

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

**July 12-13, 2017
Juan I. Gonzales Agricultural Center
202 Chamisa Rd.
Taos**

The second meeting of the Land Grant Committee (LGC) for the 2017 interim was called to order by Representative Miguel P. Garcia, chair, on July 12, 2017 at 10:11 a.m. at the Juan I. Gonzales Agricultural Center in Taos.

Present

Rep. Miguel P. Garcia, Chair
Sen. Elizabeth "Liz" Stefanics, Vice Chair
Sen. Gregory A. Baca
Rep. David M. Gallegos (7/12)
Rep. Jimmie C. Hall
Sen. Linda M. Lopez
Rep. Sarah Maestas Barnes (7/12)
Sen. Richard C. Martinez
Sen. Bill B. O'Neill (7/12)
Sen. Cliff R. Pirtle
Rep. Debbie A. Rodella (7/12)
Rep. Tomás E. Salazar
Rep. Christine Trujillo

Absent

Sen. Sander Rue

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado (7/12)
Sen. Carlos R. Cisneros (7/12)
Rep. Harry Garcia (7/12)
Rep. Matthew McQueen (7/12)
Rep. Jim R. Trujillo (7/12)
Sen. James P. White

Sen. Stuart Ingle
Rep. D. Wonda Johnson
Sen. Gay G. Kernan
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom

Guest Legislators

Rep. Roberto "Bobby" J. Gonzales (7/12)
Rep. Tim D. Lewis

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

Staff

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

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Wednesday, July 12**Introductions and Announcements**

Representative Miguel P. Garcia welcomed committee and audience members and asked members and guests to introduce themselves. He acknowledged the work of the Land Grant Council (council) in providing technical assistance and support for land grants and described the many accomplishments of the LGC over the relatively short term of the LGC's existence. On a motion duly made and seconded, the minutes of the first meeting of the LGC for the 2017 interim were approved without objection.

Arroyo Hondo Arriba Land Grant-Merced: History and Status Update

Dr. David Argüello, president, Arroyo Hondo Arriba Land Grant-Merced (Arroyo Hondo Arriba), presented an affidavit of one and the same name for Arroyo Hondo Arriba and described the history and process by which Arroyo Hondo Arriba separated from the Arroyo Hondo Land Grant-Merced. He described a final decree from the Eighth Judicial District Court establishing the Arroyo Hondo Arriba boundaries. He also referred to approximately 1,100 pages of documentation representing real estate abstracts and lawsuits associated with Arroyo Hondo Arriba's efforts to clarify land titles.

Dr. Argüello provided a rich overview of the area's history and elucidated the connection of various community groups and governmental entities to the Juan I. Gonzales building. Arroyo Hondo Arriba has fought over the years to maintain water rights and clean water in the community of Valdez and was successful in regaining title to the land grant's morada, which had at one point fallen into private ownership. The morada is now being renovated and cleansed for religious use. Arroyo Hondo Arriba has been awarded five elk permits, which will be sold to commercial outfitters to provide some income for the land grant. Dr. Argüello reported that, as a partitioned land grant, Arroyo Hondo Arriba is disappointed by the governor's pocket veto of House Bill (HB) 35 sponsored by Representatives Salazar and Miguel P. Garcia during the 2017 regular legislative session. That bill would have given partitioned land grants status as political subdivisions. That status would have enabled Arroyo Hondo Arriba to pursue funding for needed facility improvements and land purchases.

Committee members discussed the pocket veto of HB 35 and agreed to request information from the governor regarding the veto. Representative Miguel P. Garcia moved to send a letter to the governor expressing the committee's continuing and full support for this important legislation, asking for an explanation of the governor's concerns with the bill and the reasons for the veto and asking that a message for consideration of the bill be included on the call for the upcoming short session in 2018. Representative Hall seconded the motion, and the motion was approved without objection. The chair suggested that supplemental letters from land grants be included with the committee's letter, and another member suggested that the letter include contact information for Arturo Archuleta, program manager, council.

Juan Jose Lobato Grant: Disposition and Management of Lands

Juan Garcia, Donald Martinez and Felipe Martinez, heirs, Juan Jose Lobato Grant, presented an historical overview of the grant and the heirs' claims, activities and proposed plan of action. The council is working with the Juan Jose Lobato Grant on organizational and governance issues in an effort to gain official recognition for the land grant-merced as a political subdivision. The heirs described some of the Juan Jose Lobato Grant's goals for economic and community development, cultural protection, historical preservation and partnering with Northern New Mexico College (NNMC) on a solar array project.

