

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

**July 23-24, 2018  
Abiquiu**

The second meeting of the Land Grant Committee for the 2018 interim was called to order by Representative Miguel P. Garcia, vice chair, on July 23, 2018 at 10:05 a.m. in the gymnasium of Abiquiu Elementary School in Abiquiu.

**Present**

Rep. Miguel P. Garcia, Vice Chair  
Sen. Gregory A. Baca (7/23)  
Rep. David M. Gallegos  
Sen. Linda M. Lopez  
Sen. Richard C. Martinez  
Sen. Bill B. O'Neill  
Rep. Debbie A. Rodella  
Rep. Tomás E. Salazar  
Rep. Christine Trujillo

**Absent**

Sen. Elizabeth "Liz" Stefanics, Chair  
Rep. Jimmie C. Hall  
Rep. Sarah Maestas Barnes  
Sen. Cliff R. Pirtle  
Sen. Sander Rue

**Advisory Members**

Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado (7/23)  
Sen. Carlos R. Cisneros  
Rep. Harry Garcia (7/23)  
Rep. D. Wonda Johnson  
Rep. Jim R. Trujillo

Sen. Stuart Ingle  
Sen. Gay G. Kernan  
Rep. Derrick J. Lente  
Rep. Patricia A. Lundstrom  
Rep. Matthew McQueen  
Sen. James P. White

**Guest Legislator**

Sen. Howie C. Morales (7/23)

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

**Staff**

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

**Guests**

The guest list is in the meeting file.

**Handouts**

Copies of all handouts are in the meeting file and are posted on the legislature's website.

## **Monday, July 23**

### **Call to Order and Introductions**

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

### **Minutes Approval**

On a motion duly made and seconded, the minutes of the first meeting of the Land Grant Committee for the 2018 interim were approved without objection.

### **Abiquiu Land Grant-Merced (Abiquiu): Status Update**

David Archuleta, president, Abiquiu, welcomed the committee and introduced Abiquiu panelists, including Juan Lopez, vice president, Abiquiu, Joddie Valdez, secretary, Abiquiu, and Max Archuleta, range manager, Abiquiu. Max Archuleta provided a brief history of Abiquiu. The land grant was originally settled in the 1600s by the Tewa people, who were later joined by Spanish settlers and genizaro Hopi people from Arizona. "Genizaro" is a term that refers to individuals from indigenous communities in North America who were relocated to communities in the Spanish colonial frontier or who were recruited as janissary auxiliaries to military operations. In the 1930s, the existence of the land grant was jeopardized by a pending default on property taxes. Members who contributed to eliminate the tax liabilities subsequently became members of the Abiquiu Livestock Association (ALA). In 2005, the ALA reestablished a land grant under state statute to include the original heirs of the land grant.

David Archuleta said that Abiquiu now generates \$30,000 to \$40,000 in revenue annually, largely from the sale of elk permits. These funds are used for a variety of infrastructure and maintenance needs related to rangeland operations, he said. Max Archuleta reported that revenue from the sale of elk permits may diminish when elk permits are redistributed this fall.

David Archuleta outlined a number of recent land grant initiatives, including: ongoing removal of invasive vegetation and litter; cemetery cleanup; water line and picnic table installations; a collaborative effort with the Rio Arriba County Sheriff's Office to bring law enforcement to the community; and a joint effort with the Georgia O'Keeffe Foundation to establish a scholarship program.

Max Archuleta provided information regarding the planned renovation of the former medical clinic recently acquired by Abiquiu for use as an administrative building. The building will also house a sheriff's substation and provide meeting and operating space for the Abiquiu Water Association and the local acequia association, the 4-H club and Alcoholics Anonymous. According to David Archuleta, Abiquiu plans to request capital outlay funding to renovate the meeting space, including funding for a new roof and for stucco. Representative Miguel P. Garcia observed that the committee intends to hear capital project requests at its meeting in November in Santa Fe.

