

**Statement of
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**House Committee on Natural Resources
Subcommittee on National Parks, Forests and Public Lands**

H.R. 5493, Land Grant-Mercedes Traditional Use Recognition and Consultation Act

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Thank you for the opportunity to provide testimony on H.R. 5493, the Land Grant-Mercedes Traditional Use Recognition and Consultation Act. H.R. 5493 provides for enhanced communication between the Federal government and certain communal land grant entities in New Mexico, called “land grant-mercedes.” The bill directs the Department of the Interior (the Department) and U.S. Department of Agriculture (USDA) to provide additional guidance on a variety of matters, including Federal permit requirements for historical-traditional uses, and associated fees. Further, the bill requires the Department and the USDA to consider those historical-traditional uses in Federal land management planning.

The Bureau of Land Management (BLM) understands the importance of working closely with New Mexico’s land grant-mercedes and appreciates the cultural and historical role they have played and continue to play throughout New Mexico. We support H.R. 5493, which aligns with the Administration's priorities outlined in E.O. 13985 *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government* and with the Secretary’s priorities to build healthy communities and economies and advance environmental justice. We also would like to work with the Sponsor and the Subcommittee on clarifying certain definitions in the bill.

The BLM defers to the USDA regarding any changes to the management of lands under its administration.

Background

A land grant-merced is a community, town, colony, or pueblo that includes certain land granted by Mexico or Spain. According to the Government Accountability Office, between the 17th century and 1848, Spanish and Mexican governments made 295 grants of land within what is today the State of New Mexico, including 141 grants to private individuals and 154 communal grants to communities to promote the settlement of these lands. The latter included 23 grants by Spain to indigenous Indian Pueblos. Most of the Federal lands within the traditional boundaries of land grant-mercedes are managed by the United States Forest Service, but some are managed by the BLM.

At the end of the 1845-1848 war with Mexico, the United States and Mexico signed the 1848 Treaty of Guadalupe Hidalgo (confirmed by the Senate in 1854). In the Treaty, Mexico ceded to

the United States, for \$15 million, lands that now include the States of California, Arizona, New Mexico, and parts of Utah, Nevada, Colorado, and Texas. The United States agreed in the Treaty to establish a process for adjudicating and recognizing land held by people within the lands newly acquired by the United States.

Today, the BLM consistently seeks ways to work more closely with land grant-mercedes throughout New Mexico. For example, the BLM has a liaison who interfaces with the New Mexico Land Grant Council, a state agency which represents the land grant-mercedes. The BLM liaison attends the Council's regular monthly meetings and keeps the council abreast of BLM activities that may be of interest to the land grant-mercedes throughout the state. The BLM also initiated a pilot process for online fuelwood permitting, which enables members from land grant-mercedes to apply for fuelwood permits online rather than requiring them to travel to obtain the permits in person.

Furthermore, the BLM invites those land grant-mercedes that are political subdivisions of the State of New Mexico to participate as cooperating agencies on planning efforts. This provides land grant-mercedes the ability to meet with the BLM throughout the planning process. For example, the San Joaquín del Río de Chama Land Grant is a cooperating agency on the BLM Farmington Mancos-Gallup Resource Management Plan Amendment. Additionally, the San Antonio del Río Colorado Land Grant and the New Mexico Land Grant Council have been cooperating agencies on the BLM Río Grande del Norte National Monument Management Plan.

H.R. 5493

Clarifying Permit Requirements (Sec 3)

H.R. 5493 requires, within two years of enactment, the Department and the USDA – in consultation with the New Mexico Land Grant Council, the governing bodies of qualified land grant-mercedes, and Indian Tribes – to develop written guidance pertaining to the management of lands within certain land grant-mercedes in New Mexico. Specifically, the guidance would describe the historical-traditional uses a community user or governing body of a qualified land-grant merced may conduct for noncommercial use on Federal land, as well as the activities that would require a Federal permit. The guidance would also clarify the permissible use of motorized vehicles and mechanized equipment for historical-traditional uses, and what is considered routine maintenance, or major or minor improvements to certain infrastructure owned or used by a qualified land grand-merced.

The bill specifies that the guidance also include policies and procedures for notice and comment on planning decisions, routine engagement, and major Federal actions that could impact historical-traditional uses of qualified land grant-mercedes. The bill directs the Secretaries where authorized to consider the socioeconomic conditions of community users and the annual operating budgets of governing bodies of qualified land grant-mercedes when determining whether to reduce or waive permit fees for historical-traditional uses.

The BLM supports the bill's provisions clarifying the permit requirements for qualified land grant-mercedes and traditional uses, including those for maintenance and improvements. We recognize the importance of the historical-traditional uses outlined in the bill to the land grant-mercedes communities and we also appreciate the goal of enhancing the communication of

Federal agencies with these communities. We would also welcome the opportunity to work with the Sponsor on some technical aspects of the bill. The BLM recommends the Sponsor provide a clear definition of "Federal Land" that does not include Federal Land held in trust for the benefit of Indian tribes or Pueblos. We would also recommend additional language to ensure that any Spanish grants that overlap with Tribal lands be excluded from the provisions of the bill. In addition, we would like to work with the Sponsor to clarify the use of the word "consultation" to ensure it does not conflict with the official Tribal consultation process.

Engagement in Land Use Planning Process (Sec 4)

H.R. 5493 provides for additional consideration for historical-traditional uses by qualified land grant-mercedes when developing land use plans. Under the bill, the Departments would be required to provide for and evaluate impacts to historical-traditional uses in developing, maintaining, and revising land management plans under the Federal Land Policy and Management Act of 1976 and the National Forest Management Act. Finally, H.R. 5493 states that none of the bill's provisions shall be construed to impact the State's authority to regulate water rights or the management of game and fish; to impact any valid existing right or valid permitted uses, including grazing permits; to create any right to graze on Federal lands; or to impact any rights reserved for an Indian Tribe or members of an Indian Tribe.

The BLM appreciates the Sponsor's efforts to encourage greater engagement and meaningful consultation with the qualified land grant-mercedes during the land use planning process and we support the overall goals of this section. We recognize and support the Sponsor's goal of ensuring the long-term cultural and socioeconomic integrity of the community and empowering those communities to pass on historical-traditional uses to future generations.

Conclusion

Thank you for the opportunity to provide testimony on H.R. 5493. The BLM appreciates the Subcommittee's interest in this important topic, as well as the valuable contributions that the land grant-mercedes have made to the culture and history of New Mexico.