

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

**October 11-12, 2007
Maestas Lounge
Anton Chico Land Grant
Dilia, New Mexico**

The fifth meeting of the Land Grant Committee (LGC) for the 2007 interim was called to order by Representative Miguel P. Garcia, chair, on Thursday, October 11, 2007, at 10:31 a.m. in the Maestas Lounge, located in the Anton Chico Land Grant, Dilia, New Mexico.

Present

Rep. Miguel P. Garcia, Chair
Sen. Richard C. Martinez, Vice Chair (10/12)
Sen. Rod Adair (10/11)
Rep. Jimmie C. Hall
Rep. Debbie A. Rodella

Absent

Sen. Joesph J. Carraro
Rep. Justine Fox-Young
Rep. Manuel G. Herrera
Sen. Gerald Ortiz y Pino
Sen. James G. Taylor

Advisory Members

Rep. Thomas A. Garcia

Rep. Paul C. Bandy
Sen. Carlos R. Cisneros
Sen. Phil A. Griego
Rep. Ben Lujan
Sen. Bernadette M. Sanchez
Sen. William E. Sharer
Rep. Eric A. Youngberg

(Attendance dates for members not present both days are in parentheses.)

Staff

Jon Boller
Tamar Stieber

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Subcommittee

Numerous LGC members were absent due to a conflict with the interim Los Alamos National Laboratory Oversight Committee, which was meeting at the same time. For lack of a quorum, the LGC met as a subcommittee.

Introduction and Welcoming Remarks

Speaking in Spanish and translating into English, Representative Miguel Garcia welcomed some 50 people, about half of them students from the Anton Chico School, to the meeting.

After an invocation by *hermano* Julian Baca from Anton Chico, Representative Miguel Garcia noted that this was the first time the LGC has met in Anton Chico. He told the students they are "kind of making history, or seeing history in the making, *aquí*" and explained that the committee takes pride in the customs and traditions of northern New Mexico. As such, he said, the committee always starts its meetings with a prayer. "In land grants, we always try to work with religious leaders", he said. "We have a lot of respect for them. They not only keep religious traditions alive, but also agrarian customs alive".

Representative Miguel Garcia said he is an heir to the Atrisco Land Grant, established in 1640 as an *estancia* (large ranch). There, he said, "many rich *hispano* people used the labor of the Indian people to produce wealth. Then the pueblos kind of threw out the Spanish people in 1680, and for 12 years, the Spanish were not seen in New Mexico until 1692".

Representative Miguel Garcia recognized former New Mexico Lieutenant Governor Roberto Mondragon, who is president of the Anton Chico Land Grant, and Anton Chico Land Grant Board members Cristobal Marquez, Felipe Tenorio and Delfinio Montaña. Lieutenant Governor Mondragon said the Anton Chico Land Grant has requested the return of land grant property that is currently in the hands of the United States Forest Service (USFS). He said that members of the Land Grant Forum are working with New Mexico's congressional delegation to pass legislation to set up a trust fund to "reconstitute" land grants and to make up for the "wrongdoings in the process of taking over our land in the last 160-some years" since the signing of the Treaty of Guadalupe Hidalgo.

Representative Miguel Garcia asked audience members to introduce themselves. They represented the Anton Chico, Chilili, Mora, San Miguel del Bado and Tecolote land grants. One member of the audience complained that he did not hear about the meeting until the night before and said that, with more notice, more people would have attended. Representative Miguel Garcia told him that meeting notices appear in newspapers and on the radio, but if people do not get the newspaper or listen to the radio, "that's *una otra cosa*". Representative Miguel Garcia said he encourages notification by word of mouth, too, and commented that the meeting had a good turnout nonetheless.

Representative Miguel Garcia gave a brief history of the LGC, explaining that the committee first met in 2003, although he and Juan Sanchez of the Chilili Land Grant had been working since 1998 to get the committee started. By getting legislation passed in 2003 allowing land grants to register as political subdivisions under Chapter 49, Article 1 of the New Mexico statutes, land grants now have the same status as city councils; school boards; and irrigation, conservation and water districts and are no longer seen as "lowly, nonprofit fringe groups", he said.

"This is real important because in past years, the governments always looked down on *mercedes*", Representative Miguel Garcia said. "We, as legislators, said, 'No'. We have a constitutional responsibility to uphold the Treaty of Guadalupe Hidalgo".

