

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

**June 15, 2012  
Room 307, State Capitol  
Santa Fe**

The first meeting of the Land Grant Committee was called to order at 10:20 a.m. on June 15, 2012 by Representative Miguel P. Garcia, vice chair, in Room 307 of the State Capitol.

**Present**

Rep. Miguel P. Garcia, Vice Chair  
Sen. Rod Adair  
Rep. Eliseo Lee Alcon  
Rep. Alonzo Baldonado  
Rep. Jimmie C. Hall  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella  
Sen. Sander Rue  
Sen. Bernadette M. Sanchez

**Absent**

Sen. Richard C. Martinez, Chair  
Rep. Paul C. Bandy  
Rep. Eleanor Chavez

**Advisory Members**

Rep. Jim W. Hall

Sen. Carlos R. Cisneros  
Rep. Joni Marie Gutierrez  
Rep. Ben Lujan  
Rep. Patricia A. Lundstrom  
Sen. David Ulibarri  
Rep. Richard D. Vigil

**Staff**

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)  
Peter Kovnat, Staff Attorney, LCS  
Melissa Candelaria, Law School Intern, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Handouts are in the meeting file.

## **Friday, June 15**

### **Welcoming Remarks and Introductions**

Representative Garcia, who chaired the meeting in the absence of this year's chair, Senator Martinez, welcomed committee members, staff and the public to the meeting and asked everyone to introduce themselves. He then noted some of the past accomplishments of the committee.

### **2012 Legislation Summary**

Mr. Carver reported that all six items of legislation endorsed by the committee for the 2012 legislative session died in committee, including HB 45, SB 40, SB 93, SB 94, SB 121 and HJM 7. Three other pieces of land grant-related legislation — HB 255, SB 107 and SB 304, all appropriations for research or planning — also failed. There was an appropriation in HB 2 of \$30,400 for the Land Grant Studies Program, under the University of New Mexico (UNM) research and public service projects appropriation.

Members of the committee noted that several of the bills were not included in the governor's message to the legislature and thus did not receive hearings before the committees of jurisdiction. The committee members expressed their concern that bills appropriating funds to land grants are often challenged based on the anti-donation clause, which may continue to be an issue with future legislation. A member of the committee said that a fiscal impact analysis of SB 107 flagged an anti-donation clause concern.

A committee member said that though HJM 7, proposing the sale or trade of real property in McKinley and Sandoval counties, did not pass in the 2012 legislative session, the issue remains an important one. Another committee member mentioned that HJM 7 needed to be amended, but time ran out before it could be fixed. The committee noted that the memorial would have facilitated negotiations between the Cebolleta Land Grant and the State Game Commission regarding the sale of the Marquez Wildlife Area. The committee stressed that any available state lands should be returned to the land grants by sale or transfer, as appropriate.

### **2012 Interim Work Plan and Meeting Schedule Development**

Mr. Carver explained that the proposed work plan was developed based on a review and identification of outstanding issues from the 2011 committee meeting minutes. In addition, input from land grant representatives, experts and staff helped to inform potential topics for the committee's consideration. Finally, Mr. Carver stated that the proposed meeting locations are land grant communities or areas that the committee has not visited in several years.

Committee members reviewed the proposed work plan. Mr. Carver and Juan Sanchez, chair, Land Grant Council, provided details of the 17 items on the plan and answered questions from the committee members.

With respect to the work plan item focusing on natural resources extractions from land grants, Mr. Carver mentioned that there have been reports of illegal quarrying of rocks in the Anton Chico Land Grant and concerns about enforcement. Mr. Sanchez added that the local sheriff's department is limited in what it can do to stop the extractions and wondered if there are

existing laws to combat illegal extraction activities on land grants.

Mr. Carver stated that the work topic addressing taxes and land grants is an issue that comes up frequently at committee meetings, explaining that an examination of double taxation on certain land grant properties and the issue of taxes on revenues generated by land grants will help bring clarity to the issue of taxation that the committee can use for future legislation. Recent discussions regarding the idea of providing land grants an exemption from property taxes would also fall under this category.

Members of the committee stated that the committee has tried previously to move legislation that would exempt certain common lands from taxes, such as for common lands used for grazing. The committee expressed the specific need for an analysis of the tax complications arising from land grants located within multiple counties.

