

Written Testimony
for
H.R. 4284 - “*Small Cemetery Conveyance Act*”
before
The House Natural Resources Committee, Subcommittee on Federal Lands
Hearing Date: September 18, 2025
Prepared by
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Director of Operations & Programs,
New Mexico Land Grant Council

This written testimony is submitted on behalf of the New Mexico Land Grant Council. The Council is a state agency established in 2009 by the New Mexico Legislature. Its statutory mission is to provide support, advice, and assistance to land grants and to serve as a liaison between land grants and the federal, state, and local governments. The Council is governed by a 5-member council appointed by the Governor of the State of New Mexico.

H.R. 4284, the “Small Cemetery Conveyance Act” provides a mechanism for conveying National Forest land, that has been or is currently being used as a cemetery, to qualifying government entities. The Act defines qualifying government entities as States, Indian Tribes, and local governments, including qualified land grant-mercedes. Land grant-mercedes are centuries-old local government entities established by the Spanish Crown or the Mexican government, between 1693 and 1854, for the purpose of encouraging and recognizing settlement in what is now the United States Southwest.

In 1848, the signing of the Treaty of Guadalupe Hidalgo (Treaty) ended the Mexican American War, and the United States established sovereignty over a vast area that encompassed all or part of the modern-day States of California, Arizona, Nevada, Utah, Colorado, New Mexico and Texas. In 1848 most land grant-mercedes were in New Mexico. The Treaty included

provision for the protection of property rights in the recently ceded territories. These properties included the lands surrounding land grant-merced communities that were held and used by the communities in common. These “common lands” were and are still utilized by the local community for both individual household needs and broader public purposes. Individual households use the common lands for purposes such as grazing and watering of livestock, cutting firewood and timber, wildcrafting, and extracting earthen materials like clay and rock. The broader public purposes of the common lands include the construction of churches (historically) and other government buildings (community centers, schools, administrative offices), and for designated uses such as public plazas and community cemeteries. The adjudication of land claims by the United States, as required by the Treaty, resulted in the loss of many millions of acres common lands utilized by local communities. This was the result of various factors, including: land speculation by corrupt U.S. government officials; the imposition of the American common law jurisprudence system on institutions and communities established under the Spanish and Mexican civil law system, which resulted in the inconsistent recognition of the nature and extent of land grant-merced common lands; and, the imposition of property taxes on common lands by the State of New Mexico after federal recognition and issuance of a land patent by the United States.

As a direct result of the various above mentioned factors, millions of acres of former land grant-merced common lands are now under the management and control of the United States. Mainly, this is either under the Department of Agriculture via the U.S. Forest Service (USFS) or the Department of Interior via the Bureau of Land Management (BLM). Since one of the numerous uses of these former common lands was for establishing community cemeteries there are now at least 18 known land grant-merced associated cemeteries located on federally managed

lands. This includes 4 known land grant-merced cemeteries on BLM managed Public Lands and 14 known land grant-merced cemeteries on USFS National Forest System lands (11 in the Carson National Forest and 3 in the Santa Fe National Forest). Many of these land grant-merced cemeteries are centuries old, some having been established as far back as the 1700s. A couple are more modern cemeteries dating back to the 1940s, these having been established through special use permits on National Forest System land due to the lack of available suitable land in the local community because of the earlier mentioned land adjudication process.

This bill, in part, aims to help bring those cemeteries that are located on National Forest System land back under the ownership, control and management of local qualified land grant-mercedes. To be qualified a land grant-merced must be recognized as a political sub-division of the State of New Mexico. This is done by official act of the State Legislature, where a land grant-merced is identified in statute, by name, as a political subdivision of the State. The State of New Mexico currently recognizes 28 land grant-mercedes as political subdivisions.

Lastly, the bill also provides the Secretary of the Department of Agriculture the discretion to waive the conveyance costs associated with the transfer of a community cemetery to a qualifying entity. This is a welcomed provision considering the warranted emotional backlash and public outcry the USFS would receive from local communities if they attempted to charge qualifying entities for returning the final resting places of their ancestors. These final resting places, many of which predate the USFS, were inadvertently and unintentionally made part of the National Forest System decades or centuries after these cemeteries were first established.



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September 15, 2025

Honorable Subcommittee Chairman Tom Tiffany
United States House of Representatives
Committee on Natural Resources
Subcommittee on Federal Lands
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Tiffany,

The New Mexico Land Grant Council expresses its support for the passage of H.R. 4284, the “Small Cemetery Conveyance Act.” This Act will provide an important mechanism for returning decades and centuries -old community cemeteries to the ownership and management of local communities. There are at least eighteen known land grant-merced community cemeteries located on federally managed public lands and National Forest System lands in New Mexico. These cemeteries hold both historical significance and spiritual value for our communities. They are the final resting places of our ancestors, and some of these cemeteries are still in active use today.

It is unfortunate that most of these cemeteries fell into the federal land management system unintentionally because of the land adjudication process that followed the signing of the Treaty of Guadalupe Hidalgo in 1848. Returning these cemeteries to the proper ownership of the local communities is long overdue and it will provide for better management, maintenance and protection. Who better to care for these sacred places than the descendants of the individuals buried in them. This bill is an important step forward in properly recognizing the relationship between land grant-merced communities and their former common lands now managed by the federal government. The State of New Mexico has for over 20 years recognized the local government authority of land grant-mercedes as political subdivisions of the State. The New Mexico Legislature has bolstered the State’s land grant statutes and has provided the necessary resources for today’s land grant-mercedes to successfully govern themselves and properly serve their local communities. There has never been a better time than now for the federal government to relinquish control of these historic and culturally significant sites back to their communities of origin.

