and public relations.

Mr. Peck discussed the original plan that involved the identification of a manageable target area, the creation of enforcement zones, the dedication of labor and efforts into those areas and the increased patrols of law enforcement and code officers. In order to gain additional support and grow more success, the partnership publicized its success, especially through its 2011 Untrash Our Desert Summit. Next, the partnership developed a community-based program with group cleanups and officers who went door-to-door to make residents aware of violations and then coordinated resources to help resolve violations.

Mr. Peck found it crucial to publicize and raise awareness of the issue of illegal dumping as well as the successes of the program, noting that the partnership had 60 newspaper articles published in seven years. He explained that the model has been presented to many other communities in New Mexico and that between 2011 and 2019, over 3.5 million pounds of trash in Dona Ana County was cleaned up. Mr. Peck discussed the challenges posed by the COVID-19 pandemic, especially staffing shortages. He said that he believes the program is scalable to the entire state, noting that it will need tailoring to each community's unique resources and partners. He added that information on the program is free and available at Dona Ana County's website. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20092222%20Item%202%20Patrick%20Peck%20-%20Combating%20Illegal%20Dumping%20in%20Rural%20Communities.pdf>.

Responding to questions from committee members, Mr. Peck stated that:

- land grants should first look at the laws, rules and regulations that exist and ensure they have the ability to self-govern and develop ordinances;
- there must be code enforcement and deterrence in order for the program to work;
- land grants should focus on developing a plan, codifying the plan in the law and then enforcing it;
- the waste management industry has been supportive of the plastic bag ban, though it seeks a uniform set of rules;
- he does not believe banning plastic bags will make the waste management problem disappear, but since the ban went into effect, recycling has been cleaner with faster processing;
- he is developing a model that uses a shipping container as a mobile station to accept credit card payments in exchange for allowing people to dump their waste at a site, thereby removing cash and reducing employee requirements;
- the proposed mobile station would cost \$20,000, and employees to staff the office would cost \$27,000 per year plus benefits worth approximately \$8,000;
- collection fees would have to pay for the mobile station;
- he is considering a second concept of a truck that would travel to rural communities to collect waste;
- we live in a capitalist society that consumes, so the big question is how to talk to and educate adults;
- it is important to pay for waste at its origin, such as when you purchase a product, rather than at the end of the product's life when it inexorably becomes waste;
- there is substantial legislative funding for tire cleanup, but the only nearby tire facility is in Texas, so New Mexico is losing grant money to Texas's tire facility; and
- the SCSWA is a governmental entity that will be transparent about costs required for service when dealing with other governmental entities.

Panel on Solid Waste Challenges in Rio Arriba: Would a Dona Ana County-Type Model Work? (1:16 p.m.)

Chris Roybal, president, the Corporation of the Bartolome Sanchez Land Grant (CBSLG), and Audoro War, vice president, CBSLG, discussed the history of illegal dumping problems that Bartolome Sanchez has faced. They stated that the land grant cleans up thousands of pounds of waste every year. Mr. Roybal discussed finding tires, boxes, bones, bags, printers and many other waste items on the land grant's roads and lands. He said that he believes there was merit in the idea of charging for waste at the sale of the product to pay for its eventual disposal. He added that Bartolome Sanchez is currently working on fencing projects to fix fences cut by recreational users of the land grant, especially all-terrain vehicle users. He explained that Bartolome Sanchez has been dealing with dumping and fence issues since the inception of the Land Grant Committee.

Mr. Roybal described how Bartolome Sanchez residents get turned away from the available landfills that do not accept certain waste products, such as shingles and cinder blocks.

Consequently, he believes people might not initially intend to illegally dump their waste, but they do so because they are unable to take it anywhere nearby.

Herbert Romero, secretary, Nuestra Señora del Rosario, San Fernando y Santiago Land Grant-Merced (commonly known as the Truchas Land Grant-Merced), echoed the issues that Mr. Roybal discussed. Mr. Romero emphasized the large amount of trash being dumped on his land grant's roads and lands, and he said that it has been getting worse over time. Despite having a transfer station, the Truchas Land Grant-Merced has extensive illegal dumping problems, so Mr. Romero said that he does not believe a transfer station alone is the solution.

