



NEW MEXICO LEGISLATURE

# LAND GRANT COMMITTEE

2016 INTERIM FINAL REPORT

LEGISLATIVE COUNCIL SERVICE  
411 STATE CAPITOL  
SANTA FE, NEW MEXICO 87501  
(505) 986-4600  
[WWW.NMLEGIS.GOV](http://WWW.NMLEGIS.GOV)

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## INTERIM SUMMARY



## **Land Grant Committee 2016 Interim Summary**

The interim legislative Land Grant Committee held five meetings during the 2016 interim. Aside from the first and last meetings at the State Capitol in Santa Fe, the committee was hosted by: in Penasco by La Merced de Santa Barbara Land Grant-Merced (Santa Barbara) and the Santo Tomás Apóstol del Río de Trampas Land Grant-Merced (Las Trampas); the Town of Atrisco Land Grant-Merced (Atrisco); and the Anton Chico Land Grant-Merced (Anton Chico).

Presentations before the committee generally fell into three categories — economic development; governance challenges and supporting agencies for land grants-mercedes and acequias; and land dependency challenges, internal land-use planning and traditional-use access to state and federal lands.

### **I. Economic Development**

The committee added economic development as a major focus of attention this year. With the assistance of the Small Business Development Center, the Economic Development Department's Business and Rural Development Team, and in a joint meeting with the Rural and Economic Development Committee, the committee examined:

- 1) the threshold issues that a land grant-merced must address before developing a business plan; and
- 2) various state programs designed to assist small communities in establishing and growing new businesses.

The committee also received presentations on strategies to market land grant communities to the film industry; the Warrior Farmer Project's development of greenhouses and small vegetable farms in Atrisco, which has created local produce supply for Albuquerque area restaurants; various business opportunities in Anton Chico, including the potential growth of the Anton Chico Development Center as a business incubator; and a business master plan developed by the Land Grant Council that proposes that a consortium of land grants-mercedes acquire the United States Forest Service's defunct Piedra Lumbre Education and Visitor Center near Abiquiu and develop it as a camping, tourist and business center.

### **II. Governance Challenges and Supporting Agencies for Land Grants-Mercedes and Acequias**

Of particular interest to the committee this year was new funding provided to the Attorney General's Office allowing for the hiring of two staff members dedicated to the Treaty of Guadalupe Hidalgo Division of the office. In August, prior to the hiring, the committee met with the attorney general to discuss the anticipated mission of the division, and in November, the committee heard a presentation from the new staff regarding the division's goals and priorities. To consider other avenues to build sound governance structures within land grants-mercedes and acequias, the committee received presentations from:

- the Office of the State Auditor on continued efforts to strengthen financial accountability practices in small political subdivisions and the development of an "at risk" warning system with regard to compliance with the Audit Act;
- the Acequia Commission regarding potential expansion of its role in ensuring infrastructure and economic development within acequias;
- the New Mexico Acequia Association on its training programs for acequia governing boards;
- the Land Grant Council on its training programs and its liaison role with federal and state agencies on behalf of land grants-mercedes and its nascent economic development function; and
- the University of New Mexico's Land Grant Studies Program regarding its ongoing retrieval and indexing of historical records vital to the understanding of the legal standing and property ownership histories of community land grants.

The committee also heard specific presentations from Santa Barbara and Las Trampas on their establishment of new governing boards that have elevated their status to political subdivisions under Chapter 49, Article 1 NMSA 1978; Atrisco on the challenges facing an urban land grant within the state's largest metropolitan area; and Anton Chico on its redevelopment efforts.

### **III. Land Dependency Challenges, Internal Land-Use Planning and Traditional-Use Access to State and Federal Lands**

Regarding national forest lands, the committee received a presentation on the ongoing forest plan revision process for the Carson National Forest. It also heard specific concerns of Las Trampas and Santa Barbara regarding potential wilderness designations in their upper watersheds. The communities are dependent on forest lands for water, fuel wood, grazing lands and herbs. The committee also heard a presentation regarding the forest plan revision for the Cibola National Forest (Cibola) and the response and recovery efforts to the Dog Head fire from Cibola and La Merced del Pueblo de Chilili (Chilili). The board president of Chilili raised a concern that emergency responses to forest fires trigger an additional layer of agency management from the Homeland Security and Emergency Management Department that can slow recovery efforts. Regarding state lands, the Department of Game and Fish updated the committee on the management of wildlife management areas and its Gaining Access Into Nature program.

Atrisco reported to the committee on its efforts to gain input into the regional planning process for Bernalillo County and Albuquerque's south valley. Additionally, the committee received tours that showcased the effort to reclaim farmland within Atrisco and the challenge in regulating stone quarrying in Anton Chico.



#### **IV. Endorsed Legislation**

The committee endorsed the following legislation for the 2017 session:

- 1) a bill to expand the authority of the Acequia Commission, allowing it to act as a fiscal agent for infrastructure funding and assist in economic development for acequias;
- 2) a bill to create a one-year waiver of law school expenses in exchange for a student's commitment to work for two years in a legal services program for acequias, land grants-mercedes and low-income residents of colonias;
- 3) a bill to establish qualified partitioned land grants-mercedes as autonomous political subdivisions under Chapter 49, Article 1 NMSA 1978;
- 4) a bill to authorize comprehensive land-use planning by land grants-mercedes for their common lands;
- 5) a bill to remove restrictions on Atrisco regarding land regulation; and
- 6) a joint memorial supporting consultation by the national forests with land grants-mercedes and other forest-dependent communities regarding potential designations of wilderness areas.



## WORK PLAN AND MEETING SCHEDULE



**2016 APPROVED  
WORK PLAN AND MEETING SCHEDULE  
for the  
LAND GRANT COMMITTEE**

**Members**

Sen. Jacob R. Candelaria, Chair  
Rep. Sarah Maestas Barnes, Vice Chair  
Sen. Ted Barela  
Sen. Lee S. Cotter  
Rep. David M. Gallegos  
Rep. Miguel P. Garcia  
Rep. Jimmie C. Hall

Sen. Linda M. Lopez  
Sen. Richard C. Martinez  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella  
Sen. Sander Rue  
Rep. Tomás E. Salazar  
Rep. Bob Wooley

**Advisory Members**

Rep. Eliseo Lee Alcon  
Rep. Paul C. Bandy  
Sen. Carlos R. Cisneros  
Rep. Randal S. Crowder

Rep. D. Wonda Johnson  
Rep. Patricia A. Lundstrom  
Rep. Matthew McQueen  
Rep. Christine Trujillo

**Work Plan**

The Land Grant Committee was created by the New Mexico Legislative Council on May 9, 2016. The committee proposes to focus on the following topics.

**A. Economic Development**

The committee will examine the threshold requirements to access various governmental and nonprofit funding programs and private venture business opportunities. The goal would be to identify key capacity obstacles within land grants-mercedes that can be addressed. Specific programs and business opportunities that the committee proposes to review include:

1. various programs offered by the Economic Development Department, including the potential to develop Local Economic Development Act, commonly referred to as "LEDA", projects;
2. United States Department of Agriculture Rural Development grant programs;
3. private nonprofit grant programs and the potential for nonprofit-public partnerships to build capacity;
4. development of location and vendor relationships with the film industry, including the possibility for regional liaison offices to work with land grants, tribes and counties; and

5. analysis of a proposal for transfer of the United States Forest Service visitor center and museum in Abiquiu to create a tourist center and business incubator for land grants-mercedes.

## **B. State and Federal Land Access: Traditional and Cultural Uses**

The committee proposes to:

1. continue a dialogue with the Department of Game and Fish regarding cultural uses within wildlife management areas and the department's "cultural use" proposal;
2. receive an update on the revision process for the forest management plans for the Cibola, Santa Fe and Carson national forests. In particular, the committee proposes to discuss engaging the United States Forest Service regarding the inclusion of forest-dependent communities, such as land grants-mercedes, in the development of the revised forest plans; and
3. receive updates from the United States Bureau of Land Management regarding cultural and traditional uses on public lands.

## **C. Strengthening Land Grant-Merced Governance Capacity**

The committee proposes to continue:

1. a dialogue with the Office of the Attorney General on the plans for an expanded Guadalupe Hidalgo Treaty Division in fiscal year 2017;
2. examining methods to strengthen internal financial structures within small governmental bodies, including land grants-mercedes and acequia associations;
3. analysis of land use planning and other "governance" capacities within land grants-mercedes;
4. a dialogue with the University of New Mexico School of Law regarding curricula and programs geared toward addressing legal issues experienced by small political subdivisions; and
5. reviewing capital infrastructure funding for land grants-mercedes and examining where gaps may exist within the planning or reporting processes for infrastructure capital improvement plans for both recipients and funding administrators.

#### **D. Reports from Individual Land Grants-Mercedes and Associated Entities**

The committee proposes to:

1. receive reports from various land grants-mercedes;
2. review the Land Grant Council's programs and receive updates from the New Mexico Land Grant Consejo and the University of New Mexico Land Grant Studies Program, including a report on the progress of land grant mapping and surveys; and
3. receive reports from the Acequia Commission and the New Mexico Acequia Association and explore opportunities to leverage each entity's ability to provide financial management and other professional training for acequia associations.

**Land Grant Committee  
2016 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 9	Santa Fe
July 5-6	Penasco
August 1-2	Atrisco
October 11-12	Anton Chico (joint meeting with ERDC)
November 21-22	Santa Fe



## AGENDAS AND MINUTES



Revised: June 7, 2016

**TENTATIVE AGENDA  
for the  
FIRST MEETING  
of the  
LAND GRANT COMMITTEE**

**June 9, 2016  
Room 309, State Capitol  
Santa Fe**

**Thursday, June 9**

- 10:00 a.m.        **Call to Order/Introductions**  
—Senator Jacob R. Candelaria, Chair, Land Grant Committee (LGC)
- 10:15 a.m.        (1)    **Committee-Endorsed Legislation, 2015 Session — Summary**  
—Mark Edwards, Drafter, Legislative Council Service (LCS)
- 10:30 a.m.        (2)    **Discussion: Moving Small Governmental Bodies (Land Grants and Acequias) on to and off of the Audit Compliance "At Risk" List**  
—Sunalei Stewart, Chief of Staff, Office of the State Auditor (OSA)  
—Christopher Garcia, Senior Auditor, OSA
- 11:30 a.m.        (3)    **2016 Interim Proposed LGC Work Plan and Meeting Schedule**  
— Mark Edwards, Drafter, LCS
- 12:15 p.m.        **Public Comment**
- 12:30 p.m.        **Adjourn**



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

**June 9, 2016  
Room 309, State Capitol  
Santa Fe**

The first meeting of the Land Grant Committee for the 2016 interim was called to order by Senator Jacob R. Candelaria, chair, on June 9, 2016 at 10:05 a.m. in Room 309 of the State Capitol.

**Present**

Sen. Jacob R. Candelaria, Chair  
Rep. Sarah Maestas Barnes, Vice Chair  
Sen. Ted Barela  
Sen. Lee S. Cotter  
Rep. David M. Gallegos  
Rep. Miguel P. Garcia  
Rep. Jimmie C. Hall  
Sen. Linda M. Lopez  
Sen. Gerald Ortiz y Pino  
Sen. Sander Rue  
Rep. Tomás E. Salazar

**Absent**

Sen. Richard C. Martinez  
Rep. Debbie A. Rodella  
Rep. Bob Wooley

**Advisory Members**

Rep. Eliseo Lee Alcon  
Sen. Carlos R. Cisneros  
Rep. Patricia A. Lundstrom  
Rep. Matthew McQueen  
Rep. Christine Trujillo

Rep. Paul C. Bandy  
Rep. Randal S. Crowder  
Rep. D. Wonda Johnson

**Staff**

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

**Guests**

The guest list is in the meeting file.

**Handouts**

Copies of all handouts are in the meeting file.

**Thursday, June 9**

**Introductions and Announcements**

Senator Candelaria welcomed committee and audience members and asked all those present to introduce themselves.

**Committee-Endorsed Legislation, 2016 Session Summary**

Mr. Edwards provided a brief summary of committee-endorsed legislation for the 2016 legislative session, stating that none of the committee-endorsed bills had been adopted. He noted that additional funding was included in the General Appropriation Act of 2016 for two additional positions in the Office of the Attorney General (OAG) to staff the Guadalupe Hidalgo Treaty Division. Mr. Edwards reported that advocacy on the part of committee members was instrumental in securing the increase in staffing for the division. Members also discussed:

- plans for the OAG to provide an update to the committee;
- the failed but extensive efforts to secure a message from the governor during the 2016 session for House Bill 57 (land grant partitions as autonomous);
- the ongoing need to educate the executive branch regarding land grant issues; and
- a request that a summary of 2015 and 2016 capital outlay projects related to land grants-mercedes and acequias, particularly vetoed projects, be circulated to committee members as a starting point for conversations with the executive branch.

**Discussion: Moving Small Governmental Bodies (Land Grants and Acequias) on to and off of the Audit Compliance "At Risk" List**

Chief of Staff Sunalei Stewart, Office of the State Auditor (OSA), presented an overview of the tiered system of financial reporting for local public bodies and for special audits under the Audit Act. Mr. Stewart reviewed the criteria used to develop the OSA's "at risk" list, noting that a new section listing audits with "adverse" or "disclaimed" opinions has been added to help distinguish those entities that are simply late in reporting from those with genuine audit exceptions. He reported that land grants-mercedes are now subject to listing and provided a fiscal year (FY) 2015 land grants "at risk" list. Mr. Stewart observed that smaller entities with limited revenues may only be required to submit a one-page "self-certifying" report to comply with audit requirements under the tiered system. The OSA can provide a wide range of assistance to local public bodies in this regard. Mr. Stewart introduced Senior Auditor Christopher Garcia and stated that Mr. Garcia travels throughout the state at the request of local public bodies to assist with compliance issues. In response to committee member questions, Mr. Stewart clarified that entities may be on the "at risk" list for either non-reporting or because an independent auditor intervenes.

