

UNM Land Grant Studies Program (LGSP)
Report - 24 October 2014

The UNM Land Grant Studies Program has as its principal mission research and public service. It is not organized to offer courses but it does provide students with community-based learning and internship opportunities.

Research

Research includes a number of activities, much of which is the location, analysis, and systematization of information on New Mexico community land grants-mercedes from a number of archives and libraries. During the past twelve months these have included the Center for Southwest Research at UNM, the State Records Center and Archives in Santa Fe, the Denver Regional office (actually Broomfield, Colorado) of the National Archives, the Fort Worth Regional office of the National Archives, and in southern California, the Ronald Reagan Presidential Library, the Nixon Presidential Library, and the Huntington Library, all of which contain records relating directly to community land grants or indirectly on the formulation and implementation of federal policies regarding public lands, the U.S. Forest Service and the Bureau of Land Management and the return of lands to Pueblos and Native American tribes. One student prepared a digital record of correspondence in the Thomas Catron collection at the UNM Center for Southwest Research regarding land grants (see the first attachment to this report). Particularly in the instance of southern California and the Dallas-Fort Worth area, the director has taken advantage of academic invitations that paid for his travel there to extend his stay and consult the local archives for the purposes described. In the process the LGSP has acquired digital copies of 19th century maps of New Mexico, sketch maps of historic boundaries of land grants, documentation by the U.S. Forest Service of the use of former common lands by land grant heirs, and memoranda of the internal debates within the Nixon administration associated with the return of Taos Blue Lake and the land settlement with the Alaskan native peoples during the 1970s.

The most important products of this research, thus far, have been maps which are still works in progress, on the historic and traditional use boundaries of New Mexico's 35 community land grants. A recent example is the map of the traditional use boundaries for the San Antonio de las Huertas Land Grant (second attachment).

Another important research activity, begun in the last few months and supported by the part-time employment of four law students, has been a review of legal history, case law, and community land grants. There are no products of this work at this time.

Part of the on-going research activity has been documenting and recording the activities of the New Mexico Land Grant Council and the New Mexico Land Grant Consejo. It also has entailed documenting and recording meetings co-organized by the LGSP with these two entities, some of which are discussed in public service, below.

A related research activity has been survey field work that entails retracing and identifying the GPS coordinates for portions of the patent boundaries of three community land grants: Nuestra Señora del Rosario San Fernando y Santiago, San Joaquín del Río de Chama, and Abiquiú. These activities have been carried out in part at the request of the Interim Committee on Land Grants and the Land Grant Council, and the work especially with SJRC and Abiquiú should be viewed as a direct collaboration in a technical support role for the Council. In each of these instances the director, sometimes accompanied by

students, have worked together with two U.S. Forest Service Surveyors to locate those monuments, some of the over 100 years old, and retrace part of the patent survey.

San Joaquín del Río de Chama boundary work

The role of the UNM Land Grant Studies Program in the field work for the SJRC land grant has been to accompany the U.S. Forest surveyors in their work to cut out a parcel of land previously behind a Forest Wilderness sign that surrounds an ancient cemetery. It also included retracing the wilderness boundaries with the land grant on both the southern and the northern patent boundaries. In addition, a year ago students assisted with the construction of a trail up the hill to the cemetery site.

Pueblo de Abiquiú boundary work

The role of the UNM Land Grant Studies Program in this instance has been to do some preliminary field work on the northwest boundary of the land grant and to participate in meetings where discussion has arisen regarding whether Forest Service fences are in the proper location and whether an easement given to the Forest Service by the Grazing Association that anteceded the land grant is being implemented properly. At present, the more urgent task as defined by the board of trustees is the easement matter. The Forest Service has asked the UNM LGSP director to help facilitate a meeting between members of the board and the Española Ranger Station to arrive at a positive outcome on the easement issue, which we are working on this fall. In the spring we plan to continue clarifying the boundary issues with the land grant and the Forest Service.

Public service

Public service has two rather different components. One relates to helping to educate the public, including students, about land grants. The LGSP hosts an annual speaker on campus on land grant-related issues. This year's speaker, Lorraine García, is a member of the Chih'ene Nde Nation of New Mexico and will speak on the UNM campus (Student Union Building, Fiesta Room) on Thursday, November 6, 4:00-5:30 pm. (The flier providing details of this public lecture is the third attachment to this report.) The LGSP also invites the keynote speaker for the Treaty Day commemoration at the Roundhouse on February 2, and usually pays the speakers' honorarium. Last February the Treaty Day speaker was Gabriel Meléndez, a professor of American Studies at UNM. In addition, the director and the senior staff of the Council were invited to make a public presentation on New Mexico community land grants before a large student audience at California State University, Northridge in November of 2013.