Lucia Sanchez, county manager, Rio Arriba County, discussed the breadth and depth of Rio Arriba County's size and history. She stated that the county spans 6,000 square miles, with only 22% being privately owned land and the remainder being federal, state and tribal lands. According to Ms. Sanchez, the county is facing significant waste management issues, especially with finding employees and parts to fix equipment failures. Ms. Sanchez detailed another challenge: the closing of landfills where residents had previously been able to self-haul their waste. She spoke about there being a cost of disposal, but said that the fee the residents pay is nominal compared to other expenses, such as phone or internet bills. She said that she believes door-to-door service would be four to five times more expensive than self-hauling. Ms. Sanchez discussed the need for infrastructure, education, collaboration, partnerships and especially a landfill in Rio Arriba County because there is no nearby landfill. She said the county currently hauls its solid waste to a facility in Rio Rancho. She said that she believes that with the people, funding and infrastructure, Rio Arriba County would be able to replicate the Dona Ana County model. Lastly, she stated that the cost of disposal is the most prohibitive element to reducing illegal dumping.

Matthew Casados, deputy county manager, Rio Arriba County, reinforced Ms. Sanchez's presentation and emphasized the need for labor, funding and the opportunity to resolve the waste management crisis through ownership or access to a landfill.

Frankie Lopez, range manager, ALGM, and Max Archuleta, vice president, ALGM, spoke about the ALGM having large amounts of trash dumped across its lands. Mr. Lopez detailed waste collection challenges and asked for a 40-ton collection bin for the ALGM.

Ms. Garcia stated that the ALGM has purchased eight roll-off transfer containers. She asked the legislature for a roll-off bin to help community members dispose of trash. She discussed her land grant's residents who pick up trash for their neighbors, but then get charged an overage fee, which discourages good samaritanism.

Monica Rodriguez, San Joaquin del Rio de Chama Land Grant-Merced, expressed her belief in the efficacy of Mr. Peck's use of strategic partnerships and collaborations. She said that land grant residents have to travel 100 miles round trip to dispose of their waste at the nearest landfill. She requested a closer transfer station and suggested collaborating with other nearby counties.

Preparing for the Land Grant-Merced Assistance Fund: What do Land Grants-Mercedes Need to Prepare, and What Sorts of Training Needs to Be Put in Place? (2:53 p.m.)

Arturo Archuleta, program manager, Land Grant Council, presented on the Land Grant-Merced Assistance Fund, which was created by the legislature in 2022 to begin distributions in 2024 with a \$2 million appropriation. He spoke about the Land Grant Council's regular meetings to determine the field of eligible land grants-mercedes and qualification requirements. In 2022, 18 land grants-mercedes had met all requirements and were approved, whereas five land grants-mercedes were not approved. He explained that after receiving funding, land grants-mercedes will get bumped into a category-4 financial reporting category that requires financial statements and specific accounting processes, creating a need for an accountant. Moving forward, Mr. Archuleta said that he and the Land Grant Council hope to provide individual technical support and trainings on topics such as finances, reporting, budgeting, compliance and elections. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20092222%20Item%204%20Land%20Grant%20Council%20-%20List%20of%20Qualified%20Land%20Grants.pdf>.

Public Comment (4:04 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The meeting recessed at 4:45 p.m.

Friday, September 23

Reconvene

Senator Jaramillo reconvened the meeting at 9:15 a.m. and welcomed committee members and the public.

Tour of the ALGM (9:25 a.m.)

Committee members and the public were taken on a tour of the ALGM.

Lunch and Performance by the Comanches of Taos (1:00 p.m.)

Adjournment

There being no further business before the committee, the meeting adjourned at 2:00 p.m.

