

Issue

001

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The Land Grant Forum

QUARTERLY NEWSLETTER OF THE NEW MEXICO
LAND GRANT-MERCED MOVEMENT

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Reviving the Land Grant Movement Newsletter

In September of 2018, the New Mexico Land Grant Consejo membership discussed the importance for unity and ensuring that land grants are informed about developments in the land grant movement. As you will see in this newsletter, the land grant-merced movement has been extremely active, advocating for federal and state legislation and working to serve the interests of more than three dozen land grants. Recognizing the need for effective communication, the Consejo board voted to bring back *The Land Grant Forum* Newsletter. Our title, *The Land Grant Forum*, honors the work of the New Mexico Land Grant Forum, an organization managed by Roberto Mondragón and Georgia Roybal that revived a statewide land grant movement and organized our land grant communities into a collective voice for justice. In this first edition of *The Land Grant Forum*, we will discuss recent action by the New Mexico Land Grant Council, who interfaces with local, state and federal entities on behalf of land grants. We will highlight the work of the New Mexico Land Grant Consejo and provide information on important upcoming events. This issue will also present an update on the work and services provided by the University of New Mexico's Land Grant Studies Program. We then take a look at land grant policy initiatives and state legislation that will be proposed at the 2019 New Mexico State Legislative Session, and recap recent Congressional Bills that were introduced in July 2018. Lastly, we will profile *La Merced de los Pueblos de Tierra Amarilla* in our "Land Grant Spotlight." The Tierra Amarilla Land Grant is actively pursuing the return of multiple properties within the historic boundaries of the Tierra Amarilla Land Grant, pursuing justice and the land rights that have long been denied to its heirs.

These newsletters will be sent through mail, email and posted on social media to update land grant heirs and members of the general public on what is occurring in the land grant-merced movement across New Mexico. We hope that they will inform the public on the contemporary status of land grants while notifying our people and the public of the activities of New Mexico's land grant entities. If any land grant has upcoming events or wants to bring awareness to an important issue occurring in your community, please to do not hesitate to contact Jacobo Baca (jacobobaca@unm.edu) or Cheyenne Trujillo (ctrujillo23@unm.edu) so we can post your story or issue in the next edition of the quarterly *Land Grant Forum*.

New Mexico Land Grant Consejo

Next Quarterly Meeting

The next Consejo meeting will be held in **March 2019** at the Cubero Land Grant in Cubero, NM. If you cannot attend make sure to send a proxy! The packets with agenda, past meeting minutes and proxies will be sent to Land Grant Leadership through mail about 3 weeks before the next meeting.

EVENT

ANNOUNCEMENT

Treaty of Guadalupe Hidalgo Day —February 2, 2019

The New Mexico Land Grant Consejo will once again host Treaty of Guadalupe Hidalgo Day at the New Mexico State Capitol (the Roundhouse) on Saturday, February 2, 2019. Entertainment will be provided by the folklorico and guitar clubs from Dolores Gonzales Elementary School. Please join to celebrate land grants and get updates on legislation.

Lifetime Service Award nominations are due January 5, 2019 - The purpose of the award is to recognize outstanding individuals for their hard work and dedication to not only their communities but to community land grants in general. Nomination forms can be obtained by e-mailing the Consejo at nmlgconsejo@gmail.com.



Consejo Executive Committee Members

Left to Right: Joaquín Argüello, Juan Sánchez, Andrea Padilla, Leonard Martínez, LM Garcia y Gríego, and Nancy López

Not Pictured: Melvin Apodaca

Background

The Consejo was established in 2006 as a consortium of community land grants from throughout New Mexico. It is a grassroots advocacy organization whose membership is comprised of representatives that are appointed by various community land grant boards of trustees. The Consejo focuses on the review, development, and endorsement of state and federal policies relating to improving the lives of community land grants heirs and advancing the overall status of community land grants. Policy initiatives include establishing the UNM Land Grant Studies Program and the New Mexico Land Grant Council, and promoting traditional use access to former common lands now managed by government agencies. The executive committee of the New Mexico Land Grant Consejo is also the governing board of directors for the Merced Land Education and Conservation Trust (MLECT) a 501(c)3 nonprofit organization whose mission is to provide support to community land grants. In the past the MLECT has served as a fiscal agent for federal and private foundation grants aimed at assisting community land grants.