Committee members and OSA staff discussed the following issues regarding the OSA "at risk" list:

- the statutory requirements for status as a political subdivision for land grants-mercedes and acequias;
- the insufficient funding available for smaller political subdivision audit assistance grants and how that prevents entities from moving off the "at risk" list;
- how to establish an ongoing funding stream for smaller political subdivision audit assistance grants;
- possible errors in reporting on the FY 2015 land grants "at risk" list;
- the difficulties that the Cebolleta Land Grant-Merced (Cebolleta) has experienced in trying to catch up with audit requirements dating back to 2007 and its designation for special audit;
- whether or not acequias are subject to Executive Order (EO) 2013-006 Audit Act requirements (OSA staff asserted that they are);
- a request that information regarding EO 2013-006, as well as the attorney general opinion regarding that order, be provided to committee members;
- information that the Land Grant Council has provided to the OSA to assist land grants-mercedes in moving off the "at risk" list; and
- workshops and trainings that have been or will be conducted by the Land Grant Council, the OSA and the New Mexico Acequia Association to clarify audit requirements for local entities.

One member asked if land grants-mercedes or acequia projects that receive capital outlay are given additional time to comply with audit requirements. Mr. Stewart stated that they must come into compliance and expend the appropriation during the standard time allotted for expenditure of the funds. Another member noted that local public bodies can enter into a memorandum of understanding with another public body to serve as their fiscal agent. One member stated that the executive has appointed members to the Acequia Commission who are opposed to that process of fiscal agency, preventing the expenditure of some existing appropriations.

Committee members discussed the need to maintain an accurate and up-to-date registry of land grants-mercedes qualified as political subdivisions. Mr. Edwards suggested that LCS staff work annually with the Land Grant Council's staff and the OSA to develop an updated list. One member pointed out that most land grants-mercedes have limited funds available for any purpose and that they prioritize defense of their lands over reporting requirements. In response to committee member questions, Mr. Stewart stated that the OSA may view those land grants-mercedes that have ties to private foundations differently, depending upon the land grant's structural ties to a foundation.

Members expressed a need for the committee to reach out to the executive branch to gather additional information as to why almost every acequia capital project was vetoed this year and to have a dialogue on the importance of acequias and land grants-mercedes as political subdivisions. One member stated that the committee should further investigate the applicability

of the audit requirement to acequias, looking toward amending the statute related to political subdivision status, if necessary.

### **2016 Proposed Land Grant Committee Work Plan and Meeting Schedule**

Mr. Edwards presented a proposed 2016 interim work plan focused on economic development capacities within land grant communities and addressing the following additional issues:

- state and federal land access;
- strengthening land grant-merced governance capacity; and
- reports from individual land grants-mercedes and associated entities.

### ***Motion***

Representative Hall moved to direct LCS staff to work with the OSA and the Land Grant Council to update a land grants-mercedes contact list annually. Representative Garcia seconded the motion, and the motion was adopted without objection.

Committee members also asked that the following items be included in the reports to the committee this interim:

- an update from the New Mexico Acequia Association and a discussion of acequia and related water issues;
- a presentation regarding the Atrisco Land Grant-Merced's (Atrisco's) veterans services and economic development programs;
- an update on the issue of surveys; and
- an update on audit status and audit issues (to be scheduled toward the end of the interim).

Following committee discussion, Senator Candelaria outlined the following schedule priorities for the 2016 interim:

- Anton Chico (in a joint meeting with the Economic and Rural Development Committee);
- Santa Barbara/Trampas; and
- Atrisco.

Staff was requested to consider Tajique as a potential alternative location for one meeting, but with the expectation that it would be considered as a meeting location for next year.

### ***Motion***

Representative Garcia moved to adopt the work plan and have staff move forward to establish a meeting schedule based on the priorities outlined. Representative Gallegos seconded the motion, and the motion was adopted without objection.



**Public Comment**

Jerome Padilla of Atrisco provided the committee with an overview of issues of concern to Atrisco, noting that, in the absence of extensive land holdings, the activities in which a land grant-merced engages may be what identify it as a land grant. He described Atrisco's programs and projects and extended an invitation to the committee to meet at one of the Atrisco sites.

Richard Jaramillo of Cebolleta gave the committee a brief overview of the audit issues facing Cebolleta in the wake of a uranium mining royalties contract initiated in 2007 that will ultimately deliver over \$9 million to Cebolleta. Although no actual mining has taken place, Cebolleta has received significant royalty payments. He indicated that the audit challenge stems from the severely limited recordkeeping system that was in place prior to the uranium contract. That system was possibly functional for a very limited revenue stream, but not adequate to handle the large increase in revenues. Mr. Jaramillo reported that Cebolleta is nearing completion of its 2007 audit; however, the costs to complete the audit are approaching \$100,000, and the project has been all-consuming in terms of the amount of time spent on the issue by land grant members.

Atrisco member Jesse Anzures spoke to the issue of reporting requirements imposed by the Department of Finance and Administration (DFA). He stated that Atrisco is now writing a financial plan and developing standard operating procedures for the land grant-merced that will help with compliance issues. However, Mr. Anzures noted that the audit requirements are really tailored to a different type of entity and that land grants-mercedes need clear-cut rules and guidelines from the DFA. He reported that Atrisco has tried to meet the reporting requirements for capital outlay projects by reporting through the capital programs monitoring system, but that the DFA does not supply passwords to access the system until five minutes before the reports are due. At the request of the chair, Mr. Anzures agreed to provide the committee a more in-depth presentation regarding these and other issues facing Atrisco at a future meeting.

**Adjournment**

There being no further business before the committee, the committee adjourned at 12:32 p.m.



Revised: July 5, 2016

**TENTATIVE AGENDA  
for the  
SECOND MEETING  
of the  
LAND GRANT COMMITTEE**

**July 5-6, 2016  
Penasco Community Center  
Penasco**

**Tuesday, July 5**

- 10:00 a.m.      **Call to Order**  
—Senator Jacob R. Candelaria, Chair, Land Grant Committee
- 10:15 a.m.      (1)   [\*\*Welcome and Status Updates: La Merced de Santa Barbara \(Santa Barbara\) and Santo Tomás Apóstol del Rio de Trampas Land Grant-Merced \(Trampas\)\*\*](#)  
—Bonifacio Vasquez, President, Santa Barbara  
—Alex Lopez, President, Trampas
- 12:00 noon      **Lunch**
- 1:00 p.m.      (2)   [\*\*Carson National Forest: Forest Plan Revision Progress and Camino Real Update\*\*](#)  
—Tammy Malone, District Ranger, Camino Real District, Carson National Forest  
—Kevin Naranjo, Forest Planner, Carson National Forest
- 2:00 p.m.      (3)   [\*\*Business Creation: Threshold Questions for Land Grants-Mercedes\*\*](#)  
—Russell Wyrick, State Director, New Mexico Small Business Development Center, Santa Fe Community College
- 3:00 p.m.      (4)   [\*\*Governance Issues and Training Needs for Acequias\*\*](#)  
—Paula Garcia, Executive Director, New Mexico Acequia Association
- 4:00 p.m.      **Public Comment**
- 4:30 p.m.      **Recess**

**Wednesday, July 6**

- 9:00 a.m.      **Committee Tour of Trampas and Santa Barbara**
- 12:30 p.m.      **Adjourn**



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

**July 5-6, 2016  
Penasco Community Center  
Penasco**

The second meeting of the Land Grant Committee for the 2016 interim was called to order by Senator Jacob R. Candelaria, chair, at 10:10 a.m. on July 5, 2016 at the Penasco Community Center in Penasco.

**Present**

Sen. Jacob R. Candelaria, Chair  
Rep. Sarah Maestas Barnes, Vice Chair  
Sen. Ted Barela (7/5/16)  
Sen. Lee S. Cotter  
Rep. David M. Gallegos  
Rep. Miguel P. Garcia (7/5/16)  
Sen. Linda M. Lopez (7/5/16)  
Sen. Gerald Ortiz y Pino (7/5/16)  
Rep. Debbie A. Rodella  
Sen. Sander Rue (7/5/16)  
Rep. Tomás E. Salazar  
Rep. Bob Wooley (7/5/16)

**Absent**

Rep. Jimmie C. Hall  
Sen. Richard C. Martinez

**Advisory Members**

Rep. Eliseo Lee Alcon  
Sen. Carlos R. Cisneros  
Rep. Randal S. Crowder  
Rep. Matthew McQueen (7/5/16)  
Rep. Christine Trujillo (7/5/16)

Rep. Paul C. Bandy  
Rep. D. Wonda Johnson  
Rep. Patricia A. Lundstrom

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

**Staff**

Mark Edwards, Bill Drafter, Legislative Council Service (LCS)  
Michelle Jaschke, Researcher, LCS  
Peter Kovnat, Staff Attorney, LCS

**Guests**

The guest list is in the meeting file.

## **Handouts**

Copies of all handouts are in the meeting file.

## **Tuesday, July 5**

Senator Candelaria asked committee members to introduce themselves, which they did.

### **Welcome and Status Updates: La Merced de Santa Barbara (Santa Barbara) and Santo Tomas Apostol del Rio de las Trampas Land Grant-Merced (Las Trampas)**

Alex Lopez, president, Las Trampas, read a condensed history of Las Trampas covering the period from 1751 to today and provided the committee with a map showing lands of Las Trampas and Santa Barbara and the surrounding area (see handout: "Santo Tomas Condensed History"). He also provided the committee with a larger exposition by Bert Lucero of the history of the land grant and its struggles to maintain control of its common lands (see handout: "Merced de Santo Tomas History and Land Challenges"). He noted that the original settlers of the land grant had been a mixture of Spanish soldiers and Tlaxcalan Indian *genizaros*.

Henry Trujillo, secretary, board of trustees, Santa Barbara, walked the committee through a package, including a map showing the boundaries of Santa Barbara, its associated towns and neighboring land grants; a time line of the grant's first 60 years; and a short exposition regarding the loss of land by land grants (see handout: "Santa Barbara History"). Noting that he can trace his family to the original settlers, Mr. Trujillo said that Santa Barbara first applied for land grant status in 1739, but the land was periodically abandoned because of raids by groups of Apaches and Comanches.

Bonifacio Vasquez, president, Santa Barbara, read from a prepared statement (see handout: "Santa Barbara Briefing"). He said that he remembered Penasco and its surrounding 20 communities as small, but thriving. However, he said that the area has seen a general loss of businesses and employment opportunities. He said that the local U.S. Forest Service (USFS) ranger district used to provide summer youth employment and have its own "hot shot" crew. He said those programs are now gone, and the ability to use the national forests for raising cattle and for timber operations has been sharply reduced.

Mr. Vasquez also talked about how the local communities depend on the forest watershed to provide water for their acequia systems and for firewood for cooking and heating. He also noted that land grants have seen a loss of their lands through squatters and legal shenanigans. He stated specific frustrations regarding difficulties in getting adequate permits for woodcutting and grazing permits within the national forest for land grant members. He also talked about how challenging it has been to get permitting from the USFS to rehabilitate the stream diversion that feeds the acequias for Santa Barbara and Las Trampas.

Mr. Vasquez then spoke about the forest plan revision process for the Carson National Forest and a proposal by the New Mexico Wilderness Alliance and others to expand the Pecos

Wilderness into the upper Santa Barbara watershed. He said that the upper watershed was part of the original boundaries of the Santa Barbara and Las Trampas grants and that the proposal raised three general concerns: 1) expanding the wilderness would create additional obstacles for traditional, and needed, uses of the land, such as firewood and timber supplies, grazing and water collection; 2) removing active land use and management heightens the risk of forest fires and creates obstacles to fighting them; and 3) land grants will continue to press the issue that these original grant lands were taken in unjustified court decisions and that they should be returned.

Mr. Vasquez expressed frustration both with how the land grants found out about the Pecos Wilderness proposal and the USFS's separate process for reviewing lands with wilderness characteristics. He said that Santa Barbara and Las Trampas had not heard of the proposal to expand the Pecos Wilderness until a resolution to endorse the proposal was brought before the Taos County Commission. He also said that maps were not provided at the first meeting held by the Carson National Forest regarding its forest plan revision, including lands with "wilderness characteristics". He indicated that the lack of notice on the proposal, combined with a lack of maps by forest planners, gave the appearance of trying to exclude the local communities from any meaningful voice in the decision.

In conclusion, Mr. Vasquez said that the continuing loss of land by land grants and the continued restricted use of national forest lands is bad for the Penasco area. He asked for legal assistance from the state regarding squatters on private land and the rights of land grants. He also requested that the state provide cost-share funding to leverage a federal acequia repair and improvement program.

The committee then entered into a general discussion. In response to how agricultural land use had been allocated in the original grants, audience members said that each family had traditionally been given a number of *varas* (strips of land about 32 inches wide) to work for themselves. Those land allocations varied from grant to grant. David Arguello said the allocation at Arroyo Hondo Arriba was about 2.5 acres per family, and Francisco "El Comanche" Gonzales said that the allocation was five acres at Cristóbal de la Serna. Mr. Trujillo said that the Santa Barbara common lands were partitioned in 1903, and many lots were subsequently sold off. However, he said, many of those land sales were not above-board. A committee member said that common land in Las Trampas was sold to Frank Bond, who then sold it to Las Trampas Lumber Company in Albuquerque. Next, it was sold to a company in Grants, and it eventually ended up in the hands of the USFS.

The rest of the discussion focused on issues of local access and use of the national forest lands. Issues raised include:

(1) the number of permits for green wood and dead and downed fuel is insufficient to meet the needs of the area residents, the vast majority of whom use wood to heat their homes and many of whom also cook with wood;

(2) the number of elk permits could be increased to meet local family needs and could be used by the land grants as a viable way to promote economic activity via hunting tourism;

(3) the wilderness designation of USFS land that makes up part of the two land grants' original tracts;

(4) that a key concern is access to water and maintenance of the watershed so it does not become overgrown; and

(5) how closing forest roads prevents access for forest thinning, cattle grazing and firefighting crews.

In response to a question about the involvement of the Pueblo of Picuris in the forest plan revision process, Mr. Vasquez said there has been no official involvement of which he is aware.

### **Carson National Forest: Forest Plan Revision Progress and Camino Real Update**

Kevin Naranjo, forest planner, Carson National Forest, began his presentation on the forest plan revision process by saying that only Congress can designate new wilderness areas. The USFS, however, is required to evaluate forest lands for wilderness characteristics and make land use recommendations as part of its forest plan process. Mr. Naranjo said that the forest planning process includes meeting with the public. At every step, he said, local residents have a voice.