The other component of public service has been to provide support for community land grants, for the NM Land Grant Council, and for other entities when requested. Examples of the latter have been presentations before the Interim Land Grant Committee on particular issues and the presentation of what was called Land Grants 101 before a group of about 100 federal employees associated with the U.S. Forest Service and the Bureau of Land Management. This particular presentation, the 23 pages of slides of which are attached to this report, was conducted by Arturo Archuleta, senior staff to the NM Land Grant Council and LM García y Griego, director of the LGSP. The presentation included history of land grants, a discussion of the how land was lost before and after adjudication, the emergence of contemporary organizations and entities associated with land grant issues including the Land Grant Forum (1995), the Interim Committee on Land Grants (2003), the Merced Land Education and Conservation Trust (2005), the New Mexico Land Grant Consejo (2006), the

UNM Land Grant Studies Program (2008), and the New Mexico Land Grant Council (2009). The presentation concluded with a summary of contemporary challenges and opportunities facing community land grants.

The LGSP has provided direct support in the past few months to a number of land grants, some in conjunction with the Council and the Consejo (described below), and some of its own. Regarding the support it has undertaken on its own the LGSP has worked with Nuestra Señora del Rosario San Fernando y Santiago on its boundary issue with the U.S. Forest Service (described above under research); with Los Trigos in order to re-organize its board of trustees; and with Jacona, regarding its exploration of unit-of-government status.

Nuestra Señora del Rosario San Fernando y Santiago boundary work

A major project of the LGSP has been to work on Nuestra Señora Land Grant boundary issues. Nuestra Señora is not a unit of government and not eligible for direct assistance from the NM Land Grant Council. The goal of this project has been to identify the factual basis, if any, of a possible encroachment by the U.S. Forest Service on land grant land. Thus far, it is clear that there is no encroachment on the eastern boundary or the northwest portion of the boundary. The northern boundary is not in dispute since it is riparian. We have done two portions of the 13-mile long southern boundary, about 5 miles in total. We have not identified encroachment in those portions, though occasionally, especially with old fences, these have not been exactly on the boundary, but a few feet inside the land grant boundary. In one instance we have found two parallel fences; one on the boundary, another inside the land grant a few feet from the boundary (see the next-to-the-last attachment to this report). We have not identified who constructed those fences: some appear to have been constructed by the land grant; others by the Forest Service. The most recent fences appear to have been constructed by the Forest Service and are on the patent boundary. There was one instance near the southwest corner of the land grant where there was no fence at the boundary marker but instead a fence running along a dirt road 100 feet or so inside the land grant boundary.

The encroachment issue is not yet resolved, but there has been considerable progress in that the board of trustees, members of whom have accompanied us on these field excursions, have agreed with the Forest Service that the boundary markers found so far appear to be where they should be. There is some disagreement about the fences. We also have found places where fences have come down and cattle from the forest cross onto land grant land and vice versa. And although the process has not been completed, a working relationship between land grant board members and some Forest Service personnel from the Santa Fe National Forest and from the Regional office has developed. We conducted two days of field work in September and October of 2014. We plan to finish up this work next spring or early summer.

Support to the NM Land Grant Council

As anyone familiar with the contemporary activities and challenges of community land grants knows, the New Mexico Land Grant Council has a large mandate, a pressing set of challenges, and a tiny budget (\$50,000 per year until this year, when it was doubled to a still-modest budget of \$100,000). The director of the UNM Land Grant Studies Program has taken this into account by providing as much support for the Council as can reasonably be justified with available resources. As a consequence, the LGSP:

1. Prepares the official minutes of the Council;

2. Manages the Land Grant Registry on behalf of the Council through an MOU with the Board of Regents;
3. Through its parent organization, the Southwest Hispanic Research Institute, provides a conference room where all of its monthly meetings are held currently;
4. Responds to some Email inquires directed to nmlgandgrantcouncil@gmail.com
5. Set up the NM Land Grant Council website, nmlandgrantcouncil.org;
6. Assists with the management of the website;
7. Receives Land Grant Council correspondence and routes it to the Chair or the senior staff;
8. Provides photocopy support for Council materials;
9. Prepares and prints maps as needed;
10. Provides student support for Council activities, including legal research for its support of the re-organization of the board of trustees for the Tierra Amarilla Land Grant;
11. Works in a partnership arrangement with the Council for the satisfactory resolution of the election issue at San Miguel del Bado (more information on this below);
12. Has provided research assistance for the EDA grant proposal on regional economic planning;
13. And finally, co-hosted most important meetings sponsored by the Council for community land grants with other entities such as the Forest Service or BLM, including an ICIP training workshop in June of 2014. Co-hosting such meetings include participating in the conception and organizing of those meetings, providing rooms on the UNM campus for some events, providing logistical support for events, and having LGSP personnel (usually the director) make a presentation.

Without the support listed above the Council could not dedicate even the meager portion of its resources that it provides for the land grant support fund, nor could it dedicate the admittedly inadequate resources it provides for legal services contract. Without LGSP support, the Council's footprint would be smaller. The people that serve the Council--its five volunteer Council members and its senior staff hired on a temporary services contract--are extremely dedicated and, with proper support, are in a position to add substantial value to improving the short-term and medium-term future of community land grants. Under the present circumstances, the director of the LGSP believes that providing the kind of support listed in the thirteen items above is a wise investment of LGSP resources. The close collaboration with the Council has also broadened field research opportunities for the Land Grant Studies Program.