Revised: October 18, 2022

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

**October 20-21, 2022
La Sala de Chilili Rodeo Club
2 La Jara Road
Chilili**

Thursday, October 20

- 10:00 a.m. **Call to Order and Introductions**
 —Senator Leo Jaramillo, Chair
- 10:15 a.m. (1) **[Chilili Land Grant-Merced \(LGM\) Status Update](#)**
 —Juan Sanchez, President, Chilili LGM
- 11:00 a.m. (2) **[Town of Tajiue LGM](#)**
 —Andrew Gutierrez, President, Town of Tajiue LGM
- 11:25 a.m. (3) **[La Merced del Manzano LGM](#)**
 —Jason Quintana, President, La Merced del Manzano LGM
- 11:50 a.m. (4) **[Torreon LGM](#)**
 —Senaída Anaya, President, Torreon LGM
- 12:15 p.m. **Lunch**
- 1:15 p.m. (5) **[Mercedes Unidas Center \(Formerly Known as the United States Forest Service Piedra Lumbre Visitor Center\) Update](#)**
 —Leonard T. Martínez, President, San Joaquin del Rio de Chama LGM
 —TBD, Juan Bautista Baldez LGM
 —TBD, LGM de los Pueblos de Tierra Amarilla
- 2:15 p.m. (6) **[Community Governance Attorney Program Status Update](#)**
 —Adrian Oglesby, Director, Utton Transboundary Resources Center,
 University of New Mexico (UNM) School of Law
 —Elisabeth Gutierrez, Student, Community Governance Attorney Program,
 UNM School of Law
 —Victoria Lovato, Student, Community Governance Attorney Program,
 UNM School of Law

3:00 p.m. (7) [Highlands Acequia and Land Grant Education Project Status Update](#)
—Adrian Sandoval, Director, Center for the Education and Study of Diverse
Populations, New Mexico Highlands University
—Jacobó D. Baca, Ph.D., Research Historian, Land Grant Studies Program,
University of New Mexico
—David F. García, Ph.D., Acequia Education and Outreach Coordinator,
New Mexico Acequia Association

3:45 p.m. (8) [Disaster Recovery and Acequias: An Overview of Challenges and
Resource Needs](#)
—Paula Garcia, Executive Director, New Mexico Acequia Association

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

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

Friday, October 21

9:00 a.m. **Tour of the Chilili LGM**

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

**October 20-21, 2022
Chilili Land Grant-Merced Gymnasium Building
9868 NM-337
Chilili**

The fourth meeting of the Land Grant Committee for the 2022 interim was called to order by Senator Leo Jaramillo, chair, on Thursday, October 20, 2022, at 10:21 a.m. at the Chilili Land Grant-Merced (LGM) gymnasium building.

Present

Sen. Leo Jaramillo, Chair
Rep. Susan K. Herrera, Vice Chair
Rep. Rachel A. Black (10/20)
Rep. Miguel P. Garcia
Rep. Christine Trujillo

Absent

Rep. Linda Garcia Benavides
Rep. Matthew McQueen
Sen. Bill B. O'Neill
Sen. Gerald Ortiz y Pino
Sen. Michael Padilla
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez

Advisory Members

Sen. Shannon D. Pinto

Rep. Eliseo Lee Alcon
Sen. David M. Gallegos
Rep. Harry Garcia
Rep. D. Wonda Johnson
Sen. Linda M. Lopez
Sen. Elizabeth "Liz" Stefanics

Guest Legislator

Rep. Stefani Lord

Staff

Mark Edwards, Bill Drafter, Legislative Council Service (LCS)
Martin Fischer, Staff Attorney, LCS
Anthony Montoya, Staff Attorney, LCS

Guests

The guest list is in the meeting file.

Minutes Approval

The committee did not review the minutes for this meeting, and they have not been officially approved by the committee.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Thursday, October 20

Welcome and Introductions (10:21 a.m.)

Because a quorum was not present, Senator Jaramillo called the committee to order as a special subcommittee and asked members, staff and attendees to introduce themselves.

Chilili LGM Status Update (10:35 a.m.)

Juan Sanchez, president, Chilili LGM, welcomed the committee to Chilili and provided a history of the LGM. Mr. Sanchez discussed historical struggles that the land grant has overcome and recent successes of the community.

