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New Mexico Land Grant-Mercedes Historical or Traditional Use Cooperation and Coordination Act

One Pager

New Mexico is home to land grants (“mercedes” in Spanish) that were made to individuals and communities during the Spanish (1598-1821) and Mexican (1821-1846) periods of New Mexico's history. When the United States acquired New Mexico after the Mexican American war, it created a process for adjudicating and recognizing these property rights. In this process, most land grant-mercedes lands became Federal lands, but many community land grant-mercedes continued to access these lands with agency approval to sustain their historical or traditional practices.

Today, there are 27 community land grant-mercedes that are recognized as political subdivisions under New Mexico state statute. Federal agencies have consistently sought to work more closely with these land grant-mercedes, as the majority of them maintain historical or traditional uses on public lands managed by the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM). For example, both agencies have liaisons who interface with the New Mexico Land Grant Council, a state agency which represents the land grant-mercedes in New Mexico. These agencies also invite the Council and political subdivision land grant-mercedes to participate as cooperating agencies on Federal land use planning efforts.

The BLM and the USFS require the public, including land grant-mercedes, to seek authorization for certain public land uses, while other uses do not require authorization. The approval and permitting process is complex, and in the past confusion and lack of coordination have resulted in adverse impacts on the historical or traditional uses of political subdivision land grant-mercedes.

Accordingly, the New Mexico Land Grant-Mercedes Historical or Traditional Use Cooperation and Coordination Act:

- Directs the United States Department of the Interior (DOI) and Department of Agriculture (USDA), through a memorandum of understanding (MOU) with the New Mexico Land Grant Council, to clarify existing agency processes that qualified land

grant-mercedes may use to seek authorization for historical or traditional uses on Federal public lands, including permit requirements and associated fees;

- Clarifies that the MOU does not directly authorize any uses or activities on Federal public lands;
- Directs the DOI and USDA to consult with Tribes when the MOU is entered into, extended, renewed or revised;
- Ensures that the MOU contains a description of the notice and comment procedures on agency land management planning decisions, and that qualified land grant-mercedes, the New Mexico Land Grant Council, and Tribes are notified of opportunities to comment on and be involved in agency land management planning decisions; and
- Requires the DOI and the USDA to evaluate impacts on historical or traditional uses in Federal land use planning.