New Mexico Land Grant Consejo
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Youth Committee

Created in December of 2016, the youth committee is an initiative of the Consejo board to encourage community land grant members to engage youth within their communities. This committee focuses on building upcoming leaders in the movement by educating our youth about the past and by teaching them the value of land, traditions land use, the protection of our water and a communal values. We encourage all land grant members to bring their youth to quarterly Consejo meetings to participate in youth programming. If you would like to be on the committee or have ideas or questions about this committee, contact **Venessa Chávez**, vchavez78@unm.edu and **Joseluis Ortiz**, dreamnewmexico@unm.edu, for more information.

Communications Committee

The communications committee is an initiative of the Consejo Executive to create effective communication to land grants. This committee has been meeting to discuss and work on press releases, newsletters, social media posting, updating letter head, updating contact information, etc. If you would like to join this committee contact committee chair **Joaquín Argüello** at joaquinmanito2@gmail.com or **Cheyenne Trujillo**, ctrujillo23@unm.edu

New Mexico Land Grant Council

Council Members



Left to Right: Juan Sanchez, Rita Padilla-Gutierrez, Macario Griego and Leonard Martinez

Background

The Council was created in 2009 by the New Mexico Legislature (NMSA 1978, §49-11-1). Its five councilors are appointed by the Governor. The general purposes of the Council are to provide advice and assistance to land grants, serve as a liaison between land grants and federal, state and local governments, and administer a land grant support program as well as the Land Grant Registry. By statute the Council can only provide support and assistance to community land grants that are political sub-divisions of the state or that are seeking that status. The Council is administratively attached to the Department of Finance and Administration but has a service contract with the University of New Mexico to provide staffing and administrative support to the Council. Council staff provide direct technical assistance to community land grants in a variety of areas including governmental capacity building, historical research, mapping and assistance with elections. The Council also funds a contract with New Mexico Legal Aid to provide free legal advice and assistance to eligible community land grants. In addition, the Council administers the Land Grant Support Fund which provides direct funding support to eligible community land grants for small capital purchases and the Land Grant Registry, in which all land grants that are units of government are required to register election results, the names and contact information of board members, and serves as repository for individual land grant information.

Next Meeting The Council will host their next meeting on **Friday, December 14th, 2018 at the 10:00am (Room 202) at UNM Science and Technology Park in Albuquerque, NM.** For information on the monthly meeting visit lgc.unm.edu

Contact Information

Website: lgc.unm.edu

Email: nmlandgrantcouncil@unm.edu

Briefing of Past Year's Activities

Legal Services:

This past year we provided multiple land grants access to legal assistance through our contract with the New Mexico Legal Aid Inc. The following land grants were helped through the work of Legal Aid attorney David Benavides: Abiquiú, with their water rights claim with the Office of State Engineer; Tajiique, with their lease for a waste transfer station with Torrance County; Tierra Amarilla, with their legal case for the return of land grant land; and San Antonio de las Huertas, with the review of their by-laws. If any land grant is in need of legal support, **please contact the New Mexico Land Grant Council at nmlandgrantcouncil@unm.edu.**

Support Fund:

The New Mexico Land Grant provides funding to political subdivision land grants through the Support Fund. In FY 2018 four land grants were given money based off their needs expressed in the Support Fund Application. The land grants were: San Antonio de Las Huertas for building materials for the Oso Recreational area; San Miguel del Bado for kitchen supplies and utilities to support their community center; Juan Bautista Baldés for fencing material; and Tomé for a printer, advertising material and signage.

FY 2019 grants have been awarded to the Anton Chico Land Grant, San Antonio de las Huertas Land Grant, Town of Tomé Land Grant and the Chililí Land Grant. The Council will accept support fund applications for FY 2020 in the fall of 2019. All information regarding the support fund (guidelines, application and brochure) can be found on the website (lgc.unm.edu) or you can email us for the documents.

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Land Grant Legislation & Policy Update

STATE LEGISLATION

As a new administration is coming in and the New Mexico State Legislature convenes a 60 day session in January, the Council and the Consejo promote legislation that will support the sustainability and growth of our land grant-merced communities. The Legislature will consider many pieces of legislation, including those that were passed by the legislature but not signed by the current administration. The Land Grant Interim Committee completed its session in November and endorsed a dozen draft bills and memorials. Below are policy initiatives and legislation the Consejo promotes and urges all land grant communities to support.

