

# The Land Grant Forum

Quarterly Newsletter  
of the  
New Mexico Land Grant-Merced  
Movement



Attendees at the 2020  
Treaty of Guadalupe Hidalgo Day.

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## Land Grants adjust to COVID 19

Land grant communities have grown accustomed to facing challenges and it looks like 2020 is no different. The coronavirus, or COVID 19, has thrown off our routines, delayed meetings and forced business that we usually conduct in person to be handled over the phone or online. The New Mexico Land Grant Council and the New Mexico Land Grant-Merced Consejo cancelled their March meeting and quarterly meeting, respectively, and the Land Grant Studies Program and UNM Law School's Continuing Legal Education course on land grants and acequias was postponed and will be rescheduled for the late summer or early fall. If our ancestors taught us anything, its resiliency! In this issue, *The Land Grant Forum* will update readers on the 2020 legislative session, including Treaty Day, the annual commemoration of the 172<sup>nd</sup> anniversary of the signing of the Treaty of Guadalupe Hidalgo. This issue also includes updates from the Consejo, the Council and the University of New Mexico's Land Grant Studies Program, and this issue's *Land Grant Spotlight* will feature the Arroyo Hondo Arriba Land Grant.

As our state and our communities deal with the coronavirus pandemic, we will also provide guidance to land grants on how to abide by Governor Michelle Luján Grisham's COVID-19 state of emergency declaration while remaining active as a land grant-merced.

Do you have a story or information you would like added to the next issue of the newsletter? Contact Jacobo Baca at [jacobobaca@unm.edu](mailto:jacobobaca@unm.edu) by the end of May and we'll consider your submission for our June/July edition.



# New Mexico Land Grant Council Update

## Coronavirus affecting Land Grants

New Mexico has taken stringent precautions and added restrictions on social gatherings and group functions to combat COVID 19. These new restrictions, aimed at enforcing social distancing and preventing the spread of the coronavirus, has affected many land grants, which have had to postpone monthly meetings and even their annual elections. If your land grant has had to postpone or cancel a meeting, please feel free to contact the New Mexico Land Grant Council at [nmlandgrantcouncil@unm.edu](mailto:nmlandgrantcouncil@unm.edu). The Council can provide resources, including alternative ways of holding a meeting and advice on how to move forward with elections.

- Need clarification on new restrictions or have questions about COVID-19 in New Mexico?
  - **Call the New Mexico Department of Health at 833-551-0518 or [cv.nmhealth.org](http://cv.nmhealth.org)**
- For information on testing sites and health concerns **please call 1-855-600-3453**. Testing is prioritized for those showing symptoms.
- New Mexico Attorney General Hector Balderas has issued guidance to public entities to ensure that they comply with the Open Meetings Act during the COVID-19 state of emergency. You can find it at <https://www.nmag.gov/oma.aspx>

### Council Meetings

As of right now the monthly New Mexico Land Grant Council meetings are being held virtually. Our first virtual meeting was held on April 16<sup>th</sup>, 2020. The May 2020 meeting will be held on May 21, 2020 and will likely be held virtually as well. If you would like to attend, all meeting information can be found on the website, [lgc.unm.edu](http://lgc.unm.edu) or by contacting Dr. Jacobo Baca at **505-400-9426**.

### Council Staff

Due to COVID-19 all staff for the New Mexico Land Grant Council is working remotely. If you need assistance please contact us directly through email at [nmlandgrantcouncil@unm.edu](mailto:nmlandgrantcouncil@unm.edu) or contact our Program Manager Arturo Archuleta at **505-328-4104**

# 2020 Legislative Session Recap

The 2020 New Mexico Legislative Session is the first session in quite some time that no bills dealing with land grant-mercedes was passed. Senate Memorial 31 / House Memorial, relating to land grant and acequia education, did pass both houses. Land grant-merced board members and heirs showed up en masse to several hearings to support the passage of legislation. While no bills were passed, land grants-mercedes did collectively receive \$615,000 in capital outlay funding, and an additional \$1.09 million in capital outlay reauthorizations. *Congratulations* to all land grants-mercedes who received funding and *thank you* to all legislators that supported these capital outlay requests.

Below is all land grant-merced legislation from the 2020 Legislative Session.

**House Bill 111 (HB111) – Land Grant-Merced Assistance Fund** – HB 111 was sponsored by Rep. Miguel García, Rep. Tomás Salazar and Senator Liz Stefanics. The bill would create a guarantee revenue stream for lands-mercedes that are political sub-divisions of the State by establishing a fund from which annual distributions would be given to eligible land grants-mercedes. HB 111 passed the House but did not make it past the Senate Finance Committee.

