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CAROL RAISH & ALICE McSWEENEY\*

# Livestock Ranching and Traditional Culture in Northern New Mexico

## ABSTRACT

*Understanding the contribution and importance of small ranching operations to grazing permittees in northern New Mexico is crucial if land management conflicts and disputes are to be minimized. Much of the debate over federal lands used by grazing permittees seemingly occurs because federal land management agencies have not adequately emphasized and monitored the local sociocultural values and attitudes associated with land use and grazed lands. Thus, this article examines the role and importance of livestock ranching to the primarily Hispano grazing permittees on national forests in northern New Mexico, set within the historical and regional contexts of livestock ranching in the Southwest. The economic, social, and cultural contributions of grazing operations to maintaining traditional culture and ways of life are the focus of discussion while the problems and difficulties related to ranching on public land from the ranchers' point of view are also presented.*

## INTRODUCTION

Today there is growing controversy over the role of federal lands and land management agencies in the western United States where the federal government owns considerable amounts of land. The state of New Mexico is no exception to this circumstance. In the state's six north-central counties (Mora, Rio Arriba, Sandoval, San Miguel, Santa Fe, and Taos), the primary area of concern of this discussion, approximately 34 percent of the land is federally owned. Together, the U.S. Department of Interior's Bureau of Land Management (BLM) and the U.S. Department of Agriculture's Forest Service (USFS) manage 52 percent of the land in Rio Arriba County and 53 percent in Taos County.<sup>1</sup>

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1. See Clyde Eastman et al., *Small Livestock Operations in Northern New Mexico*, in *LIVESTOCK MANAGEMENT IN THE AMERICAN SOUTHWEST: ECOLOGY, SOCIETY, AND ECONOMICS* 523, 530, (Roy Jemison & Carol Raish eds., 2000).

Much of the debate over the use of federal lands seemingly occurs because land managing agencies have not adequately emphasized and monitored sociocultural values and attitudes toward land valuation and use. Our discussion addresses this problem by examining the economic, social, and cultural aspects and contributions of traditional (generally small) livestock operations on the Santa Fe and Carson National Forests of northern New Mexico, set within a background of regional and statewide ranching information, issues, concerns, and history. Information is presented on both the economic and non-economic contributions of livestock ownership to local families and communities. In addition, we explore the extent to which the use of public land for grazing and other purposes allows communities to maintain social cohesion and traditional culture. This information is developed from research conducted by the authors with ranchers on national forest lands in northern New Mexico during 1999 and 2000.

## HISTORICAL BACKGROUND

Contemporary problems and controversies often have their roots in the past. In order to understand the problems and issues of livestock grazing on public land in northern New Mexico, it is important to understand the unique historical background of landownership and resource use in northern New Mexico as compared to other areas in the Southwest. It is also important to understand the similarities and differences between the ranching tradition in this area and other areas in the state and region. The following sections clarify the role of historical practices and events in shaping current practices, issues, and disputes.

### Spanish Colonial and Mexican Periods

The Hispano ranching tradition in New Mexico began with the initial Spanish colonization of the area in 1598 but did not become fully developed until after the Spanish reconquest of the area in the late 1690s.<sup>2</sup> During colonization, the Spanish brought domesticated plants and animals from Europe, including cattle, sheep, goats, and horses, to the area.<sup>3</sup> In addition to their domesticates, they introduced new technologies and

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2. See generally Amy Claire Earls, *The Organization of Piro Pueblo Subsistence: A.D. 1300 to 1680* 179-181, (1985) (unpublished Ph.D. dissertation, Univ. of New Mexico) (on file with Univ. of New Mexico); Frank. E. Wozniak, *Human Ecology and Ethnology*, in *ECOLOGY, DIVERSITY, AND SUSTAINABILITY OF THE MIDDLE RIO GRANDE BASIN* 29 (U.S. Dep't of Agric. Forest Serv., RM-GTR-268) (Deborah. M. Finch & Joseph. A. Tainter eds., 1995).

3. See generally, JOHN O. BAXTER, *LAS CARNERADAS: SHEEP TRADE IN NEW MEXICO, 1700-1860*, 1-19 (1987).

subsistence strategies into the existing Native American agricultural methods.

During the 1600s, Pueblo Indian populations in the region declined because of introduced diseases, warfare and famine caused by a series of severe droughts, and the destruction of food stores by raiding nomadic Indian groups.<sup>4</sup> As the native Puebloan population declined, the tribute and labor requirements demanded by the Spanish colonists became increasingly onerous. These conditions, along with forced relocations and the imposition of religious missions, led to the Pueblo Revolt of 1680. During this rebellion, the vast majority of the Spanish were forced out of the upper Rio Grande valley for 12 years. About 70 settler families, accompanied by soldiers and priests, returned between 1692 and 1696, after the Spanish reconquest of the area.<sup>5</sup>

Hispano populations rose throughout the 1700s to approximately 25,000 by the later part of the century. Even so, the significant population declines of the Puebloan groups left a sufficient amount of land for both groups to farm and ranch along the main waterways and their tributaries. The economic, political, and religious systems of New Mexico were very different after the reconquest. The new generation of Spanish colonists were accomplished agriculturalists and stock raisers who generally worked their own land and maintained relatively cordial relations with the Pueblo Indian groups as both used the land in similar ways.<sup>6</sup> The descendants of these colonists are today's Hispano villagers and farmers of northern New Mexico.

