

Sustaining Land and Community Vitality

Using Modern Legal Strategies to Maintain Traditional Land Tenure and the Wisdom of Traditional Settlement Patterns

I'm going to talk about the whole aspect of how Chicano communities or Indo-Hispanic communities are going to survive in northern New Mexico. I think that what was presented this morning, in terms of family holdings to get the tax incentives for folks to put land in conservation, wouldn't work in a lot of northern New Mexico communities. The fact of poverty reduces the amount of benefit these folks would get, because resources are limited and farm plots are small in a lot of these traditional communities.

I was in a New Mexico acequia association last week when one of the members from Alcalde told me, "Moises, you guys in the Land Grant movement better get it together and start looking at how we're going to reclaim these land grant lands, because if it doesn't happen, the acequia's done." Because we're really looking at a limited amount of resources in a lot of these Hispanic/Chicano communities. Rio Arriba County, for instance, is 78 percent Hispanic and 12 percent Native American, and the biggest segment of the population is under the age of 22. So we're going to have significant growth, internally, not even looking at other kinds of

growth. If we look at the statewide population, the biggest ethnic group right now, in terms of the projected census, is the Hispanic population—it just hit 44 percent. It's a growing population, a very young population, living in communities where land and resources are very limited.

I want to talk a little bit about what our organization does. I also want to talk a little bit about how Rio Arriba is considering some different ways of how we might look at growth in the future and measures we can take to protect the acequias. I'm with an organization called the Mexicano Land Education and Conservation Trust. I kind of consider us a spin-off of the New Mexico Acequia Association. We were organized with the 22 land grant communities that still exist in managed communal property in northern New Mexico. These 22 land grant communities manage about 180,000 acres of land in northern counties. We also advocate for land grant communities. Our basic model is to work for the recognition of our community lands as a sustainable environment and for the respect of our land rights, as protected under the Treaty of Guadalupe Hidalgo. I think a lot of us look

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at that treaty as a binding contract dealing with our land and water rights in New Mexico. In terms of recognizing those historical rights, that concept of land and water management was a sustainable model. Look at a map of northern New Mexico around 1776, one that shows the different settlements, and you will see how New Mexico was settled around historic plazas and riparian corridors throughout the northern landscape. The land grant acequia settlement pattern is a model for sustainability, and I think we need to go back and take another look at it.

The first land grant community to be set up was the Santa Cruz de la Cañada in 1692. What was interesting about this model, in terms of Spanish and later Mexican planning, was this idea of the *ejidos*, the land grant, for communal grazing rights, use rights, wood gathering, the *ganados*, they called them, for pasturing your cattle or your sheep. The idea of the compact pueblo, or the compact plaza--the idea of the acequia--was set aside from the development for agricultural sustenance. Looking at the traditional model along with historical changes--because of things that have happened since World War II--northern New Mexico is in a state of flux right now.

So Rio Arriba County and the non-profit organization that I'm with are looking at how can we conserve resources. In Rio Arriba County, you see a pretty

typical development pattern off the irrigated lands, and then you have the *pasturas*. A lot of people say that most of Rio Arriba County is not significant farmland because it's mainly pasture grasses. But farming is one of our biggest industries. We're one of the largest cattle-producing counties in the state. Agriculture brings in a significant amount of income to the family ranchers in Rio Arriba. So without cattle, there isn't a whole lot of industry, except for service-sector jobs in Los Alamos and Santa Fe.

Therefore, agriculture is basically the mainstay of our economy. But we're under threat of limited space in these riparian corridors, and we're going to start feeling the pressure. I did a lot of work toward agricultural protection and zoning that attempts to avoid the impact of residential development on irrigated land. But given our landscape in Rio Arriba County, it's going to be a challenge to do that. You have communities going up the Rio Chama, where's there's not much more dry land available, and over time these are going to be impacted. Where are people going to live when most of the county is federal land? When the assessor was up here, he said there were about 2,200 square miles in Taos County. Rio Arriba County is 5,800 square miles, but over 70 percent of it is federal lands. So most of it isn't even available for use and natural growth.

And how did this structure change? Well, we all talk about the Treaty of Guadalupe Hidalgo acting as a guiding change in this part of the country. But we went from communities that were organized around having access to woodlands to being lands mainly managed by the federal government, where local communities don't have a say in how those lands are used. Let's look at just some of what these communities have experienced in their adjudications when this became part of the U.S. The Cañon de Carnuel just east of Albuquerque, had a 90,000-acre claim before the federal government came in, but when it was all said and done, they had 2,000 acres. East of Albuquerque to just into the canyon are the *ejido* lands--you have Tijeras and Carnuel down here and some going into San Antonio--but most of what was granted to the communities was lost to the highway. The Cañon de Chama land grant in Rio Arriba County had a claim against the government to recognize 90,000 acres. When it was all said and done, the size of the grant was 1,400 acres. I think that had to be paid to the lawyer for representing them. Basically, the people ended up homeless in Hernandez.

Given this land framework of Rio Arriba County, there are a lot of challenges in terms of federal land, and where there is private land--such as in Black Mesa--it's not necessarily the

best place to develop, because there are a lot of cultural resources there. So given our long-term planning, rather than impacting the green belt area to provide for growth, we're now thinking that we really need to look back at the purpose of the *ejidos* and the common lands of the land grants to really plan our healthy growth and how we need to look at long-term growth.

So how do we maximize going back to those old methods? At the Acequia Madre, it used to be legal to build below the acequia ditch. When I visit friends of my parents up here in Taos--I can tell you that just in my lifetime I've seen a lot of development around the Don Fernando River. And there's a lot of development even here in irrigated lands. It's not just something that's in Rio Arriba. How do we start maintaining and maximizing density and changing our way of thinking? Something we're looking at is cluster types of development and different ways to deal with affordable housing.

