

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE JOINT MEMORIAL 7

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Richard C. Martinez

FOR THE LAND GRANT COMMITTEE

A JOINT MEMORIAL

REQUESTING THAT THE NEW MEXICO CONGRESSIONAL DELEGATION WORK CLOSELY WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT TO RETURN LANDS UNDER THE CURRENT CONTROL OF THE BUREAU OF LAND MANAGEMENT TO NEW MEXICO'S HISTORIC LAND GRANTS.

WHEREAS, from the seventeenth century, grants of land were made throughout what is now the state of New Mexico, first by the king of Spain, then by the Republic of Mexico; and

WHEREAS, the lands that now constitute New Mexico were incorporated from Mexico into the territory of the United States under the Treaty of Peace, Friendship, Limits and Settlement of 1848, more commonly known as the Treaty of Guadalupe Hidalgo; and

WHEREAS, the Treaty of Guadalupe Hidalgo promised to recognize the ownership of property of every kind in the areas

underscoring material = new  
~~[bracketed material] = delete~~

underscoring material = new  
[bracketed material] = delete

1 ceded by Mexico to the United States; and

2 WHEREAS, in the intervening one hundred sixty-five years,  
3 land grants have lost millions of acres of their original  
4 common lands, not least through fraud, chicanery, faulty  
5 surveying and punitive taxation; and

6 WHEREAS, the vast majority of land that once belonged to  
7 land grants is now in control of the United States forest  
8 service and the United States bureau of land management; and

9 WHEREAS, the state of New Mexico has recognized the  
10 importance of land grants not only to its history and heritage,  
11 but to rural economic development; and

12 WHEREAS, the state manifested its recognition of the land  
13 grants' importance through legislation that provided for the  
14 creation of the land grant council and the ability of land  
15 grants to become political subdivisions of the state and other  
16 legislation designed to empower land grant communities and give  
17 them a measure of self-government; and

18 WHEREAS, many land grants are hemmed in by bureau of land  
19 management and United States forest service land and cannot  
20 expand as they would have done traditionally, by building new  
21 homes for the new generation on dry land not suitable for  
22 farming, and thus have to build new homes on invaluable  
23 riparian lands or agricultural plots; and

24 WHEREAS, many land grant communities are effectively  
25 "land-locked", cut off from regular access by bureau of land

.195163.1

underscored material = new  
~~[bracketed material] = delete~~

1 management or United States forest service lands; and

2 WHEREAS, the bureau of land management cannot properly  
3 manage or monitor the lands under its control, resulting in  
4 erosion, trash dumping and other abuses to the land, with  
5 consequent deleterious effects on neighboring land grants; and

6 WHEREAS, House Bill 490 has been introduced in the United  
7 States congress, a bill that would transfer over eight hundred  
8 acres of land that once belonged to the Tome land grant to the  
9 United States forest service, to be designated a wilderness  
10 area; and

11 WHEREAS, the bureau of land management in New Mexico has  
12 shown a willingness to work with land grant communities to  
13 develop creative solutions to problems that have accumulated  
14 among the land grants over the decades; and

15 WHEREAS, there is a limit to what actions the bureau of  
16 land management can take administratively, particularly with  
17 regard to the transfer of land; and

18 WHEREAS, in accordance with requests made over the years  
19 by the New Mexico congressional delegation, the state has  
20 created the legal structures, particularly granting of  
21 political subdivision status, in order that land grant  
22 communities might receive land transfers; and

23 WHEREAS, the general accounting office's report of June  
24 2004, "Treaty of Guadalupe Hidalgo: Findings and Possible  
25 Options Regarding Longstanding Community Land Grant Claims in

.195163.1

underscoring material = new  
~~[bracketed material] = delete~~

1 New Mexico", recognized the long-standing nature of land grant  
2 claims in New Mexico and included among its recommendations  
3 that congress consider that former common lands be returned to  
4 land grants;

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
6 STATE OF NEW MEXICO that the New Mexico congressional  
7 delegation be requested to work assiduously with the bureau of  
8 land management to develop strategies to assist New Mexico's  
9 traditional land grants; and

10 BE IT FURTHER RESOLVED that the New Mexico congressional  
11 delegation be requested to introduce legislation in the United  
12 States congress to return lands currently in possession of the  
13 bureau of land management that were once part of land grant  
14 common lands to the land grants; and

15 BE IT FURTHER RESOLVED that the New Mexico congressional  
16 delegation be requested not to support legislation that would  
17 transfer lands currently under bureau of land management  
18 control that were once part of land grant common lands to the  
19 United States forest service; and

20 BE IT FURTHER RESOLVED that copies of this memorial be  
21 transmitted to all members of New Mexico's congressional  
22 delegation.