



# New Mexico Land Grant Council

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April 16, 2020

Congressman Raúl Grijalva  
Chair  
United States House of Representatives  
Committee on Natural Resources  
1511 Longworth House Office Building  
Washington, DC 20515

Congressman Rob Bishop  
Ranking Member  
United States House of Representatives  
Committee on Natural Resources  
123 Cannon House Office Building  
Washington, DC 20515

Dear Mr. Chairman Grijalva and Congressman Bishop, Ranking Member,  
House Committee on Natural Resources:

The New Mexico Land Grant Council is submitting this letter in support of House Resolution (H.R.) 3682, the Land Grant and Acequia Traditional Use Recognition and Consultation Act. The Land Grant Council is a state agency tasked with providing a program of support land grants-mercedes in New Mexico. Part of the Land Grant Council's statutory mission includes development and promotion of federal legislation for an appropriate congressional response to longstanding community land grant claims in New Mexico. In fulfilling this purpose, the Council over the past decade has been working with the entire New Mexico Congressional Delegation to develop federal legislation relating to land grants-mercedes. Spanish and Mexican land grants-mercedes are centuries-old communities in New Mexico that were recognized and established through a grant of land made by the Spanish Crown or the government of the Republic of Mexico between 1690 and 1850. These grants were to communities whose populations were comprised of both Hispanic and Native American inhabitants. They included thousands of acres of surrounding common lands that were to be utilized by local residents for sustaining themselves. Therefore, the natural resources found on the common lands, such as pasture for livestock, wood for fuel and construction material, and vegetation for medicinal purposes and nourishment have played an integral role the development of land grant-merced communities since their inception. Utilization of the common lands for traditional uses are cultural practices that still continue to this day and are part of very fabric of *nuevomexicano* identity.

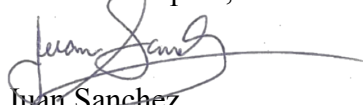
For many land grants-mercedes, the common lands were lost to the United States during the failed adjudication process set up for clearing Spanish and Mexican land titles in the Southwest, which was required by the Treaty of Guadalupe Hidalgo that ended the Mexican American War. Much of what was not lost directly to the United States public domain was taken by unethical attorneys during the adjudication process, where land grants presented their claim before the U.S. Surveyor General and the Court of Private Land Claims. Other land grants-mercedes lost portions of their grant through court decisions that misinterpreted the Treaty and Spanish

and Mexican law under which these lands were granted. Lands lost by these court decisions became part of the public domain and portions were included in federal forest reserves. The U.S. Forest Service expanded these reserves by purchasing stolen land grant common land from land speculators and corporations and continued restricting local community access. Though many of these purchases were done during the New Deal to ensure land grant-merced communities had access to these lands, the Forest Service and Bureau of Land Management again limited access when federal programs that funded these projects ended. Many of those land grants-mercedes that retained their common lands through the adjudication process are now bordered by federally managed public lands and are thus affected by the management decisions of the U.S. Forest Service and Bureau of Land Management. This is especially true when it comes to the catastrophic wildfires and bug infestations that do not respect fenced boundaries and wreak havoc on land grant-merced resources.

The New Mexico Land Grant Council, in conjunction with land grant-merced and acequia leaders, has worked for over 5 years with Congressman Ben R. Luján on the development of this piece of legislation. This Act represents a concerted effort to finally begin to address the longstanding and historic injustices that have plagued land grant-merced communities for nearly 175 years. H.R. 3682 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. Both land grant-mercedes and acequias are recognized in New Mexico statutes as political subdivisions of the State of New Mexico and are therefore considered local units of government. The Act would also 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 lands now managed as federal lands that are located within their patented and/or historical-traditional use boundaries. 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 on covered lands that require a National Environmental Policy Act (NEPA) review to ensure there are no adverse impacts on traditional uses or associated natural resources.

H.R. 3682 is an important piece of legislation that will ensure that our land grant-merced communities will retain access to the public lands that surround them. Ensuring access and consultation on these lands is important to not only maintaining the cultural identity of these communities but also to providing much needed resources, such as fuelwood, to economically disadvantaged communities that still rely on these resources for their very survival. We ask that the House Natural Resources Committee support H.R. 3682 and offer our assistance to help its passage.

Con todo respeto,



Juan Sanchez  
Chairman

CC:

Congressman Ben R. Luján, New Mexico, 3rd District  
Congresswoman Debra Haaland, New Mexico, 1st District