Research analyst Jake Arnold addressed the committee regarding the Juan Jose Lobato Grant's concerns with respect to water rights and protective covenants reportedly included in the land transfer to the United States Forest Service (USFS). Committee members encouraged the heirs to continue working with the council on governance issues and with NNMC on the solar array partnership. Members discussed other economic development ideas for the area, including bringing back sawmill operations and firefighting crews that used to operate in the area. One member requested that consideration be given to holding a future meeting in the El Rito area to get additional information on the Juan Jose Lobato Grant and that the heirs provide a map of the grant for the committee's final 2017 meeting in Santa Fe. The chair asked that the USFS provide any documentation that might be available regarding protective covenants for the Juan Jose Lobato Grant.

La Merced de Santa Barbara: Update

Bonifacio Vasquez, president, La Merced de Santa Barbara (Santa Barbara), provided an update to committee members regarding the issues that were raised with the USFS at the LGC meeting in Peñasco during the last interim. Mr. Vasquez reported that quarterly meetings are now held with the USFS to exchange information and to get updates from the USFS on the forest plan and wilderness designation surveys for the Carson, Santa Fe and Cibola national forests. He observed that the USFS has been responsive to the issues raised by Santa Barbara and has provided new maps for the wilderness areas that no longer encroach on Santa Barbara and the Santo Tomás Apóstol del Rio de Las Trampas Land Grant-Merced (Las Trampas). A draft of the forest plan will be available at an open house meeting to be held on July 19, which will provide an opportunity for additional comment. Mr. Vasquez also reported progress in working with the USFS on a Collaborative Forest Restoration Program (CFRP) proposal. Although no final word

has been received on the 2016 application, Santa Barbara and the USFS are continuing to cooperate on a plan to submit a 2017 CFRP application. A joint reconnaissance of Bear Mountain has been scheduled for later in the week to consider forest thinning and other management proposals in that area. Santa Barbara was successful in bringing the Pueblo of Picuris into the CFRP process per Representative Christine Trujillo's suggestion last year. Mr. Vasquez mentioned that Santa Barbara would be looking into possible encroachment on the lands at El Llano de San Juan de Nepomuceno, where it appears that fences may have been moved or removed. The county assessor will help identify boundaries and communal versus patented lands.

Lorrie Garcia, board member, Santa Barbara, reported that the quarterly meetings with the USFS have provided opportunities to build positive relationships and bring people together for the forest restoration effort. She asserted that securing a CFRP grant will be another step forward in building a partnership with the USFS. Alex Lopez, president, Las Trampas, agreed that the quarterly meetings with the USFS have been productive, reporting that some large roadside trees had been removed by the USFS in response to safety concerns and that green-wood-cutting permits had been addressed in a timely fashion this year. Further, he reported that the USFS brought in a federal mediator to address concerns regarding a community cemetery within the forest boundary. Committee members discussed the USFS process to update the forest plans that will be continuing for the next two years. Members also discussed impediments to receiving the CFRP grants.

Water Issues Facing Land Grants-Mercedes: Options for a Water Ombudsman

Max Archuleta, range manager, Abiquiu Land Grant-Merced, and Gerald Chavez, heir, Town of Tajique Land Grant-Merced, reported on the continuing problems the land grants are experiencing in accessing and protecting water resources. Mr. Chavez noted that the East Mountain land grant communities all maintain their own private or mutual domestic water systems. These communities not only share the water from the Estancia Basin, but they physically sit at the top of the region where the natural water recharge occurs from snow and rain. Mr. Chavez reported that the recent formation of the Estancia, Moriarty, Willard and Torrance County Water Association (EMWT) without input from the land grant communities is a cause of great concern.

Paula Garcia, executive director, New Mexico Acequia Association (NMAA), presented information regarding the lessons learned by the NMAA over the past 25 years with respect to water rights and land grants. Ms. Garcia observed that the acequias and land grants have a common and interwoven history but are governed by different statutes in New Mexico. Acequias generally work with surface water rights and management, while land grants work with managing common lands and waters. Ms. Garcia reported that the NMAA has worked closely with land grant communities and with New Mexico Legal Aid (NMLA) over the years to address water rights issues. She further noted that it is a continuing challenge for rural communities to secure a seat at the table for discussions regarding land and water management.

