

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

**September 22-23, 2022
Saint Thomas the Apostle Catholic Parish
Parish Hall
1 Church Plaza
Abiquiu**

The third meeting of the Land Grant Committee was called to order as a special subcommittee by Senator Leo Jaramillo, chair, on September 22, 2022 at 10:24 a.m. at the Saint Thomas the Apostle Catholic Parish Hall in Abiquiu.

Present

Sen. Leo Jaramillo, Chair
Rep. Susan K. Herrera, Vice Chair
Rep. Miguel P. Garcia
Rep. Matthew McQueen (9/22)

Absent

Rep. Linda Garcia Benavides
Rep. Rachel A. Black
Sen. Bill B. O'Neill
Sen. Gerald Ortiz y Pino
Sen. Michael Padilla
Sen. Cliff R. Pirtle
Sen. Joshua A. Sanchez
Rep. Christine Trujillo

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Linda M. Lopez (9/22)
Sen. Shannon D. Pinto
Sen. Elizabeth "Liz" Stefanics (9/22)

Sen. David M. Gallegos
Rep. Harry Garcia
Rep. D. Wonda Johnson

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

Staff

Mark Edwards, Bill Drafter, Legislative Council Service (LCS)
D. Martin Fischer, Staff Attorney, LCS
Michelle Jaschke, Researcher, LCS
Anthony Montoya, Staff Attorney, LCS

Guests

The guest list is in the meeting file.

Minutes Approval

The committee did not review the minutes for this meeting, and they have not been officially approved by the committee.

Handouts

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

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Thursday, September 22

Welcome and Introductions (10:24 a.m.)

Senator Jaramillo welcomed the committee, and the members introduced themselves.

Abiquiu Land Grant-Merced (ALGM) Status Update (10:30 a.m.)

Victoria Garcia, president, ALGM, welcomed the legislators, introduced herself and gave an update on the ALGM. She stated that the ALGM is currently renovating its medical clinic. Ms. Garcia thanked the legislators for a recent house bill and discussed the ALGM's desire to purchase a church building. She spoke about the illegal dumping problems on the land grant that have been worsening and noted that there is a shortage of employees at the waste management facility. Ms. Garcia and the ALGM are working to address problems created by tourists and visitors, such as base jumping off of the land grant's cliffs and the removal of cultural items, including pottery shards.

Ms. Garcia discussed the ALGM's path to ownership of the clinic after a 25-year lease. She stated that the buildings were in disrepair, but with capital outlay financing, the ALGM has improved and restored them. Ms. Garcia spoke about the history of the land grant dating back to President William Howard Taft and his administration's negative perceptions of land grants. She highlighted the rich traditions, ceremonies and culture. Ms. Garcia discussed ALGM's asset base of land and financial accounts.

Ms. Garcia requested increased capital outlay funding, noting that the ALGM would like to build a park for children and families, since no similar area currently exists in the ALGM. She discussed locking the gate to the higher road in the winter and how the land grant is working with the United States Forest Service (USFS) to ensure that the roads are being maintained. She complimented the USFS's efforts to collaborate with the land grants and incorporate them into the USFS's management plans. She noted the USFS's efforts at the last Land Grant Committee meeting in Taos, where the USFS made a presentation and then a USFS representative accompanied committee members during a tour of the Arroyo Hondo Arriba Land Grant partition.

Dona Ana County Illegal Dumping Partnership Model: A Model for Limiting Illegal Dumping in Rural New Mexico (11:15 a.m.)

Patrick Peck, director, South Central Solid Waste Authority (SCSWA), expressed his appreciation for the opportunity to speak to the committee. He described the SCSWA's landfill and transfer stations, community collection centers, a recycling program and waste collection programs. Mr. Peck spoke about his 25 years of experience managing solid waste. He characterized illegal dumping as destroying and defacing the beautiful land and communities of New Mexico and talked about several studies on the cost of illegal dumping. Based on his observations and experience, he said that he believes the root causes of illegal dumping to be convenience, lack of facility access and cost avoidance. He suggested looking at the profile of the dumpsites by looking at the trash being dumped to better understand who is dumping what, where and why.