Representative Miguel Garcia said that includes getting state agencies to return properties that were once common lands. He singled out the Department of Game and Fish, saying, "*Ellos tienen mucho* common land. You might say we've been fighting that battle for years". For example, he said, at the committee's previous meeting in Chama, it voted to draft a bill to transfer 36 acres of common lands from the Department of Game and Fish back to the Abiquiú Land Grant. Because the Abiquiú Land Grant is registered as a political subdivision of the state, the department has agreed to ask the State Game Commission to make the transfer administratively — without any legislation — from one governmental entity to another.

Representative Miguel Garcia said Abiquiú converted from a land grant to a livestock cooperative in 1930 in exchange for a federal loan to pay back delinquent property taxes. It reconverted to a land grant in 2005, when it registered with the secretary of state to get political subdivision status. "If they hadn't converted back to a *merced*, Game and Fish wouldn't even be talking to them", Representative Miguel Garcia said, explaining that if the agency gave the land to an unregistered land grant, it would be in violation of the state's anti-donation clause. "This is the importance political subdivision [status] carries. It is a big milestone in terms of protecting what land grants have and increasing the opportunity to keep their traditions and customs", he said.

Capital Outlay — Department of Finance and Administration (DFA)

Barbara Romero and Gerald Garcia, project managers with the DFA's Local Government Division, discussed the requirements and processes by which land grants can get capital outlay money from the state for construction and other projects. Their division also oversees federal money newly available to land grants from the U.S. Department of Housing and Urban Development (HUD), from which land grants are now eligible for up to \$50,000 in Community Development Block Grant (CDBG) money, they explained. Mr. Garcia said many New Mexico communities have funded large projects with a combination of general fund appropriations from the state and CDBG money.

Ms. Romero and Mr. Garcia outlined the steps land grants must take before applying for capital outlay funds from the state. They include:

- having a comprehensive plan, including goals for the next five years and how the

- project fits into those goals;
- determining the total cost of the project;
- determining if the project can be done in phases;
- determining all other sources and amounts of funding for the project, including other grant money (e.g., CDBG) and revenue from membership dues, grazing fees, etc.;
- approaching a legislator to request funding during the legislative session; and
- putting as much detail into the application as possible to avoid being denied reimbursement due to missing language in the request.

Ms. Romero warned that the DFA operates almost exclusively on a reimbursement basis, which means communities have to pay up front for work done. She acknowledged that this creates a hardship for land grants because they have very little or no money at their disposal and do not have the bonding capacity to raise money. Only in rare cases does the DFA pay money up front, she said, adding that she will investigate exercising that option for land grants. She noted that land grants with political subdivision status can receive appropriations directly rather than having to find another entity to act as fiscal agent, though they must first register with the secretary of state, file a budget with the DFA and comply with the Audit Act.

Gilbert Quintana, vice president of the Mora Land Grant, said that since registering in 2004 as a political subdivision of the state, his land grant is now required to undergo an audit even though "we haven't expended a penny". Ms. Romero said the statutes impose the audit requirement, not the DFA, and the DFA must comply with the statute in order to award money. Mr. Garcia said the DFA can intervene on behalf of the Mora Land Grant to find out if it is being "targeted" and if other entities undergo the same scrutiny. Ms. Romero agreed, saying the department has to review the DFA's processes as they apply to land grants "because they're very new to our community".

Arturo Archuleta of the North Central New Mexico Economic Development District (NCNMEDD) said land grants are "getting tangled in the bureaucracy between agencies". He said his organization will try to coordinate conversations between the State Auditor's Office, the Attorney General's Office (AGO) and the DFA. He said issues to be addressed with regards to land grants include:

- the legal definition of compliance with the Audit Act;
- funding levels and guaranteed funding streams;
- prepayment of funds versus reimbursement; and
- funding for the AGO's Guadalupe Hidalgo Treaty Division.

Representative Hall requested that the DFA be on the LGC's agenda every month with a report on land grant funding. That way, he said, the committee can decide whether to intervene with letters or with legislation. He said he feels "so strongly about this" after seeing the DFA deny funding many times because someone "forgot to cross a 't' ". He added, "I'm just so tired of the bureaucracy". Representative Hall also suggested that committee members add \$1,000 to their capital outlay requests to buy books for the Anton Chico library.

Representative Thomas Garcia said he will "match Jimbo's contribution" because Anton Chico is in his district. He also said the Mora Land Grant is being "picked on" because its members "kind of stuck their necks out" by taking such initiatives as requesting historical and boundary markers from the state. He said other land grants can look to Mora as an example, and he commended the land grant for leading the way.