In January 2016, the USFS did an inventory of the Carson National Forest and found that there are 1.45 million acres in its land inventory. Currently, 8% of the Carson National Forest is designated as wilderness. The inventory found nine additional areas, one being land adjacent to the Pecos Wilderness that could potentially be designated as wilderness.

An evaluation for wilderness characteristics includes the following requirements:

(1) the area must be 5,000 or more acres of roadless land or roadless land adjacent to an existing wilderness area; and

(2) the area must not have significant human-made structures.

These areas are then assessed for apparent naturalness; opportunities for isolation or primitive recreation; geographic character; uniqueness on the landscape, such as a mesa; and manageability.

Mr. Naranjo said that the forest plan revision process requires public engagement, and he acknowledged the frustration of having initial meetings without maps outlining areas that were initially evaluated for wilderness characteristics. He indicated that starting the public engagement without maps was required, but it created difficulties. He said that although the



process has started, it will not be finished until mid-2018, and public comment is encouraged throughout the process. The USFS plans to start working with cooperating agencies in November 2016, and it will have an environmental impact statement (EIS) prepared by May 2017. He noted that the EIS is required to include an analysis of the social and economic, as well as environmental, effects of the plan, including the effects of any wilderness designations.

Mr. Naranjo said that once the Carson National Forest has developed a proposed plan, it then must be approved by the chief of the USFS and the U.S. secretary of agriculture before any agency recommendations regarding wilderness can be submitted to Congress.

In response to a question from a committee member, Tammy Malone, district ranger, Camino Real District, Carson National Forest, said that grazing is allowed in wilderness areas, that existing permits are respected and that fences can be fixed. However, motorized access is not allowed in a wilderness area except in an emergency situation. She also said that fewer grazing permits are being issued in the Camino Real District because of conditions based on the carrying capacity of the forest. There is denser tree growth, which leads to less grass and, thus, less grazing.

In a general discussion regarding grazing, committee members talked about increasing the carrying capacity of the land and whether land grants could be given preference for permits. Responding to a question about comparing the access available to enrolled members of Indian tribes to land grant heirs, Ms. Malone said that the federal "farm bill" specifically requires the USFS to work with tribes to satisfy ceremonial requests, but there is no statutory provision for traditional uses by land grant heirs.

A committee member questioned whether the USFS is committed to public input, stating that two public meetings to discuss the wilderness designation got shut down because they were contentious. The committee member said that stopping those meetings was leading some local residents to believe that they would not have an opportunity to express their opinion. Another legislator noted that the Carson National Forest, and the USFS in general, is losing funding, or, at best, has a flat budget. The legislator said that without steady funding, it is hard for the USFS to do long-term planning and meet the public's expectations.

The committee concluded the discussion by requesting that Cibola National Forest personnel be invited to discuss its forest plan revision process and the Dog Head fire at the committee's meeting in August.

### **Business Creation: Threshold Questions for Land Grants-Mercedes**

Russell Wyrick, state director, New Mexico Small Business Development Center (SBDC), Santa Fe Community College, said that the center is funded by a grant through the United States Small Business Administration and with state matching funds, which appear as a line item in the Higher Education Department budget. The SBDC serves all 33 counties in New Mexico.

Mr. Wyrick provided an outline of initial questions that a land grant should answer before it develops a business plan (see handout: "Initial Questions in Developing a Business Plan"). He focused on legal business structures, risk assessment and how best to limit liability. He suggested that land grants search for opportunities to provide "economic-base jobs". Economic-base jobs are in businesses that provide a product or service sold outside of the state, or in other parts of the state, so that new money starts flowing through the local economy. This provides the most potential for businesses to grow, which will, hopefully, lead to more job creation.

Mr. Wyrick raised three additional questions that land grants should look into when they are developing a business plan.

- (1) Who will fill the entrepreneurial role in building the business?
- (2) How will the land grant define success for the business (the number of jobs created, the amount of revenues to the grant, etc.)?
- (3) Should the grant create a stockholding company to limit its liability?

Currently, the SBDC and the Economic Development Department are working with rural communities, such as land grants, to provide technical assistance. Anyone that wants to start a business in New Mexico can contact the local SBDC and receive help to assess the viability of a business plan and the feasibility of using a bank loan for its start-up costs.

At this time, there are 19 SBDC offices and nine satellite offices, which are not staffed year-round. There is no office or satellite in Penasco, Mr. Wyrick noted, but travel to rural locations does happen. He said that future funding would need to grow if SBDCs are to expand.

In the ensuing discussion, the committee focused on how the SBDCs can build outreach programs for small, rural communities. The committee also asked for a presentation later in the interim on the overall tax liabilities of land grants.

### **Governance Issues and Training Needs for Acequias**

Paula Garcia, executive director, New Mexico Acequia Association (NMAA), said that acequias and land grants have many similarities and that many land grants have a number of acequias within their boundaries. However, unlike land grants, acequias have been in statute since territorial times. She said that the territorial government codified the basic principles of acequia governance, including the democratic election of a *mayordomo* (ditch manager) and the practice of sharing water (*repartimiento*). She said that there are 533 active acequias in the state; however, the number varies depending on how many active members each one has. Many acequia associations were created as a response to general stream adjudications.

Ms. Garcia said that the NMAA's main activities are to provide technical assistance and overcome bureaucratic hurdles. She said much of the NMAA's work involves helping acequias

meet the state's infrastructure capital improvement plan requirements for funding assistance. She said that the NMAA also regularly assists acequias that need to work through permitting requirements to repair ditches and diversions that are on state or federal lands. Ms. Garcia said that 300 of the 533 acequias in the state pay dues to the association. The dues are \$40.00 a year.

Senator Candelaria asked that the NMAA and the New Mexico Acequia Commission be invited to the committee's meeting at the end of the interim to provide information on what they would be seeking during the next legislative session.

### **Public Comment**

Candyce O'Donnell, Taos County commissioner, District V, said that Santa Barbara and Las Trampas are included in the county's regional plan. Now that they are recognized as political subdivisions of the state, she hopes the USFS will be more open to their involvement in this assessment process. Speaking of the proposal to expand the Pecos Wilderness, she said that the wilderness proponents lobby aggressively. Finally, she said, the Santa Barbara watershed has the most water of any watershed in Taos County.

Justin Wright, heir, Las Trampas, said the USFS evaluation is just to decide how much more land will be taken from land grants. He said nothing is being done to address past wrongs. Mr. Wright said that while the USFS claims not to have favorites, when certain individuals and entities have access to information before others, that amounts to having favorites.

Mr. Gonzales said this is an ongoing fight and that there is a lack of outreach to land grants or acequias about issues that affect them.

Carmen Quintana, heir, Santa Fe Land Grant, asked who owns the Land Grant Permanent Fund and asked why the legislature does not distribute that to New Mexicans.

### **Motions**

1. Upon a motion, seconded without objection, the committee asked staff to pen a letter to the USFS asking about the changing land use designations in the Pecos Wilderness area and asking for a map showing those changes since the 1980s.

2. Upon a motion, seconded without objection, the committee asked staff to request the USFS to provide a legal analysis of whether, because of their status as political subdivisions or through their historical ownership of the land, land grants-mercedes or their members could be given use and permit preferences on forest lands.

3. Upon a motion, seconded with one objection, the committee asked staff to pen a letter to the New Mexico congressional delegation expressing the committee's opposition to the wilderness designation as recommended by the New Mexico Wilderness Alliance and others.

4. Upon a motion, seconded with one objection, the committee asked staff to pen a letter to the USFS expressing the committee's opposition to any expansion of wilderness areas in the Carson and Santa Fe national forests.

There being no further business before the committee, the meeting recessed at 6:18 p.m.

**Wednesday, July 6**

**Tour of Santa Barbara and Las Trampas**

Committee members and staff toured the two land grants.

At 1:38 p.m. the tour ended and the committee adjourned.

Revised: July 27, 2016

**TENTATIVE AGENDA  
for the  
THIRD MEETING  
of the  
LAND GRANT COMMITTEE**

**August 1-2, 2016  
South Valley Multi-Purpose Senior Center  
2008 Larrazolo Rd. SW  
Albuquerque  
Town of Atrisco Land Grant-Merced (Atrisco)**

**Monday, August 1**

- 10:00 a.m.      **Call to Order**  
—Senator Jacob R. Candelaria, Chair, Land Grant Committee (LGC)
- 10:15 a.m.      (1)    **Welcome and Status Update: Atrisco**  
—Jerome Padilla, President, Atrisco  
—Jesse Anzures, Treasurer, Atrisco
- 11:00 a.m.      (2)    **Guadalupe Hidalgo Treaty Division of the Office of the Attorney General**  
—Hector Balderas, Attorney General
- 12:30 p.m.      **Lunch**
- 1:30 p.m.      (3)    **Cibola National Forest Plan Revision and Preliminary Issues with the Dog Head Fire**  
—Jim Upchurch, Deputy Regional Forester, Region 3, United States  
Department of Agriculture Forest Service  
—Elaine Kohrman, Forest Supervisor, Cibola National Forest  
—Juan Sanchez, President, La Merced del Pueblo de Chilili
- 3:00 p.m.      (4)    **Challenges Facing Atrisco**  
—Jerome Padilla, President, Atrisco
- 4:00 p.m.      **Public Comment**
- 4:30 p.m.      **Recess**

**Tuesday, August 2**

9:00 a.m.                **Committee Tour — Atrisco**

12:30 p.m.            **Adjourn**

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

**August 1-2, 2016  
South Valley Multipurpose Center  
Albuquerque**

The third meeting of the Land Grant Committee for the 2016 interim was called to order by Senator Jacob R. Candelaria, chair, on August 1, 2016 at 10:15 a.m. at the South Valley Multipurpose Center in Albuquerque.

**Present**

Sen. Jacob R. Candelaria, Chair (8/1)  
Rep. Sarah Maestas Barnes, Vice Chair (8/1)  
Sen. Ted Barela (8/1)  
Sen. Lee S. Cotter  
Rep. David M. Gallegos  
Rep. Miguel P. Garcia  
Rep. Jimmie C. Hall  
Sen. Linda M. Lopez  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella  
Rep. Tomás E. Salazar  
Rep. Bob Wooley

**Absent**

Sen. Richard C. Martinez  
Sen. Sander Rue

**Advisory Members**

Rep. Eliseo Lee Alcon (8/1)  
Sen. Carlos R. Cisneros  
Rep. Randal S. Crowder  
Rep. Patricia A. Lundstrom (8/1)  
Rep. Matthew McQueen (8/1)  
Rep. Christine Trujillo

Rep. Paul C. Bandy  
Rep. D. Wonda Johnson

**Guest Legislator**

Rep. Alonzo Baldonado (8/1)

(Attendance dates are noted for members who did not attend the entire meeting.)

**Staff**

Mark Edwards, Legislative Council Service (LCS)  
Michelle Jaschke, LCS  
Taylor Smith, Legal Intern, LCS

**Guests**

The guest list is in the meeting file.

**Handouts**

Copies of all handouts are in the meeting file.

**Monday, August 1****Introductions, Announcements and Minutes**

Senator Candelaria welcomed committee and audience members and asked all those present to introduce themselves. On a motion duly made and seconded, the minutes of the second meeting of the Land Grant Committee for the 2016 interim, as amended, were approved without objection.

**Welcome and Status Update: Town of Atrisco Land Grant-Merced (Atrisco)**

Jesse Anzures, trustee, Atrisco, outlined the history of Atrisco. He recounted how the statutory provisions in Chapter 49 NMSA 1978 established political subdivision status for certain land grant communities in the state. Mr. Anzures presented a comprehensive plan that he and other trustees have developed for Atrisco and described the multiple purposes that the plan serves in addressing the health, safety and land-use needs of area residents.

Atrisco is seeking to work with the City of Albuquerque and Bernalillo County to address water rights and land-use issues. Mr. Anzures reported that Atrisco is concentrating on good citizenry in this regard and described the community gardening projects (Gardens de Atrisco) and the Desert Forge Foundation's Warrior Farmer Project, operated by Atrisco, that engage combat veterans, schoolchildren and the community in reclaiming urban and semi-rural lands in Atrisco for healing, education, growing food and saving seed. The Warrior Farmer Project offers job training and employment opportunities to returning veterans. Five separate farms are operating in the Atrisco area through these projects.

Representative Garcia elaborated on the history of Atrisco and provided information on the development of the meeting site, the South Valley Multipurpose Senior Center, which is a multiyear, \$7.2 million project that opened in 2010 to serve the Atrisco community. Representative Garcia described the process by which Atrisco family histories, photographs and artifacts have been preserved and are now displayed at the center. Later in the day, Jason Martinez, interim director of the center, and Representative Garcia guided a tour of the state-of-the-art center, which offers a multitude of programs and facilities to the entire community.

Jerome Padilla, president, Atrisco, described how Atrisco came to be established as a township, noting that the township has never exercised its authority to tax and thus has faced questions regarding its identity and jurisdiction. He observed that Atrisco's goals to improve the community have not changed, and he enumerated the many challenges presented in competing with the City of Albuquerque and Bernalillo County for resources. Mr. Padilla presented a letter



that he sent to Attorney General (AG) Hector Balderas, dated February 27, 2015, outlining a number of jurisdictional issues that Atrisco would like to see addressed. A major issue for Atrisco is the failure of local governments to notify Atrisco residents of planned road work and development in the Atrisco area. Atrisco would like to be a member of the Middle Rio Grande Council of Governments but lacks funding for the \$1,200 annual membership fee. Mr. Padilla requested that the fee be waived for Atrisco. Membership would ensure that some notification would be provided to Atrisco regarding county and municipal activities. Mr. Padilla also requested assistance to fund a proposed shared staff position for land grants-mercedes in the state.