Nevertheless, it seems reasonable to expect that the Council's budget can and will be increased in the years ahead so that it can properly staff its ongoing obligations and make it possible for the LGSP to provide assistance in an area where it has a comparative advantage: historical and legal research, mapping, quantitative analysis, field research, and bringing University resources, including some of its faculty and graduate students to bear on the broader intellectual and policy questions associated with community land grants.

One public service project associated with the Council has taken considerable resources of the LGSP: the San Miguel del Bado election process. The UNM LGSP commitment to this project has been threefold: work with the genealogy committee to prepare a base for the registration of voters, the preparation of district maps for the election (see the last attachment to this report), and the construction of a website for the SMdB election: www.sanmigueldelbado.org. By far the greatest time and resource commitment has been the employment of two students for a semester and a summer and the participation of the director at nearly two dozen meetings held in San Miguel del Bado either with its Genealogy Committee or accompanying the co-special master to the community outreach meetings to register voters between March 2013 and August, 2014. The genealogy work has entailed review over 8,000 lines of census data and connecting census information with over 100 heirship forms submitted to the Genealogy Committee.

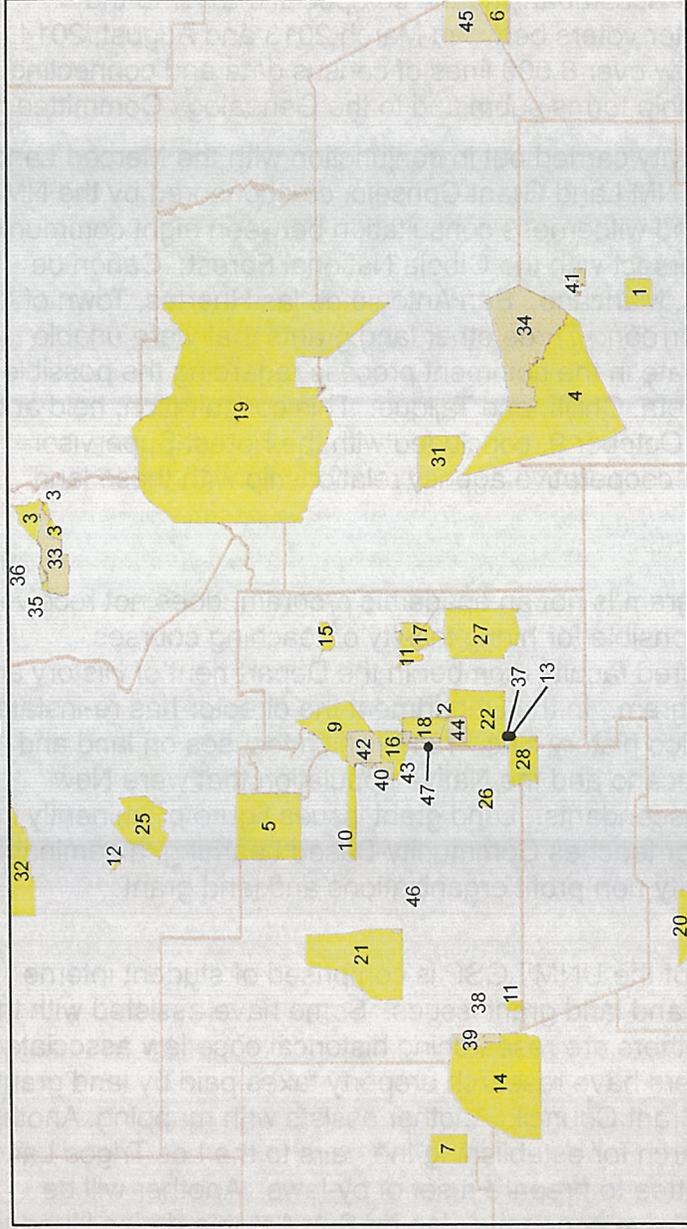
The most recent public service activity carried out in conjunction with the Merced Land Education Conservation Trust and the NM Land Grant Consejo, co-sponsored by the NM Land Grant Council, was a dialogue and wilderness consultation between eight community land grants whose ancestral lands intersect with the Cibola National Forest: Cañón de Carnué, Chih'ene Nde Nation, Cubero, Manzano, San Antonio de las Huertas, Town of Atrisco, Town of Tomé, and Town of Torreón. Three other land grants that were unable to attend have indicated they will participate in the comment process regarding the possible expansion of wilderness areas: Cebolleta, Chililí, and Tajique. This consultation, held at the Cañón de Carnué Land Grant Hall on October 9, concluded with the Forest Supervisor suggesting she would like to explore a cooperative agency relationship with these land grants.

