

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

**July 1-2, 2019
Anton Chico Economic Development Center
Anton Chico**

The second meeting of the 2019 interim of the Land Grant Committee was called to order by Representative Miguel P. Garcia, chair, on July 1, 2019 at 10:03 a.m. at the Anton Chico Economic Development Center in Anton Chico.

Present

Rep. Miguel P. Garcia, Chair
Sen. Elizabeth "Liz" Stefanics, Vice Chair (7/1)
Sen. Gregory A. Baca (7/1)
Rep. Rachel A. Black
Rep. Susan K. Herrera
Sen. Linda M. Lopez (7/1)
Sen. Bill B. O'Neill (7/1)
Rep. Tomás E. Salazar
Rep. Christine Trujillo

Absent

Rep. David M. Gallegos
Sen. Richard C. Martinez
Rep. Matthew McQueen
Sen. Cliff R. Pirtle
Sen. Sander Rue

Advisory Members

Rep. Christine Chandler
Sen. Carlos R. Cisneros (7/1)
Rep. Harry Garcia (7/1)
Rep. Debra M. Sariñana

Rep. Eliseo Lee Alcon
Sen. Stuart Ingle
Rep. D. Wonda Johnson
Sen. Gay G. Kernan
Rep. Patricia A. Lundstrom
Sen. James P. White

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

Staff

Mark Edwards, Bill Drafter, Legislative Council Service (LCS)
Anthony Montoya, Staff Attorney, LCS
Antonia Romero, Law Student Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

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

Monday, July 1

Welcome and Introductions

Representative Miguel P. Garcia welcomed members of the committee and the audience and asked members and guests to introduce themselves. An invocation was given by Father Antonio Mondragon, an heir to the Anton Chico Land Grant-Merced.

Anton Chico Land Grant-Merced Status Update and Resource Management Challenges

The committee recognized Stoney Jaramillo, president, board of trustees, Anton Chico Land Grant-Merced; Max Sisneros, secretary, board of trustees, Anton Chico Land Grant-Merced; Gerald Maestas, member, board of trustees, Anton Chico Land Grant-Merced; and former Lieutenant Governor Roberto Mondragon.

Mr. Sisneros provided the members with a brief historical overview of Anton Chico. He stated that the original grant was for over 300,000 acres of land. At this time, the land grant-merced holds title to around 100,000 acres. Mr. Sisneros explained that the board of trustees was originally established to manage grazing on the land, which is now managed through grazing lease contracts. He said that trends have changed regarding resource management in Anton Chico from primarily agriculture to resource extraction of items such as firewood and stone. He explained that a major issue for the land grant-merced is the lack of an enforcement mechanism for provisions in the bylaws. The grant operates on an honor system at the present time, but this allows certain actors to potentially overuse resources on the land.

Mr. Jaramillo discussed the major resources found on the land. He stated that gravel and stone are currently the primary resources extracted and sold, and he reiterated the need for an enforcement mechanism to protect the resources on the land. The land grant-merced hired a manager to oversee the land, he said, but the 100,000 acres has proven too large to be effectively overseen by one person. Mr. Jaramillo explained that state police have been made aware of the unauthorized removal of resources but that they informed Mr. Jaramillo that this was a civil matter among the heirs.

Mr. Jaramillo then presented a slide show of pictures of Anton Chico, including areas damaged by the unauthorized removal of resources. Mr. Jaramillo asked the attorney for the land grant-merced, Andrea La Cruz-Crawford, associate, Sommer Udall Law Firm, to discuss some of the legal issues facing Anton Chico. Ms. La Cruz-Crawford provided an overview of a specific case in which an individual damaged or destroyed over 1,600 acres of land. She stated that a permanent injunction has been granted to prevent the individual from removing resources from the land but that authorities will not enforce the injunction. She then explained that local governments have assisted the land grant-merced in recovering stolen resources and that a

statutorily created resource officer position would be helpful to the land grant-merced in monitoring the land.

Mr. Jaramillo introduced Arturo Archuleta, program manager, Land Grant Council. Mr. Archuleta stated that the size and resource-heavy nature of the land grant-merced creates unique issues in managing the land. He reiterated the need for statutory change to provide the land grant-merced with an enforcement official to manage and patrol the land.