In response to members' questions, Mr. Padilla and Mr. Anzures clarified that the county is creating roads in unpopulated areas of Atrisco and that Atrisco has no means to ensure that necessary environmental and other studies are conducted in those instances. Atrisco feels it has jurisdiction, even though Atrisco does not control those lands. Senator Candelaria moved that staff draft a letter to the City of Albuquerque, Bernalillo County, the Middle Rio Grande Council of Governments and the Albuquerque-Bernalillo County Water Utility Authority requesting that Atrisco receive notification of planned development activities in the area. The motion was seconded by Senator Ortiz y Pino and was approved without objection. Senator Candelaria also requested that staff research requirements that are already in statute for notification of land grants regarding area developments.

#### **Guadalupe Hidalgo Treaty Division (GHTD) of the Office of the Attorney General (OAG)**

Mr. Balderas provided an update on progress made toward staffing the GHTD and his vision of where the GHTD is headed. Mr. Balderas noted that, as a former legislator, he served as a member of the Land Grant Committee and is familiar with what he called the horrific wrongs and struggles that land grants-mercedes have faced. The AG stated that funding to staff the GHTD is available for the first time, and he thanked committee members for their work to provide that funding. He further observed that land grants-mercedes are facing new challenges as a result of their political subdivision status, but they also have new opportunities with the development of the GHTD. Mr. Balderas highlighted the issue of governance and the need to redefine standards of accountability as important balancing points for land grants-mercedes as they enter the political community. He asked for help from the land grant communities and legislators to identify culturally and legally competent candidates to fill the staff position at the GHTD.

Tania Maestas, deputy attorney general, Civil Affairs Division, OAG, explained the status of hiring for the new GHTD positions. Two positions were funded: a legal aid position and an assistant attorney general III position. The legal aid position has been filled from within the OAG. Brittany Martinez, who is from northern New Mexico and holds a B.A. in history, is already working with the Land Grant Council and the Acequia Commission to identify high-priority needs. The OAG has advertised the other position and is seeking a bilingual individual with a background in history and knowledge of the stakeholders, including acequias. Two strong candidates have already applied. Some committee members cautioned the AG that, with a

special legislative session pending to adjust the state budget, funding for unfilled staff positions will likely be "swept" to cover other budget shortfalls.

In response to questions from committee members, Ms. Maestas outlined some issues that the GHTD will likely address, including:

- property taxation;
- assessing land grant rights with regard to common lands;
- assessing and accessing traditional land uses;
- educating local and state officials with regard to the Treaty of Guadalupe Hidalgo;
- educating land grants regarding open meetings and other governance issues;
- identifying remedies to adverse use of common lands;
- enhancing rights and privileges included in the treaty; and
- extending boundaries of land grants.

With regard to the potential for litigating land grant issues, Mr. Balderas stated that the OAG would have to vet every claim and issue to meet the state's interest test, extending to all of the people of New Mexico, that guides the OAG. The AG noted that, strategically, the OAG would likely only pursue affirmative litigation that would synthesize the intent of the land grant community. He estimated that pursuing any such litigation would be costly, and he suggested looking for a model to fund land grant litigation. Members discussed how to establish a legal framework for jurisdictional issues arising from land grant claims, including traditional use rights.

A committee member apprised the AG that letters have been sent to the New Mexico congressional delegation and the United States Forest Service (USFS) from the committee in opposition to expansion of wilderness areas that might curtail traditional uses in the national forests. Senator Candelaria noted that the USFS was on the day's agenda. He said that absent a mechanism to prioritize traditional use rights at the federal level, authorizing land grant requests for such prioritized usage would be in violation of existing federal statute. The AG stated that he has been briefed regarding the controversy between the USFS and land grants-mercedes over traditional use rights. Mr. Balderas assured the committee that he is looking for the "right fight" with regard to any land grant litigation and that he will heed the advice of members to hire an attorney for the GHTD quickly.

### **Cibola National Forest Plan Revision and Preliminary Issues with the Dog Head Fire**

Jim Upchurch, deputy regional forester, Region 3, United States Department of Agriculture Forest Service, addressed the committee regarding forest plan revision processes and the 12 "valued people and places" listening sessions that the USFS has conducted throughout the Southwest. Mr. Upchurch thanked the land grant communities for their efforts to educate the USFS and asserted that the USFS is looking for solid relationships with land grants-mercedes, recognizing many overlapping concerns about forest management. He stated that the USFS is

working to recognize custom, culture and traditional uses, including developing better definitions and regulatory processes for the location, use and maintenance of acequias.

Mr. Upchurch reported that the USFS wants to engage people in the forest plan revisions, noting that the revisions are required by a national planning rule. He acknowledged that the required evaluations of land for wilderness characteristics have created controversy in some areas. While planners are required to evaluate for possible wilderness designation, Mr. Upchurch observed that only the United States Congress has the authority to designate wilderness areas. He also enumerated many of the characteristics that qualify an area for wilderness designation, including remoteness and a range of other special characteristics.

Elaine Kohrman, forest supervisor, Cibola National Forest, updated the committee on the status of the investigation into the Dog Head Fire in the Cibola National Forest. The fire began on June 14, 2016 and burned 17,912 acres, including over 10,000 acres in La Merced del Pueblo de Chilili (Chilili). The fire began when a masticator (machinery that the USFS uses in its forest-thinning and management efforts) sparked a blaze in some of the downed wood. Ms. Kohrman noted the irony in how the fire began but stated that forest-thinning is the right work to be doing. She described the lessons learned and reported changes that the USFS plans for its management efforts, including removing downed wood that could fuel a fire and making that wood available to area residents by various means. Ms. Kohrman reported that a final report on the fire will be forthcoming in a few weeks and that an interagency team will convene to examine forest-thinning issues. The team has already begun restoration efforts, including road work, culvert clearing and storm patrols to monitor downstream effects.

Juan Sanchez, president, Chilili, reported on the effects of the fire and stated that approximately one-fourth of the burned area was severely burned, requiring more extensive restoration and flood-prevention efforts. One of the biggest problems for residents, who have worked to clear culverts and remediate the most immediate flooding and erosion resulting from thunderstorms following the fire, has been the slow response of the Homeland Security and Emergency Management Department (HSEMD). Mr. Sanchez stated that an emergency declaration triggers the requirement that everything go through the HSEMD and that the red tape and unfamiliarity of the agency with the local landscape has presented new hardships for residents. In response to member questions, Mr. Sanchez and Ms. Kohrman reported that responding to the severity and unexpected nature of the fire has prevented some residents from getting the information they need to present claims, but the USFS is working to ensure that residents have access to and understand the claims process.

Committee members discussed the following issues related to the Dog Head Fire and forest plan revisions:

- effective forest management in wilderness areas;
- prescribed burns as a forest management tool;
- area restoration efforts and compensation for residents affected by the fire;

- recovery time for the area burned by the Dog Head Fire;
- a shared stewardship vision for the forest plan to restore traditional uses;
- outreach to land grants-mercedes to provide regular updates and prescribed burn notifications;
- wood-gathering opportunities and impediments;
- multi-jurisdictional planning and coordination for the federal healthy forest plan;
- processes for wilderness designation; and
- assessing the need for a hotshot fire team to be located in the East Mountains.

Members also discussed the United States Department of Agriculture's Natural Resources Conservation Service (NCRS). Ms. Kohrman described a "joint chiefs initiative", wherein the USFS and the NCRS each set aside \$75,000 for a forest stewardship project. Mr. Sanchez also described a federal Collaborative Forest Landscape Restoration Program project in which Chilili is working with the Pueblo of Isleta and the USFS. Members discussed how best to enable access for land grants-mercedes to a program that provides equipment for forest-management efforts to qualifying entities. Mr. Sanchez stated that U.S. Representative Michelle Lujan Grisham has suggested establishing a separate set-aside under the program for land grant communities. Representative Rodella moved that the committee write a letter to Representative Lujan Grisham in support of the equipment set-aside. The motion was seconded by Representative Garcia and was approved without objection.

### **Challenges Facing Atrisco**

Mr. Padilla enumerated the many challenges facing Atrisco, including the lack of funding, staffing, facilities and recognition by local governments. He stated that the current annual budget of close to \$150,000 consists mostly of in-kind contributions from trustees, and the issue of protecting land grant-merced rights under the Treaty of Guadalupe Hidalgo is of the utmost importance. Mr. Padilla observed that in the view of Atrisco members, jurisdiction does not require ownership.

Representative Salazar questioned the reasoning and the manner in which Atrisco entered an amendment to House Bill 46 during the 2015 regular legislative session, effectively killing a bill that would have established six land grant partitions as autonomous land grants-mercedes. Mr. Padilla stated that he was not fully aware of the consequences of promoting the amendment. Representative Salazar suggested that land grant communities work together to achieve their goals.

### **Public Comment**

Jaime Chavez, Atrisco member, presented objections to a plan recently presented to the Bernalillo County Planning Commission for a new development by the Santolina working group in the area, stating that water is not available to support such a development. Patricio Dominguez, Atrisco resident, addressed the committee in support of establishing separate federal jurisdiction over Atrisco.

**Recess**

The committee recessed at 4:30 p.m.

**Tuesday, August 2**

Mr. Anzures and Victor Versace, Desert Forge Foundation, led a tour of a local greenhouse operation and several of the Gardens de Atrisco fields where the Warrior Farmer Project is growing chile and other crops. There are plans to further develop job training, food processing and food truck operations in the area to serve the needs of combat veterans and area residents. The tour also included a visit to the historic Juan Cristobal Armijo Homestead.

**Adjournment**

There being no further business before the committee, the committee adjourned at 12:30 p.m.



Revised: October 7, 2016

**TENTATIVE AGENDA  
for the  
FOURTH MEETING  
of the  
LAND GRANT COMMITTEE**

**October 11-12, 2016  
Anton Chico Economic Development Center  
Anton Chico**

**Tuesday, October 11 — Joint Meeting with the Economic and Rural Development Committee**

- 10:00 a.m.      **Call to Order/Introductions**  
—Senator Jacob R. Candelaria, Chair, Land Grant Committee  
—Representative Rick Little, Chair, Economic and Rural Development Committee
- 10:30 a.m.      (1)    **Anton Chico Land Grant-Merced: Status, Opportunities and Goals**  
—Stoney Jaramillo, President, Anton Chico Land Grant-Merced  
—Roberto Mondragon, Board Member, Anton Chico Land Grant-Merced
- 11:30 a.m.      (2)    **Economic Development Opportunities in Anton Chico: Frontier Community Designation, Quarry Status and Developing Agricultural Cooperative**  
—Nick Maestas, Chair, Anton Chico Economic Development Organization
- 12:30 p.m.      **Lunch**
- 1:30 p.m.      (3)    **State Resources Available for Rural Development and Case Examples**  
—Mark Roper, Leader, Community, Business and Rural Development Team, Economic Development Department (EDD)  
—Tim Hagaman, Regional Representative, Land Grant and Acequia Liaison, Community, Business and Rural Development Team, EDD
- 2:30 p.m.      (4)    **Attracting Film Production: Opportunities and Requirements:**  
• **Creating a Location Inventory and One-Stop Shop Permitting**  
• **Creating a Local Vendor Listing and Network**  
—Don Gray, Contract Locations Coordinator, New Mexico Film Office  
—Annette Velarde, Director, Community Development, City of Las Vegas  
—Vanessa Marquez, Film Liaison, City of Las Vegas  
—Christopher Madrid, Director, Economic Development Department, Rio Arriba County  
—Tomás Sanchez, Chief Executive Officer, Sanchez Films LLC

4:00 p.m.      (5)    **Development of a Business Plan for the Piedra Lumbre Visitor Center Location — Brief Status Update**  
—Arturo Archuleta, Staff, Land Grant Council  
—Leonard Martinez, President, Land Grant Consejo

4:10 p.m.      **Public Comment**

4:40 p.m.      **Recess**

**Wednesday, October 12**

9:00 a.m.      **Tour of Anton Chico**  
—Tour will start at the Anton Chico Economic Development Center



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

**October 11-12, 2016  
Anton Chico Economic Development Center  
Anton Chico**

The fourth meeting of the Land Grant Committee (LGC), a joint meeting with the Economic and Rural Development Committee (ERDC), was called to order by Representative Sarah Maestas Barnes, vice chair of the LGC, and Representative Rick Little, chair of the ERDC, on October 11, 2016 at 10:10 a.m. at the Anton Chico Economic Development Center in Anton Chico.

**Present**

Sen. Jacob R. Candelaria, Chair (10/11)  
Rep. Sarah Maestas-Barnes, Vice Chair  
(10/11)  
Sen. Ted Barela (10/11)  
Sen. Lee S. Cotter (10/11)  
Rep. Miguel P. Garcia  
Sen. Linda M. Lopez (10/11)  
Sen. Richard C. Martinez (10/11)  
Sen. Gerald Ortiz y Pino  
Rep. Debbie A. Rodella (10/11)  
Rep. Tomás E. Salazar  
Rep. Bob Wooley (10/11)

**Absent**

Rep. David M. Gallegos  
Rep. Jimmie C. Hall  
Sen. Sander Rue

**Advisory Members**

Rep. Eliseo Lee Alcon (10/11)  
Sen. Carlos R. Cisneros  
Rep. Matthew McQueen (10/11)  
Rep. Christine Trujillo

Rep. Paul C. Bandy  
Rep. Randal S. Crowder  
Rep. D. Wonda Johnson  
Rep. Patricia A. Lundstrom

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

**Staff**

Mark Edwards, Drafter, Legislative Council Service (LCS)  
Jeff Eaton, Research and Fiscal Policy Analyst, LCS  
Celia Ludi, Staff Attorney, LCS  
Shawna Casebier, Staff Attorney, LCS  
Michelle Jaschke, Researcher, LCS  
Anna Martin, Intern, LCS

## **Guests**

The guest list is in the meeting file.

## **Handouts**

Handouts and other written testimony are in the meeting file.

## **Tuesday, October 11 — Anton Chico Economic Development Center, Anton Chico**

### **Introductions**

Representatives Maestas Barnes and Little invited the members, staff and audience to introduce themselves. Former Lieutenant Governor Roberto Mondragón, board member of the Anton Chico Land Grant-Merced, introduced Luis Sanchez, father of John Sanchez, the current lieutenant governor; La Loma Clinica Director Lore Pease; and American Legion Post Commander Evaristo Maestas, all of whom welcomed committee members.