Town of Tajiique LGM (11:10 a.m.)

Augustine Montoya, member, Town of Tajiique LGM, provided a brief update on the LGM, including a drainage project to prevent and address flooding and a grant to acquire a riding lawnmower to maintain communal lands. Additionally, equipment was acquired through the Department of Transportation, and currently, the Tajiique LGM is working to upgrade the community kitchen facilities.

Town of Tome LGM (11:30 a.m.)

Upon a request from the committee to come forward from the audience, Andrea Padilla, president, Town of Tome LGM, discussed the history of the Town of Tome LGM and recent activities, including the purchase and refurbishment of the historic jail and adjacent casita. Ms. Padilla provided a gift and expression of gratitude to Representative Garcia on behalf of the New Mexico Land Grant Consejo.

La Merced del Manzano LGM (11:40 a.m.)

Jason Quintana, president, La Merced del Manzano LGM, provided an update on the LGM, including capital projects for the community building. Additionally, Mr. Quintana discussed recent plans to acquire financing for heavy equipment from the Department of Transportation. Mr. Quintana also discussed issues involving traditional resource use and firewood gathering and discussions between the LGM and local and federal agencies that manage those resources.

Mercedes Unidas Center (Formerly Known as the United States Forest Service Piedra Lumbre Visitor Center) Update (1:27 p.m.)

Leonard T. Martínez, president, San Joaquin del Rio de Chama LGM, discussed the land boundaries of the Chama LGM. Steve Polaco, president, LGM de los Pueblos de Tierra Amarilla, explained that the LGM de los Pueblos de Tierra Amarilla, the Chama LGM and the Juan Bautista Baldez LGM have joined together to purchase the Piedra Lumbre Visitor Center. Mr. Polaco explained that there have been recent issues, including vandalism, theft and needing renovations on the property. He explained the plans to address these needs. Mr. Martínez and Mr. Polaco discussed future plans for the property. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20102022%20Item%205%20Piedra%20Lumbre%20Visitor%20Center.pdf>.

Disaster Recovery and Acequias: An Overview of Challenges and Resource Needs (2:15 p.m.)

David F. García, Ph.D., coordinator, Acequia Education and Outreach, New Mexico Acequia Association, discussed post-fire remediation projects completed by acequias, including preventing post-fire flooding, correcting canals, repairing diversion points and headgates and addressing erosion and the flow of debris to farmlands. Dr. García explained that the New Mexico Acequia Association has assisted more than 50 acequias in seeking state aid and applying for federal assistance and that acequias are facing challenges in obtaining funding. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=10/20/2022&ItemNumber=8>.

Highlands Acequia and Land Grant Education Project Status Update (2:52 p.m.)

Adrian Sandoval, director, Center for the Education and Study of Diverse Populations, New Mexico Highlands University; Jacobo D. Baca, Ph.D., research historian, Land Grant Studies Program, University of New Mexico (UNM); and Dr. García provided the committee with the mission statement of the Acequia and Land Grant Education Project, including deepening knowledge of history, language and culture. Dr. Baca stated that experiential education is key to the program and opens up students to in-depth experiences with local communities and discussed the planning and background information that has gone into developing the program. Dr. García provided an overview of the importance of including and addressing community values in the proposed curriculum. Dr. Sandoval then guided the committee through an overview of proposed lesson plans and curriculum. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=10/20/2022&ItemNumber=7>.

Community Governance Attorney Program Status Update (3:30 p.m.)

Mr. Edwards provided the committee with a brief history of the passage of the Community Governance Attorney Act and the program created by that act, noting that this is the first year since passage that law students are taking part in the program. Elisabeth Gutierrez, student, Community Governance Attorney Program, UNM School of Law, and Victoria Lovato, student, Community Governance Attorney Program, UNM School of Law, spoke about their backgrounds and interest in participating in the program, including what they wished to accomplish for land grant and acequia communities.

Public Comment (3:55 p.m.)

