

Tierra Amarilla Land Grant

Proposal for Traditional Rights

The Road to the Return of Common Lands

- ◆ The Tierra Amarilla Land Grant encompassed 594,515 acres of common land
- ◆ 10,400 of those acres were original *Hijuelas* = 1.7% of the total common lands belonging to 132 original families
- ◆ *Currently we hold: ZERO acres of common lands.*



Historic Facts

- ◆ Citizens from the community of Abiquiú submit 4 petitions to Spain and Mexico for the Tierra Amarilla Land Grant-Merced. (1814 – 1832)
- ◆ Royal Deputation issues the Merced as a community grant to Manuel Martinez & others. (July 1832)
- ◆ Manuel Martinez, *poblador principal*, dies. (1844)
- ◆ Francisco Martinez, son of Manuel Martinez, submits petition the U.S. Surveyor General of New Mexico William Pelham claiming ownership of Tierra Amarilla Land Grant (July 1856)

- ◆ Surveyor General Pelham recommends approval of land grant, notes in report to Congress that pastures, watering places and roads are to remain free and common. (1856)
- ◆ Congress approves the Tierra Amarilla Land Grant as New Mexico private land claim #3. (1860)
- ◆ Francisco Martinez, son of Manuel Martinez, issues deeds known as "*hijuelas*" to 132 families already living on the grant in 7 distinct communities. (1860-1865)
- ◆ *Hijuelas* guarantee the rights to free access to common lands for pasture, water, firewood, timber and roads.

- ◆ Francisco Martinez dies (1874)
- ◆ Upon death of Francisco Martinez Thomas B. Catron and his associates immediately begin to acquire an interest in the Land Grant from the heirs of Francisco Martinez
- ◆ Office of U.S. Surveyor General of New Mexico surveys the Land Grant and finds it to contain 594,515 acres of land. (1876)
- ◆ Thomas Catron works with U.S. Surveyor General Of New Mexico Henry Atkinson (a corrupt U.S. official, land speculator and know business partner of Catron) to have a patent issued solely in the name of the deceased Francisco Martinez, his heirs and assigns, and no other original petitioners. (1881)

- ◆ Thomas B. Catron files a quiet title suit against the heirs of Francisco Martinez for ownership of the Tierra Amarilla Grant. (1883)
Catron names only direct heirs but fails to name any of the other 132 families in his lawsuit
- ◆ Community continues to use the common land practices described in the Patent. (1814-2020)
- ◆ Catron and his son sells the entire land grant common lands to the Arlington Land Co. (1909)

- ◆ Arlington Land Company, owned by Midwest Financiers including a U.S. Congressman, begin to break up and sell the land grant common lands to different individuals. (1913)
- ◆ The Chain of Title to the Sargent, Rio Chama and Humphries Wildlife Management Areas all stem from Arlington Land Company sell of common lands.

- ◆ Ed Sargent and TD Burns enter sheep and cattle sharing agreements with local settlers (partidos) and buy interests of the land grant, not telling settlers that they were the new owners of the common lands; settlers continue to occupy common land not knowing what had happened. (1920's -1945)
- ◆ Ed Sargent, T.D. Burns and Ed Spill begin to fence off the common lands. (1950's)

- ◆ La Mano Negra of the Tierra Amarilla land grant conduct raids, cutting hundreds of fences and burning haystacks. (1930's – 1950's)
- ◆ The Board of Trustees of the T.A Grant gather monies to go to Washington D.C. to inform and complain about the happenings on their land grant to Senator Dennis Chavez. Senator Chavez told them to get out of his face. (1956)

- ◆ Community in accordance with State law gets approval from Rio Arriba County Commission to conduct an election of a Board of Trustees.
- ◆ The election was stopped by lawsuit filed by out of state companies that had bought from the Catron and Arlington chain of title. (1950's)
- ◆ Bill Mundy begins to gather settler's cattle grazing on the common lands and holds the cattle in corrals and begins to charge settlers for grazing. (1951)
- ◆ Land Grant community files several law suits seeking justice from the courts, justice denied (1950's - 1980's)