### **Anton Chico Land Grant-Merced: Status, Opportunities and Goals**

Stoney Jaramillo, president, Anton Chico Land Grant-Merced, thanked committee members for the opportunity to host the meeting. As background on Anton Chico, Mr. Mondragón introduced the written work of Malcolm Ebright, a historian of New Mexico land grants. Mr. Mondragón noted that New Mexico was originally part of Spain until Mexico gained independence from Spain in 1821. Although 1821 is recognized as the end of Mexico's war of independence, historians mark September 16, 1810 as Mexico's founding day. On that day, Father Miguel Hidalgo y Costilla issued a declaration of independence known as "El Grito de Dolores". For the next 38 years, New Mexico was part of Mexico. On February 2, 1848, the Treaty of Guadalupe Hidalgo concluded a war between the United States and Mexico and transferred much of the American Southwest, including New Mexico, to the United States.

Mr. Mondragón said that the people of the land grants believed that the ownership of the land was protected by the Treaty of Guadalupe Hidalgo, but it was not. Mr. Mondragón then described the original boundaries of the Anton Chico Land Grant-Merced, which stretched from the Bernal mesa on its northwest corner to nearly Santa Rosa on its southeast corner — about 384,000 acres.

Mr. Sanchez described the upper northwest corner of the Anton Chico Land Grant-Merced, where a small community was established at one of the better fords on the Pecos River. This area is referred to as the "El Viandante". It was used by the United States Army when it occupied New Mexico, and it was an access point to Bosque Redondo and Fort Sumner. There are still stone ruins at the site. Max Sisneros, who lives in the colonias community of Anton Chico, then described the rural and ranching-based aspect of his area.

Responding to a question from a committee member, Mr. Mondragón said that the Anton Chico Land Grant-Merced is current with its compliance under the Audit Act. He said that the

land grant is a tier 2 entity and had completed the required "agreed upon procedures", at a cost of around \$2,000 per year.

Arturo Archuleta, staff for the Land Grant Council, spoke about ongoing efforts to engage the U.S. Forest Service regarding former land grant common lands that are now under U.S. Forest Service jurisdiction. He said that a Freedom of Information Act request was recently submitted to the U.S. Forest Service's southwest regional office to aid in determining prior land grant "use agreements" regarding these lands.

In closing, Mr. Mondragón led the committee in the singing "Las Mañanitas" to celebrate Mr. Sanchez's eighty-ninth birthday.

### **Economic Development Opportunities in Anton Chico: Frontier Community Designation, Quarry Status and Developing Agricultural Cooperative**

Nick Maestas, chair, Anton Chico Economic Development (ACED), said the mission of ACED is to stimulate the Anton Chico area economy and develop the use of local resources. He said funding for ACED started with a \$1,000 donation from Mr. Mondragón. Since then, the Singleton Foundation has contributed \$54,000. The ACED facility used to be a school run by the Santa Rosa Consolidated School District. When the district decided to build a new elementary and middle school facility, the Anton Chico Land Grant-Merced exchanged 10 acres of land for the old building. Several local banks and the Plateau Telecommunications company have also contributed toward the improvement of the building.

Mr. Maestas said that ACED had discussions with Martinez & Sons Processing, a meat processing company in Las Vegas, regarding taking over that business, but the business facility is being held by a bank for unpaid debts. He said that ACED is also establishing a cooperative network to create secondary markets for farm products; finding and securing equipment; and organizing the selling of products and natural resources, such as wood and rock. He said ACED currently is seeking assistance to:

- develop a business plan;
- enter the world of e-commerce;
- access the state data centers to help complete grant applications; and
- improve the energy efficiency of the ACED facility.

In the ensuing discussion, Mr. Maestas said that ACED has 30 rooms or spaces that could be used by businesses. The facility includes a kitchen, a gym, two areas that could be used as call centers and a computer laboratory with 40 work stations. It was noted that a feed store located at ACED is already doing business there. A member recommended that ACED also promote the computer laboratory as a location for "solo work" entrepreneurs.

Speaking about opportunities outside the ACED facility, Mr. Maestas said that a few producers are quarrying the local stone, but many residents are unable to extract and market the

stone. With regard to beef production in the area, Mr. Maestas estimated that there may be as many as 75 producers, but he did not have an estimate for the number of cattle in the area. Committee members suggested that ACED look into including coordinated production of flagstone and range-fed meats as part of a comprehensive business plan for Anton Chico. A member noted that legislation to allow hemp production is expected to be debated in the 2017 legislative session, and if successful, legal hemp production could be a lucrative crop for farmers in Anton Chico.

The discussion then turned to growth challenges facing Anton Chico. Mr. Maestas cited the need for adequate housing and local retail shopping, including a particular need for a gas station. Responding to a question about local water rights, Mr. Maestas said that west Pecos acequia water rights had been transferred by the state engineer to the hills across and above the Pecos River for watering elk habitat. He said that this upstream pumping out of the Pecos River is affecting wells used by the land grant. Mr. Maestas said that the community is appealing the state engineer's decision and has raised concerns that:

- 1) notice of the transfer was only published in Santa Fe and Las Vegas, but the notice was not published in Anton Chico and downstream communities; and
- 2) the Anton Chico water rights are very old and possibly senior to the transferred rights.

Committee members then asked about whether, and how, Anton Chico is working with the state and neighboring communities on economic development. Tim Hagaman, regional representative, land grant and acequia liaison, Community, Business and Rural Development Team of the Economic Development Department (EDD), informed committee members that an economic development master plan for the surrounding seven-county region had recently been completed. He said that the land grant had participated in that process. In further explanation, Mr. Sisneros indicated that the land grant's participation in the regional effort had affected the development of ACED itself.

Committee members then entered into a general discussion about the availability of Local Economic Development Act (LEDA) and Job Training Incentive Program (JTIP) funding for projects in smaller communities. A committee member asked if the EDD had developed a list of rural and non-rural projects being considered for funding, and Mark Roper, leader, Community, Business and Rural Development Team, EDD, said he would provide that information to the committee members. Mr. Hagaman noted that LEDA funding is used to cover gaps in overall capital needed for projects. He said that the Ghost Ranch Education and Retreat Center is a good model project. That project had participation from land grants and the U.S. Forest Service, Mr. Hagaman said.

Asked about some of the limits and restrictions in state programs, Mr. Roper said that under JTIP funding guidelines, a "frontier community" is any community with fewer than 15,000 people. He said that a company is eligible for multiple years of JTIP funding; provided that it continues to grow and add new employees. Regarding potential LEDA funding for retail store

project investments, Mr. Roper said that the targeting limit for those funds has been lowered to communities with 10,000 or fewer residents.

A member raised a question about what role the cultural and historical context of a community plays in creating an economic development plan for it. Mr. Hagaman said that the EDD's primary mission is economic development, but it is really up to each community to decide what it wants to become. He used Mora's effort to reopen its theater as an example. Mora planners held a collaborative design and planning event so residents could discuss the project directly with the architects and marketers. He said a similar process is under way regarding the theater in Santa Rosa. In each case, community members are deciding as a group whether the end result will be the same as it has always been or something new.

Asked what the next steps would be to follow up on the Martinez meat packing plant, Mr. Roper said that the EDD and the Anton Chico Land Grant-Merced need to look at what the best options are for that facility and then work with the bank. He said that the EDD does not currently have funding to help, but can assist in identifying funding sources and in completing grant applications.

Asked about improving the broader statewide economic environment, Mr. Roper said that with its tax and incentive programs, New Mexico is currently is very competitive with Texas. He felt that staying competitive with neighboring states is important to the New Mexico's long-term economic health. A member asked the EDD to bring data on surrounding states to a future committee meeting.

#### ***ERDC Motion***

On motion made and seconded, the ERDC approved the minutes from its September 1-2, 2016 meeting without objection.

#### **Attracting Film Production: Opportunities and Requirements**

Don Gray, contract locations coordinator, New Mexico Film Office, and Christopher Madrid, director, Economic Development Department of Rio Arriba County, discussed opportunities and requirements for film production in the state. Mr. Gray emphasized the importance of creating a location inventory, establishing one-stop permitting and developing a local vendor listing and network. He said that New Mexico has the third largest photo database in the country, but the state only has one person maintaining that database.

Mr. Gray indicated that a challenge for New Mexico is that it is the only state that does not provide shooting location permits at the state level; rather, permitting is done at the local level. He said that because decisions are made quickly on where to produce a film or where to shoot a scene, the two critical elements that local communities must have to successfully recruit film productions are:

- 1) responsive community members who are readily available by phone and who quickly return calls. The New Mexico Film Office has had a film liaison program for at least 10 years that works to get local people to be "front" people for the New Mexico Film Office. Mr. Gray said that a film liaison needs to be able to answer questions about the weather, where to eat, lodging, locations to shoot and other services; and
- 2) a good local photo library available online. A film liaison can help build a local photo library. He said that a film director needs to be able to envision the story being told, and often a photo of a unique setting will "sell" a production more readily than beautiful nature photos. For more remote locations, like Anton Chico, Mr. Gray said that a good photo library is essential.

Mr. Madrid explained that few rural counties have the resources or capacity to focus on developing or supporting the film industry locally. He stressed the importance of communities having local economic development practitioners to compliment and augment statewide resources. He noted that, more than ever, rural areas are challenged and economic indicators are still below pre-recession levels. The Rio Arriba County area is losing population, he stated, and the economic base is too narrow, creating considerable economic leakage. He recommended that funding be provided to the EDD for a cooperative program to encourage rural counties to initiate or expand economic development and tourism programs.

A member commented that some very small communities are not benefiting economically from film production even though films are being produced in those communities. Mr. Gray agreed that there are cases when this happens; however, he said some film companies make donations to local communities and neighborhood associations that are impacted by film production. He said film companies typically want to make communities feel that they had a good experience so film companies will be welcomed back in the future. The member asked if the New Mexico Film Office helps people determine what is a fair amount to charge for location shoots. Mr. Gray said that he does not involve himself in negotiations, but can help owners understand the variables involved in pricing a shoot location.

Asked whether the New Mexico Film Office works with the Tourism Department, Mr. Gray said that there is no ongoing collaboration. He said that film producers are often looking for the ordinary life images of a place, some of which are not so pretty and are not congruent with tourism photography. A member asked what a legislator can do to communicate with the legislator's communities about film production opportunities. Mr. Gray responded that most of the local film liaisons come from community groups or organizations that would like to attract the film industry. The film office has a binder of information useful to new liaisons that describes the film industry and culture and the film industry's unique needs. The New Mexico Film Office also has workshops and gatherings across the state to help liaisons network and stay informed. A member asked the New Mexico Film Office to suggest to the film industry that, in the case of films shooting on land grant lands, it would be appropriate to make a donation to the land grant where the film is being shot.

### **Development of a Business Plan for the Piedra Lumbre Visitor Center Location**

Mr. Archuleta and Leonard Martinez, president of Land Grant Consejo, explained that the U.S. Forest Service had been given authority to dispose of its underused administrative sites several years ago. In response, the Land Grant Council funded a Piedra Lumbre Visitors Center master plan for the development of the former Piedra de Lumbre Wildlife Center, which encompasses 40 acres of U.S. Forest Service land. The master plan includes a public-use component to create an ongoing revenue source to help make the project self-sustainable. Conversations are occurring with the New Mexico congressional delegation as well as with the Northern Rio Grande National Heritage Area, the EDD and other organizations for finding funding for the project. A member asked how the land will be appraised. Mr. Archuleta responded that it would be based on the value of similar land in the area, likely around \$1,000 an acre.

A member asked if there will be a legislative capital outlay appropriation request coming. Mr. Archuleta replied that is possible but uncertain at this time, although a public-private partnership option is being explored. A member inquired as to the possibility of having the business portion of the plan privately managed. Mr. Archuleta replied that that may be possible, but that nothing is certain at this time.

### ***LGC Motion***

On a motion by Senator Candelaria, seconded by Representative Miguel P. Garcia, and without any opposition, the LGC voted to send letters to all of the land grants with which the committee is in contact asking to be informed on the land grants' top capital outlay projects and other projects that are driving economic activity.

Senator Candelaria thanked the presenters, attendees and the Anton Chico Land Grant-Merced hosts.

### **Public Comment**

There was no public comment.

### **Recess**

The committees recessed at 4:41 p.m.

### **Wednesday, October 12**

#### **Tour of Anton Chico**

Mr. Mondragón led the LGC on a tour of a portion of the Anton Chico Land Grant-Merced. The tour included the community of Anton Chico and the neighborhoods of La Loma and Jaramillo.

The tour also included visiting one of the quarries for landscaping rocks located within the land grant-merced; a view of a riverine area that the ACED is developing as a picnic and trail

area for visitors; a stop at the church where Sheriff Pat Garrett was married; and the Anton Chico morada.

**Adjournment**

There being no further business before the committee, the committee adjourned at 12:43 p.m.



Revised: November 17, 2016

**TENTATIVE AGENDA  
for the  
FIFTH MEETING  
of the  
LAND GRANT COMMITTEE**

**November 21, 2016  
Room 309, State Capitol  
Santa Fe**

**Monday, November 21**

- 10:00 a.m.           **Call to Order**  
—Senator Jacob R. Candelaria, Chair, Land Grant Committee
- 10:15 a.m.    (1)    [\*\*Acequia Commission Legislative Update\*\*](#)  
—Ralph Vigil, Chair, New Mexico Acequia Commission  
—Paula Garcia, Executive Director, New Mexico Acequia Association
- 11:00 a.m.    (2)    [\*\*Proposed Legislation\*\*](#)  
—Mark Edwards, Drafter, Legislative Council Service
- 12:30 p.m.           **Lunch**
- 1:30 p.m.       (3)    [\*\*Department of Game and Fish: Update on Land Access and Use Policies\*\*](#)  
—Alexa Sandoval, Director, Department of Game and Fish
- 2:30 p.m.       (4)    [\*\*Guadalupe Hidalgo Treaty Division \(GHTD\) of the Office of the Attorney General: Introduction of Staff\*\*](#)  
—Marlo Aragon, Attorney, GHTD  
—Brittney E. Martinez, Administrative Assistant, GHTD
- 3:00 p.m.       (5)    [\*\*Land Grant Council Status and Budget Update\*\*](#)  
—Juan Sánchez, Chair, Land Grant Council
- 4:00 p.m.           **Public Comment**
- 4:30 p.m.           **Adjourn**



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

**November 21, 2016  
Room 309, State Capitol  
Santa Fe**

The fifth meeting of the Land Grant Committee for the 2016 interim was called to order by Senator Jacob R. Candelaria, chair, on November 21, 2016 at 10:07 a.m. in Room 309 of the State Capitol in Santa Fe.

