

Land Grants of New Mexico and the United States Forest Service

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Introduction: The U.S. Forest Service (FS) has a long, shared history with the Spanish and Mexican land grants of northern New Mexico. The Treaty of Guadalupe Hidalgo, which ended the war between the United States and Mexico, was supposed to recognize and respect the property rights of the resident Hispano population. In many cases the intent of the Treaty was not honored. During the land grant adjudication processes after U.S. conquest of the region in 1848, much community land from these grants was declared public domain, eventually becoming part of the northern New Mexico national forests. Other grant lands went into private ownership and were later sold to the government. While some fraudulent claims were rejected, many legitimate claims were also rejected. Claims from families who had farmed and ranched their land for generations were denied because of lost, incomplete, or inconsistent documents (Eastman, 1991). Some villagers lost confirmed land because they were unable to pay land taxes under the American system of monetary payments. Land grant loss remains an issue of bitter controversy.

Methods: During the first phase of our research, we asked 62 ranchers who pay to graze their animals on the national forests (permittees), many of whom are land grant heirs, about their views on the effects of implementation of the Treaty of Guadalupe Hidalgo (Raish and McSweeney, 2003) and land grant loss. During the second phase of our research (2004-06), we interviewed 238 additional permittees concerning their association with land grants, 121 of whom were aware of family participation in a land grant. According to these ranchers, loss of access to land and water resources threatens their livelihood and also attacks the social and cultural fabric of their rural Hispanic communities. To understand the policy of the Forest Service toward land grants and land grant communities, we consulted Regional lands staff and others from the Santa Fe and Carson National Forests, who were recommended for their knowledge of land grant issues. We sought to examine both “official” policy and personal views of Agency employees, some of whom are from the local area.

Results: A long-requested government study on land grant loss (GAO Report, 2004) concluded that there is no basis for (land loss) relief because the Treaty was implemented in compliance with all applicable U.S. legal requirements. Land grant heirs and activists were deeply disappointed with the findings, referring to them as a “whitewash” and “a slap in the face.” Activist groups have recommended relief measures to both the U.S. Congress and the Forest Service. Recommendations to the FS include: (1) recognize the cultural and economic viability of land grant communities, (2) establish a land grant liaison position (3) add a land grant heir to the Collaborative Forest Restoration Program (CFRP) review board, and (4) provide Memoranda of Understanding (MOUs) with land grants concerning access to resources such as firewood and forage (Raish and McSweeney, 2008).

Conclusion: The policy of the FS is to support the conclusions of the 2004 GAO Report. However, the Agency has responded to land grant concerns by adding a land grant member to the CFRP Review Board with a land grant liaison position under consideration. Many local FS employees express support for the resource needs of northern New Mexico communities. They suggest specialized training in local culture for new agency employees, as well as resource-use coordination between the northern forests. A Santa Fe FS employee said, “We must have people here who are very connected to the land and understand northern New Mexico needs, lifestyle, culture and tradition.”

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