Representative Miguel Garcia complimented Ms. Romero and Mr. Garcia for their personal involvement in helping land grants. Noting that they are on a first-name basis with many land grant board members, he said, "In doing that, you kind of break the ice". He also noted that much of what they are doing with land grants has not been done before.

The DFA's Mr. Garcia said he has a personal interest in helping land grants because he, too, is a land grant heir. Ms. Romero expressed appreciation that the new DFA director encourages program managers to visit the communities with which they work.

Lunch

Following a prayer from Lieutenant Governor Mondragon, the committee recessed at 12:45 p.m. for a lunch hosted by the Anton Chico Land Grant and Jerry Perea, owner of the Maestas Lounge, where the meeting took place.

Highway Signs and Historical Markers

Tom Raught, state maintenance engineer for the Department of Transportation (DOT), exhibited a smaller-scale mock-up of boundary signs that the DOT has agreed to put up on the Mora Land Grant. Approximately eight feet wide by three feet tall and made of reflective brown aluminum, the signs will be placed on both sides of the 14 state highways that pass through Mora, and will say either "Entering the Mora Land Grant" or "Leaving the Mora Land Grant". "The good news is, we can do signs for you guys", Mr. Raught said. "The bad news is that we don't have the money to do it right now". Mr. Raught said the DOT can do a few signs at a time, which he said could mean the passage of years before the DOT can furnish all 24 land grants with their signs. He said the signs are handmade and cost between \$280 and \$300 apiece, plus another \$3,000 to \$4,000 "just to get the ball rolling". That comes to \$40,000 or \$50,000 to complete the project, he said. The Mora Land Grant will get the first set of signs because it approached the DOT first, Mr. Raught said. He said the department will work on a first-come, first-served basis.

Mr. Quintana from the Mora Land Grant thanked Mr. Raught for working with the land grant board of trustees. He said he approached the DOT two years ago about getting the signs put up and now intends to go to the federal government to get green historical boundary signs on I-25. Mr. Raught said he will speak to "the feds" because the state DOT is responsible for putting up the green interstate signs. "I can't imagine they'll turn us down", he said. "I'll go talk to them myself". He promised that if the federal government says no, he will come back and personally inform the committee.

Mr. Archuleta offered the assistance of the NCNMEDD in identifying land grants that

want boundary signs and whether they will require brown or green signs. Noting that most land grants have suffered a loss of their historic boundaries, he asked if they will have to decide whether to mark the original boundaries or the actual ones. Mr. Raught thought that, in time, they could have both. Representative Miguel Garcia said the intent of the committee is to mark the historical boundaries. This received consensus from committee members and the audience.

Representative Thomas Garcia asked if a land grant could purchase its own signs rather than wait for the state to come up with the money. Mr. Raught said he does not think that would be a problem as long as the signs meet federal standards. Federal standards would also determine if the signs could have the Zia symbol on them, he added in response to an earlier question.

State Forest Programs

Tony Delfin, deputy state forester, gave a presentation on the role of the Energy, Minerals and Natural Resources Department Forestry Division and how it interfaces with land grants. He stressed that the agency does not own or administer property; that it is only responsible for wildfire management and non-municipal commercial forest harvest activities on non-federal, non-municipal land in the state. Mr. Delfin explained that one of the Forestry Division's tasks is to develop community wildfire protection plans, and that the division offers forestry-related technical assistance when requested. He listed several examples of how the Forestry Division has worked with land grants, including:

- salvage timber sales after a wildfire in the Chama district;
- economic development assistance relating to forest practices, with demonstration projects conducted in the Vallecitos, Truchas and Manzano Mountain-area land grants;
- providing a wildlife urban interface grant to reduce hazardous fuels around communities, including Truchas; and
- working with many fire departments on wildfire training and equipping firefighters.

Representative Rodella asked Mr. Delfin whether the Forestry Division could develop a memorandum of understanding allowing land grant heirs to harvest wood for traditional purposes without requiring them to buy permits. Mr. Delfin said that would not be in the division's purview because the agency neither owns nor administers property.

Representative Miguel Garcia requested that the Forestry Division give preference to heirs to harvest wood to heat their homes. Mr. Delfin said that would require knowing if others have standing or not with regards to the property in question. Representative Thomas Garcia said private landowners do not have to allow heirs on their property, but that state trust or Department of Game and Fish lands could be opened up to heirs. Mr. Delfin agreed, noting, however, that liability insurance and determining who is the fiscal agent can be problematic, as they were with a proposed wildland urban interface agreement with the Truchas Land Grant.