- ◆ Settlers in the early 50's were being told and warned not to be on the common lands and the cattle drive roads (callejones). Men women and children who were tending to their cattle and flocks of sheep or the gathering of fuelwood, choke cherries and herbs were threatened at gun point because they were trespassing. They were practicing the rights that were to be inviolably respected as a result of the Tierra Amarilla Land Grant Patent and the descriptive rights of the hijuelas. (1950 – 1990)
- ◆ The Payne Land & Livestock Company and Mundy & Mundy Inc. began to file in federal court law suits against the claimants who were issued Life Estates by the courts. The claimants were told by their attorneys that the lands belonged to them and now they could go on home and carry on with their lives. (1956) “They had no idea what the meaning of a life estate was, furthermore, they never signed any such agreement”.
- ◆ The Rio Arriba County Courthouse Raid. (1967)

- ◆ NMDGF Commission begin to purchase Humphries, sergeants and Rio Chama properties. (1968)
- ◆ NMDGF set restrictions on heirs and communities not to enter Humphries, Sargent's and Rio Chama properties. (1968)
- ◆ Ganados del Valle attempts to graze sheep on the Humphries but were denied. (1980's)
- ◆ Payne Land & Livestock Company and Mundy & Mundy Inc. sue heirs of Enetro Velasquez. (1974)
- ◆ Tierra Grande, Ensenada Resources and Chama Enterprises hire guards to prevent heirs from entering onto the common lands in the Ensenada area. (1980's)

- ◆ The Wheeler case involving a callejon (cattle drive) stagecoach road. (1980's)
- ◆ El Callejon de Canon de Roque, also known as Camino de los Pobladores, was a cattle drive route. (1980's)
- ◆ Vista de los Brazos -vs- Amadore Flores. Flores claims on Common Lands and wins case turning land over to community land grand heirs who form "El Consejo" to manage the property. (1988-1989)



Traditional Rights

The Rights of our the People

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deputation of New Mexico. Santa Fé, e

The most excellent deputation in session of
e foregoing petition, have been pleased to a
ticles :

1. The tract of the Tierra Amarilla is grant

On the 20th day of July, 1832, the most excellent territorial depu-
tation granted to Manuel Martinez and those who should accompany
him the land petitioned for under certain conditions therein contained,
and directed the constitutional justice of Abiquiu to place the parties
in possession of the land so granted, leaving the pastures, watering
places and roads, free, according to the customs existing in every
settlement.

w, by a prudent calculation, four or five taneg
them a deed of grant therefor.

3. That the pastures, watering places, and ro
rding to the custom prevailing in all settleme

206 years of Injustice

- ◆ The years of injustice can be seen through out the community of Tierra Amarilla and surrounding communities:
 - ◆ Substance abuse
 - ◆ Economical Sustainability
 - ◆ Poverty
 - ◆ Acute lack of opportunity
 - ◆ Out pricing of real-estate
 - ◆ Out migration

Sustaining Our Way of Life

- ◆ Pastures for livestock
- ◆ Watering places
- ◆ Road access
- ◆ Fuelwood and Timber
- ◆ Herbs and Plant Medicine
- ◆ Harvesting of Wildlife

Common Lands

- ◆ Ed. Sargent Wildlife Management Area - 20,208 Acres
- ◆ Rio Chama Wildlife Management Area - 13,239 Acres
- ◆ Humphries Wildlife Management Area - 10,951 Acres



Total: 44,398 acres

Only 7% of total common lands

The Reality

- ◆ Top- Dollar Real estate (locals can't stay locals)
- ◆ Drug epidemic
- ◆ Job Creation is scarce
- ◆ Quality of Education is watered- down

Our Proposal:

The Merced del los Pueblos de Tierra Amarilla proposes that legislation be drafted and endorsed by the Land Grant Interim Committee to provide for the re-establishment of traditional uses on and stewardship of the Sargent, Rio Chama and Humphries Wildlife Management Areas by the Merced del los Pueblos de Tierra Amarilla and its community members with the eventual return of those properties to the ownership, control and management by the land grant-merced.