Ms. Padilla discussed issues facing her community. One issue in particular is local communities and governmental entities not recognizing LGMs as political subdivisions. Senator Jaramillo suggested that a request be made to the Office of the Attorney General for a legal memo to be drafted explaining that LGMs are to be treated as political subdivisions.

Recess

The meeting recessed at 4:06 p.m.

Friday, October 21

Tour of Chilili LGM (9:00 a.m.)

Committee members toured numerous sites within the Chilili LGM, including the Rodeo Club, areas affected by the Dog Head Fire and areas responsible for supplying water to the LGM.

Adjournment

There being no further business before the committee, the meeting adjourned at 1:47 p.m.

Revised: November 17, 2022

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

**November 22, 2022
State Capitol, Room 322
Santa Fe**

Tuesday, November 22

- 10:00 a.m. **Call to Order and Introductions**
—Senator Leo Jaramillo, Chair
- 10:15 a.m. (1) **Concerns Regarding a Partitioned Land Grant Bill**
—Ralph Laumbach, Vice President, Santa Gertrudis de lo de Mora Land
Grant-Merced
—Ernesto Lujan, President, Las Vegas Land Grant-Merced
—L. Ortiz, Heir, Arroyo Hondo Land Grant-Merced
- 10:45 a.m. (2) **Land Grant Council: Budget Update**
—Juan Sanchez, Chair, Land Grant Council
—Arturo Archuleta, Program Manager, Land Grant Council
- 11:45 a.m. (3) **Legislative Issues Concerning Acequias**
—Ralph Vigil, Chair, Acequia Commission
—Paula Garcia, Executive Director, New Mexico Acequia Association
- 12:30 p.m. **Lunch**
- 1:30 p.m. (4) **Abiquiu Land Grant-Merced and Carson National Forest Boundaries
Discussion**
—TBD
—TBD
- 2:30 p.m. (5) **Review of Potential 2023 Legislation**
—Mark Edwards, Drafter, Legislative Council Service
- 3:00 p.m. **Public Comment**
- 3:30 p.m. **Adjourn**

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

**November 22, 2022
State Capitol, Room 322
Santa Fe**

The fifth meeting of the Land Grant Committee was called to order by Senator Leo Jaramillo, chair, on Tuesday, November 22, 2022, at 10:25 a.m. in Room 322 of the State Capitol in Santa Fe.

Present

Sen. Leo Jaramillo, Chair
Rep. Susan K. Herrera, Vice Chair
Rep. Linda Garcia Benavides
Rep. Miguel P. Garcia
Rep. Matthew McQueen
Sen. Gerald Ortiz y Pino
Rep. Christine Trujillo

Absent

Rep. Rachel A. Black
Sen. Bill B. O'Neill
Sen. Michael Padilla
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez

Advisory Members

Sen. Linda M. Lopez
Sen. Elizabeth "Liz" Stefanics

Rep. Eliseo Lee Alcon
Sen. David M. Gallegos
Rep. Harry Garcia
Rep. D. Wonda Johnson
Sen. Shannon D. Pinto

Staff

Mark Edwards, Bill Drafter, Legislative Council Service (LCS)
D. Martin Fischer, Staff Attorney, LCS
Michelle Jaschke, Researcher, LCS
Anthony Montoya, Staff Attorney, LCS

Minutes Approval

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

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Tuesday, November 22

Welcome and Introductions (10:25 a.m.)

Senator Jaramillo welcomed the committee and asked members, staff and attendees to introduce themselves.

Concerns Regarding a Partitioned Land Grant Bill (10:35 a.m.)

Ralph Laumbach, vice president, Santa Gertrudis de lo de Mora Land Grant-Merced; Ernesto Lujan, president, Las Vegas Land Grant-Merced; and L. Ortiz, heir, Arroyo Hondo Land Grant-Merced, expressed their opposition to a proposed partitioned land grant bill. Novela Salazar, Office of the Attorney General, addressed the panel's questions.

Land Grant Council: Budget Update (11:16 a.m.)

Juan Sanchez, chair, Land Grant Council, and Arturo Archuleta, program manager, Land Grant Council, presented an overview of current land grant programs and an update on the Land Grant Council budget for fiscal year 2024. Mr. Archuleta outlined the land grant capital outlay priorities for 2023. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=11/22/2022&ItemNumber=2>.