**Present**

Sen. Jacob R. Candelaria, Chair  
Rep. Sarah Maestas Barnes, Vice Chair  
Sen. Ted Barela  
Sen. Lee S. Cotter  
Rep. David M. Gallegos  
Rep. Miguel P. Garcia  
Rep. Jimmie C. Hall  
Sen. Linda M. Lopez  
Sen. Richard C. Martinez  
Sen. Gerald Ortiz y Pino  
Sen. Sander Rue  
Rep. Tomás E. Salazar  
Rep. Bob Wooley

**Absent**

Rep. Debbie A. Rodella

**Advisory Members**

Rep. Eliseo Lee Alcon  
Rep. Paul C. Bandy  
Sen. Carlos R. Cisneros  
Rep. Patricia A. Lundstrom  
Rep. Matthew McQueen  
Rep. Christine Trujillo

Rep. Randal S. Crowder  
Rep. D. Wonda Johnson

**Minutes Approval**

Because the committee will not meet again this year, the minutes for this meeting have not been officially approved by the committee.

**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.

**Monday, November 21****Introductions and Announcements**

Senator Candelaria welcomed committee and audience members and asked members to introduce themselves. On a motion duly made and seconded, the minutes of the fourth meeting of the Land Grant Committee for the 2016 interim were approved without objection. Mr. Edwards drew the committee's attention to a letter from the state auditor providing an update on the status of land grants-mercedes with respect to audit compliance issues.

**Acequia Commission Legislative Update**

Ralph Vigil, chair, New Mexico Acequia Commission (NMAC) joined Paula Garcia, executive director, New Mexico Acequia Association (NMAA) to update the committee on the status of the NMAC and the NMAA and to discuss a proposed legislative initiative. Mr. Vigil provided background information on the NMAC, an eleven-member commission appointed by the governor. The NMAC was created in 1987 to advise the governor, the Interstate Stream Commission (ISC) and the U.S. Army Corps of Engineers on what criteria should be used to determine priorities for rehabilitating acequias under a federal funding program. The commission was established in New Mexico statute in 1993 and is charged with reviewing plans or legislation that affect acequias and is also charged with presenting the NMAC's findings to the governor and the ISC.

Mr. Vigil reported that the NMAC received a \$94,000 capital outlay appropriation during the 2016 regular legislative session to plan, design and construct improvements to acequias statewide. The NMAC lacks authority, however, to administer grants awarded directly to acequias, and it is proposing legislation that would, among other things, enable the NMAC to serve as the fiscal agent and administrator for federal and state grants-in-aid and other funding for acequias.

Ms. Garcia told the committee that the ISC has a long history of administering grants to acequias and community water and wastewater programs, and the ISC also provides an important oversight function informed by the ISC's specialized engineering capabilities and historical understanding of acequia construction and rehabilitation issues. The ISC also inspects improvements made to the acequia systems to ensure that the detailed and unique design specifications that exist for acequias are met. Ms. Garcia asked that the committee be mindful of

the critical role that the ISC plays in construction and maintenance of acequia systems when considering potential legislation.

Representative Salazar asked for an update from Mr. Vigil regarding a water rights transfer issue that came to light during the Land Grant Committee meeting in Anton Chico in October 2016. One of the parciantes is seeking to transfer water rights downstream to the former Val Kilmer ranch to irrigate forage for elk. Mr. Vigil said that this would threaten the continued flow of the upper Pecos system to other parciantes in Anton Chico. Legal measures are being pursued to prevent this particular transfer; however, it was reported that the ranch manager is actively seeking other water rights transfers from Anton Chico parciantes. Ms. Garcia and Mr. Vigil reported on the measures that may be used by acequia and land grant boards to prevent water rights transfers that will negatively affect other parciantes, but they acknowledged that this issue continues to threaten agricultural lands and the critically important green belts they provide and the community systems that exist for water and land management in rural areas.

Ms. Garcia reported that the NMAA provides a wide range of technical assistance to acequia associations throughout the state, including assistance with bylaws development, infrastructure planning and governance issues. The NMAA serves as a liaison for elected officials and other organizations. Ms. Garcia discussed some of the difficulties acequias and other smaller entities encounter in meeting the requirements of the tiered reporting system developed to assist these entities in complying with the Audit Act.

Under the tiered system, entities with less than \$10,000 in annual revenue are required to meet certain reporting requirements without having to assume the expense of a full audit. The next tier of the system spans annual revenue ranging from \$10,000 to \$50,000. An entity with \$12,000 in annual revenue is, thus, subject to the same audit requirements as an entity with \$50,000 in revenue, Ms. Garcia said. This results in a disproportionate and frequently unmanageable expense for the smaller entity.

Further, Ms. Garcia noted that smaller entities are subject to the same reporting requirements as those that counties and municipalities must meet for the Department of Finance and Administration (DFA), and she suggested that a simplified reporting mechanism for smaller entities would improve the process. Ms. Garcia presented information in support of changing in the definition of "local public body" to allow political subdivisions with an annual revenue of less than \$50,000 to manage their finances more informally.

One committee member commented that the amount of paperwork required by the DFA to access funds is obstructive and places an undue burden on smaller organizations as they seek to complete local projects. Members discussed the key features of the proposed legislation to expand the powers of the NMAC, noting that little to no funding is projected to be available for the commission's purposes in the foreseeable future. Some members questioned why funding for acequias should not continue to be steered through the ISC, particularly given the need for ISC oversight with respect to acequia construction and maintenance. Mr. Vigil reported that the

NMAC has experienced difficulty in accessing all of the information and support it needs to complete its duties. On a motion duly made and seconded, the committee voted without objection to endorse the proposed legislation to broaden the authority of the NMAC. Representative Gallegos volunteered to serve as the primary sponsor of the bill, and Senator Cisneros agreed to sponsor the legislation in the senate.

### **Proposed Legislation**

Mr. Edwards reported that in response to a request from the chair, he has solicited input from land grants-mercedes regarding any capital outlay requests, particularly requests to meet statewide needs, planned for the upcoming legislative session. A summary of the responses is as follows:

- the Anton Chico Land Grant-Merced will request \$35,000 for an energy audit and solar remodeling for the development center in Anton Chico;
- the Chilili Land Grant-Merced will request \$91,000 to purchase a 40 foot by 70 foot metal building for phase 3 of the fire department complex;
- the Town of Tajique Land Grant-Merced (Tajique) will request the restoration of \$70,000 in capital outlay funding deauthorized during the 2016 special session to continue development of a community park and playground; and
- the Land Grant Council will coordinate a request for \$350,000 to purchase the Piedra Lumbre Education and Visitor Center near Ghost Ranch in Abiquiu in cooperation with four land grants-mercedes and the United States Forest Service (USFS).

Mr. Edwards presented information on other legislation offered for consideration by the Land Grant Committee, and the committee took action as follows:

- On a motion duly made and seconded, the committee voted without objection to endorse a bill to provide a one-year waiver of law school expenses in exchange for a student's commitment to provide two years of legal services for acequias, land grants-mercedes and low-income residents of colonias. The legislation will be sponsored in the senate by Senator Ortiz y Pino. Representative Maestas Barnes will introduce the legislation in the house.
- On a motion duly made and seconded, the committee voted without objection to endorse legislation to establish qualified partitioned land grants-mercedes as autonomous political subdivisions under Chapter 49, Article 1 NMSA 1978. The legislation will be sponsored by Representative Salazar in the house, and Senator Candelaria will introduce the legislation in the senate.
- On a motion duly made and seconded, the committee voted without objection to endorse a bill authorizing comprehensive land-use planning by land grants-mercedes for their common lands. The legislation will be sponsored by Senator Candelaria, and Representative Hall will introduce the legislation in the house.
- On a motion duly made and seconded, the committee voted without objection to endorse a bill to remove restrictions on the Town of Atrisco Land Grant-Merced

regarding land regulation. The legislation, which will be sponsored by Representative Garcia in the house, will be introduced in the senate by Senator Lopez.

- The committee discussed a joint memorial supporting consultation with land grants-mercedes and other forest-dependent communities regarding potential designations of wilderness areas in national forests in New Mexico. Representative Maestas Barnes will serve as the sponsor for the joint memorial, and Senator Cisneros will introduce the memorial in the senate.

### **Department of Game and Fish: Update on Land Access and Use Policies**

Alexa Sandoval, director, Department of Game and Fish (DGF) presented information on the department's ongoing plans and programs for managing access to Wildlife Management Areas (WMAs). Ms. Sandoval reported on Gaining Access Into Nature, a program that opens many WMAs to additional wildlife-associated activities beyond that of hunting and fishing. She noted that natural resource collection is among these activities. In response to member questions, Ms. Sandoval reported that approximately \$25 million collected from gun and ammunition sales under the federal Pittman-Robertson Wildlife Restoration Act is dedicated to habitat restoration. Some of that federal funding also flows to state parks and to the *New Mexico True* tourism campaign.

Steve Polaco, president, Tierra Amarilla Land Grant-Merced (Tierra Amarilla), objected strenuously to the lack of notice provided to the community regarding a meeting that the DGF held at Heron Lake concerning contentious land- and water-use and wildlife issues. He presented a letter that Tierra Amarilla sent to the DGF reminding the DGF of its ongoing commitment to provide adequate notice to the land grant-merced regarding any issues that affect land use and wildlife management within the boundaries of Tierra Amarilla. Ms. Sandoval acknowledged that the meeting had been controversial and divisive. She addressed other member questions regarding land use issues, noting that the DGF is looking for processes that may be appropriately employed for wood harvesting on WMAs. Ms. Sandoval also observed that the DGF has no authority to reallocate elk harvesting permits at this time.

### **Guadalupe Hidalgo Treaty Division (GHTD) of the Office of the Attorney General (OAG): Introduction of Staff**

Tania Maestas, deputy attorney general, Civil Affairs Division, OAG, introduced Marlo Aragon, attorney, GHTD, and Brittney E. Martinez, administrative assistant, GHTD. The two recently hired GHTD staff members provided information on their background and experience and stated that the GHTD plans to focus initially on outreach and education efforts.

### **Land Grant Council Status and Budget Update**

Juan Sanchez, chair, Land Grant Council, presented the council's annual report. He informed the committee that the council meets quarterly with representatives of the state's congressional delegation and that these meetings have been successful in helping to address the council's concerns at the state and federal levels. Mr. Sanchez provided details regarding the council's budget for the past and current fiscal years and the ongoing coordination of council

activities with the University of New Mexico (UNM). The council provides a wide range of support to land grants-mercedes throughout the state with respect to governance, planning and reporting, and the council serves as a liaison between local land grants and the USFS. Council members are leading the master planning and development activities for the Piedra Lumbre Education and Visitors Center in cooperation with the USFS and land grant communities. Mr. Sanchez presented a video that featured interviews with land grant members and USFS staff and highlighted the progress that has been made toward improving the working relationship between land grants-mercedes and the USFS in pursuit of their common goals in New Mexico.

Dr. Manuel Garcia y Griego and Dr. Jacobo D. Baca of the UNM Land Grant Studies Program presented a publication entitled *Researching mercedes: Historical sources for the study of New Mexico community land grants* that offers a wealth of information regarding primary and secondary archival sources available in New Mexico and in numerous other libraries and archives in the United States, Mexico and Spain. The publication includes rare archival images and provides direction to untapped sources of information regarding community land grants in New Mexico. The publication also includes appendices that provide guides to selected personal collections of material related to land grants that are housed at the State Records Center and Archives as well as appendices to the Thomas B. Catron Collection housed at the UNM Center for Southwest Research.

Mr. Sanchez presented the following publications prepared for the Land Grant Council by New Mexico Legal Aid:

- *Land Donations to New Mexico Land Grants: An Outline of the General Principles and Process for Claiming Individual Federal Income Tax Deductions for Donations to New Mexico Land Grants;*
- *Adverse Possession and Land Grants;* and
- *Declarations and Land Grants,* a draft of a publication addressing water rights issues.

### **Public Comment**

Bonifacio Vasquez, president, La Merced de Santa Barbara, requested funding in the amount of \$20,000 to assist with an environmental study that is required as part of the submission of a forest restoration proposal to the Carson National Forest. He also spoke in opposition to the expansion of wilderness areas in New Mexico, and he informed the committee of a designation for forest lands called Special Management Areas (SMAs). Mr. Vasquez requested the committee's assistance in researching the potential impact of SMAs on the common lands of land grant-mercedes.

Mr. Polaco addressed the committee and provided an overview of a unique case of adverse possession of a 200-acre plot of Tierra Amarilla land formerly occupied by El Comite of the Tierra o Muerte movement. Tierra Amarilla allowed a group that was to provide summer camp services at the site access to the land; however, the group has now fully occupied and claimed title to the land as a result of a non-reporting issue on the part of Tierra Amarilla. The



group, El Frente de La Lucha, based originally in Colorado, is reportedly operating a military-style boot camp and providing weapons training to children at this site. Mr. Polaco asked for assistance in restoring access and title to the land to Tierra Amarilla.

Venessa Chavez, Tajique, described the ongoing efforts of the community to establish a community park and playground in Tajique. The community was awarded a \$70,000 capital outlay appropriation in 2014 and has worked diligently to meet compliance and reporting requirements set forth by the DFA to access the funding. Tajique was not informed by the DFA that capital project expenditures had been frozen in September, and despite the fact that the project was in process, the Tajique project was deauthorized during the 2016 special session. One member asserted that the state owes Tajique an apology for the DFA's communication and management failures in this regard. Members discussed options to restore funding for the project in the upcoming legislative session, noting that little severance tax bonding capacity may be available for projects at the district level in 2017.