Mr. Carver and Mr. Sanchez informed the committee that land grant heirs are interested in exploring opportunities to access state parks for community and cultural events, as well as job opportunities with state parks such as at the Manzano State Park.

Members of the committee expressed interest in receiving an update on federal legislation affecting land grants. Two bills have already been introduced. The first is an amendment to the federal farm bill that includes set-aside dollars for land grants and community and economic development. The second bill returns cemeteries located in the San Joaquín del Río Chama Land Grant back to the board of trustees to maintain. A third bill awaiting introduction would require the identification and protection of traditional use areas within land grants.

Mr. Carver mentioned that, due to committee members' interest last session in supporting training programs or conferences for lawyers and judges on land grant issues, and in the initiatives of the UNM Land Grant Studies Program, these topics are once again proposed in this year's work plan.

With regard to the possibility of the Marquez Wildlife Area being transferred to the Cebolleta Land Grant, committee members requested that the Department of Game and Fish be invited to attend the committee meeting when this issue comes up on the agenda.

Committee members discussed at length the challenges of keeping young people living on and working for the land grants. Some of the challenges identified include the lack of housing and job opportunities. Several members of the committee talked about opportunities to get youth interested and involved in land grants by connecting them with local summer youth programs, the film industry for training or jobs and the United States Forest Service (USFS) for work on land grant projects.

Several members of the committee expressed interest in learning more about the management of forest areas within land grants, the current condition and fuel loads of those forests and efforts to reduce fires and the negative effects of fires in those areas. Committee

members requested that the committee invite educational institutions, the USFS and the Bureau of Land Management to discuss this topic. A committee member wondered if the land grant communities and the state's Low Income Home Energy Assistance Program could explore the idea of promoting wood vendors from land grants to participate in the energy assistance program.

Mr. Kovnat explained that the work plan proposes work on making required changes to the Engineering and Surveying Practice Act. In the 2012 legislative session, a bill was introduced that amended a section of that act to ensure that any surveying that happens on the border of a political subdivision of a land grant must provide notice to the land grant. This bill resulted in two virtually identical sections of law being placed in the act. Committee members stressed that a cleanup bill should not change the intent of what the committee wanted to do with the original amendment. Mr. Sanchez commented that the land grants would be amenable to a cleanup bill.

Mr. Carver stated that the Land Grant Council would like to report to the committee on its outreach, funding needs and progress on outstanding issues. Further, a litigation update regarding the Tierra Amarilla Land Grant, Cristobal de la Serna Land Grant and Arroyo Hondo Land Grant is also proposed for the interim session. A member of the committee noted that litigation of these cases is important in that the cases may provide legal clarity to certain land grant issues.

Finally, Mr. Carver said that a reexamination of legislation (HJC/HB 653 from the 2011 regular legislative session) concerning strengthening state law on quiet title actions and the filing and recording of false documents of title may be necessary. HB 653 was passed by both chambers of the legislature but vetoed by the governor. Members of the committee commented that this is a critical issue to many land grant heirs who believe that there is a proper way of doing things and protocols for filing land grant documents. Committee members would like the governor's staff to discuss the objections to the bill and would like to try to take care of the objections prior to the next legislative session.

Members of the committee requested that meeting locations be identified by their official traditional land grant names. Another member requested that staff include tours of the moradas in land grants as part of meeting agendas, where possible.

Several committee members noted that the proposed July meeting dates conflict with other committee meetings and requested to reschedule the dates to July 16-17, 2012.

Representative Rodella moved to approve the work plan and meeting schedule, as amended. The motion was seconded by Senator Sanchez. The motion passed with no objections.

Representative Garcia recognized Pablo Sedillo from Senator Jeff Bingaman's office and Anna Rael-DeLay from Senator Tom Udall's office in the audience.

## **UNM Land Grant Studies Program Mapping Project**

Dr. Manuel García y Griego, director, UNM Land Grant Studies Program, thanked the committee for its consistent support of the Land Grant Studies Program since its inception in 2008. He also recognized Senator Sanchez's support for funding of the Land Grant Studies Program in HB 2. He said that with the money that was appropriated, the program is able to offer student internships and continue the land grant mapping project.