David Benavides, counsel, NMLA, provided information to the committee regarding the Treaty of Guadalupe Hidalgo, New Mexico statutes and case law bearing on the issues of land and water rights management in New Mexico. He discussed a number of specific issues currently facing land grants-mercedes, including declarations of ownership of water rights and adjudication of land grant-merced water rights. With respect to declarations of ownership, which are important in New Mexico law as a tool to establish the seniority of water rights, he observed that the state engineer is now rejecting declarations. A related issue for adjudication purposes is the proper priority date that the state engineer or the courts will recognize. Mr. Benavides also discussed prospective water systems and the issue of possible acquisition of water rights, as well as the disruption of local hydrology. He noted that land-grant-based water systems often have a lengthy record of sustainability. However, surface and underground uses in any area are typically interconnected and therefore vulnerable. Any new water service must be extremely careful not to impair the hydrologic system or the current uses that the community values. Assumptions in one section of a county, for example, about the desirability of acquisition of agricultural water rights or installation of large-volume wells may not be shared in a part of the county that has a strong agricultural tradition, has early priority water rights, is in the upper part of the watershed with good quality and quantity of water and already has community-based water management systems, such as acequias or land grants, in place.

Committee members discussed the recent start-up of the regional water system in the East Mountains. A member noted that there is currently a legal mandate for consultation with tribes and pueblos in such instances and asked the panelists if there might be value in establishing such a mandate for consultation with land grant communities. The panelists agreed that this could be a valuable tool for land grant communities in the effort to have their voices heard with respect to water issues. The members also discussed amending the appropriate statutes to require the state engineer to accept declarations of ownership of water rights and considered the value of having an advocate or water ombudsman, noting that the purpose of an ombudsman is generally investigation into the issues at hand.

Carson National Forest Update

Ericka Luna, New Mexico state liaison, USFS, Southwestern Region, provided a brief update for the Southwestern Region. She reported that the USFS finds the quarterly meetings with land grant communities fruitful and observed that the meetings provide an opportunity for land grant communities to share information and ideas with each other as well. Ms. Luna stated that the USFS continues to work with Santa Barbara on water issues and to complete the requirements of the National Environmental Policy Act for the CFRP. The CFRP is not the only remedy for forest restoration in New Mexico, according to Ms. Luna, but is unique to New Mexico and has brought \$63 million in federal dollars into the state over the last 16 years. Many of these dollars have been granted to small businesses, fostering 583 unique partnerships. She noted that any wilderness designation recommendations developed as part of the forest planning process are just that — recommendations that ultimately must be acted upon by Congress to take effect. Ms. Luna reported that the USFS continues to work closely with the council on issues of importance to land grant communities.

Kevin Naranjo, forest planner, Carson National Forest, described the forest planning process as a years-long process. He reported that the Carson National Forest hosted meetings this year with representatives from four counties, the New Mexico Association of Counties, the council, the Department of Game and Fish, the New Mexico Stockman's Association, the Department of Environment, the Forestry Division of the Energy, Minerals and Natural Resources Department, other stakeholders and the general public to solicit input on the forest plan. Mr. Naranjo stated that the comment process on the forest plan is never done and that it is important to the USFS to recognize and value traditional and cultural uses and to provide effective communication, engagement and action.

Erica Enjady, forestry program manager, Carson National Forest, provided additional information regarding the CFRP, stating that a total of \$360,000 may be awarded for a given project during a period of no more than four years, with the intent to build community relationships, improve watershed health and reduce the risk of wildfire, among other purposes. A 20 percent local match is required for the CFRP projects, often provided as in-kind donations or work by grantees. She stated that the CFRP can work well for projects aimed at traditional uses and that the USFS sees opportunities to develop those types of projects in the future.

Public Comment

Mr. Archuleta reported that the Department of Finance and Administration (DFA) has rejected reimbursement requests for software included in the computer purchases made for land grants-mercedes. The council is working to clear the DFA's requirements because the computer systems are not really functional without the software.

Adjournment

There being no further business before the committee, the committee adjourned at 5:38 p.m.

Thursday, July 13

Tour of Arroyo Hondo Arriba

Members met in the old schoolhouse, which now serves as a meeting site for community groups, in the community of Valdez and toured the morada that is under renovation. A full-circle view of the boundaries of the land grant, including the "miraculous" acequia that seemingly flows uphill to Arroyo Seco, was observed from Arroyo Hondo Arriba's community cemetery.