Teaching and student support

The UNM Land Grant Studies Program is not an academic program, does not receive I&G funding, and therefore is not responsible for hiring faculty or teaching courses. However, its director is a full-time tenured faculty member in the Department of History and the Chicana and Chicano Studies Program. In the Department the director has re-instated an upper division course on New Mexico history since 1848, which focuses on land and water issues relating to the nuevomexicano and the Native population that were New Mexico's settlers in 1848, and their descendants. Land grant issues figure prominently in the course. In the Program the director teaches Community-Based Learning, a seminar in which students are placed in community non-profit organizations and land grant associations.

In addition, most of the personnel of the UNM LGSP is comprised of student interns who are paid to work with land grants and land grant issues. Some have assisted with the San Miguel del Bado election issue; others are researching historical case law associated with U.S. v. Sandoval (1897), and others have research property taxes paid by land grants. One takes minutes for the NM Land Grant Council. Another assists with mapping. Another has completed the genealogical research for establishing the heirs to the Los Trigos Land Grant and is assisting an heirs committee to prepare a set of by-laws. Another will be assigned to help develop a comprehensive economic plan for San Antonio de las Huertas. All of these activities provide significant assistance to individual land grants or the Council and all provide students with needed community-based work and research experience that complements their classroom education.

Land Grant Ownership of Thomas Benton Catron, 1870-1920 (Focus on contested [overlapping] land grant parcels)



Catron ownership of LGs

- Individual Land Grant Boundaries
- Contested LG areas

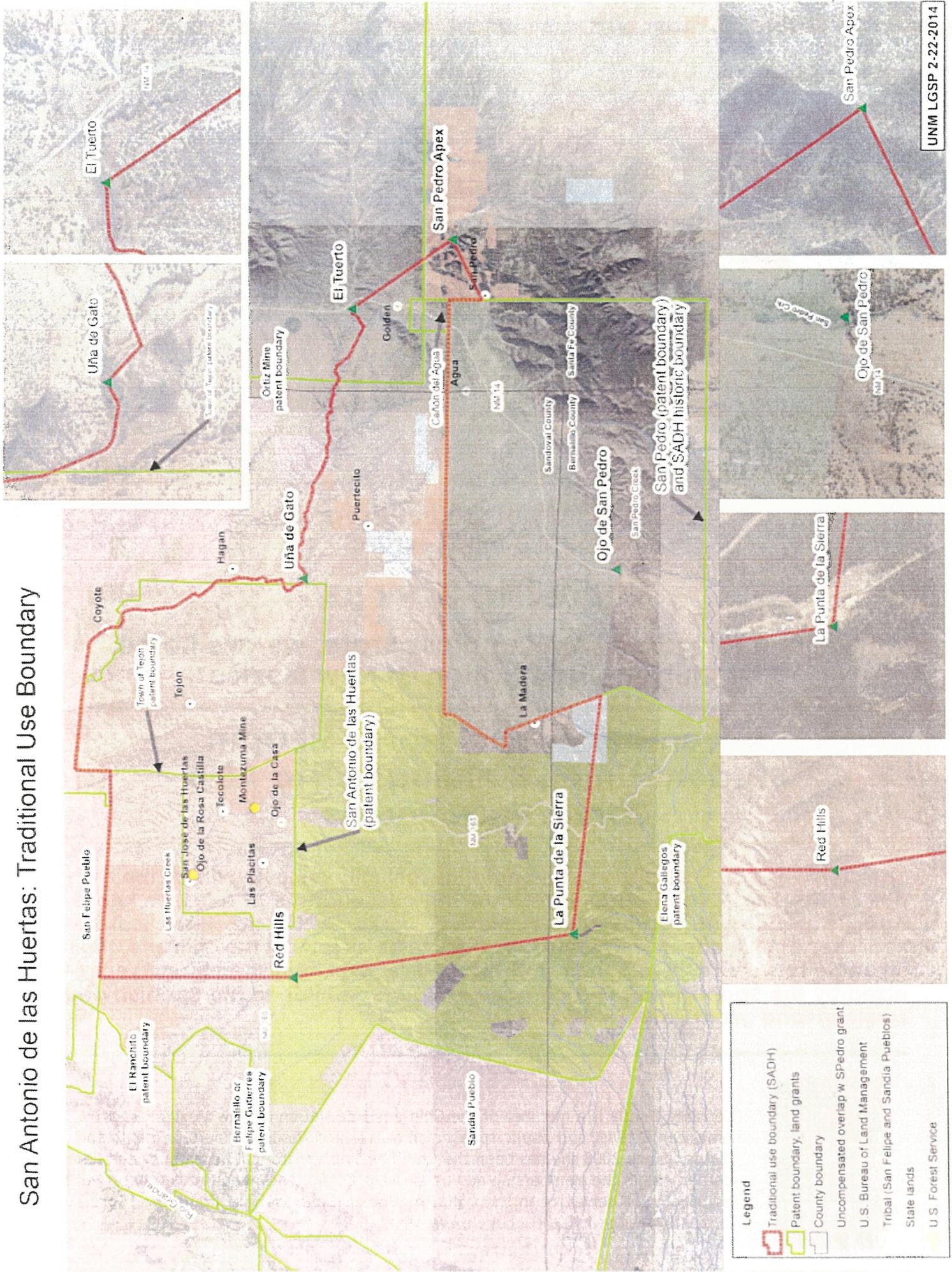
Note: Map at left does not include all land grants in listed in key below.