Next, Mr. Peck presented about the SCSWA's multi-agency approach to pool resources and create partnerships. The Illegal Dumping Partnership was created in 2011 with the federal Bureau of Land Management (BLM), the SCSWA and Dona Ana County. The three entities decided to pool their collective resources to combat illegal dumping through a coordinated campaign that alleviated resource shortages. The BLM pledged labor, funding and rangers for enforcement; Dona Ana County pledged codes and ordinances, geographic information system mapping of the dumpsites, community groups, volunteers and political support, especially from county commissioners; and the SCSWA pledged discounted fees for waste from illegal dumpsites, hauling services, equipment and public relations.

Mr. Peck discussed the original plan that involved the identification of a manageable target area, the creation of enforcement zones, the dedication of labor and efforts into those areas and the increased patrols of law enforcement and code officers. In order to gain additional support and grow more success, the partnership publicized its success, especially through its 2011 Untrash Our Desert Summit. Next, the partnership developed a community-based program with group cleanups and officers who went door-to-door to make residents aware of violations and then coordinated resources to help resolve violations.

Mr. Peck found it crucial to publicize and raise awareness of the issue of illegal dumping as well as the successes of the program, noting that the partnership had 60 newspaper articles published in seven years. He explained that the model has been presented to many other communities in New Mexico and that between 2011 and 2019, over 3.5 million pounds of trash in Dona Ana County was cleaned up. Mr. Peck discussed the challenges posed by the COVID-19 pandemic, especially staffing shortages. He said that he believes the program is scalable to the entire state, noting that it will need tailoring to each community's unique resources and partners. He added that information on the program is free and available at Dona Ana County's website. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20092222%20Item%202%20Patrick%20Peck%20-%20Combating%20Illegal%20Dumping%20in%20Rural%20Communities.pdf>.

Responding to questions from committee members, Mr. Peck stated that:

- land grants should first look at the laws, rules and regulations that exist and ensure they have the ability to self-govern and develop ordinances;
- there must be code enforcement and deterrence in order for the program to work;
- land grants should focus on developing a plan, codifying the plan in the law and then enforcing it;
- the waste management industry has been supportive of the plastic bag ban, though it seeks a uniform set of rules;
- he does not believe banning plastic bags will make the waste management problem disappear, but since the ban went into effect, recycling has been cleaner with faster processing;
- he is developing a model that uses a shipping container as a mobile station to accept credit card payments in exchange for allowing people to dump their waste at a site, thereby removing cash and reducing employee requirements;
- the proposed mobile station would cost \$20,000, and employees to staff the office would cost \$27,000 per year plus benefits worth approximately \$8,000;
- collection fees would have to pay for the mobile station;
- he is considering a second concept of a truck that would travel to rural communities to collect waste;
- we live in a capitalist society that consumes, so the big question is how to talk to and educate adults;
- it is important to pay for waste at its origin, such as when you purchase a product, rather than at the end of the product's life when it inexorably becomes waste;
- there is substantial legislative funding for tire cleanup, but the only nearby tire facility is in Texas, so New Mexico is losing grant money to Texas's tire facility; and
- the SCSWA is a governmental entity that will be transparent about costs required for service when dealing with other governmental entities.

Panel on Solid Waste Challenges in Rio Arriba: Would a Dona Ana County-Type Model Work? (1:16 p.m.)

Chris Roybal, president, the Corporation of the Bartolome Sanchez Land Grant (CBSLG), and Audoro War, vice president, CBSLG, discussed the history of illegal dumping problems that Bartolome Sanchez has faced. They stated that the land grant cleans up thousands of pounds of waste every year. Mr. Roybal discussed finding tires, boxes, bones, bags, printers and many other waste items on the land grant's roads and lands. He said that he believes there was merit in the idea of charging for waste at the sale of the product to pay for its eventual disposal. He added that Bartolome Sanchez is currently working on fencing projects to fix fences cut by recreational users of the land grant, especially all-terrain vehicle users. He explained that Bartolome Sanchez has been dealing with dumping and fence issues since the inception of the Land Grant Committee.

Mr. Roybal described how Bartolome Sanchez residents get turned away from the available landfills that do not accept certain waste products, such as shingles and cinder blocks.

Consequently, he believes people might not initially intend to illegally dump their waste, but they do so because they are unable to take it anywhere nearby.