Traditional Rights Defined

Communal livestock grazing; use of water; fuelwood gathering; harvesting timber and gathering of soils and rocks for personal or community use; hunting and fishing; harvesting of vegetation and vegetation products, including herbs, roots, nuts, berries, fungi, and sap; any other traditional activity that has sustainable beneficial community uses that support the long-term cultural and socio-economic integrity of the community included in the Traditional Use Resources Management Plan.

Meaningful Access Defined

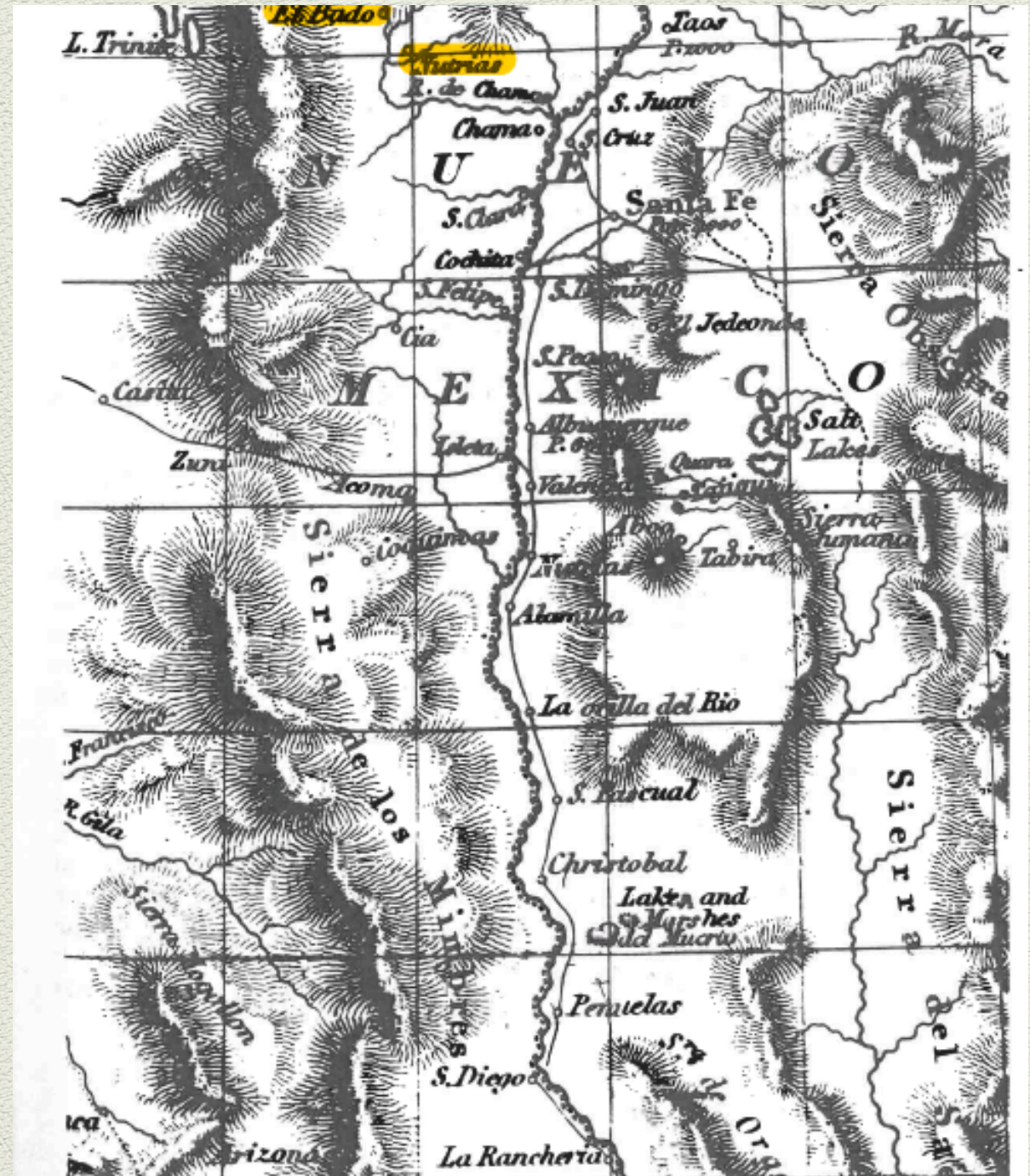
Unabated ingress and egress through existing roads, trails and paths or permanent and temporary roads, trails and paths specifically established for the purpose of accessing traditional use resources on the properties including stream access for fishing and livestock watering and the reopening of former state road 29 for use by Land Grant-Merced community.