Legislative Issues Concerning Acequias (12:19 p.m.)

Ralph Vigil, chair, Acequia Commission, and Paula Garcia, executive director, New Mexico Acequia Association, addressed the importance of the Acequia and Community Ditch Infrastructure Fund and the need for more disaster recovery funding following the catastrophic wildfire damage to acequias in 2022. Ms. Garcia also highlighted the significance of retaining acequia water protections under the Cannabis Regulation Act. Mr. Vigil reviewed the Acequia Commission's initiatives for widespread watershed protection for New Mexico communities. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=11/22/2022&ItemNumber=3>.

Review of Potential 2023 Legislation (2:03 p.m.)

Mr. Edwards discussed potential 2023 legislation, including eligibility criteria for land grant partitions to be land grant-mercedes political subdivisions. Mr. Archuleta addressed some of the committee members' questions concerning the proposed bills. At the end of Mr. Edwards' presentation, the committee endorsed and designated the sponsors for the following two bills for the 2023 legislative session:

- .223076.1: a bill creating eligibility for land grant partitions to qualify as autonomous land grants-mercedes under state law, to be sponsored by Representative Miguel P. Garcia; and
- .223241.1: a bill including the Cristobal de la Serna land grant-merced as a land grant-merced governed by the provisions of Chapter 49, Article 1 NMSA 1978, to be sponsored by Representative McQueen.

The proposed bills can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=11/22/2022&ItemNumber=5>.

Adjournment

There being no further business before the committee, the meeting adjourned at 3:11 p.m.

ENDORSED LEGISLATION

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO PARTITIONS OF LAND GRANTS-MERCEDES; ESTABLISHING
QUALIFIED PARTITIONS OF LAND GRANTS-MERCEDES AS AUTONOMOUS LAND
GRANTS-MERCEDES PURSUANT TO CHAPTER 49, ARTICLE 1 NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 49-1-1.1 NMSA 1978 (being Laws 2004,
Chapter 124, Section 1, as amended) is amended to read:

"49-1-1.1. DEFINITIONS.--As used in Chapter 49 NMSA 1978:

A. "child" means a biological, adopted or foster
child, a stepchild, a legal ward or a child of a person
standing in loco parentis;

B. "heir" means a person who is a descendant of the
original grantees and has an interest in the common land of a
land grant-merced through inheritance, gift or purchase or as
defined in the bylaws of a land grant-merced;

.223076.2

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

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

1 C. "land grant-merced" means a grant of land made
2 by the government of Spain or by the government of Mexico to a
3 community, town, colony or pueblo or to a person for the
4 purpose of founding or establishing a community, town, colony
5 or pueblo and includes land partitioned from a land grant-
6 merced pursuant to Subsection A of Section 49-1-2 NMSA 1978;

7 D. "parent" includes a biological, adoptive or
8 foster parent, a stepparent or an individual who stands in loco
9 parentis to a child;

10 E. "precinct" means a geographic location such as a
11 community or town that is guaranteed an apportioned amount of
12 positions on the board of trustees of a land grant-merced as
13 defined in the land grant-merced bylaws;

14 F. "qualified voting member" means an heir who is
15 registered to vote in a land grant-merced as prescribed in the
16 land grant-merced bylaws; and

17 G. "sibling" includes a stepsibling and a half-
18 sibling."

19 **SECTION 2.** Section 49-1-2 NMSA 1978 (being Laws 1907,
20 Chapter 42, Section 2, as amended) is amended to read:

21 "49-1-2. APPLICATION.--

22 A. Sections 49-1-1 through 49-1-18 NMSA 1978 shall
23 apply to:

24 (1) all land grants-mercedes confirmed by the
25 congress of the United States or by the court of private land

.223076.2

underscored material = new
[bracketed material] = delete

1 claims or designated as land grants-mercedes in any report or
2 list of land grants prepared by the surveyor general and
3 confirmed by congress; [~~but~~] and