Committee members provided a number of suggestions regarding rangeland management and raised questions regarding cemetery maintenance issues and elk permit redistributions. Representatives of the Department of Game and Fish (DGF) were not in attendance to answer questions related to the elk permits. In response to members' questions, David Archuleta and Arturo Archuleta, staff, Land Grant Council (LGC), reported that legal action taken to require the state engineer to acknowledge the seniority of Abiquiu's water rights appears to be on track.

### **Land Grant Election Statutes — Items Recommended for Change**

Arturo Archuleta presented suggestions developed by the LGC for amendments to statutes governing land grants-mercedes board elections. Suggestions include:

- 1) adding a provision to the statutory definition of a land grant heir to allow for land grants-mercedes to establish a definition of a land grant heir in their bylaws;
- 2) providing for a clearer separation of powers between canvassing boards and land grant boards, as well as clarifying requirements for eligibility to serve on a land grant board; and
- 3) clarifying the requirements for voter eligibility, maintaining voter rosters, voting by provisional ballot and establishing who has standing to challenge election results.

Members suggested that the LGC take the proposals to the judiciary and rules standing committees during the upcoming legislative session. Members also suggested that the LGC work with the secretary of state and the LCS to incorporate the proposed changes in a bill that the secretary of state is developing to address general election issues. Other suggestions from members addressed ensuring access to provisional balloting and suggestions on how to dovetail the proposed statutory changes effectively with the Election Code.

### **Santa Fe National Forest: Changes in Policy and Status Update**

Ericka Luna, New Mexico liaison, United States Forest Service (USFS), Southwestern Region, provided an update on USFS policy changes and introduced Michael P. Engelhart, acting deputy district ranger, Coyote Ranger District. Mr. Engelhart came to New Mexico from North Dakota and will be serving in New Mexico, as part of a USFS staff development program, until November of this year. According to Mr. Engelhart, the USFS is trying to create a more cohesive unit in the Coyote Ranger District and, on a national level, is trying to address issues related to staff training and development.

Ms. Luna presented the United States Department of Agriculture's *2018 Southwestern Region New Mexico Congressional Briefing*, providing information on national forests and grasslands in the region. Ms. Luna described a new initiative, the Environmental Analysis and Decision Making (EDAM) program, which intends to change how environmental decisions are made "on the ground". EDAM will have an effect on USFS policies and procedures as they relate to the federal Environmental Protection Act (EPA). Ms. Luna reported that the Cibola, Carson and Santa Fe national forests are working on a northern riparian management plan and seeking large-scale EPA clearance for those riparian areas.

According to Ms. Luna, the USFS has hired a contractor to develop new material in Spanish for the USFS, rather than continuing to rely on translations of existing material. The goal is to provide better bilingual programming in New Mexico. USFS staff is continuing to tour area land grants with community members, the most recent of which was a tour of Abiquiu. Ms. Luna observed that the USFS has begun a national effort to inform staff of regional issues, and the LGC has provided a wealth of information and assistance to the USFS to elucidate community concerns and cultural perspectives in New Mexico. She also provided an update on the status of various forest plan revisions and noted that Carson National Forest personnel will be holding meetings in September to discuss the latest draft of the Carson National Forest plan. Ms. Luna observed that the development of the forest plans has been an open and collaborative process. The Cibola and Santa Fe national forests will also be scheduling forest plan meetings. The USFS is also developing guidelines for working with acequia associations regarding traditional-use issues and better information on the permitting processes.

Members discussed the potential sale of the USFS Piedra Lumbre Visitor Center property. In response to members' questions, Ms. Luna and Arturo Archuleta reported that an appraisal of the property is expected to be completed in about a month and that several land grants may work cooperatively to submit a letter of intent to pursue funding for the property. Once the letter of intent has been filed, the purchasers would have one year to secure funding. Members also requested additional information on the Collaborative Forest Restoration Program (CFRP). Finally, Mr. Engelhart and Ms. Luna observed that the USFS has made significant progress in building community relationships in New Mexico and is committed to that effort.