Lea "Cori" Strife, clinical law student, Natural Resources and Environmental Law Clinic, University of New Mexico (UNM) School of Law (SOL), addressed the committee on the issue of an enforcement official position. She explained the statutory requirements of land grants-mercedes management and the need to amend the statutes to provide an enforcement mechanism for Anton Chico.

Committee members asked the presenters to elaborate on the history of Anton Chico. Mr. Jaramillo explained that the original petition for the grant was to the Spanish crown, but the land was not settled until the establishment of the Mexican government. In response to other questions, the presenters said that:

- Anton Chico spans parts of San Miguel County and Guadalupe County;
- when issues arise requiring law enforcement, the travel time can cause delays or overwhelm current law enforcement officials, which is part of the reason behind the request for a dedicated enforcement official;
- protecting resources and preventing theft could offset the cost of a dedicated enforcement official; and
- land grants-mercedes are reviewing the need for a permanent statutory funding mechanism.

A member then cautioned the land grant-merced to be aware of potential liabilities that may arise with a dedicated enforcement official. Representative Miguel P. Garcia asked Alexandria Novela Salazar, law clerk, Guadalupe Hidalgo Treaty Division, Office of the Attorney General, who was in the audience, to bring the issue of resource theft to the attorney general and to review options for the land grant-merced.

Overview of Plans for the Waiver of Tuition for Service Program Pursuant to 2019 Senate Bill (SB) 244

Gabriel Pacyniak, assistant professor of law, UNM SOL, began the presentation by providing members of the committee with an overview of SB 244 (Laws 2019, Chapter 43), which enacted the Community Governance Attorney Act. He stated that the law established a commission that includes representation from acequia, land grant-merced and colonia communities. The commission recommends up to two law students, in their final year of law school, to be selected to receive a tuition waiver if the student agrees to work for two years as a community governance attorney. Mr. Pacyniak explained other sections of the newly enacted

law and stated that the appropriations necessary to implement the law are the current focus. He explained that language used in appropriations during the last legislative session may cause confusion for the distribution of the funds. He stated, however, that the time line to implement the new law is during the 2020-2021 academic year. He said that both the UNM SOL and the Higher Education Department have met to discuss the administrative rulemaking process necessary to the implementation of SB 244.

Mr. Pacyniak then introduced Stephanie Russo Baca, staff attorney, Utton Transboundary Resources Center, UNM SOL. Ms. Russo Baca began by providing a brief history of the Utton Transboundary Resources Center. She explained to the committee the present mission and goals of the center. The center provides information to the public on water and natural resource issues, she said, and this mission includes issues relating to land grants-mercedes and acequias.

Mr. Archuleta addressed the committee regarding the use of money recently appropriated for land grant-merced and acequia communities. He stated that one limitation of the Community Governance Attorney Act is the requirement that the entity that hires the student after law school must provide a 50 percent salary match and that this match must not be state money. He explained that an entity such as the Land Grant Council would be unable to participate because any money provided as a match would be state money.

In response to a question regarding the recipients of the tuition waiver, Mr. Pacyniak explained that the commission will set all standards for selecting which students to recommend for the tuition waiver. He stated that the UNM SOL currently has a holistic approach for student admissions that considers the student's background and ties to New Mexico. However, the selection criteria for the waiver will be determined by the commission.

San Miguel del Bado Land Grant-Merced Status Update

The committee welcomed Joe Chavez, president, San Miguel del Bado Land Grant-Merced. Mr. Chavez stated that recent elections at the San Miguel del Bado Land Grant-Merced were held without issue. He said that this was partly due to the assistance provided by the UNM Land Grant Studies Program.

He explained that the land grant-merced is currently reviewing how to address numerous issues of concern, including substance abuse, crime, operating costs and verification of claims by possible heirs. He stated that all land grants-mercedes, particularly smaller ones, are in need of a permanent funding source, which could be addressed by the legislature.

CBD Oil: A Value-Added Product for Hemp Production in New Mexico

Vincent Cordova, founder, New Mexico Hemp Services, began by providing the committee with information regarding his background and ties to New Mexico. He then explained the process for producing hemp and the scientific difference between hemp and marijuana. He stated that testing is rigorous to ensure that the product is hemp.