Dr. García y Griego presented the results of phase 2 of the mapping project that has been undertaken to determine the boundaries of the area of each community land grant-merced where traditional use rights can be affirmed. He explained that land grants used historic common lands for grazing animals, timber harvesting, herb gathering and religious and cultural activities, among other uses. He said the plan is to complete phase 2 by July 2012 and then begin phase 3 to incorporate additional archival information and GPS fieldwork on historic boundaries.

Dr. García y Griego reviewed four modules of traditional-use area maps. In determining the areas where traditional-use rights were exercised, he used the boundaries of historic common lands as documented in original petitions, claims presented to the Surveyor General and Court of Private Land Claims and oral histories. He explained that phase 2 involved surveying of 26 land grants with active boards of trustees. The project revealed that the total acreage loss of the 24 land grants (excluding Torreón and San Antonio del Río Colorado) was 38%.

Members of the committee commented that the mapping project was fascinating and unique in its incorporation of oral histories in the development of the maps. The committee encouraged Dr. García y Griego to present his project and findings to the public when it is completed and stressed the importance of land grants to the history and heritage of New Mexico.

A committee member asked what percentage of the land grants are forest and wilderness areas. Another committee member inquired if there were any cases where assumptions had to be made about traditional use. Dr. García y Griego answered that the Manzano Land Grant is the only case in which boundaries were drawn based on assumption of traditional use.

Members of the committee asked who conducts the surveys and what resources are needed to complete the project sooner. Dr. García y Griego said that with the funding that the legislature appropriates to his program, he hires interns who are capable of doing the work. He further stated that a priority is to survey cemeteries within land grant areas. The need for additional resources will be discussed in detail at a forthcoming meeting of the committee.

A member of the committee was interested in knowing why the survey results showed zero acreage for some land grants. Committee members were also interested in the boundary results for the Nuestra Señora del Rosario San Fernando y Santiago Grant (Truchas) and the issue of the USFS fences in the area. The committee suggested that a dialogue with the USFS is needed to resolve the issue of who has the authority to move the misplaced fences. Mr. Sanchez commented that this is also a top priority for the Land Grant Council. The committee requested an update on this issue at a future meeting.

Mr. Sedillo complimented the work of the Land Grant Studies Program and offered to

help facilitate the conversation with the USFS concerning the Truchas Land Grant. He stated that Senator Bingaman has always made land grants a priority and that as he transitions out of office, he will work with Senator Udall and Congressman Ben Ray Lujan and the senator-elect to make sure that land grants remain a top priority. A member of the committee thanked Mr. Sedillo for his support and cooperation and hoped that Senator Bingaman could resolve the issues concerning the Abiquiu and Truchas land grants before he leaves office as his part of his legacy.

Dr. García y Griego ended his presentation by stating that his study helps to begin to address the socioeconomic situation of land grant heirs who should have had access to land grants all these years. He noted that future discussions on many of the land grant issues must include the rights of land grant heirs to access use. Finally, he stated that the survey is important in two respects: first, that it documents the past use of land grants; and second, that it looks at future use of the common lands.

Members of the committee inquired as to why only 26 land grants were surveyed. Dr. García y Griego said that this phase of the study involved looking only at the land grants with active boards of trustees. He further stated that while the project prioritized active land grants, the Land Grant Studies Program assists all land grants. A member of the committee asked if it would be important to indicate on the maps the legal status of each land grant. Dr. García y Griego responded that it would be difficult to do that because some land grant parcels owned in common are widely scattered.

### **Public Comment**

Lawrence M. Ortiz, vice president, Arroyo Hondo Land Grant, thanked the committee for all its work throughout the years and asked that land grant heirs be given an opportunity to tell their own story of the history of their land grants. He mentioned that the Arroyo Hondo Land Grant is in litigation concerning quiet title actions.

Mario R. Martinez, president, Tierra Amarilla Land Grant, thanked the committee for all its wonderful work and the respect it has shown for the land grants. He mentioned that the Tierra Amarilla Land Grant is a united community consisting of 77 registered members. He mentioned that the awareness campaign going on now in the Tierra Amarilla community will benefit its members.

The committee adjourned at 12:47 p.m.