Key to Individual and Overlapping Land Grant Areas

- | | | |
|--|--|---|
| <ul style="list-style-type: none"> 1 Agua Negra 2 Alamitos 3 Antoine Leroux (4 parcels) 4 Anton Chico 5 Baca Location no. 1 6 Baca Location no. 2 7 Bartolome Fernández 8 Bosque del Apache 9 Caja del Río 10 Cañada de Cochiti 11 Cañada de los Alamos (2 parcels) 12 Cañón de Chama 13 Cañón del Agua 14 Cebolleta 15 Juan de Gabaldón 16 La Majada 17 Lamy | <ul style="list-style-type: none"> 18 Mesita de Juana López 19 Mora 20 Nicolás Durán de Chávez 21 Ojo del Espíritu Santo 22 Ortiz Mine 23 Pedro Armendariz No. 33 24 Pedro Armendariz No. 34 25 Piedra Lumbre 26 San Antonio de las Huertas 27 San Cristóval 28 San Pedro 29 Sangre de Cristo 30 Santa Teresa 31 Tecolote 32 Tierra Amarilla 33 Antoine Leroux/Antonio Martinez 34 Anton Chico/Preston Beck | <ul style="list-style-type: none"> 35 Arroyo Hondo/Antoine Leroux 36 Arr Ho/Ant Mart/Ant Lerx (3 parcels) 37 Cañón del Agua/Ortiz Mine 38 Cebolleta/Agua Salada 39 Ceb/Ntra Sra de la luz de las Lag 40 Cochiti Pueblo/La Majada 41 José Perea/Preston Beck (2 parcels) 42 La Majada/Mesita de Juana López 43 La Majada/Mesita de Juana López 44 Ortiz Mine/Mesita de Juana López 45 Pablo Montoya/Baca Location no. 2 46 San Ysidro/Ojo del Espíritu Santo 47 Santo Domingo Pueblo/M de J López |
|--|--|---|

Source: Thomas Benton Catron Papers, Center for Southwest Research, University of New Mexico Library; research by Bryan Turo
Map courtesy of UNM Land Grant Studies Program, 10/8/2013

San Antonio de las Huertas: Traditional Use Boundary





UNM Land Grant Studies Program
Annual Public Lecture

Lorraine García

**“From A Kingdom To A Landless State, we are home:
The Chih’ene Nde Nation Of New Mexico”**

November 6, 2014 4:00-5:30pm
Student Union Building Fiesta A&B
Conference Rooms

The Chih’ene Nde (The Red Paint People) historically once known as the gile-nos of The Xila (Gila) Kingdom are now the descendants of a lesser known Apache people of Southern New Mexico. Lorraine García, historical researcher of Chih’ene Nde descent, will discuss the history of the Chih’ene, their struggle to survive, retain their identity and recover their homeland recognized by the Spanish and Mexican governments, similar to the Spanish and Mexican land grants of New Mexico.



Lorraine García is a member of the Chih’ene Nde Nation of New Mexico, a Native American activist and public speaker on Native and Mexican American rights and history. Since 2008 she has been the Chih’ene Nde’s Historical Researcher and Recorder, chairs the Membership and Land Grant Committees, and previously served as tribal representative in the California Indian Child Welfare Court. Ms. García currently resides in Las Cruces New Mexico.

An introduction to community land grants-mercedes: past, present, future

Mercedes County
Regional Administration
Community Development

April 2014
Community Development
Mercedes County Administration

www.mercedscalifornia.gov

Introduction

- Self introductions: Name, title, affiliation
- Topics presented
 - Part 1: History, 1689-2004 [1:00-2:25, including Q&A]
 - Part 2: Contemporary goals and land grant activities, 2004-2014 [2:35-4:00, including Q&A]
- Focus on common lands of community land grants-mercedes
- Emphasis on improving relationship between LGs and federal land management agencies

History: 1689-2001

Land Grants-*Mercedes* under Spain and Mexico

What is a Land Grant-*Merced*?

- * The term Land Grant or *Merced* is used to refer to a grant of land given by the Spanish Crown or the Mexican Government in New Mexico between 1689 and 1846.
- * Two main categories:
 - * Individual Grants
 - * Community Grants
- * This category is our focus in today's presentation

Spanish & Mexican Community Land Grant-*Merced* Characteristics

- Some lands within community grants were owned by individuals; the remainder (common lands) for common use.
- Boundaries of Land Grants-Mercedes established in original grant documentation, usually on the basis of landmarks.
- Ranged in size from several thousand to several hundred thousand acres.