4 (2) land partitioned from a land grant-merced;
5 provided that the Guadalupe Hidalgo treaty division of the
6 office of the attorney general has certified to the partition
7 and to the land grant council that:

8 (a) the partition was made to heirs of
9 the original land grant-merced prior to 2004 for the purpose of
10 establishing common land for a separate community or town;

11 (b) the partitioned land has been
12 managed as common land for the original partition beneficiaries
13 or their heirs for at least twenty years; and

14 (c) the partitioned land was conveyed by
15 the board of trustees of the original land grant-merced or the
16 partition was affirmed by a court of competent jurisdiction.

17 B. Sections 49-1-1 through 49-1-18 NMSA 1978 shall
18 not apply to any land grant that is now managed or controlled
19 in any manner, other than as provided in Sections 49-1-1
20 through 49-1-18 NMSA 1978, by virtue of any general or special
21 act.

22 C. The Guadalupe Hidalgo treaty division of the
23 office of the attorney general shall establish methods and
24 procedures for certifying partitions of land grants-mercedes
25 pursuant to Paragraph (2) of Subsection A of this section.

.223076.2

underscored material = new
[bracketed material] = delete

1 ~~[B-]~~ D. If a majority of the members of the board
2 of trustees of a land grant-merced covered by specific
3 legislation determines that the specific legislation is no
4 longer beneficial to the land grant-merced, the board has the
5 authority to petition the legislature to repeal the legislation
6 and to be governed by its bylaws and as provided in Sections
7 49-1-1 through 49-1-18 NMSA 1978.

8 ~~[G-]~~ E. The town of Tome land grant-merced,
9 situated in Valencia county, confirmed by congress in 1858 and
10 patented by the United States to the town of Tome, shall be
11 governed by the provisions of Sections 49-1-1 through 49-1-18
12 NMSA 1978.

13 ~~[D-]~~ F. The town of Atrisco land grant-merced,
14 situated in Bernalillo county, confirmed by the court of
15 private land claims in 1894 and patented by the United States
16 to the town of Atrisco in 1905, shall be governed by the
17 provisions of Sections 49-1-1 through 49-1-18 NMSA 1978;
18 provided that the board of trustees shall not have regulatory
19 jurisdiction over, and the provisions of Chapter 49, Article 1
20 NMSA 1978 shall not apply to or govern, any lands or interests
21 in real property the title to which is held by any other
22 person, including a public or private corporation, partnership
23 or limited liability company.

24 ~~[E-]~~ G. The Tecolote land grant-merced, also known
25 as the town of Tecolote, situated in San Miguel county,

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

1 confirmed by congress in 1858 and patented by the United States
2 to the town of Tecolote in 1902, shall be governed by the
3 provisions of Sections 49-1-1 through 49-1-18 NMSA 1978.

4 ~~[F-]~~ H. Notwithstanding the provisions of
5 Subsection A of this section to the contrary, the San Antonio
6 del Rio Colorado land grant-merced, situated in Taos county,
7 which claim was recommended for confirmation by surveyor
8 general James K. Proudfit in 1874 and again in 1886 by surveyor
9 general George W. Julian, but not confirmed by congress, shall
10 be governed by the provisions of Sections 49-1-1 through
11 49-1-18 NMSA 1978.

12 ~~[G-]~~ I. The Manzano land grant-merced, also known
13 as la merced del Manzano land grant-merced, situated in
14 Torrance county, confirmed by congress in 1860 and patented by
15 the United States to the town of Manzano in 1907, shall be
16 governed by the provisions of Chapter 49, Article 1 NMSA 1978."

17 **SECTION 3. TEMPORARY PROVISION.**--Nothing in this act
18 shall be construed to alter or diminish the legal status of an
19 existing land grant-merced or any rights established under the
20 Treaty of Guadalupe Hidalgo.

21 **SECTION 4. EFFECTIVE DATE.**--The effective date of the
22 provisions of this act is July 1, 2023.