#### **Tierra Amarilla Land Grant-Merced (Tierra Amarilla): Update on Issues**

Melvin Apodaca, board member, Tierra Amarilla, recounted the history of Tierra Amarilla, noting that the land grant now holds 44,316 acres of the 594,000 acres of the original common lands. Mr. Apodaca requested the return of traditional-use rights on the Edward Sargent Wildlife Management Area, the Bill Humphries Wildlife Management Area and the Rio Chama Wildlife Area managed by the DGF. He elaborated on Tierra Amarilla's view that grazing, water and hunting rights in the wildlife areas should belong to Tierra Amarilla, and he asserted that economic problems for communities throughout northern New Mexico began when the land grants lost their common lands.

Steve Polaco, president, Tierra Amarilla, provided an update on current issues. Mr. Polaco reported that the district court annulled mineral rights agreements that had been entered into by former directors of the Tierra Amarilla board of trustees, which had been illegally constituted. He said that only \$30,000 of the more than \$230,000 generated from one of those agreements was salvaged by the land grant. Tierra Amarilla now has a legally constituted board and is working collaboratively with the Office of the Attorney General (OAG), the LGC, New Mexico Legal Aid and the University of New Mexico School of Law to preserve its resources. Mr. Polaco also reported that the OAG is contesting the legality of a 2003 transfer of title of property belonging to Tierra Amarilla. The transfer was made to Al Frente de Lucha, a Colorado corporation. Mr. Polaco also reported that the community has done some clean-up work at the Laguna del Campo in anticipation of the DGF's transfer of the lake to Tierra Amarilla. He

expressed concern that the DGF has not been in contact recently with the land grant regarding the proposed transfer.

Carlos Chacon, board member, Tierra Amarilla, outlined a strategic plan for the land grant, including economic development activities related to grazing, game management and water resource development. Mr. Chacon spoke to the issue of advocacy and forging alliances to build support and public recognition for the land grant. He noted that land grant communities need ongoing support and a revenue stream in order to plan effectively for the future.

Lisa Martinez, secretary, Tierra Amarilla, addressed the issue of lack of involvement on the part of young people in traditional activities in the area. According to Ms. Martinez, 60% of the children in Rio Arriba County are being raised by their grandparents as a result of drug use and the resulting incarceration of parents. She reported that there are few jobs and limited educational opportunities for youth in the county and that no one is teaching young people traditional area trades such as animal husbandry and weaving. Ms. Martinez asserted that there is a great need for support for programs that contribute to the preservation of rural traditions and culture, particularly in area schools.

Belarmino Archuleta, board member, Tierra Amarilla, spoke about his many years of personal experience with the land grant community, beginning at the time of the infamous Tierra Amarilla courthouse raid. Belarmino Archuleta stated that since his time with Los Comancheros del Norte, a group established around the same time as the Tierra O Muerte movement to actively protest what it viewed as the underhanded efforts of wealthy outsiders and politicians to take land and rights from the native population, he has witnessed many more assaults on the land grant community's resources. According to Belarmino Archuleta, these include the now failed development of a ski area in Amalia, the large-scale development of the Chama Land and Cattle Company and the failure of the state to provide for the needs of senior citizens and veterans in the area.

Representative Miguel P. Garcia outlined a proposal to have the committee convene near the Colorado border during the 2019 interim to meet with the heirs of traditional-use-rights advocates from Taylor Ranch in Colorado. Members of that collective have been successful in securing access to former common lands for traditional uses. In addition, Representative Miguel P. Garcia provided an overview of legislation that he plans to introduce in 2020 that will allow Tierra Amarilla immediate access to the Sargent, Humphries and Rio Chama wildlife areas for traditional uses and that will ultimately transfer ownership of those areas to the land grant.