- Guaranteed Revenue Stream for Land Grant-Mercedes.
- Increased Funding for Land Grant Support Programs, like Treaty Division, NM Land Grant Council and UNM Land Grant Studies Program.
- Special tax assessment rate for vacant land grant common lands
- Appointment of community oriented individuals to relevant positions within the Executive
- Tuition waivers for law students that commit to provide legal services for land grants, acequias and colonias
- Amendments to the land grant election code
- Amending laws to make land grants eligible for Department of Transportation hardship auctions

HB 88 AND TOME - A POSITIVE IMPACT ON HISPANIC CULTURE

House Bill 88 was passed and signed by the governor during the 2018 Legislative Session. The bill provides several mechanisms to return historic and cultural lands back to land grants, adjoining Pueblos or other non-taxable entities while closing a portion of the property tax gap in New Mexico.

What does the bill do?

- Defines "Abandoned Real Property" in failed subdivisions and differentiates it from typical delinquent property.
- Protects existing owners by requiring title research and notice to be sent for "Abandoned Real Property" prior to sale at auction or through "Right of First Offer." The department is obliged to undergo exclusive good faith negotiations with the rights holder before offering abandoned real property for sale to the public.
- Allows for the sale of "Abandoned Real Property" via "Right of First Offer" to a land grant or other nontaxable entity like a tribe or pueblo before being offered for sale via public auction.
- Allows the NMTRD to reduce the sales price below the total amount of base tax, penalty, interest, and state cost, meaning Tome can purchase their historical and cultural land back at potentially discounted prices.

A Big Problem: A significant amount of delinquent properties in New Mexico are part of failed subdivisions that date back to the 1960s. Many have been in arrears for 10, 20, and 30 years or more. There is little to no hope for resolution through the current legal processes. These failed subdivisions are an artifact from a time in New Mexico when Land Grant property was sold to developers with the promise of beautiful homes, country clubs, and economic development. Some of the larger subdivisions, particularly Rio Rancho were overwhelmingly successful. Others, sadly, didn't realize their promise. In the case of the Tome Land Grant, the failed Rio Del Oro subdivision changed their lives for more than half a century. House Bill 88 attempts to address all this.

Currently, Taxation and Revenue has an opportunity to return a significant portion of these lands to the Tome Land Grant. They hope to do even more for other land grants, tribes, and pueblos in the future.

Tome Land Grant - Impact
Any property sold to Tome helps them reclaim their history and has a positive impact on their economic development and Hispanic culture in general. It also represents a narrowing of the tax gap and will provide the taxpayers of Valencia County with much needed revenue.

If you have any questions regarding the bill and its impact, please contact the Property Tax Division at **505-827-0871**.

TAXATION & REVENUE
NEW MEXICO

FEDERAL LEGISLATION

For the past several years, the Land Grant Council and the New Mexico Land Grant Consejo have been working with land grants-mercedes throughout the State and with the Congressional delegation to develop federal legislation that addresses historical injustices resulting from the incomplete implementation of the Treaty of Guadalupe Hidalgo.

All documents concerning these bills can be found at the New Mexico Land Grant Council Website, lgc.unm.edu

H.R. 6487

On July 24th,, Congressman Ben Ray Luján introduced the "Land Grant and Acequia Traditional Use Recognition Act" (H.R. 6487), which provides for greater consultation between the federal government and New Mexico's land grants-mercedes and acequias. If passed, land grant-merced communities in New Mexico would, for the first time, receive federal recognition of traditional uses (such as fuelwood or herb gathering) on former common lands managed by federal agencies.

[see briefing paper on Land Grant History and Current Legislation at lgc.unm.edu]

H.R. 6365

On July 13th, Congressman Steve Pearce introduced the "Treaty of Guadalupe Hidalgo Land Claims Act of 2018" (H.R. 6365), which would examine the impact that the unjust adjudication of the land claims had on land grant-merced communities. Representatives of the governing bodies of land grants-mercedes would have an opportunity to appear in front of a commission to present how the loss of land to the federal government has impacted the economic, environmental, and social well-being of their communities. The commission would then make recommendations for restitution to Congress, including possible land returns. *This bill passed the House Committee on Natural Resources.*

UNM Land Grant Studies Program

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BACKGROUND

The LGSP was established in 2008 at the University of New Mexico through funding appropriated by the New Mexico Legislature. The mission of the LGSP is to provide research, analysis, and dissemination of information relating to community land grants through public outreach to mercedes and the broader community as a whole. Activities include the research of historical documents at local, national, and international archives relating to land grant claims, adjudication, and government policies. It has developed maps of patented, historical and traditional use land grant boundaries. The LGSP also engages in oral history research, organizes workshops, provides targeted technical assistance, and background briefings for elected officials and agency staff. It hires student interns with an eye toward developing their skills and engaging them in New Mexico's rural communities.