**Senate Bill 55 (SB55) - Creating New Positions on Land Grant Council-** SB 55 was sponsored by Sen. Sander Rue and was endorsed by the Land Grant Interim Committee. The purpose of the bill is to provide funding for the council to hire a land surveyor and a property attorney position. SB 55 passed the Senate Conservation Committee but did not make it past the Senate Finance Committee.

**Senate Bill 79 (SB79) – Land Grant and Acequia Audit Help** – SB79 was endorsed by the Land Grant Interim Committee and was sponsored by Sen. Liz Stefanics. The purpose of this bill is to appropriate \$250,000 to the New Mexico State Auditor in order to assist land grant-mercedes and acequia associations with audits. SB 79 passed the Senate Conservation Committee but did not make it past the Senate Finance Committee.

**Senate Bill 70 (SB70) – Audit Services for Water Organizations** – SB70 was introduced by Sen. Michael Padilla and was very similar to SB79. The purpose of the bill is to appropriate \$2 million to the New Mexico State Auditor, for fiscal years 2021 and 2022, to provide audit services to acequias, community ditch associations, land grants-mercedes and mutual domestic associations. SB 70 passed the Senate Conservation Committee but did not make it past the Senate Finance Committee.

**Senate Bill 269 (SB 269) – UNM Summer Merced Youth Leadership Project** – SB 269, introduced by Sen. Liz Stefanics, funded a land grant-merced youth leadership development program, including an intergenerational summer retreat. The bill passed the Senate Conservation Committee but did not make it past the Senate Finance Committee.

**Senate Memorial 31 (SM 31) – Include Land Grant and Acequia Learning** - SMB31 was sponsored by Sen. Pete Campos (its companion was HM 31, sponsored by Rep. Miguel P. García). The purpose of the memorial was to request that the reform of New Mexico's educational system to meet the demands of the *Yazzie Martinez* decision include learning about Acequias and Land Grants as part of a multicultural and equitable education for diverse student populations in New Mexico. SM 31 / HM 31 was passed by both houses.

# Treaty Day 2020 Recap

On February 2<sup>nd</sup>, the New Mexico Land Grant-Merced Consejo hosted the Annual Commemoration of the signing of the Treaty of Guadalupe Hidalgo at the New Mexico State Capitol. The Consejo posthumously awarded its Lifetime Service Award to two inspiring and influential land grant-merced leaders that we lost this year, Esther García (1945-2020) of the San Antonio del Río Colorado Land Grant and José María Perea (1974-2020) of the Merced de Torreón. Senator Liz Stefanic, Representative Matthew McQueen and State Auditor Brian Colón gave remarks, and Novela Salazar delivered remarks on behalf of the Treaty of Guadalupe Hidalgo Division of the New Mexico Attorney General’s office. Representatives from the offices of U.S. Senator Tom Udall, U.S. Senator Martin Heinrich, Congresswoman Deb Haaland and Congressman Ben R. Lujan offered remarks as well. Dr. Jacobo Baca, research historian for the New Mexico Land Grant Council and UNM Land Grant Studies Program, delivered the keynote address. The event was MC’d by Cheyenne Trujillo. The Consejo provided lunch and music was provided by Antonio Maestas and Isabela López. We had a GREAT turnout and hope to see more people next year!



Esther García’s Family receiving her Lifetime Service Award.

José María Perea’s Family receiving his Lifetime Service Award.



Dr. Jacobo Baca delivering the keynote address.



The Commemoration of the Treaty of Guadalupe Hidalgo Day 2020

Opening Prayer led by *hermano* Manuel Saiz.



La Merced del Manzano Seal was the design for Treaty Day 2020 Lapel pins

## Reintroduction of the Traditional Use Bill

After nearly a decade of work working with the land grant-merced community, Congressman Ben Ray Luján re-introduced the Land Grant and Acequia Traditional Use Recognition Act as House Resolution 3682 last July. It was assigned to the House Natural Resources Committee and is awaiting a hearing by the Subcommittee on National Parks, Forests and Public Lands.

**Background on H.R. 3682** – Land Grant and Acequia Traditional Use Recognition and Consultation Act – This Act is intended to provide for the recognition of traditional uses, on federally managed lands, by land grant-merced communities and to provide for greater consultation between federal land management agencies and land grant-merced and acequia governing bodies. The Act would require federal land management agencies to issue guidance on how land grant-merced communities can access and use natural resources, for traditional use purposes, on federally managed lands located within their patented and/or historical-traditional use boundaries. Traditional uses include: use of water; religious and cultural use, gathering of herbs, wood and other botanical products; grazing; hunting and fishing; and soil and rock gathering. The Act would also provide land grant-merced governing boards the opportunity to negotiate historical-traditional use boundaries with federal land management agencies in



order to identify their traditional use areas located on federally managed lands. This will provide for the management of those areas in a manner that is consistent with the protection traditional uses and their related natural resources. Along those lines the Act would also require federal land management agencies to consult with land grant-merced and acequia governing bodies whenever there are any proposed actions that require a National Environmental Policy Act (NEPA) review, to ensure there are no adverse impacts on traditional uses or associated natural resources.

