

Brief Oral Statement on H.R. 5493

before the

Subcommittee on National Parks, Forests and Public Lands on 3/1/22

Buenos días le de Dios, good morning, Chairman Neguse, Ranking Member Fulcher and members of the Committee. Thank you for the opportunity to provide testimony today on House Resolution 5493. My name is Candido Arturo Archuleta Jr. and I am here on behalf of the New Mexico Land Grant Council, a state agency tasked with providing support to land grant-merced communities throughout New Mexico and the New Mexico Land Grant-Merced Consejo, a grassroots organization whose membership is comprised of representatives of individual land grant-merced local government bodies. I belong to two land grants, La Merced del Los Pueblos de Tierra Amarilla on my father's side and La Merced del Manzano on my mother's side.

Land grant-merced communities were established between 1689 to 1854 through the granting of land from the Spanish Crown and the Mexican Government in what is now the United States' Southwest. Our communities were settled and populated by our *Mestizo* and *Genízaro* ancestors. When established our communities included surrounding common lands that provided the natural resources needed for the survival of the community. These common lands were never intended to be privatized nor alienated from the community's common ownership and use. In 1848, at the close of the Mexican American War, the Treaty of Guadalupe Hidalgo signed between the United States and Mexico, included provisions to protect the property rights of private citizens and communities existing in New Mexico. The United States had a treaty obligation to

recognize and uphold the titles to lands established by the prior sovereigns of Mexico and Spain.

Land grant-merced property claims in New Mexico were adjudicated over a period that lasted more than 50 years. The process was faulty, inefficient, inequitable, and in some cases fraudulent and corrupt, often times with U.S. federal government officials directly involved in the corruption. The end result of this injustice process was that millions of acres of common lands were stripped from the ownership of our local communities. Much of these former common lands are now managed by federal government agencies like the U.S. Forest Service and Bureau of Land Management.

The Land Grant-Mercedes Traditional Use Recognition and Consultation Act, is the product of over 10 years of work between our communities and the New Mexico Congressional Delegation. In December of 2020 during the 116th Congress, this same bill, then know as H.R. 3682, was passed by the House, but failed to make it through the Senate. The Act will provide for the recognition of longstanding traditional uses practiced by land grant-*merced* communities on federally managed lands. Under state law, land grants-*mercedes* are local government entities capable of entering into official consultation with the federal government. As traditional land-based communities we have longstanding practices and customs that are reliant on the use of the natural resources that surround us. These uses are engrained in the cultural fabric of our communities. Like our Native American cousins, accessing and protecting our traditional uses and associated natural resources on federal lands plays a critical role in ensuring the cultural integrity of our communities now and into the future. In the past, our communities have seen our access and traditional use needs ignored or stripped away completely by federal government agencies. Our communities are not opposed to the multi-use mission of federal

lands, in fact we believe that our traditional uses are compatible with most other uses found on Public Lands and in National Forests.

Being afforded consultation and involvement in the management of the natural resources surrounding our communities is vital to the overall health and the socio-economic well-being of our people. We rely on the forested uplands to provide sufficient water, for drinking, irrigating crops and watering of livestock. We rely on vegetation products like wild herbs and *piñón* nuts for cultural practices and medicinal purposes. Our communities have a continuous annual need to access fuelwood to heat our homes in the fall, winter and early spring. During economically challenging times, like those we've recently faced, firewood is a basic survival necessity, as many of our families cannot afford the high costs of propane and natural gas. Additionally, our communities continue to suffer from the loss of communal grazing opportunities on lands now managed by the federal government. Where in the past livestock grazing of communal pastures provided a guaranteed protein source for families, today these closed allotments mainly offer only aesthetics for an occasional hiker, when in reality both uses are completely compatible. Over the years our communities have been placed at odds with federal land management agencies not by our own choice, but as a direct result of having our traditional use needs ignored. Partly, because we are not always at the table when land management decisions are being made. The recognition and the consultation aspects of this bill are important first steps in addressing and rectifying historical injustices that have crippled our communities for over a century. For decades, our communities have suffered social injustice and economic hardships, as a direct result of being denied meaningful access to traditional uses on our former common

lands. The passage of H.R. 5493 would help ensure that federal land management policies and practices, regardless of changes in the administration, will honor, respect, protect and conserve our traditional uses, now and for future generations. Thank you Mr. Chairman, I now stand for any questions.