Lastly, the Council is happy to see that the bill includes a provision that gives the Secretary of Agriculture the authority to waive the conveyance costs of these community cemeteries. This is an important tool that can spare local communities the insult of a financial burden for reacquiring these sacred spaces, that in many cases were wrongfully removed from their control.

For all of the above-mentioned reasons Council respectfully requests that subcommittee pass H.R. 4284, so that it may continue on to the next step in the legislative process. Thank you!

Con todo respeto,

A handwritten signature in dark ink, appearing to read "Juan Sánchez", with a long horizontal flourish extending to the right.

Juan Sánchez
Chair
New Mexico Land Grant Council



El Consejo de las Mercedes
P.O. Box 51865
Albuquerque, NM 87181

Mercedes September 15, 2025

Abiquiú United States House of Representatives
Anton Chico Committee on Natural Resources
Arroyo Hondo Arriba Subcommittee on Federal Lands
Atrisco 1324 Longworth House Office Building
Washington, DC 20515

Cañón de Carnué

Cebolleta

Chih'ene Nde Nation

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Los Vigiles

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Tecolote

Tierra Amarilla

Torreón

Town of Tomé

Dear Mr. Chairman Tom Tiffany and Congressman Joe Neguse, Ranking Member,
House Subcommittee on Federal Lands:

El Consejo de las Mercedes offers this letter in support of H.R. 4284, the **Small Cemetery Conveyance Act**. We are a statewide, grassroots land grant organization with a membership of more than two dozen Spanish and Mexican community land grants-mercedes. Since its founding in 2006, El Consejo has promoted land grant-merced interests at both the state and federal level, advocating for legislative and administrative policies that address the past injustices experienced by land grants-mercedes. Land grants-mercedes were granted by the Spanish Crown and Mexican Republic since the 1690s and represent the oldest non-Native American permanent settlements and the oldest democratic institutions in North America. Many of our land grant communities were settled by *genízaro* (detribalized Native American) and *mestizo* (mixed race) populations.

As community land grants-mercedes, we were granted thousands of acres that included common lands with vast natural resources used to sustain these communities and their residents. These lands were used for fuelwood and timber to heat and build their homes, to pasture livestock, and included water resources they developed to irrigate their crops, as well as flora and fauna for medicinal purposes and nourishment. Equally important among these uses were lands used for religious purposes, including *iglesias* (churches), *capillas* (chapels), *santuarios* (shrines) and *camposantos* (cemeteries), the subject of this very important bill.

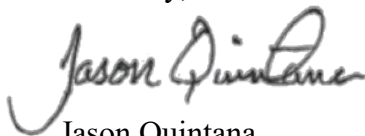
Land grants lost their common lands to the United States through a corrupt adjudication process that aimed to clear title to Spanish and Mexican grant lands. This necessary process was required by the Articles 8 and 10 of the Treaty of Guadalupe Hidalgo of 1848, but did not protect the title and property rights of these communities as it was supposed to do. The process was ripe for speculation, failing to protect from the designs of land speculators, unethical attorneys and corrupt federal and territorial officials when these claims were heard by the Office of the Surveyor General for New Mexico and the Court of Private Land Claims. The Surveyor General and the Court failed to properly consider Spanish and Mexican law in their decisions and common lands of community land grants became part of the public domain, including portions that were included in newly established 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. Many of these lands were purchased in the 1920s and by the 1930s that process accelerated through New Deal Programs like the Farm Security Administration and the Soil Conservation Service, which aimed to restore access to these land dependent communities. When projects were discontinued, the lands were transferred to the Forest Service and Bureau of Land Management and they again limited access, contributing not to the continued impoverishment and depopulation of many land grant-merced communities. These access restrictions inhibited our rights to maintain the sacred *camposantos* where we buried our ancestors and placed upon federal agencies the responsibility to issue permits for every single burial on active cemeteries on federal lands.

H.R. 4284 is an important piece of legislation to land grants-mercedes that are surrounded by federal lands, land grants like the Merced de Santo Tomás Apóstol del Río de Las Trampas (aka the Trampas Land Grant), whose communities have been *completely surrounded* by forest system lands since their stolen lands were purchased by the U.S. Forest Service in 1926. Enveloped by the Carson National Forest, communities on this grant have maintained small farm tracts since Las Trampas was established in 1751. The high elevation (~7,500 ft.) creates short growing seasons, obliging communities to work hard to maintain the small arable tracts for agriculture, leaving no room for creating new cemeteries. This single land grant has *three* cemeteries on forest system lands: the Las Trampas, El Valle and Chamisal Community Cemeteries. This legislation would allow their transfer to the Las Trampas Land Grant, which is a political subdivision of the State of New Mexico.

We respectfully ask that the House Subcommittee on Federal Lands and the Natural Resources Committee support H.R. 4284, allowing our land grant-merced communities to continue to maintain our cemeteries and pay proper respect to our ancestors.

Sincerely,



Jason Quintana
President

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El Consejo de las Mercedes is a statewide grassroots land grant organization with a membership of more than two dozen Spanish and Mexican community land grant-mercedes and the Chihene Nde Nation (Warm Springs Apache Nation) of New Mexico. Since its founding in 2006, the Consejo has promoted land grant-merced interests at both the state and federal level, advocating for legislative and administrative policies that address injustices that land grant-mercedes have experienced.
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