Land Grant Reports

Anton Chico

Lieutenant Governor Mondragon offered a list of issues for the Anton Chico Land Grant, including:

- the need for a community meeting room to accommodate up to 1,000 people;
- the need for a survey of the grant to help stop encroachment by people on land that does not belong to them and to ensure that lots are of the correct size;
- illegal dumping;
- the need to purchase equipment, such as a front-end loader and a backhoe to maintain roads and acequias, to be made available to the fire department, clinics, a senior center and seven mutual domestic water consumer associations in the land grant;
- the return of 16,000 acres of land grant property sold to pay back taxes and now managed by the USFS;
- the return of mineral rights sold in 1929 to the Mobil oil company through a transaction that remains a mystery to land grant members;
- legal representation for land grant issues by the AGO or local district attorneys;
- a moratorium on drilling wells within the land grant for water used by the City of Santa Rosa, which is outside the land grant; and
- funding to complete the aforementioned library.

Lieutenant Governor Mondragon described the Anton Chico Land grant as encompassing 115,000 acres, most of it unfenced and communal. Many heirs make a living selling rock — primarily flagstone — and wood for fuel and posts. He said there is potential land grant income from biomass to heat New Mexico Highlands University, for example, and some of the nearby school districts and by clearing out juniper to allow for more grazing. Grazing fees account for the majority of land grant income, he said, along with renting land to members at \$.15 an acre. He said the land grant's "human resources" often leave the rural life for jobs elsewhere in the state and the country.

Regarding a water storage facility design study for which the land grant received a \$10,000 state appropriation a few years ago, one land grant member said the appropriation was not sufficient to attract anyone to take the job. Representative Rodella suggested getting the money reauthorized for the land grant's community meeting room or another purpose so as not to lose the funds completely.

Representative Miguel Garcia suggested representatives from the Anton Chico Land Grant attend the next LGC meeting in Santa Fe because the USFS will be present and "we will grill them in terms of working out cooperative agency agreements with land grants, whatever that means". He added that Mr. Archuleta of the NCNMEDD submitted a "neat" proposal for land grants to access Department of Game and Fish lands to gather firewood, harvest piñon and for other traditional uses. He urged the land grants to begin drawing up "real, concrete proposals" for cooperative agency agreements such as those the Bureau of Land Management (BLM) described to the committee at its last meeting in Chama. "If they turn you down, then you have a process started", he said.

San Miguel del Bado

Joe Garcia of the San Miguel del Bado Land Grant said Fourth Judicial District Judge Eugenio S. Mathis, as special master, oversaw an election of San Miguel del Bado's board and selected people to run who were not land grant heirs. Mr. Garcia said the new board changed the election rules, disallowing many heirs from voting. He said the new board will not allow him to look at the bylaws. He asked about the legality of the situation and if the land grant can hold another election. Representative Miguel Garcia said the LGC cannot get involved in internal conflicts. He suggested Mr. Garcia speak to Juan Sanchez from Chilili, who, as a long-time member of the New Mexico Land Grant Forum, has lots of experience in those areas. "The *consejo* has a body of knowledge and a history of lessons learned that they're willing to share with other folks", Representative Miguel Garcia said, noting that he has a personal attachment to San Miguel del Bado because his great-great-grandfather lived there "when he made his *entrada* into Las Vegas the second time".

Tecolote Land Grant

Angela Herrera of the Tecolote Land Grant said she thought Tecolote would be a political subdivision by now, but an adverse possession lawsuit by the Montoya family, who claims ownership of the land grant, has stalled the process. She said the land grant filed an appeal in October 2006 and is still awaiting a decision.

Ms. Herrera said Tecolote received funding through San Miguel County to renovate its community center. It also received CDBG funds for road improvements, but had to use the money to repair major flood damage due to a "busted" acequia. She said the land grant needs a safe place to keep historical and other records. Currently, she said, "my house is the repository for tons of records". Other issues facing Tecolote include illegal dumping, mineral rights and a need for maintenance equipment and a land survey.

Representative Thomas Garcia suggested that Tecolote approach New Mexico Highlands University to store its records in the library, where they can be used as an educational tool and could be put on microfilm or microfiche.