Members discussed the adjudication of water rights and the impact of Native American water agreements on the community. Mr. Polaco reported that the state engineer will not allow monitoring of water rights in the area and has, by default, been gathering water rights by requiring residents, many of whom are ill-prepared to mount a legal response, to take the initiative to preserve their rights. In response to members' questions regarding how land grant resources have been transferred over time, Representative Miguel P. Garcia referred members to

*Properties of Violence*, a book by David Correia chronicling land grant struggles in northern New Mexico.

### **Laguna del Campo: Status Update**

Mr. Edwards reported that the DGF had confused the date for the meeting, and DGF representatives would not be in attendance. He noted that the DGF has completed an appraisal of the Laguna del Campo property, which is in excess of \$200,000.

### ***Motions***

Representative Rodella moved to have a joint resolution drafted to ratify the transfer of the Laguna del Campo from the DGF to Tierra Amarilla. Senator Martinez seconded the motion, and the motion was approved without objection. Also on a motion duly made and seconded, the committee requested without objection that a letter be sent from the committee to the DGF requesting that land grants be held harmless in the upcoming redistribution of elk permits.

### **Public Comment**

Gilbert Martinez, Tierra Amarilla, reported that his grandfather sold land at the state hatchery in Los Ojos to the state many years ago with the understanding that water from that land would always be available to Los Ojos. The community water system is now under a closure order due to drought, and Mr. Martinez reported that the community was given no opportunity to comment and no advance notice of the closure. Tirzio J. Lopez, Northern New Mexico Labor Council, expressed the labor council's full support for the efforts of the Tierra Amarilla board of trustees.

### **Tuesday, July 24**

### **La Merced de Santa Barbara (Santa Barbara) Updates: CFRP and Carson National Forest Plan Revision**

Bonifacio Vasquez, chair, Santa Barbara, introduced other Santa Barbara board members, including Vincent Abeyta, vice chair, Henry Trujillo, secretary, and Lorrie Garcia, member. Mr. Vasquez presented a copy of the evaluation conducted on the initial CFRP application submitted by Santa Barbara showing three areas of strength and five areas of weakness. According to Mr. Vasquez, the Camino Real District ranger hired in 2017 has reviewed the CFRP proposal submitted by Santa Barbara and has taken on the responsibility for conducting the required EPA studies and surveys. Santa Barbara has agreed to wait to pursue a new application until the areas it has proposed for restoration near Bear Mountain are EPA compliant. Under this plan, Santa Barbara cannot submit an implementation proposal application until 2021, as the CFRP operates in multiple stages.

Mr. Vasquez also reported on the development of the forest plan and the consideration of parts of the Rio Santa Barbara for designation as wild and scenic under the federal Wild and Scenic Rivers Act. Santa Barbara is opposed to such a designation. Mr. Vasquez requested the committee's support for Santa Barbara's preferred version of the Carson National Forest forest plan revision, alternative #3, which calls for maximizing access and commodity use, as well as

support for federal legislation recently introduced by U.S. Representative Steve Pearce to establish a Treaty of Guadalupe Hidalgo Land Grant-Merced Claims Commission. Representative Miguel P. Garcia requested that staff look into the possibility of getting a briefing from Representative Pearce's office on the proposed federal legislation.

***Motions***

On motions duly made and seconded, the committee voted without objection to:

1) send a letter to the New Mexico congressional delegation stating support for alternative #3 of the Carson National Forest forest plan revision and voicing the committee's opposition to the use of the federal Wild and Scenic Rivers Act as a method to assert federal water rights outside of established state water law, specifically opposing the designation of the Rio Santa Barbara and Rio Puerco under that act; and

2) have a joint memorial drafted in support of the positions stated in the letter.

**Tour**

Committee members received a tour of Georgia O'Keeffe's home, garden and grounds and of a nearby morada and camposanto. Members also visited the former medical clinic that will be renovated to serve as an administrative building for Abiquiu.

**Adjournment**

There being no further business before the committee, the meeting was adjourned at 12:23 p.m.