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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; INCLUDING THE CRISTOBAL DE LA SERNA
LAND GRANT-MERCED AS A LAND GRANT-MERCED GOVERNED BY THE
PROVISIONS OF CHAPTER 49, ARTICLE 1 NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 49-1-2 NMSA 1978 (being Laws 1907,
Chapter 42, Section 2, as amended) is amended to read:

"49-1-2. APPLICATION.--

A. [~~Sections 49-1-1 through 49-1-18~~] Chapter 49,
Article 1 NMSA 1978 shall apply to all land grants-mercedes
confirmed by the congress of the United States or by the court
of private land claims or designated as land grants-mercedes in
any report or list of land grants prepared by the surveyor
general and confirmed by congress, but shall not apply to any
land grant that is now managed or controlled in any manner,

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underscoring material = new
[bracketed material] = delete

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1 other than as provided in [~~Sections 49-1-1 through 49-1-18~~]
2 Chapter 49, Article 1 NMSA 1978, by virtue of any general or
3 special act.

4 B. If a majority of the members of the board of
5 trustees of a land grant-merced covered by specific legislation
6 determines that the specific legislation is no longer
7 beneficial to the land grant-merced, the board has the
8 authority to petition the legislature to repeal the legislation
9 and to be governed by its bylaws and as provided in [~~Sections~~
10 ~~49-1-1 through 49-1-18~~] Chapter 49, Article 1 NMSA 1978.

11 C. The town of Tome land grant-merced, situated in
12 Valencia county, confirmed by congress in 1858 and patented by
13 the United States to the town of Tome, shall be governed by the
14 provisions of [~~Sections 49-1-1 through 49-1-18~~] Chapter 49,
15 Article 1 NMSA 1978.

16 D. The town of Atrisco land grant-merced, situated
17 in Bernalillo county, confirmed by the court of private land
18 claims in 1894 and patented by the United States to the town of
19 Atrisco in 1905, shall be governed by the provisions of
20 [~~Sections 49-1-1 through 49-1-18~~] Chapter 49, Article 1 NMSA
21 1978; provided that the board of trustees shall not have
22 regulatory jurisdiction over, and the provisions of Chapter 49,
23 Article 1 NMSA 1978 shall not apply to or govern, any lands or
24 interests in real property the title to which is held by any
25 other person, including a public or private corporation,

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underscored material = new
[bracketed material] = delete

1 partnership or limited liability company.

2 E. The Tecolote land grant-merced, also known as
3 the town of Tecolote, situated in San Miguel county, confirmed
4 by congress in 1858 and patented by the United States to the
5 town of Tecolote in 1902, shall be governed by the provisions
6 of [~~Sections 49-1-1 through 49-1-18~~] Chapter 49, Article 1 NMSA
7 1978.

8 F. Notwithstanding the provisions of Subsection A
9 of this section to the contrary, the San Antonio del Rio
10 Colorado land grant-merced, situated in Taos county, which
11 claim was recommended for confirmation by surveyor general
12 James K. Proudfit in 1874 and again in 1886 by surveyor general
13 George W. Julian, but not confirmed by congress, shall be
14 governed by the provisions of [~~Sections 49-1-1 through 49-1-18~~]
15 Chapter 49, Article 1 NMSA 1978.

16 G. The Manzano land grant-merced, also known as la
17 merced del Manzano land grant-merced, situated in Torrance
18 county, confirmed by congress in 1860 and patented by the
19 United States to the town of Manzano in 1907, shall be governed
20 by the provisions of Chapter 49, Article 1 NMSA 1978.

21 H. Notwithstanding the provisions of Subsection A
22 of this section to the contrary, the Cristobal de la Serna land
23 grant-merced, situated in Taos county, with a land patent
24 issued on January 19, 1903, serial patent document number
25 1191903, and by the United States bureau of land management as

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

1 "Serna, Cristoval", serial number NMNMAA 0088014, but not
2 confirmed by congress, shall be governed by the provisions of
3 Chapter 49, Article 1 NMSA 1978."

4 SECTION 2. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2023.

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LEGISLATIVE COUNCIL SERVICE
SANTA FE, NEW MEXICO