He explained to the committee the investment required to begin a hemp manufacturing business, including licensing, and potential returns on investment for farmers. He said that there is a market for hemp in California and Texas and that small agricultural communities could use this business opportunity for economic development.

A member of the committee explained to the public that an appropriation was provided to New Mexico State University to study the licensing process and assist potential farmers in that process. Mr. Cordova then clarified the number of products that can be manufactured using hemp.

Acequia-Based Strategies for Rebuilding Local Agricultural Economies

The committee welcomed Paula Garcia, executive director, New Mexico Acequia Association (NMAA); Donne Gonzales, farm trainer and manager, NMAA; Emily Arasim, acequia program assistant, NMAA; Alejandro Mondragon, farmer apprentice, NMAA; and Corilia Ortega, farmer apprentice, NMAA.

Ms. Garcia began with a brief overview of the NMAA. She stated that the association provides workshops, training and assistance to acequia communities in governing and maintaining an acequia. The NMAA also provides youth training programs in operating and utilizing an acequia for agricultural purposes. She said that in these communities, acequias are the foundation of the economy, which is dependent on livestock and agriculture. Ms. Garcia then discussed some of the challenges faced by small farmers and ranchers, including time requirements, food safety, business planning, infrastructure needs, equipment costs and value-added processing.

Ms. Garcia introduced the other members of the panel and explained that they are current or past participants in Los Sembradores farmer training program. She explained that the training project is an apprenticeship program that provides participants with hands-on training during a full growing season. The program also provides lessons in community building, farm planning and the cultural importance of traditional farming. The panelists explained their roles within the program and the knowledge they have gained through the program.

Ms. Garcia provided the committee with a list of policy recommendations, including protecting land and water rights, investing in agricultural infrastructure, promoting hemp for small-scale agriculture, funding farmer training and promoting acequia and land grant-merced education in schools.

Approval of Minutes

A motion was made to approve the minutes from the June 17, 2019 meeting. The motion was duly passed.

Public Comment

Elijah Romero, heir, Anton Chico Land Grant-Merced, explained that he does not agree with the characterization that land is being destroyed through resource extraction. He stated that stonework provides economic opportunity to those in the community and that he believes the legal issues surrounding the removal of resources are the outcome of a personal vendetta.

Martha Tenorio, wife of an heir, Anton Chico Land Grant-Merced, stated that she does not believe that the land is being destroyed.

Jeffrey Tenorio, heir, Anton Chico Land Grant-Merced, explained that he has performed stonework his entire life. He stated that it is the only economic opportunity in the area and that he disagrees with the attempts to remove this opportunity from the heirs.

Carla Jaramillo, heir, Anton Chico Land Grant-Merced, stated that she does not want the land to be destroyed before she grows up.

Tuesday, July 2

Representative Miguel P. Garcia recognized former Lieutenant Governor Roberto Mondragon, who opened the second day of the committee meeting with a song that was written in Anton Chico in the 1930s. Members of the committee then expressed their gratitude to the members of the community for their hospitality.

Developing a Land-Grant-Based Youth Activities Program

The committee welcomed Venessa Chavez, outreach coordinator, Land Grant Council. Ms. Chavez explained that the intention of youth activities programs is to invest in young people to prevent future issues from arising as those young people grow older. She said that the economic well-being of youth is a primary goal of most, if not all, states and that youth programs can provide cultural benefits to young people by teaching them about their history and by fostering their involvement in the community.

Ms. Chavez presented a slide show of young people engaged in many of the youth programs that have been developed. She highlighted the need to incorporate New Mexico history into the current public education social studies standards. She also stated that the youth programs focus on traditional information, including dance, water conservation, food, art, music and landmarks across the state. She said that youth programs need to be tailored to the interests of youth and that there is interest in the traditional culture and history of land grants-mercedes.

Members of the committee expressed their support for the inclusion of New Mexico history in public education curriculum. A committee member commended Ms. Chavez for the work performed by the Land Grant Council and asked that she look into substance abuse and behavioral health issues and ways to tailor programs to deal with those issues.

Tour

Committee members toured numerous landmarks in Anton Chico. Members also visited land that Mr. Jaramillo said was damaged or destroyed by the unauthorized removal of resources.

Adjournment

There being no further business before the committee, the meeting adjourned at 1:25 p.m.