If you would like more information on H.R. 3682 please visit the New Mexico Land Grant Council Website [lgc.unm.edu](http://lgc.unm.edu) and click on the legislation tab.

## Update on HB 88-Auction Closed

On December 13<sup>th</sup>, representatives of the Town of Tomé Land Grant arrived at the Valencia County Courthouse to begin purchasing tax delinquent land on the former commons as part of House Bill 88 (2018). After registration, an employee of the New Mexico Taxation and Revenue Department notified the public that the auction had been cancelled due to a restraining order. The Department of Taxation and Revenue's legal counsel had made the final decision moments before the auction was about to be conducted. This restraining order was a part of the current lawsuit that was filed as *Valley Improvement Association, Inc., Cibola Land Corporation, v. State of New Mexico, acting by and through the Taxation and Revenue Department and the Division of Finance and Administration*. We currently do not have any more information if this auction being rescheduled or where the lawsuit is currently. We hope to provide an update in an upcoming issue.

# New Mexico Land Grant- Merced Consejo

## Update

### A message from Consejo President Andrea Padilla:

On behalf of the New Mexico Land Grant/Merced Consejo, I would like to begin by thanking everyone that attended and/or contributed to a wonderful 2020 Treaty Day celebration at the Roundhouse in Santa Fe. As usual, the Consejo is busily advocating for land grants and it is paying off. Some of our most important recent achievements have been helping land grants get nearly \$2,000,000 in capital outlay money from the State of New Mexico. We have also supported and moved forward legislation to help land grants get legal aid and surveyor assistance. The Consejo has continued to push and support legislation that would give us traditional use rights and to grant us a guaranteed revenue stream. Every year, we host several luncheons and events, including the annual Treaty of Guadalupe Hidalgo Day at the Roundhouse, connecting elected officials with land grant leaders.

These efforts require a great deal of time and financial expenditures to cover travel, paperwork, research, food and awards. Our budget is being used up quickly. We would like to have a **raffle** to raise money to continue our work. We are requesting donations of items to raffle off. In the past, we have had wonderful donations such as firewood, alfalfa/hay, Yeti products, retablos, gift cards and cash. Please let us know as soon as possible how your land grant can assist us in this endeavor **by e-mailing the Consejo at [nmlgconsejo@gmail.com](mailto:nmlgconsejo@gmail.com), sending us a Facebook messenger at [facebook.com/nmconsejo](https://www.facebook.com/nmconsejo), or by calling me at 505.514.1797.**

The next Consejo meeting will be held **June 20<sup>th</sup>, 2020** at the Arroyo Hondo Arriba Land Grant near Taos. This is the Annual Meeting which means all membership dues need to be turned in this day or previously in order to stay a Consejo Member.

As always, there will also be youth programming at the Consejo Annual Meeting, **so please bring your youth.**

## Membership Benefits

- 2 representatives of your land grant will be allowed to attend the annual Legislative Luncheon where senators and representative of the Land Grant Interim Committee will be present.
- You will receive a Treaty Day Pin at the annual Treaty Day celebration at the Roundhouse
- Your Land grant will be placed in the drawing for the 2021 Treaty Day Lapel Pin design.
- Your grant will be an official member of the Consejo on all printed materials.
  - Membership Dues are \$200 per land grant, \$50 per individuals for one year.
  - If you have any questions about membership into the Consejo feel free to contact us at [nmlgconsejo@gmail.com](mailto:nmlgconsejo@gmail.com) or call Consejo President Andrea Padilla at 505.514.1797.

