

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

**August 13, 2020
Video Conference Meeting**

The first meeting of the Land Grant Committee for the 2020 interim was called to order by Senator Elizabeth "Liz" Stefanics, chair, on Thursday, August 13, 2020, at 1:04 p.m. by video and audio conference via an online platform.

Present

Sen. Elizabeth "Liz" Stefanics, Chair
Rep. Miguel P. Garcia, Vice Chair
Rep. Rachel A. Black
Rep. David M. Gallegos
Rep. Susan K. Herrera
Sen. Linda M. Lopez
Sen. Richard C. Martinez
Rep. Matthew McQueen
Sen. Bill B. O'Neill
Rep. Tomás E. Salazar
Rep. Christine Trujillo

Absent

Sen. Gregory A. Baca
Sen. Cliff R. Pirtle
Sen. Sander Rue

Advisory Members

Rep. Christine Chandler
Rep. Harry Garcia
Sen. Roberto "Bobby" J. Gonzales

Rep. Eliseo Lee Alcon
Sen. Stuart Ingle
Rep. D. Wonda Johnson
Sen. Gay G. Kernan
Rep. Patricia A. Lundstrom
Rep. Debra M. Sariñana
Sen. James P. White

Staff

Mark Edwards, Bill Drafter, Legislative Council Service (LCS)
Michelle Jaschke, Researcher, LCS
Sara Wiedmaier, Research Assistant, LCS
Anthony Montoya, Staff Attorney, LCS

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

Thursday, August 13

Welcome and Introductions

Senator Stefanics welcomed committee members, staff and guests and asked committee members and staff to introduce themselves.

Natural Resources Management Issues General Update (1:26 p.m.)

Arturo Archuleta, program manager, Land Grant Council, provided the committee with an update regarding natural resource management on land grants-mercedes. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20081320%20Item%201%20NMLGC%20Land%20Grant%20Interim%20Presenation.pdf>.

Comments from committee members included the following:

- there is a federal congressional resolution that is progressing through that legislative process, but that resolution does not allow the reevaluation of previous adjudication processes. That resolution recognizes certain historical use rights, but there are still uncertainties in that process;
- amendments to Section 49-1-3 NMSA 1978 may be proposed in the upcoming legislative session; a committee member requested that those amendments be discussed before the committee;
- there is still a need to provide natural resource management officers for land grants-mercedes. One issue that has arisen in crafting legislation relates to workers' compensation, but there are other technical questions that still need to be addressed;
- the Land Grant Council is seeking a resource officer position to provide technical answers to questions and issues related to resource management. This would be more of a natural resource manager as opposed to an enforcement officer position; and
- land grants-mercedes have filed water declarations in the past for water rights on managed lands, but issues still arise with what is seen as common waters and current and past water adjudications.

The Challenges Posed by "Common Waters" and When the Local Acequia Commission or Mutual Domestic Begins to Diverge from the Administration of the Land Grant that Fostered It (2:22 p.m.)

Jason Quintana, president, La Merced del Manzano Land Grant-Merced, and Rebecca Correa Skartwed, president, San Antonio de las Huertas Land Grant-Merced, provided the committee with updates on the La Merced del Manzano Land Grant-Merced and the San Antonio de las Huertas Land Grant-Merced. The presentation materials can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=LGC&Date=8/13/2020&ItemNumber=2>.

Comments from committee members included the following:

- a member suggested that the San Antonio de las Huertas Land Grant-Merced meet with the Guadalupe Hidalgo Treaty Division of the Office of the Attorney General to discuss potential legal remedies for the issues that the land grant-merced faces; and
- the definition of "common water" should be further clarified through statute.

Adjudication, Water Administration and Water Sharing Involving Acequias (3:03 p.m.)

Ralph Vigil, chair, Acequia Commission; Paula Garcia, executive director, New Mexico Acequia Association (NMAA); and Enrique Romero, attorney, NMAA, provided the committee with an update on the current issues faced by acequia communities. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20081320%20Item%203%20NMAA%20%20Acequia%20--%20Adjudications,%20Administration%20and%20Water%20Sharing.pdf>.

Comments from committee members included the following:

- there are very few basins that have gone through an adjudication process where the water rights have been quantified by a final decree. There is a significant number of acequia systems that are currently going through the adjudication process;
- the need for water rights adjudication and administration is often urgent, and legislation exists to allow the administration of certain legal rights through the state engineer. This process of priority or alternative administration and lawsuits has arisen in the past to challenge this process and the statute may need to be amended; and
- the NMAA provides assistance to individual acequias to assist in understanding the capital outlay process.

University of New Mexico (UNM) School of Law Update: Community Governance Attorney Program; Summer Fellowships; and Continuing Legal Education Courses (3:50 p.m.)

Gabriel Pacyniak, associate professor, UNM School of Law, provided the committee with an update on land grant-merced legal services provided by the UNM School of Law. The presentation can be found here:

https://www.nmlegis.gov/handouts/LGC%20081320%20Item%204%20GPacyniak_UNMLawUpdate_LandGrantsAcequias_Interim12Aug20.pdf.

Comments from committee members included the following:

- there was uncertainty relating to the availability of funding from the 2019 session to provide acequia and land grant-merced legal services; however, most of the money was ultimately made available for use; and
- a member suggested proposing legislation in the upcoming session to provide funding for the legal services program.

Inclusion of Land Grants in Shared Stewardship and State Forest Action Plan: Status Update (4:22 p.m.)

Laura McCarthy, state forester, Forestry Division, Energy, Minerals and Natural Resources Department, provided the committee with an update on the shared stewardship concept of land management and the state forest action plans. The presentation can be found here:

https://www.nmlegis.gov/handouts/LGC%20081320%20Item%205%20NM_SharedStewardshipAgreementSigned.pdf.

Tentative Committee Work Plan for 2020 (4:36 p.m.)

Mr. Edwards presented the proposed work plan for the committee. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20081320%20Item%206%20LGCproposed%20workplan.20.pdf>.

The chair instructed committee members to contact Mr. Edwards if they have suggestions for items to be added to the work plan.

Adjournment

There being no further business before the committee, the meeting adjourned at 4:46 p.m.