Uses of Common Lands

Traditional uses of common lands included:

- Use of common waters for drinking, irrigating and watering livestock;
- Use of common pasture for grazing of livestock;
- Wood gathering for firewood and building materials;
- Gathering of soils and rocks for building materials and other purposes;
- Gathering of flora for various purposes (religious, medicinal, consumption, and other applications);
- Hunting and fishing;
- Religious and Cultural uses such as cemeteries, pilgrimages, etc;
- Agricultural purposes, community farming and communal orchards, and
- Recreational uses.

Authorities for Establishment and Governance of Community Land Grants

- *Las Siete Partidas*
- *Recopilación de Leyes de los Reinos de las Indias*
- *Cédulas* (Royal Decrees)
- Treaty of Córdoba
- Series of colonization laws



Procedural Steps for Granting of Lands

- Step 1 - Individual(s) present written petition the governor of New Mexico describing area requested and declaring it as vacant public domain
- Step 2 - Governor refers to alcalde mayor to investigate merits of petition including locating area, determining jurisdiction and ensuring no conflict with neighboring Indians and other settlements
- Step 3 - After confirming no adverse claimants to land requested, alcalde mayor develops a sketch map of proposed grant as described in the petition including the distance to neighboring Indian Pueblos or other land grants
- Step 4 - Governor issues title of possession (the grant) and it is delivered to the petitioner at a ceremony attended by the alcalde, two Spanish witnesses, the grantees) and neighboring Indian Pueblos
- Step 5 - Petition and title of possession filed in the archives
- Step 6 - Alcalde confirms that all settlement requirements are met

Settlement Patterns



- Indian Pueblos granted first
- First settlements after 1692 are Villas
- Initial land grants after Villas are situated around the Villa along the Rio Grande (then known as rio del Norte).
- Later grants away from core settlements and larger in size.
- After Texas Revolt (1836) and Texas incursion (1837) - Mexico responded by increasing the size and frequency of land grants issued, focus on northeastern frontier.

Community Land Grants-Mercedes in New Mexico

- Per GAO, between 1689 and 1846 a total of **295** land grant-mercedes were granted by Spain and Mexico in what is now New Mexico and Southern Colorado.
- **154** community land grants, 141 individual grants.
- Of the community land grants, **82** (including **23** Indian Pueblo grants) were issued by the Spanish Crown and **49** by the Mexican government.
- Non Pueblo community land grants in New Mexico predominantly settled by *mestizos* (Spanish and Indian ancestry) and *genízanos* (Indians no longer associated with Indian communities)

Mexican American War and Treaty of Guadalupe Hidalgo

1846: United States declares war against Mexico.

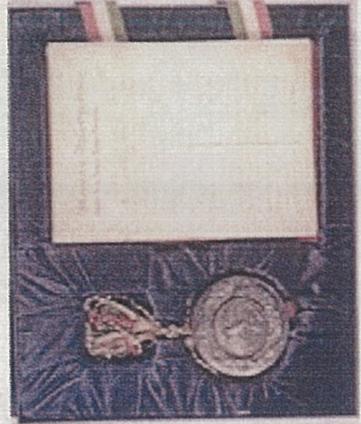
Treaty of Guadalupe Hidalgo (February 2, 1848) concludes war

Transfer of approximately one-half of the total land mass of Mexico, nearly doubles territory of the United States



Property Rights Under The Treaty of Guadalupe Hidalgo

- Provisions for recognition of property rights of persons who remained in the territories transferred to the U.S.
- Also property rights protections specific to Land Grants were made (Article X) excluded by U.S. Senate
- Protocol of Querétaro (May 26, 1848) affirmed. "The American Government, by suppressing the Xth article of the Treaty of Guadalupe did not in any way intend to annul the grants of lands made by Mexico in the ceded territories."



Adjudication of Spanish and Mexican Community Land Grants claims by the United States

Overview of adjudication, 1854-1904

Two processes, Survey General (1854-1891), Court of Private Land Claims (1892-1904)

• Less weight than it should have

• SGCs multiple tasks; conflicts of interest; corruption

• Lack of transparency and confirmed common lands at legal fees, exorbitant

• Confirmation of huge (mostly private grants) scandals

• Dismal results established by positive results but limited grants most likely to them, corruption and exorbitant fees

• Land grants confirmed (per CAO)

• 100 individual grants

• 100000 acres

• 100 community and grants beneficiaries

Two evaluations of adjudication: GAO (2004), AG (Benavides & Golten, 2008)

- GAO focused on very minor concerns, and adjudication met the Fifth Amendment requirements of due process:
 - Adequate notice: adequate 14 days with appropriate notice
 - Adequate opportunity to be heard: in person or written
 - Adequate opportunity to be heard: with opportunity to call witnesses and present evidence
- Benavides and Golten have the contract with NM Attorney General's office
 - A study that addresses the process requirements
 - A study that would be completed by AG, attorney, and process
 - Direct address of contract
 - A study that would be completed by AG, attorney, and process
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- Officers Malcolm Hought, Mike Scarborough, David Cortina have presented other critiques
- We don't propose to arrive at a uniform on these issues.

What can we agree on?