One of the problems in northern New Mexico right now is that manufactured homes makes up the majority of the housing. This is not wealth that the community or families can transfer to their kids. Another problem is the way the titles work out, because you know how we talked about how the Chicanos avoided taxes, or inheritance tax? Like when my Dad wanted to transfer lands,

they put us all in a joint-tenant deed. That way, when he passes away, it's left to all of us. But for local families around here, our titles are pretty complicated. And getting financing on communal/family holdings is pretty complicated. There's intent to that, because why give Uncle Sam this inheritance tax? But there is also the issue of land tenure in Hispanic families that I think is valid. So how do we use that concept to define solutions? Because if we don't, we're going to face some tremendous challenges.

Again, just showing you the land pattern of Rio Arriba, we do have some functioning land grants, such as the Truchas Land Grant, and the Abiquiu Grant. But in the Tierra Amarilla Grant, most of the county's private land is actually held by large landowners who live outside the state. When you drive through communities in El Rito, Vallecitos, Dixon or Pilar, you can see the stress that's going to be on those communities as they grow. As land values increase, it doesn't look good for the local indigenous community in terms of jobs and their ability to sustain themselves on the land.

In Rio Arriba County, we have the communities of Truchas and Chimayo. Truchas is a functioning land grant. Most of the lands are still held as an *ejido* and communal land; they use this for communal grazing. Also, because the land grant was an organized commu-

nity, they developed central community wastewater back in the '60s and stayed away from the impact of irrigated farmland. In Truchas, they can assign building lots for future families in the community. Compare this with Chimayo, part of the Santa Cruz de la Cañada Grant, which mostly became BLM land. Look what happened to development over time. If we don't get a handle on land reform and future development, there will be no more native varieties of the Chimayo chile. I don't know about you guys, but I love Chimayo chiles. To me, that's the most threatened endangered species we have.

The Government Accounting Office (GAO) is studying giving federal lands back to the land grants. Our organization, along with a lot of other groups--like the Wilderness Alliance, the National Wilderness Society and the Northern New Mexico Sierra Club--have taken a position of not robbing the public land but transferring land back to get us into some land reform. Then maybe we could set up trust funds so these communities have the ability to deal with affordable housing and community-based economic development. That's the solution to the drug problem in Chimayo. No one talks about that. No one talks about the fact that bad schools, no access to jobs and bad economies makes drugs look like maybe the best way to

make money among the younger people. We need to go back and talk about family values; let's talk about the environment, let's talk about community. To me, that should be the number-one conversation.

Any future development in the Embudo valley is going to impact agriculture in the Trampas Grant, as well as the Embudo Grant. What's important about the Embudo valley in Rio Arriba is that there are mainly only small farms--about two to three acres in size. But a large amount of truck farm produce, like apples and tomatoes, comes out of this valley. In fact, most of the farmers at the Grower's Market, the Espanola Grower's Market and the Santa Fe Grower's Market are from the valley of Rio Arriba. With this all being BLM land that was once the *ejido* of the Embudo Land Grant, any development here is going to impact that community's ability to sustain agriculture.

What's the solution? There are several actually. One is to create some new concepts in how lands are arranged in Rio Arriba County and northern New Mexico. What we're working on in our comprehensive plan is also what I think a lot of the land grant movements are looking at. Much of these lands are, in terms of annual units, significant to the community for grazing purposes. But what if we were able to get some of these sections, return them back to the historic land grant and

plot them for future development? Then, rather than developing them into irrigated farmland, we could put conservation easements on those lands and find alternative areas that could be built.

How many of you have driven through Cordova in the Truchas Land Grant? It is a very well-planned community. Cordova only has 200 acres of irrigated land, but through the land grant, they plotted out lots going up the hillside, and it's really like Italy. Those people have tried hard to not impact their irrigated farmland, and that's what we should be promoting. When people bring up land grant issues, everyone says, "Oh, these people are crazy," and they talk about the Courthouse Raid. But the land grant movement of today is about sustainability. That's one message I hope we can get out there.

Imagine a scenario where we have irrigated farmland and orchards--the Rio Grande, say, along the Rio Chama. What if we actually planned for growth within that whole Rio Chama area? We could have a town site where, for economic development, maybe agricultural goods could be sold; for community development, we could plan future school sites, senior housing, affordable housing and single-family detached housing that the land grant could manage. Then as growth occurred, the town site could have these areas as receiving zones for

development, and the farmland would be undisturbed. So those are some of the things Rio Arriba County's working on--but it's also something that our organization is working on.

One of the bills under consideration right now in the state legislature that's getting a lot of attention actually was put on call by the governor. It's the revision of land-grant governance. Again, there are 22 land grants throughout northern New Mexico. Right now, we're considered like the acequias, but we're a quasi-municipal entity. The bill, Senate 142, actually proposes that the community land grants get political subdivision status so we can start working with the state on capital outlay, in terms of building infrastructure to facilitate affordable housing.

We just got a grant from HUD to do housing plans in six land grant communities: Carnuel, Truchas, Tecolote, Cundiyo. We'll be looking to see how these land grants could set aside a little bit of their communal lands to start providing affordable housing and economic development. Why is this important? We could talk about land conservation, but look at what's happening in your community. If you're in the Taos area and you have ten acres of lush, irrigated land, you say, "Well, I'm going to put this away." That's fine, and that's a good thing to do. But if you don't pay attention to what's happening to your neigh-

bors who may be trying to make as much as they can out of their land, well, if we don't pay attention to that, then all of the affordable housing may be mobile-home-type development. So you could save your site, but what's happening around you? That's why we need to think about conservation in a broader context. It's not just about putting your own land in a conservation easement or getting that tax incentive--it's about how healthy our community is as a whole.

