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## Preserving Traditional Land Use

By Kathy Pinto  
For The Journal

TAOS— Crestina Trujillo Armstrong's 50-acre ranch in San Cristobal north of Taos lies in a scenic valley with views all the way to Colorado.

Bordered on the east by the Sangre de Cristo mountains and surrounded on three sides by Forest Service land, it is the largest contiguous piece of prime, undeveloped farmland in San Cristobal.

Five years ago Trujillo Armstrong and her brother Jose Trujillo put most of their property into a conservation easement. She says she got tired of Realtors harassing her.

"They would just show up at my ranch with their buyers in tow," she said. "I told them it wasn't for sale. They said everything had its price and I said it wasn't for sale at any price."

One Realtor came back— again, unannounced— with another group of buyers, and the argument continued. "But you have so much land," Trujillo Armstrong says she was told. The Realtor told her: "All we want we want is one acre to build a house on."

"I went into the house, got my shotgun and told them to get off my property," she said.

According to the U.S. Census Bureau, in the last 10 years Taos County lost 29 percent of its farmland to development, compared to 18 percent nationwide.

The Taos Land Trust, a non-profit organization, was created to prevent development pressure from reaching the point where too much land is lost. Since 1988 the Trust has been helping landowners keep their undeveloped agricultural land holdings intact by acquiring development rights to all or a portion of the land. The trust creates and holds a Deed of Conservation Easement, which stays with the land it protects forever. To date, it has helped preserve approximately 15,000 acres of prime agricultural and scenic open land in Taos County.

Trujillo Armstrong, who is also a TLT Board member, says the easements are tailored to what each individual wants. Once they sell or give away development rights, they can stay on the land, maintain a profitable farm or ranching operation and still retain ownership and all the rights that accompany ownership, including the right to pass the property on to their heirs, or to sell it as they see fit.

"We plant the seed and hope it germinates, then we take it from there," she said.

Abenicio Romero and his late wife, Rebeca Wengert Romero, had deep roots in the Taos valley and had seen much change over their 80 years. They felt strongly about preserving the scenic open space they grew up with and placed 15 acres of their irrigated farmland in a conservation easement.

Said Abenicio Romero: "We just wanted something to stay the same."

"In many cases people don't think about a conservation easement until they suddenly get hit with a big property tax bill or estate taxes," said TLT's director, Ernie Atencio. "Having an easement shelters them from tax liabilities, including the majority of inheritance taxes."

The worst scenario can be when someone inherits, say, 30 to 40 acres. "After the old guy passes on, the kids are liable for estate taxes of 40 to 50 percent," said Atencio. He said that there

have been situations where families had to sell the land just to pay the taxes.

### **Development pressure**

"Ranchers and farmers are the most vulnerable to development pressure," Atencio said.

When money from second home and resort buyers artificially inflates land values, it puts a property tax burden on those trying to sustain a traditional livelihood. Land rich but cash poor, many farmers and ranchers don't have enough income to take advantage of tax deductions and credits and can't afford to donate their land for an easement.

"It's very tempting to sell out," Atencio said.

The trust is currently looking for ways to structure its work to make it more relevant to local socioeconomic and cultural realities. "We are now trying to focus on lower-income Hispanic farmers and ranchers," said Atencio. "But it's a slow process of building new relationships and trust."

Through another program— a newly created land, water and food security initiative— the trust hopes to target those smaller farms and ranches. This collaboration between the Taos Land Trust, the Taos County Economic Development Corp. and the Taos Valley Acequia Association will utilize their tools, expertise and networks in an effort to help traditional farmers and ranches be more productive, stay on their land and preserve their way of life.

While development rights are most often retired through a "donated" conservation easement, the trust is now able to "buy" development rights, thanks to subsidies from the U.S. Department of Agriculture. The USDA's recently established Farm and Ranchland Protection Program was created to keep productive farm and ranch land in agricultural use.

Under this program, the USDA provides 50 percent of the purchase price of development rights. The Taos Land Trust raises 25 percent of the price from contributions and the landowner absorbs the other 25 percent.

"He/she pockets 75 percent of his/her land's development value," said Atencio, "but gets to stay on the land, work it, and still maintain ownership."

Elsewhere in the West ranchers have banded together to resist sprawl and keep their landholdings intact. Since 1987, Colorado has lost 1.5 million acres of farm and ranch land to development, and in 1999 a group of ranchers from the Yampa Valley near Steamboat Springs formed their own land trust. The Colorado Cattlemen's Agricultural Land Trust has since helped more than 60 ranching families protect over 150,000 productive agricultural acres across the state.

Sometimes Trujillo Armstrong begins her day at 4 o'clock in the morning and goes until 10 o'clock at night.

"I love what I do," she said. "I may not have everything I want but I have everything I need." Then she thinks: "What do I need? Actually, nothing."

### **If you go**

**WHAT:** Free workshop for agricultural landowners on preserving family land or wealth through estate planning and conservation easements.

**WHEN:** 1-4:30 p.m., Jan. 22; event starts at 12:30 p.m. with screening of the film "Nuestras Acequias."

**WHERE:** Juan I. Gonzales Agricultural Center in Taos.

**CONTACT:** Taos Land Trust at 751-3138 or log onto [www.taoslandtrust.org](http://www.taoslandtrust.org).

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