Daniel Herrera of the La Merced del Manzano Land Grant-Merced spoke in support of restoring funding for the Tajique playground project. He also stated that the Infrastructure Capital Improvement Plan (ICIP) is not a useful tool for small communities. One member suggested that there is a gap between the ICIP and the DFA funding requirements that should be addressed, and the member said that projects should have a full four years to be completed. The member noted that inclusion in the ICIP, a planning document, does not necessarily mean that a project is "shovel ready".

Former lieutenant governor and president of the Anton Chico Land Grant-Merced (Anton Chico) Roberto Mondragon asked that the committee support Anton Chico's request for capital outlay funding in the amount of \$35,000 to conduct an energy audit and solar renovations at the building that was donated to Anton Chico for an economic development center.

### **Adjournment**

There being no further business before the committee, the committee adjourned at 4:30 p.m.



## ENDORSED LEGISLATION



HOUSE BILL

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

ENDORSED BY THE LAND GRANT COMMITTEE

AN ACT

RELATING TO ACEQUIAS AND COMMUNITY DITCHES; PROVIDING POWERS TO  
THE ACEQUIA COMMISSION; REQUIRING A REPORT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 73-2-66 NMSA 1978 (being Laws 1993,  
Chapter 293, Section 2) is amended to read:

"73-2-66. POWERS AND DUTIES.--

A. The acequia commission, through its staff or  
contract agents, may apply for and accept any public or private  
grants, gifts or donations for the benefit of the acequia  
commission or acequias or community ditches in general or  
particular.

B. The acequia commission, through its staff or  
contract agents, may:

(1) assist acequias or community ditches in

.204781.2SA

1 all areas of acequia or community ditch economic development,  
2 infrastructure development and legislative initiatives,  
3 including capital outlay proposals;

4 (2) establish cooperative purchasing  
5 capabilities for acequias or community ditches;

6 (3) perform special studies and undertake  
7 surveys of interest for acequias or community ditches and  
8 report the findings;

9 (4) serve as fiscal agent and administrator  
10 for federal and state grants-in-aid and other funding for an  
11 acequia or a community ditch when necessary;

12 (5) facilitate or enter into agreements with  
13 state and federal agencies on behalf of acequias or community  
14 ditches;

15 (6) enter into contracts to carry out its  
16 duties; and

17 (7) provide other assistance to assist  
18 acequias or community ditches.

19 C. The acequia commission shall:

20 ~~[A.]~~ (1) provide advice and assist the  
21 governor, legislature, office of the state engineer and  
22 interstate stream commission and the United States army corps  
23 of engineers in establishing acequia and community ditch  
24 rehabilitation priorities and in other acequia and community  
25 ditch matters;

1                   [~~B.~~] (2)   serve as a facilitator for  
2   communication between acequia and community ditch associations  
3   and state and federal agencies; and

4                   [~~C.~~] (3)   review and comment on any plan or  
5   legislation affecting acequias or community ditches to the  
6   governor, the legislature, the [~~secretary~~] director of the New  
7   Mexico department of agriculture and the interstate stream  
8   commission."

9           SECTION 2.   [NEW MATERIAL] REPORT TO GOVERNOR AND  
10   LEGISLATURE.--The acequia commission shall report to the  
11   governor and the legislature by December 1 of each year on the  
12   state of acequias and community ditches in New Mexico and the  
13   activities of the acequia commission for that year.

14           SECTION 3.   EFFECTIVE DATE.--The effective date of the  
15   provisions of this act is July 1, 2017.





SENATE BILL

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LEGAL SERVICES; ESTABLISHING A PROGRAM TO INCREASE  
LEGAL SERVICES FOR ACEQUIAS, LAND GRANTS-MERCEDES AND LOW-  
INCOME RESIDENTS OF COLONIAS; ESTABLISHING A WAIVER OF TUITION  
FOR SERVICE PROGRAM; CREATING A FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Community Governance Attorney Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Community Governance Attorney Act:

A. "acequia" means a political subdivision  
organized pursuant to Chapter 73, Article 3 NMSA 1978;

B. "colonia" means a community as defined in the  
Colonias Infrastructure Act;

C. "commission" means the community governance

1 attorney commission;

2 D. "community governance attorney" means an  
3 attorney with a legal practice that is focused on the  
4 requirements and challenges faced by small political  
5 subdivisions and unincorporated communities, including the  
6 promulgation of land and water use ordinances, contracting and  
7 the collection or payment of taxes and fees;

8 E. "course of study" means a law student's legal  
9 education, including clinical and internship programs and  
10 preparation courses for the state bar examination;

11 F. "department" means the higher education  
12 department;

13 G. "fund" means the community governance attorney  
14 and conditional tuition waiver fund;

15 H. "land grant-merced" means a political  
16 subdivision organized pursuant to Chapter 49, Article 1 or 4  
17 NMSA 1978;

18 I. "participant" means an individual who has  
19 applied to participate in, has been accepted into and has  
20 signed a contract agreeing to the terms of the program;

21 J. "program" means the community governance  
22 attorney and conditional tuition waiver program;

23 K. "secretary" means the secretary of higher  
24 education;

25 L. "university" means the university of New Mexico

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1 school of law; and

2 M. "waiver" means a loan to cover tuition, fees and  
3 a reasonable living stipend that is forgiven in whole or in  
4 part if the participant renders service as a community  
5 governance attorney.

6 SECTION 3. ~~[NEW MATERIAL]~~ COMMUNITY GOVERNANCE ATTORNEY  
7 AND CONDITIONAL TUITION WAIVER PROGRAM CREATED--  
8 ADMINISTRATION--RULEMAKING SELECTION PROCESS--REPAYMENT.--

9 A. The "community governance attorney and  
10 conditional tuition waiver program" is created and shall be  
11 administered by the department. The department shall:

12 (1) promulgate rules for implementing the  
13 program and for a reasonable living stipend in consultation  
14 with the university; provided that the maximum living stipend  
15 shall be based upon the availability of funds and information  
16 provided by the university regarding the current cost of  
17 attendance at the university;

18 (2) publicize the program to law students and  
19 to prospective law students;

20 (3) collect and manage repayment from students  
21 who do not meet their obligations under the program; and

22 (4) solicit and accept funds for the program,  
23 including grants and donations.

24 B. Participants shall enter the program in their  
25 final year of law school. The department shall select

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1 participants according to rules it promulgates and, in  
2 consultation with the commission, shall create a standard  
3 process for law students to apply to participate in the  
4 program.

5 C. The department shall award no more than two new  
6 waivers a year, in addition to renewing existing waivers for  
7 eligible participants, subject to the availability of funding.

8 D. Participation in the program shall be evidenced  
9 by a contract between the participant and the department. The  
10 contract shall provide for the payment of a participant's  
11 waiver and shall be conditioned upon the participant fulfilling  
12 the program obligations and meeting the university's standards  
13 for satisfactory academic progress. An applicant to the  
14 program shall sign the contract prior to being accepted into  
15 the program.

16 E. The contract shall include the following terms  
17 for repayment of the waiver:

18 (1) interest shall accrue upon termination of  
19 the participant's course of study at the following interest  
20 rates:

21 (a) eighteen percent per year if the  
22 participant completes a course of study and no portion of the  
23 principal and interest is forgiven pursuant to Subsection F of  
24 this section; and

25 (b) seven percent per year in all other

1 cases; and

2 (2) the maximum period for repayment shall be  
3 ten years, commencing six months from the date the participant  
4 completes or discontinues the course of study.

5 F. The contract shall provide that the department  
6 forgive fifty percent of a waiver for each year that a  
7 participant is employed as a community governance attorney with  
8 a salary of not more than fifty thousand dollars (\$50,000) per  
9 year.

10 SECTION 4. [NEW MATERIAL] COMMISSION--DUTIES.--

11 A. The "community governance attorney commission"  
12 is created. The commission shall be composed of five members  
13 as follows:

14 (1) the secretary or the secretary's designee;  
15 (2) the dean of the university or the dean's  
16 designee; and

17 (3) three members appointed by the governor;  
18 provided that one member shall be a member of an acequia, one  
19 member shall be a current or past member of the land grant  
20 council and one member shall be a current or past member of the  
21 colonias infrastructure board and a resident of a colonia.

22 B. Staff and meeting space for the commission shall  
23 be provided by the university. The commission shall elect a  
24 chair and such other officers as it deems appropriate and shall  
25 meet at the call of the chair. Members of the commission shall

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1 receive per diem and mileage pursuant to the Per Diem and  
2 Mileage Act and shall receive no other compensation.

3 C. The commission shall:

4 (1) make recommendations to the department on  
5 applicants for the program;

6 (2) advise the department on the adoption of  
7 rules to implement the provisions of the Community Governance  
8 Attorney Act;

9 (3) pursuant to the Procurement Code, solicit  
10 proposals for disbursement from the fund for legal services;

11 (4) enter into contracts for expenditure of  
12 the fund for the purpose of providing community governance  
13 attorney services for acequias, land grants-mercedes and low-  
14 income residents of colonias. The contracts shall be entered  
15 into with the university or with nonprofit organizations whose  
16 mission is to provide a range of free legal services to low-  
17 income New Mexicans. No contract shall provide funding in  
18 excess of one-half of a full-time community governance attorney  
19 position and shall be executed only with service providers that  
20 have secured sufficient matching nonstate funding to provide a  
21 full-time position; and

22 (5) adopt such rules as are necessary to carry  
23 out the provisions of this section.

24 D. The department, pursuant to rules of the  
25 commission, shall administer the contracts and programs

1 provided for in this section.

2 SECTION 5. [NEW MATERIAL] FUND CREATED--DISBURSEMENT.--

3 A. The "community governance attorney and  
4 conditional tuition waiver fund" is created in the state  
5 treasury. The fund shall consist of money appropriated,  
6 donated or otherwise accruing to the fund. All payments for  
7 repayment of waivers and penalties shall be credited to the  
8 fund. Balances in the fund shall not revert to any other fund  
9 at the end of a fiscal year.

10 B. Expenditures from the fund shall only be used to  
11 make waivers to participants in the program, to pay contracts  
12 for community governance attorney services and to pay the  
13 administrative expenses associated with the program and  
14 collection activity on its behalf; provided that no more than  
15 five percent of the annual expenditures from the fund shall be  
16 for administrative costs. The department shall require an  
17 annual accounting from each organization receiving funds  
18 pursuant to this section.

19 C. All waiver loan payments shall be by warrant  
20 drawn by the secretary upon vouchers signed by the designated  
21 representative of the department. All disbursements from the  
22 fund for community governance attorney services shall be by  
23 warrant drawn by the secretary of finance and administration  
24 pursuant to vouchers signed by the secretary of higher  
25 education or the secretary's designee. Money in the fund is

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1 appropriated to the department for the purposes of carrying out  
2 the provisions of the Community Governance Attorney Act.

3 D. Money disbursed pursuant to this section shall  
4 not be used by a recipient to:

5 (1) support lobbying, as defined in the  
6 Lobbyist Regulation Act; or

7 (2) bring suit against the state.

8 SECTION 6. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2017.

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HOUSE BILL

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO PARTITIONS OF LAND GRANTS-MERCEDES; ESTABLISHING  
QUALIFIED PARTITIONS OF LAND GRANTS-MERCEDES AS AUTONOMOUS LAND  
GRANTS-MERCEDES; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 49-1-1.1 NMSA 1978 (being Laws 2004,  
Chapter 124, Section 1) is amended to read:

"49-1-1.1. DEFINITIONS.--As used in Chapter 49 NMSA 1978:

A. "heir" means a person who is a [~~descendent~~]  
descendant of the original grantees and has an interest in the  
common land of a land grant-merced through inheritance, gift or  
purchase;

B. "land grant-merced" means:

(1) a grant of land made by the government of  
Spain or by the government of Mexico to a community, town,

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1 colony or pueblo or to a person for the purpose of founding or  
2 establishing a community, town, colony or pueblo; or

3 (2) a grant of land made by the community,  
4 town, colony or pueblo that received a grant of land as  
5 provided in Paragraph (1) of this subsection that, prior to  
6 2004, was partitioned from the lands of that land grant-merced  
7 for the purpose of establishing common lands for a separate  
8 community, town or pueblo and where the boundaries of those  
9 common lands have been confirmed by deed of title or indenture  
10 executed by the board of trustees of that land grant-merced or  
11 by a state or federal court; and

12 C. "qualified voting member" means an heir who is  
13 registered to vote in a land grant-merced as prescribed in the  
14 land grant-merced bylaws."

15 SECTION 2. Section 49-1-2 NMSA 1978 (being Laws 1907,  
16 Chapter 42, Section 2, as amended by Laws 2013, Chapter 8,  
17 Section 1 and by Laws 2013, Chapter 83, Section 1) is amended  
18 to read:

19 "49-1-2. APPLICATION.--

20 A. Sections 49-1-1 through 49-1-18 NMSA 1978:

21 (1) shall apply to:

22 (a) all land grants-mercedes confirmed  
23 by the congress of the United States or by the court of private  
24 land claims or designated as land grants-mercedes in any report  
25 or list of land grants prepared by the surveyor general and

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1 confirmed by congress; and

2 (b) any partition of a land grant-merced  
3 conveyed by deed of title or indenture executed by the board of  
4 trustees of a land grant-merced or by a state or federal court  
5 to an heir or heirs of that land grant-merced for the purpose  
6 of establishing common lands for a separate land grant-merced;  
7 provided that the conveyance of that partition is affirmed by a  
8 court of competent jurisdiction and that the partition is  
9 certified by the Guadalupe Hidalgo treaty division of the  
10 office of the attorney general to have been managed as common  
11 lands for the heirs of that partition for at least twenty years  
12 prior to the enactment of this 2017 act. The Guadalupe Hidalgo  
13 treaty division may establish methods and procedures for  
14 certification; but

15 (2) shall not apply to any land grant that is  
16 now managed or controlled in any manner, other than as provided  
17 in Sections 49-1-1 through 49-1-18 NMSA 1978, by virtue of any  
18 general or special act.

19 B. If a majority of the members of the board of  
20 trustees of a land grant-merced covered by specific legislation  
21 determines that the specific legislation is no longer  
22 beneficial to the land grant-merced, the board has the  
23 authority to petition the legislature to repeal the legislation  
24 and to be governed by its bylaws and as provided in Sections  
25 49-1-1 through 49-1-18 NMSA 1978.