During the Spanish Colonial (1598 to 1821) and Mexican (1821 to 1848) periods, landownership and land use in the West were conferred by land grants from the Spanish Crown or Mexican government. Although various types of land grants were historically awarded in New Mexico, it is the community land grants where groups of settlers used portions of the land grant area in common that are of particular interest because it is these lands that are the source of the major landownership conflicts in contemporary north-central New Mexico today.<sup>7</sup>

When a community land grant was established, settlers generally received individually owned home sites and small plots of irrigated farm

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4. See generally Marc Simmons, *History of Pueblo-Spanish Relations to 1821*, in 9 HANDBOOK OF NORTH AMERICAN INDIANS: SOUTHWEST 178 (Alfonso Ortiz ed., 1979).

5. See BAXTER, *supra* note 3, at 13.

6. See Simmons, *supra* note 4, at 187.

7. See CLYDE EASTMAN ET AL., EVALUATION OF ATTITUDES TOWARD LAND IN NORTH-CENTRAL NEW MEXICO 4 (New Mexico State Univ., Agric. Experimental Station Bulletin 577, 1971); ALLAN G. HARPER ET AL., MAN AND RESOURCES IN THE MIDDLE RIO GRANDE VALLEY, 18-19 (1943).

land that averaged from 1.2 to 5 hectares (3 to 12 acres)<sup>8</sup> and had access to the common lands of the land grant for grazing, timber, and livestock pasturing.<sup>9</sup> Both animals and plants were part of an integrated subsistence farming system used by the settlers. Sheep and goats were most frequently used for food. Cattle were used for plowing, threshing, transporting produce, and manuring fields. The community's livestock were individually owned but cooperatively grazed. They were moved into the higher elevation pastures during the spring and summer and brought back to the village after the harvest to graze and manure the stubble fields.<sup>10</sup> Although concentrations of sheep and cattle near villages created some areas of resource overuse during Spanish colonial times,<sup>11</sup> herds were generally small and the land base was large.<sup>12</sup> Thus, relatively small populations of subsistence farmers successfully used the resources of the region during the long period of Spanish control.<sup>13</sup> Although overgrazed areas increased in the region during the period of Mexican governance as commercial sheep production increased,<sup>14</sup> the large majority of operations remained small and subsistence oriented during this period.

### American Period

Both patterns of landownership and land use changed substantially with the U.S. conquest of the region after the Mexican-American War. In 1848 the United States and Mexico signed the Treaty of Guadalupe Hidalgo, whereby the United States agreed to recognize the property rights of former Mexican citizens to land now within the redrawn boundaries of the western United States. Property rights to such lands were not automatically confirmed. Claimants had to apply for title confirmation according to procedures that varied depending upon the location of the land. There were

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8. See John R. Van Ness, *Hispanic Land Grants: Ecology and Subsistence in the Uplands of Northern New Mexico and Southern Colorado*, in *LAND, WATER, AND CULTURE: NEW PERSPECTIVES ON HISPANIC LAND GRANTS* 141, 172 (Charles L. Briggs & John R. Van Ness eds., 1987); U.S. Dep't of the Interior, *Introduction to Volume II of HISPANIC VILLAGES OF NORTHERN NEW MEXICO: A REPRINT OF VOLUME II OF THE 1935 TEWA BASIN STUDY WITH SUPPLEMENTARY MATERIALS* 36 (Marta Weigle ed., 1975).

9. See EASTMAN ET AL., *supra* note 7, at 4.

10. See Van Ness, *supra* note 8, at 188-90.

11. See BAXTER, *supra* note 3, at 23.

12. See Hal Rothman, *Cultural and Environmental Change on the Pajarito Plateau*, 64 N.M. HIST. REV. 185, 196-97 (1989).

13. See Carol Raish, *Environmentalism, the Forest Service, and the Hispano Communities of Northern New Mexico*, 13 SOC'Y & NAT. RESOURCES 495 (2000).