Proposal Includes

Traditional Use Resources Management Plan which we have defined as a natural resources management plan developed jointly by the New Mexico Department of Game and Fish and Merced del Los Pueblos de Tierra Amarilla.

Phases Leading to Return

- ◆ Planning Phase
- ◆ Implementation Phase
- ◆ Return of Land Phase



Planning Phase

Planning Phase will include community input, and discussions defining the following:

- *Identifying:*
 - *all traditional use resources*
 - *all water resources*
 - *all existing roads, trails and paths*
- *addressing ingress and egress access*
- *developing:*
 - *a livestock grazing plan*
 - *a process for distribution for hunting permits to the Land Grant*
- *Collaborating with New Mexico State Forestry to develop a fuelwood management plan*
- *Identifying:*
 - *areas where soils and rocks may be harvested*
 - *acceptable types of recreation that can be enjoyed*

Implementation Phase

- ◆ **Establishing:**

- ◆ *a process with NMDGF for identifying heirs of the land grand that will be eligible for free use and access to the wildlife management areas.*
- ◆ *appropriate times of year when wild crafting and collection of antler sheds can occur. Also the gathering of herbs, fungi and vegetation products for personal use, free of charge from with any of the Wildlife Management Areas.*

- ◆ **Establish rules and regulations for:**

- ◆ *the management and distribution of fuelwood collection.*
- ◆ *the distribution of hunting permits.*
- ◆ *communal grazing of livestock.*
- ◆ *for issuing permits for the removal of soils and rocks personal use.*

Implementation Phase

- ◆ *During the period where the wildlife management areas are under management and control of Game and Fish:*
 - ◆ *the heirs of the land grant-merced shall be allowed free access to any streams or lakes; with regard to limits set by New Mexico Game and Fish.*
 - ◆ *the Department will ensure that any stewardship opportunities that may arise from any project specific actions within the WMAs will be vetted with the land grant-merced board of trustees to determine what role, if any, the land grant-merced can play implementation of a given project.*
- ◆ *After the lands are transferred to the land grant-merced, the land grant-merced and the Department may enter into an agreement to allow the Departments enforcement officers to continue to patrol the area and issue citations for violation under the Department's jurisdiction.*

Transfer of Property

- ◆ In one year of the passage of the bill, the Game Commission through the Department of Game and Fish.
- ◆ Submission of report to the Legislature including:
 - ◆ a presentation before the Land Grant Interim Committee
 - ◆ copies of all property deeds
 - ◆ surveys
 - ◆ chains of title
 - ◆ surface and ground water right permits
 - ◆ mineral rights for all three Wildlife Management Areas
- ◆ The report will also include:
 - ◆ potential issues concerning the property transfers

This report will allow the Legislature, the Department and Land Grant-Merced to properly plan and coordinate the property transfer process at the end of the 5-year period, including conducting any required assessments or surveys and drafting of deed transfer document.



Gracias por su Atención