Herbert Romero, secretary, Nuestra Señora del Rosario, San Fernando y Santiago Land Grant-Merced (commonly known as the Truchas Land Grant-Merced), echoed the issues that Mr. Roybal discussed. Mr. Romero emphasized the large amount of trash being dumped on his land grant's roads and lands, and he said that it has been getting worse over time. Despite having a transfer station, the Truchas Land Grant-Merced has extensive illegal dumping problems, so Mr. Romero said that he does not believe a transfer station alone is the solution.

Lucia Sanchez, county manager, Rio Arriba County, discussed the breadth and depth of Rio Arriba County's size and history. She stated that the county spans 6,000 square miles, with only 22% being privately owned land and the remainder being federal, state and tribal lands. According to Ms. Sanchez, the county is facing significant waste management issues, especially with finding employees and parts to fix equipment failures. Ms. Sanchez detailed another challenge: the closing of landfills where residents had previously been able to self-haul their waste. She spoke about there being a cost of disposal, but said that the fee the residents pay is nominal compared to other expenses, such as phone or internet bills. She said that she believes door-to-door service would be four to five times more expensive than self-hauling. Ms. Sanchez discussed the need for infrastructure, education, collaboration, partnerships and especially a landfill in Rio Arriba County because there is no nearby landfill. She said the county currently hauls its solid waste to a facility in Rio Rancho. She said that she believes that with the people, funding and infrastructure, Rio Arriba County would be able to replicate the Dona Ana County model. Lastly, she stated that the cost of disposal is the most prohibitive element to reducing illegal dumping.

Matthew Casados, deputy county manager, Rio Arriba County, reinforced Ms. Sanchez's presentation and emphasized the need for labor, funding and the opportunity to resolve the waste management crisis through ownership or access to a landfill.

Frankie Lopez, range manager, ALGM, and Max Archuleta, vice president, ALGM, spoke about the ALGM having large amounts of trash dumped across its lands. Mr. Lopez detailed waste collection challenges and asked for a 40-ton collection bin for the ALGM.

Ms. Garcia stated that the ALGM has purchased eight roll-off transfer containers. She asked the legislature for a roll-off bin to help community members dispose of trash. She discussed her land grant's residents who pick up trash for their neighbors, but then get charged an overage fee, which discourages good samaritanism.

Monica Rodriguez, San Joaquin del Rio de Chama Land Grant-Merced, expressed her belief in the efficacy of Mr. Peck's use of strategic partnerships and collaborations. She said that land grant residents have to travel 100 miles round trip to dispose of their waste at the nearest landfill. She requested a closer transfer station and suggested collaborating with other nearby counties.

Preparing for the Land Grant-Merced Assistance Fund: What do Land Grants-Mercedes Need to Prepare, and What Sorts of Training Needs to Be Put in Place? (2:53 p.m.)

Arturo Archuleta, program manager, Land Grant Council, presented on the Land Grant-Merced Assistance Fund, which was created by the legislature in 2022 to begin distributions in 2024 with a \$2 million appropriation. He spoke about the Land Grant Council's regular meetings to determine the field of eligible land grants-mercedes and qualification requirements. In 2022, 18 land grants-mercedes had met all requirements and were approved, whereas five land grants-mercedes were not approved. He explained that after receiving funding, land grants-mercedes will get bumped into a category-4 financial reporting category that requires financial statements and specific accounting processes, creating a need for an accountant. Moving forward, Mr. Archuleta said that he and the Land Grant Council hope to provide individual technical support and trainings on topics such as finances, reporting, budgeting, compliance and elections. The presentation can be found here:

<https://www.nmlegis.gov/handouts/LGC%20092222%20Item%204%20Land%20Grant%20Council%20-%20List%20of%20Qualified%20Land%20Grants.pdf>.

Public Comment (4:04 p.m.)

A list of individuals making public comment is available in the meeting file.

Recess

The meeting recessed at 4:45 p.m.

Friday, September 23

Reconvene

Senator Jaramillo reconvened the meeting at 9:15 a.m. and welcomed committee members and the public.

Tour of the ALGM (9:25 a.m.)

Committee members and the public were taken on a tour of the ALGM.

Lunch and Performance by the Comanches of Taos (1:00 p.m.)

Adjournment

There being no further business before the committee, the meeting adjourned at 2:00 p.m.