- Land loss occurred, and it had devastating economic consequences for land grant heirs
 - Loss of the cultural integrity of now-municipalized villages
 - Loss of land base for their livelihood
- Substantial portions were lost to private parties due to actions by territorial government officials
 - State governor, attorney general, that colluded with Santa Fe King
- Federal government retains ownership through USFS, BLM, and other agencies of portions of former common lands
 - Adversarial relationship between land grant heirs and federal agencies throughout 20th century

The 100 years following the adjudication process, 1904-2004

Land Loss

- Approximately 8 million acres of land claimed by community land grants during the adjudication process
- Approximately 5 million acres confirmed
- Approximately 3 million acres of former common lands placed in the public domain

Land Loss

- * Today the community land grants still in existence with active boards of trustees collectively own approximately 200,000 acres of common lands
- * That is, approximately 96% of all the land confirmed lost since 1904
- * When you include the approximately 3 million acres not confirmed during adjudication the total percent of common lands lost between 1848 and today is approximately 98%.

Initial Causes of Land Loss Post Adjudication

- * Errors and inconsistencies in the adjudication process
 - * Patents issued incorrectly
 - * Partition suits
 - * Costs associated with adjudication of land grants (surveys, attorney fees)
- * Land speculation & corruption by government officials

Subsequent Causes of Land Loss

- Delinquent tax seizures
- Adverse possession & encroachments (internal and external)
- Square peg-round hole effect

Effects of Land Loss and Denial of Access to former common lands

- Resultant socio- and economic hardships have devastating impact on land grant heirs and communities that continue to the present
- Impoverishment of land grant communities and related social ills
- Criminalization of local populations
- Proletarianization of rural agrarian populations

Reactions & Responses to Land Loss and Denial of Access

- Hardships a catalyst for action by land grant heirs
- Action generated positive and negative responses from government entities

Reactions & Responses to Land Loss and Denial of Access

- Realization of losses
- Corras Blancas & Mano Negra (1890s-1900s)
- Responses include territorial legislation to address land grant governance.



Reactions & Responses to Land Loss and Denial of Access

- Imposition of property taxes on the common lands
- Positive and negative responses by the federal government:
 - Introduction of federal legislation, usually in response to pressures from influential, domestic, strategic, and international, stakeholders, mainly:
 - 1909 Antiquities Act
 - 1916 National Antiquities Act
 - 1933 National Park Service
 - 1936 National Wildlife Refuge Act
 - 1940 position of permitting requirements for grazing and wild harvesting

Reactions & Responses to Land Loss and Denial of Access

- Establishment of the Alianza Federal de Mercedes - 5,000 members statewide, 1960s
- Tensions between federal land management agencies and land grants at all-time high
- Draws national attention to land grant issue and prompts re-evaluation of management policies and practices



Reactions & Responses to Land Loss and Denial of Access

- Community land grants focus on efforts affecting their local communities
- Gaps in land grant activism
- Wilderness designations in New Mexico
- Growth of national environmental movements
- Shifts in national trends in federal land management practices



Reactions & Responses to Land Loss and Denial of Access

- Initiation of Land Grant Forum
- Statewide land grant advocacy efforts resume
- 1998 federal legislation to establish commission to evaluate land claims.
- GAO report commissioned



CAO (2004) Options for Congress

1. Take no Action
2. Acknowledge that land grant confirmation process could have been more efficient and less burdensome and imposed fewer hardships on claimants
3. Establish a commission to reexamine specific land claims
4. Transfer federal land to communities that did not receive original acreage claimed
5. Financial restitution to claimant heirs or other entities for the non-use of land originally claimed but not awarded

Questions & Comments

Contemporary Community Land Grants, 2004-2014

Spanish & Mexican Land Grants in New Mexico Today

Spanish & Mexican Community Land Grants Today

- Today there are 35 lands grants with active boards of trustees.
- Collectively they manage approximately 200,000 acres of common land.
- 26 of these land grants are considered units of government.



Community Land Grant Governance

- Active community land grants exercise governance authority derived under three statutes found in Chapter 49 of the New Mexico Statutes Annotated (NMSA)
- By law, each (community) land grant is managed by a board of trustees
- Significance of heirship:
 - Community land grants are held in trust for the benefit of the community
 - Community land grants are held in trust for the benefit of the community
 - Community land grants are held in trust for the benefit of the community

Modern Role of Community Land Grants

- The role of community land grants has changed over time
- Land Grant-level boards of trustees fulfill their mission through a variety of activities:
 - Managing, protecting, and restoring uses of community lands
 - Learning of our own to benefit other entities
 - Providing community services
 - Capital & business preservation
 - Community and indigenous development
 - Attending to history
 - Public education activities
 - Engaging the public in the process

Organizations, Institutions and Accomplishments

Land Grant Legislative Interim Committee

- Recognized community land grants as government entities
- Capital infrastructure funding
- Legislation to prohibit adverse possession
- Facilitated return of former common lands
- Established:
 - Land Grant Registry
 - NM Attorney General's Office - Treaty of Guadalupe Hidalgo Division
 - UNM Land Grant Studies Program
 - New Mexico Land Grant Council