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1 C. The town of Tome land grant-merced, situated in  
2 Valencia county, confirmed by congress in 1858 and patented by  
3 the United States to the town of Tome, shall be governed by the  
4 provisions of Sections 49-1-1 through 49-1-18 NMSA 1978.

5 D. The town of Atrisco land grant-merced, situated  
6 in Bernalillo county, confirmed by the court of private land  
7 claims in 1894 and patented by the United States to the town of  
8 Atrisco in 1905, shall be governed by the provisions of  
9 Sections 49-1-1 through 49-1-18 NMSA 1978; provided that the  
10 board of trustees shall not have regulatory jurisdiction over,  
11 and the provisions of Chapter 49, Article 1 NMSA 1978 shall not  
12 apply to or govern, any lands or interests in real property the  
13 title to which is held by any other person, including a public  
14 or private corporation, partnership or limited liability  
15 company.

16 E. The Tecolote land grant-merced, also known as  
17 the town of Tecolote, situated in San Miguel county, confirmed  
18 by congress in 1858 and patented by the United States to the  
19 town of Tecolote in 1902, shall be governed by the provisions  
20 of Sections 49-1-1 through 49-1-18 NMSA 1978.

21 F. Notwithstanding the provisions of Subsection A  
22 of this section to the contrary, the San Antonio del Rio  
23 Colorado land grant-merced, situated in Taos county, which  
24 claim was recommended for confirmation by surveyor general  
25 James K. Proudfit in 1874 and again in 1886 by surveyor general

1 George W. Julian, but not confirmed by congress, shall be  
2 governed by the provisions of Sections 49-1-1 through 49-1-18  
3 NMSA 1978."

4 SECTION 3. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2017.

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## HOUSE JOINT MEMORIAL

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

## DISCUSSION DRAFT

## A JOINT MEMORIAL

REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE AND THE UNITED STATES CONGRESS TO CONSIDER ALTERNATIVE DESIGNATIONS THAT DO NOT AFFECT MEANINGFUL ACCESS FOR TRADITIONAL USES FOR LANDS PROPOSED TO BE PART OF AN EXPANDED PECOS WILDERNESS AREA AND FOR ANY OTHER WILDERNESS PROPOSALS IN NEW MEXICO AND TO INCLUDE TRADITIONAL FOREST-DEPENDENT, "GATEWAY" AND LAND GRANT COMMUNITIES IN THE DEVELOPMENT OF ANY DESIGNATION AND MANAGEMENT PLANS FOR THESE LANDS.

WHEREAS, for generations, small, rural and historically isolated communities in New Mexico have depended on the health of the surrounding forests, grasslands and rivers as their primary sources of food, medicine, fuel, building materials and water; and

WHEREAS, the health and vitality of these communities have

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1 traditionally been more dependent on the health of their  
2 environment than on commerce with urban centers; and

3 WHEREAS, as a consequence of this dependence on natural  
4 systems, New Mexico developed a multitude of cultures that are  
5 rooted in a connection to land and water; and

6 WHEREAS, in recent decades, traditional forest-dependent,  
7 "gateway" and land grant communities have experienced  
8 increasing restrictions on, and denials of, their traditional  
9 access to and use of adjacent lands and waters; and

10 WHEREAS, as these restrictions and denials have grown, the  
11 traditional economy of these communities has been undercut, and  
12 many formerly self-reliant families have become at least  
13 partially dependent on government assistance; and

14 WHEREAS, a national forest should not only be a place that  
15 families visit, it should also be a partner that they work with  
16 on a daily basis to ensure that the next generation does not  
17 lose understanding of natural systems, including the importance  
18 of periodic grass fires, the value of beaver dams and the care  
19 that humans need to take when using wild lands; and

20 WHEREAS, the health and safety of traditional forest-  
21 dependent, gateway and land grant communities remain dependent  
22 on the health of their surrounding lands, particularly with  
23 regard to the quantity and quality of water flowing from them  
24 and their susceptibility to catastrophic wildfire; and

25 WHEREAS, many areas in the upper watersheds of New



1 Mexico's national forests are in need of aggressive watershed  
2 restoration efforts to improve watershed health and reduce the  
3 risk of catastrophic wildfire; and

4 WHEREAS, in cases of forest wildfires, timely use of  
5 mechanical fire suppression and fuel reduction methods is often  
6 needed to prevent them from turning into catastrophic fires;  
7 and

8 WHEREAS, a wilderness designation restricts the methods  
9 available for watershed restoration and fire suppression  
10 efforts, including potential delays in allowing aggressive fire  
11 suppression efforts; and

12 WHEREAS, the Pecos and other wilderness areas sit within  
13 national forest lands that border several traditional forest-  
14 dependent, gateway and land grant communities throughout New  
15 Mexico, and the United States department of agriculture forest  
16 service will be evaluating proposals to expand the Pecos and  
17 other wilderness areas; and

18 WHEREAS, a wilderness designation is one of the most  
19 restrictive land management alternatives available for national  
20 forest land; and

21 WHEREAS, in some cases, these wilderness designations have  
22 affected the ability for traditional forest-dependent, gateway  
23 and land grant communities to meaningfully access certain  
24 traditional uses; and

25 WHEREAS, all five national forests in New Mexico, which

1 are the Carson, Cibola, Gila, Lincoln and Santa Fe national  
2 forests, are currently undergoing a forest plan revision  
3 process to update their forest management plans; and

4 WHEREAS, each national forest is federally required, as  
5 part of the forest plan revision, to inventory and assess all  
6 forest system lands to determine which, if any, lands have  
7 wilderness character and, upon identification of such lands,  
8 evaluate them for determining how those lands should be  
9 managed; and

10 WHEREAS, in the past, these evaluations did not include  
11 considerations for socioeconomic or cultural impacts on  
12 traditional forest-dependent, gateway and land grant  
13 communities; and

14 WHEREAS, New Mexico recently experienced the creation of  
15 alternative land management protections, for the Rio Grande del  
16 Norte national monument, that specifically retain certain  
17 traditional uses, such as harvesting pinon nuts and wood  
18 gathering, and in which adjacent gateway communities were  
19 provided a meaningful role in the development of the land  
20 management plan;

21 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
22 STATE OF NEW MEXICO that special care be exercised with regard  
23 to changing and developing the land management methods for the  
24 national forest lands to maintain local cultural values, to  
25 ensure watershed health, to protect meaningful access for

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1 traditional uses and to allow government agencies to respond to  
2 wildfires; and

3 BE IT FURTHER RESOLVED that the United States department  
4 of agriculture forest service be requested to provide  
5 traditional forest-dependent, gateway and land grant  
6 communities, Indian pueblos and acequias with a meaningful role  
7 in the development of appropriate and beneficial designations  
8 and management plans for lands under its jurisdiction; and

9 BE IT FURTHER RESOLVED that the United States department  
10 of agriculture forest service be requested to engage in an  
11 immediate dialogue with all of the traditional forest-  
12 dependent, gateway and land grant communities of all of the  
13 national forests in New Mexico with regard to potential  
14 alternative designations for all lands proposed to be evaluated  
15 for possible inclusion in the Pecos wilderness and for other  
16 proposed wilderness designations now and in the future; and

17 BE IT FURTHER RESOLVED that no new wilderness designations  
18 be expanded into watersheds above forest-dependent, gateway and  
19 land grant communities that have been identified as in need of  
20 watershed restoration; and

21 BE IT FURTHER RESOLVED that copies of this memorial be  
22 transmitted to the regional forester for region 3 of the United  
23 States department of agriculture forest service; the forest  
24 supervisors for each of the national forests within New Mexico;  
25 the principal executive office holder for each of the Indian

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1 tribes, pueblos and nations within New Mexico; the chairs of  
2 the land grant council and the acequia commission; the members  
3 of the New Mexico congressional delegation; and the governor.

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SENATE BILL

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS-MERCEDES; ALLOWING LAND GRANT-MERCEDES  
BOARDS OF TRUSTEES TO APPROVE COMPREHENSIVE PLANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 49-1-3 NMSA 1978 (being Laws 1907,  
Chapter 42, Section 3, as amended) is amended to read:

"49-1-3. BOARD OF TRUSTEES--MANAGEMENT OF GRANT--  
POWERS.--The management and control of all land grants-mercedes  
and tracts of land to which Sections 49-1-1 through 49-1-18  
NMSA 1978 are applicable is vested in a board of trustees, to  
be known as the "board of trustees of the land grant-merced del  
pueblo de \_\_\_\_" (designating the name of the town, colony,  
pueblo or community), and the board shall have the power to:

A. control, care for and manage the land grant-  
merced and real estate, prescribe the terms and conditions

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1 under which the common lands may be used and enjoyed and make  
2 all necessary and proper bylaws, rules and regulations that  
3 shall be in substantial compliance with applicable statutes for  
4 the government thereof;

5 B. sue and be sued under the title as set forth in  
6 this section;

7 C. convey, lease or mortgage the common lands of  
8 the land grant-merced in accordance with the land grant-merced  
9 bylaws;

10 D. determine the number of animals that may be  
11 permitted to graze upon the common lands and determine other  
12 uses of the common lands that may be authorized;

13 E. prescribe the price to be paid for the use of  
14 the common lands and resources of the land grant-merced and  
15 prohibit a person failing or refusing to pay that amount from  
16 using a portion of the common lands while the person continues  
17 in default in those payments; provided that the amount fixed  
18 shall be in proportion to the number and kinds of livestock  
19 pasturing upon the common lands or to other authorized use of  
20 the common lands;

21 F. adopt and use an official seal;

22 G. appoint judges and clerks of election at all  
23 elections provided for in Sections 49-1-1 through 49-1-18 NMSA  
24 1978, subsequent to the first, and canvass the votes cast in  
25 those elections;

1           H. make bylaws, rules and regulations, not in  
2 conflict with the constitution and laws of the United States or  
3 the state of New Mexico, as may be necessary for the  
4 protection, improvement and management of the common lands and  
5 real estate and for the use and enjoyment of the common lands  
6 and of the common waters of the land grant-merced;

7           I. determine land use, local infrastructure and  
8 economic development of the common lands of the land grant-  
9 merced;

10           J. determine zoning of the common lands of the land  
11 grant-merced pursuant to a comprehensive plan approved by the  
12 ~~[local government division of the department of finance and~~  
13 ~~administration]~~ board of trustees that considers the health,  
14 safety and general welfare of the residents and heirs of the  
15 land grant-merced ~~[The department of finance and administration~~  
16 ~~shall act as arbitrator for zoning conflicts between land~~  
17 ~~grants-mercedes and neighboring municipalities and counties];~~  
18 and

19           K. enter into memoranda of understanding, contracts  
20 and other agreements with a local, state or federal government  
21 or a government of a federally recognized Indian nation, tribe  
22 or pueblo, including but not limited to agreements concerning  
23 the protection and maintenance of cultural resources."

24           SECTION 2. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is July 1, 2017.





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HOUSE BILL

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS-MERCEDES; REMOVING RESTRICTIONS ON LAND  
REGULATION BY THE ATRISCO LAND GRANT-MERCED.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 49-1-2 NMSA 1978 (being Laws 1907,  
Chapter 42, Section 2, as amended by Laws 2013, Chapter 8,  
Section 1 and by Laws 2013, Chapter 83, Section 1) is amended  
to read:

"49-1-2. APPLICATION.--

A. Sections 49-1-1 through 49-1-18 NMSA 1978 shall  
apply to all land grants-mercedes confirmed by the congress of  
the United States or by the court of private land claims or  
designated as land grants-mercedes in any report or list of  
land grants prepared by the surveyor general and confirmed by  
congress, but shall not apply to any land grant that is now

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1 managed or controlled in any manner, other than as provided in  
2 Sections 49-1-1 through 49-1-18 NMSA 1978, by virtue of any  
3 general or special act.

4 B. If a majority of the members of the board of  
5 trustees of a land grant-merced covered by specific legislation  
6 determines that the specific legislation is no longer  
7 beneficial to the land grant-merced, the board has the  
8 authority to petition the legislature to repeal the legislation  
9 and to be governed by its bylaws and as provided in Sections  
10 49-1-1 through 49-1-18 NMSA 1978.

11 C. The town of Tome land grant-merced, situated in  
12 Valencia county, confirmed by congress in 1858 and patented by  
13 the United States to the town of Tome, shall be governed by the  
14 provisions of Sections 49-1-1 through 49-1-18 NMSA 1978.

15 D. The town of Atrisco land grant-merced, situated  
16 in Bernalillo county, confirmed by the court of private land  
17 claims in 1894 and patented by the United States to the town of  
18 Atrisco in 1905, shall be governed by the provisions of  
19 Sections 49-1-1 through 49-1-18 NMSA 1978 [~~provided that the~~  
20 ~~board of trustees shall not have regulatory jurisdiction over,~~  
21 ~~and the provisions of Chapter 49, Article 1 NMSA 1978 shall not~~  
22 ~~apply to or govern, any lands or interests in real property the~~  
23 ~~title to which is held by any other person, including a public~~  
24 ~~or private corporation, partnership or limited liability~~  
25 ~~company~~].

1           E. The Tecolote land grant-merced, also known as  
2     the town of Tecolote, situated in San Miguel county, confirmed  
3     by congress in 1858 and patented by the United States to the  
4     town of Tecolote in 1902, shall be governed by the provisions  
5     of Sections 49-1-1 through 49-1-18 NMSA 1978.

6           F. Notwithstanding the provisions of Subsection A  
7     to the contrary, the San Antonio del Rio Colorado land  
8     grant-merced, situated in Taos county, which claim was  
9     recommended for confirmation by surveyor general James K.  
10    Proudfit in 1874 and again in 1886 by surveyor general George  
11    W. Julian, but not confirmed by congress, shall be governed by  
12    the provisions of Sections 49-1-1 through 49-1-18 NMSA 1978."

13           **SECTION 2. EFFECTIVE DATE.**--The effective date of the  
14    provisions of this act is July 1, 2017.

15                           - 3 -







LEGISLATIVE COUNCIL SERVICE  
SANTA FE, NEW MEXICO