Mora Land Grant

Mr. Quintana of the Mora Land Grant said Mora organized as a political subdivision in 2004 with virtually no common land. Although the land grant was established in 1835 with 821,600 acres, by 1878 the land was gone, he said. "It's very significant to have had such a huge land grant and, today, to have no land except the private land that we as people own through relationships", he said. He said the land grant is anxious to see the AGO's Guadalupe Hidalgo Treaty Division funded so that it can help the land grant negotiate the return of its land as well as to help it fight the "significant number" of quiet title suits with which it has been hit recently.

Mr. Quintana said the most significant development for the Mora Land Grant is its collaboration with the University of New Mexico and New Mexico Highlands University on a land loss institute that will document the effects of land loss on communities, including loss of native languages, sadness, anger, depression, feelings of injustice and disloyalty, resentment of outsiders, drug and alcohol abuse, etc.

Mr. Quintana took the U.S. Department of the Interior to task for ignoring his requests to include a history of the Mora Land Grant at the Fort Union National Monument, which is located within the land grant's historic boundaries, and to build on its perimeter some electricity-generating wind towers to help the land grant make money to buy back its land. He said the land grant invited a superintendent of the Department of the Interior to the land grant's meetings to discuss these issues, but the supervisor declined the invitations — the first public official to do so, according to Mr. Quintana — and referred to the land grant as a committee. "We were offended", he said. "We voted at the last meeting to send her superior a letter that you will receive a copy of describing our interaction".

Senator Adair said the issue is beyond the scope of the committee and that Fort Union "is for everybody... for saving New Mexico from the Confederacy". He said the fort served the entire state and all U.S. armed forces, and was heavily made up of Hispanic soldiers. Many went on to great political achievement, he said, some even appointed directly by Abraham Lincoln. "I would be careful with the ground you tread on", he added, and cautioned Mr. Quintana not to be so divisive in his characterization of the area's history. Representative Miguel Garcia concurred, advising Mr. Quintana to "pick your fight".

Mr. Quintana said other land grant priorities include:

- economic development, including acquiring elk permits to sell;
- agricultural development;
- acquiring land and a building for a community center; and
- housing.

Mr. Quintana said the land grant has approached both the USFS and the BLM about getting back its land, but has come up "empty-handed" and has not even gotten a response from Sam DesGeorges, manager of the BLM's Taos Field Office. Representative Thomas Garcia advised that if the land grant board writes to a federal agency and gets no response, it should send a copy of the letter with an explanation to its congressional representative and ask the representative to pursue the issue on the land grant's behalf. Regarding the land grant's proposed wind energy project, Representative Garcia said he thinks it will not be allowed, noting that there may be regulations that do not allow wind towers on or even near a national monument. He suggested Mr. Quintana inquire about the regulations before he pursues the proposal, and referred to a wind tower in Pecos that caused a "huge fiasco" because it obstructed the views.

Las Vegas Land Grant

Hilario Rubio, president of the Las Vegas Land Grant, said he was surprised that representatives from Gallinas and San Augustin did not attend the LGC meeting, but that he would report on those and other subgrants. Before beginning his presentation, he recognized Ernesto Lujan, secretary-treasurer of the Las Vegas Land Grant, noting that Mr. Lujan served in the military during the Vietnam Conflict and "Desert Storm".

Mr. Rubio described the remaining common lands of the Las Vegas Land Grant as a 368-acre parcel that begins next to Luna Community College and extends west toward the mountains. He said the college is the land grant's fiscal agent. He said the Gallinas, San Augustin and San Geronimo subgrants have their own governing boards, but the Las Vegas Land Grant trustees oversee them. Gallinas is working on a forest-thinning project, he said, which would allow members of the affiliated land grants to harvest wood. "But we can't commercially exploit the subgrants", he said. "It has to be for the benefit of their members".

Mr. Rubio and Mr. Lujan described some of the other projects the Las Vegas Land Grant has been working on, including:

- getting approval from the New Mexico Department of Environment for a closure plan for the City of Las Vegas' landfill, which is on the land grant's property;
- requesting money for a survey of Los Vigiles partition grant;
- clarifying permissible general fund appropriations for the land grant;
- illegal dumping; and
- issues with New Mexico National Guard property and with King Stadium.

Tour of Anton Chico Land Grant

The committee recessed at 6:30 p.m. following a tour of the Anton Chico Land Grant, led by Lieutenant Governor Mondragon.

Friday, October 12

Tour of the San Miguel del Bado and Tecolote Land Grants

The committee reconvened at 9:00 a.m. at the Plaza Hotel to tour the San Miguel del Bado and Tecolote land grants.