## Land Grants, Acequias and the Law - Continuing Legal Education Workshop



### *Land Grant Studies Program*

- *Land Grants, Acequias and the Law* is part of ongoing collaboration between the Land Grant Studies Program and UNM Law School's Natural Resource and Environmental Law Clinic, and is presented in partnership with the Utton Transboundary Resources Center, New Mexico Legal Aid and the New Mexico Acequia Association. This one-and-a-half day workshop is geared towards judges, attorneys, and students and is open to members of the public. All are welcome to attend one day or both days; discounted pricing is offered for two day attendance. Special keynotes will be delivered by Representative Miguel P. García and the New Mexico Attorney General's Office.
- This event was postponed due to the Coronavirus Pandemic and State restrictions that were in place. This event will be rescheduled for some time in the summer or early fall. Any information on this event will be send out through the Consejo and Council Listserv.
- If you have any questions about registration or would like to see a draft agenda, please contact Arturo Archuleta ([carchuleta02@unm.edu](mailto:carchuleta02@unm.edu)) or Jacobo Baca ([jacobobaca@unm.edu](mailto:jacobobaca@unm.edu)) of the LGSP or Lauren Rust of the Utton Center at [rust@law.unm.edu](mailto:rust@law.unm.edu)

## Congrats and goodbye to our student staff. We'll miss you!

As the 2019-2020 academic year comes to a close, we would like to give a huge shout out to our students, Cheyenne Trujillo and Vidal Gonzales, both of whom will be graduating this semester. It has been a pleasure to work with these bright young individuals and we thank them for the years they have worked with the UNM Land Grant Studies Program.



**Vidal Gonzales:** An heir of the Cañón de Carnué Land Grant and Santa Clara Pueblo native, Vidal began working with the LGSP in the Spring of 2018. His work ethic, honesty and attention to detail immediately impressed the Council and LGSP staff and his thirst for knowledge and grounding in traditional ways pave a bright future for this young man. Vidal will graduate with a BA in Anthropology with a minor in Political Science. He plans to move back to his native Santa Clara Pueblo (Kha'po) after graduation and continue working with the National Park Service.



**Cheyenne Trujillo:** We have had the pleasure of working with Cheyenne for the past five years. She started with us as an undergraduate and continued with our office as she pursued her graduate degree in Public Administration with a concentration in Public Management. Her years of passionate work and community outreach have been very valuable. She will be missed as she starts a new chapter in her life at the University of New Mexico's Law School in August. We wish her the best of luck and look forward to having a future lawyer who will fight for our land grant communities in New Mexico!

## Land Grant Spotlight:

# Arroyo Hondo Arriba Community Land Grant

The Arroyo Hondo Grant was a community land grant made by the Governor Albert Máñez on April 2, 1815. For unknown reasons the upper village chose to separate from its original mother grant; therefore on May 27<sup>th</sup>, 1823 Don Vicente Trujillo, Alcalde of the Pueblo of San Gerónimo de Taos, per mandate of Governor Don Juan Antonio Viscarra, gave title and possession to 18 settlers of the upper village who chose the name San Antonio to distinguish themselves from the original Arroyo Hondo village.

A number of name changes have occurred over generations resulting in the formal name of Arroyo Hondo Arriba Community Land Grant. Its board consists of six members elected each year. Its original size, which was approximately 2 square miles, has been reduced to one third of this over time. Some lands were transferred to private ownership in the 1930's depression era and others were lost through quiet title lawsuits in recent generations.

The land grant is just 8 miles west of the Taos Ski Valley (TSV) which has caused countless economic, tax, legal and developmental gentrification struggles to maintain ownership over the past several decades. Examples are land loss to luxury housing development on lost *merced* land, the 1970's Condo Wars and now current TSV devastation of the Rio Hondo head waters and their sewage treatment needs for projected limitless development. The historical documents of the land grant, such as the 1914 land grant meeting minutes asserting separation from the previous mother grant and a final degree of ownership from a 1980's lawsuit, have been preserved despite the arson of 3 local businesses that housed documents in the 1960's and through research in the archives of the Taos Assessor and other county government departments.

Recent projects focused on the restoration of our *morada* within our land grant boundaries and collaborating with local villages of San Cristóbal, Gallina Canyon and Valdez to receive US Forest Service funds to harvest 300 acres of wood over 3-year thinning project. This Cerro Negro Project adopted governance structures from the local acequia and merced organizational and cultural-historical procedures, forming a six-member commission and appointing a *mayordomo* to oversee the work. Currently, Arroyo Hondo Arriba is one of several *mercedes* which are considered "Partition Land Grants," ineligible for New Mexico political subdivision status and are therefore denied access to state capital funds which could help regain ancestral lands crucial for our sustainable community's existence.

As with many *mercedes* across our state, being comprised of a few dozen members to address necessary quiet titles, title insurance and address frequent "modern development" tourism pressures are infinitely arduous, reflecting our states complex historical past while providing a crucial example for preserving our local *Indo-Hispano/Mestizo/Genizaro* cultural livelihood for future generations.

If you would like more information on this land grant-merced and all the amazing work they are doing for their community, you can contact them at: [drsarguello@q.com](mailto:drsarguello@q.com), [manito2@yahoo.com](mailto:manito2@yahoo.com), or [mavillarreal@hotmail.com](mailto:mavillarreal@hotmail.com).