Organizations, Institutions and Accomplishments

Grassroots Efforts

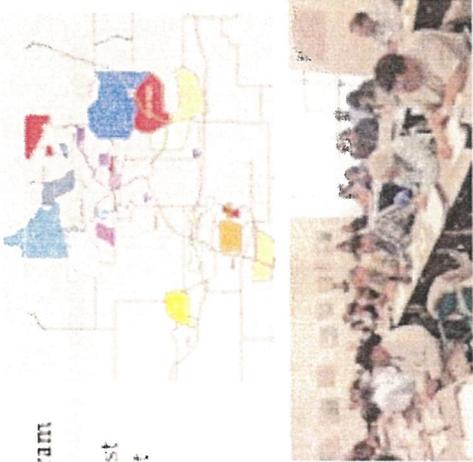
- Establishment of a 501c 3
- Provides funding agent
- Technical assistance prior to establishment of NM Land Grant Council
- Formation of NM Land Grant Consejo
- Provides mechanism for policy advocacy



Organizations, Institutions and Accomplishments

JNM Land Grant Studies Program

- Associated with the Southwest Hispanic Research Institute at UNM
- Connects resources of University to land grant-merged communities



Organizations, Institutions and Accomplishments

New Mexico Land Grant Council

- A state agency administratively attached to Department of Finance and Administration
- Mission: to provide a program of support for community land grants, serve as a liaison between community land grants and other government entities, and advocate for federal resources to address land grant needs
- Provides direct technical and financial assistance to community land grants
- Directly engages federal and state legislators and agencies on behalf of community land grants
- Develops, reviews, and comments on administrative and legislative policies and proposals relating to community land grants



Contemporary Community Land Grants, 2004-2014

Building partnerships for economic and community development

Traditional use rights, as well as some involving relationships with federal agencies

Traditional uses; traditional use rights (TURs)

- Definitions of "right"
- Rights vis-à-vis obligations on others
- Legally enforceable
- Traditional use rights were enforced in *Lobato v. Taylor* (71P.3d 938 [2002])
- Prescriptive rights to pasture, firewood, timber on land owned by private party; former Benegate Grant, Grant, Colorado
- NM Land Grant Council and NM Land Grant Consejo seeking access to former common lands currently owned by federal and state agencies
- Not presented as a currently enforceable right
- Seeking legislation in Congress - though in unspacious time!
- Seeking administrative agreements with USFS, BLM, state agencies

What do we mean by traditional use rights?

Access to former common lands for ancestral purposes, including:

- gathering, woodcutting and building materials
- access to water for drinking, irrigation, washing livestock
- pasturing animals
- pasturing wild animals for medicinal purposes
- spiritual activities for religious purposes

Housing and utility

- Religious uses
- former common lands used for religious purposes and education
- Recreation
- Community development purposes, adapted to modern needs
- Other purposes for nearby communities

UNM LGSP mapping project

- Mapping present boundaries using GIS
 - EIT Mapping
 - Field GPS work
- Estimating historic boundaries from archival records, use of oral histories
 - Current cases historic boundaries of traditional use boundaries
- Estimating traditional use boundaries, inventory of traditional uses
 - Surveys and interviews of land grant beneficiaries
- A work in progress

On-going collaborative efforts: USFS

- Liason appointed in 2009
 - MDC SW Regional Office and NM Land Grant Council
- Development of draft Stewardship Agreement
 - Funding through Cibola NF and East-Mountain LAN
- Collaborative Forest Restoration Program
 - Planning grants, implementation in Califi
- Survey field work re common boundaries and easement
 - Nuestra Señora del Rosario, San Fernando y Santiago (Crucías)
 - San Joaquín del Río de Chama - cemetery plot
 - Aniquil - easement issue - just getting started

On-going collaborative efforts: BLM

- Liason appointed 2013
- Starting planning for a LG and BLM workshop, summer 2013
 - Identify former common areas that overlap with BLM lands
 - Identify common areas of mutual collaboration
 - UNM, OSP and BLM GIS people - patiate boundary shapesfiles
- Work on individual land grant issues under auspices of Council, UNM, LGSP
 - San Antonio de las Huertas
 - San Joaquín del Río de Chama
 - San Miguel del Bado

Planning and communication

- Propitious time: National Forests and BLM in process of revising plans
 - Local grants want FLR language in plans to form basis for future actions and work
 - Ways to promote land grant participation in federal land management decision making: through the NM Level Grant Council, Corridor, Boards of Trustees
- We will be around for a long time. . . planning for long-term collaborative work
- On-going tensions between land grant heirs and federal agencies
 - Conflict resolution
- Identifying areas of mutual benefit and facilitating communication

Questions & Comments



San Miguel del Bado August 2014 Election District Map



Legend

- Areas with structures near boundary, 1...13
- Communities
- Historic boundaries
- District boundaries
- Patent boundaries