CURRENT WORK

The UNM Land Grant Studies Program is currently working on a projects for different land grant communities. Members of our staff are currently writing a historical background of water usage for the Abiquiú Land Grant. They are also working on digitizing historical records for the Town of Tomé Land Grant, including marriage and baptismal certificates. Lastly they have been working on the genealogy and archival records of the San Antonio del Río Colorado Land Grant. If you need assistance with records or research regarding your land grant, feel free to reach out to the UNM Land Grant Studies Program for advice and assistance.



WELCOME!

The Land Grant Studies Program is proud to announce our newest office staff for this coming year. We have hired two part time youth coordinators, Venessa Chávez and Joseluis Ortiz . We are excited to get our Land Grant youth program off the ground. They will be working closely with the New Mexico Land Grant Consejo Youth Committee for programming throughout the state for youth involvement. We also have two student research assistants who have joined our program, Vidal Gonzales and Augustine Montoya. Vidal and Augustine are working to digitize the Spanish Archives of New Mexico for individual land grants.



Venessa Chávez



Joseluis Ortiz



Vidal Gonzales



Augustine Montoya

Land Grant Spotlight: Tierra Amarilla

Historical Background

The Tierra Amarilla Land Grant was issued by Mexico in 1832 as a community land grant-merced to Manuel Martínez and dozens of unnamed settlers. It was not issued as private grant to Manuel Martínez but named him as the principal petitioner (*poblador principal*), as was common in grants made under both Spain and Mexico. When granted by Mexico, the Tierra Amarilla Land Grant boundaries encompassed an area that was approximately 600,000 acres in size. The vastness of the grant ensured that settlements established within the land grant would have sufficient common lands to graze livestock and pull the natural resources necessary to sustain the communities. These communities also served as buffer communities, protecting interior settlements from Indian raids. In total there were seven original distinct communities established within the land grant boundaries: Tierra Amarilla, Barranco, Los Ojos, Ensenada, Brazos, La Puente and Las Nutritas.

In 1856, Francisco Martínez, the son of Manuel Martínez, petitioned the first Surveyor General of New Mexico, William Pelham, for confirmation of the Tierra Amarilla Land Grant, not as a community grant, but as a private grant to his family. The Surveyor General reviewed the claim and found that Tierra Amarilla was a valid grant. He noted, however, that it was not issued as a private grant but rather as a community grant. Congress acted on the recommendation but failed to confirm it as a community grant and instead confirmed it as a private grant to Francisco Martínez in 1860. By 1861 the community, having become aware that Francisco Martínez was claiming sole ownership of the land grant, appealed to the Surveyor General asking that he clarify their property rights as settlers in the land grant. These were rights that under Mexican law would have been equal to that of Francisco Martínez since they were the unnamed settlers that accompanied the Martínez family in settling the grant. This request went unanswered. However, in response to mounting pressure from the community, Francisco Martínez began in 1863 to issue deeds, known as *hijuelas*, to 130 individual private allotment owners that had also settled the land grant. All of these deeds included language that guaranteed the *hijuela* owners rights to pastures, waters, wood, lumber, watering places and roads, declaring them as free and common. With the *hijuelas* issued, the Martínez family (which was comprised of six brothers and two sisters) then claimed a 1/8th ownership of all of the common lands. By 1864 Anglo land speculators were claiming ownership of the common lands in the land grant by virtue of the fact that they had purchased the fractional interest from one of the Martínez siblings. The land grant was not surveyed until 1876 and it encompassed an area of 595,515.55 acres that spans the New Mexico - Colorado border.

WHAT ARE THEY DOING TODAY?

The *Merced de lo Pueblos de Tierra Amarilla* is currently fighting to reclaim stolen land in partnership with the New Mexico Attorney General's office and with valuable assistance from the UNM Law School's Natural Resources Law Clinic. They are also working with the New Mexico Department of Game and Fish for the return of Laguna de Campo, which they will continue to operate for the benefit of the communities of the Tierra Amarilla Land Grant. If you would like to know more about this land grant please contact their president Steve Polaco at sjpolac@gmail.com

Current Board Members

President: Steve Polaco

Vice-President: Belarmino Archuleta

Secretary: Lisa Martínez

Treasurer: Melvin Apodaca

Sergeant at Arms: Charlie Chacón



ABQJOURNAL.COM
AG seeks to void land transfer away from historic land grant group

<https://www.abqjournal.com/1198046/ag-seeks-to-void-transfer-from-historic-land-grant-group>



http://www.wildlife.state.nm.us/download/commission/minutes/2017/MIN-Game-Commission-08_24_2017-FINAL.pdf