14. See Dan Scurlock, *Environmental History*, in *ECOLOGY, DIVERSITY, AND SUSTAINABILITY OF THE MIDDLE RIO GRANDE BASIN* 12, 15 (U.S. Dep't of Agric., Forest Serv., RM-GTR-268) (Deborah M. Finch & Joseph A. Tainter eds., 1995).

a few Spanish land grants in southern Arizona and Mexican land grants were established in the grasslands of the San Pedro, San Rafael, and Santa Cruz valleys of southeastern Arizona; however, by the mid-1800s, the Apaches had driven off the majority of the ranchers on these lands.<sup>15</sup> After the Civil War, large-scale ranching was reintroduced into Arizona by Anglo ranchers, generally with funding from outside the territory.<sup>16</sup> Controversies over land grants in California disappeared by the turn of the twentieth century, and Texas land grant controversies were relegated to international law because of the confused status of the then Texas Territory.<sup>17</sup>

In contrast, land grants and the loss of lands associated with these grants remain issues of contention in portions of New Mexico to the present day. To obtain valid land titles according to U.S. law after the Treaty of Guadalupe Hidalgo, land grantees in New Mexico were required to petition for title confirmation, at first through the Surveyor General to the Congress, and, after 1891, to the Court of Private Land Claims.<sup>18</sup> To receive title confirmation, claimants often had to hire an attorney, file a claim, and locate required supporting documents. As Eastman notes, "landholders were turned into claimants who had to incur a substantial expense to have their property [rights] respected."<sup>19</sup> Since money was scarce in the subsistence economy of the region, many landholders signed over portions of their land to pay legal fees. Thus, even successful claimants lost substantial amounts of their land because legal fees often accounted for from one-third to one-half of the land involved.<sup>20</sup>

Not all claims to land grant lands were successful. The Surveyor General and the Court of Private Land Claims refused to confirm grants for various reasons. Boundaries were sometimes vague, original titles may have been lost, and communal ownership or use of pasture and woodlands ran counter to nineteenth-century American concepts of private ownership.<sup>21</sup> Often, the court confirmed house lands and irrigated farmland but did not confirm land associated with the community pastures and woodlands, a part of the original grant that had always provided the Hispano villagers with their main grazing and fuel wood resources. Lands

15. See George B. Ruyle et al., *Commercial Livestock Operations in Arizona*, in *LIVESTOCK MANAGEMENT IN THE AMERICAN SOUTHWEST: ECOLOGY, SOCIETY, AND ECONOMICS* 379, 380 (Roy Jemison & Carol Raish eds., 2000).

16. *Id.*; THOMAS E. SHERIDAN, *ARIZONA, A HISTORY* 47-49 (1995).

17. See generally G. Emlen Hall, *Shell Games: The Continuing Legacy of Rights to Minerals and Water on Spanish and Mexican Land Grants in the Southwest*, 36 *ROCKY MOUNTAIN MIN. L. INST.* § 1.01 (1991); MALCOLM EBRIGHT, *LAND GRANTS & LAWSUITS IN NORTHERN NEW MEXICO* (1994) 28-37.

18. See RICHARD GRISWOLD DEL CASTILLO, *THE TREATY OF GUADALUPE HIDALGO: A LEGACY OF CONFLICT* 77-81 (1990).

19. See Clyde Eastman, *Community Land Grants: The Legacy*, 28 *SOC. SCI. J.* 101, 103 (1991).

20. *Id.*

21. EASTMAN ET AL., *supra* note 7, at 5.

not confirmed to private ownership in the claim process then became part of the federal public domain.

During the later nineteenth and early twentieth centuries, much land with confirmed title was also lost. In many cases, villagers could not pay the property taxes under the American system of monetary tax payments.<sup>22</sup> Unscrupulous land speculation by both Anglos and Hispanos, which was often upheld by courts, also resulted in land loss.<sup>23</sup> Further resource loss occurred as private commercial enterprises began to flourish in the region,<sup>24</sup> fencing off private lands previously used as open range and excluding local farmers and ranchers from these non-grant, but traditionally used, areas. In all, it has been estimated that the U.S. conquest alienated more than 80 percent of the Spanish and Mexican land grants from their original owners in New Mexico.<sup>25</sup>

Considerable land degradation occurred in both New Mexico and Arizona after the U. S. conquest in 1848 with the rise of extremely large commercial ranching and timbering operations. Non-local, corporate interests generally owned these operations. Expanded markets, fueled by growing populations and the arrival of the railroad in the 1880s, led to the rapid growth of these large operations at the expense of the older, primarily subsistence, Hispano operations.<sup>26</sup> This period marked the beginning of the cattle industry in New Mexico and what would ultimately be the decline of the sheep industry, which had dominated livestock production in the state. Sheep numbers in New Mexico rose from 1.6 million in 1870 to 5.2 million in 1883, with cattle numbers reaching their maximum in the early 1890s.<sup>27</sup> Animal numbers peaked in the Southwest in the late 1880s and early 1890s; however, the land could not sustain the large numbers of animals put on the rangeland in the attempt to obtain the maximum economic gain. In the Southwest, the cattle population crashed after the severe drought during the summers of 1891 and 1892.<sup>28</sup> The environmental damage that resulted from the cattle (and sheep) boom period of the late 1800s ultimately led to

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22. See WILLIAM DEBUYS, ENCHANTMENT AND EXPLOITATION: THE LIFE AND HARD TIMES OF A NEW MEXICO MOUNTAIN RANGE 174-75 (1985).

23. *Id.* at 171-92.

24. *Id.* at 171, 178-79; Rothman, *supra* note 12, 197-201.

25. See VICTOR WESTPHALL, THE PUBLIC DOMAIN IN NEW MEXICO, 1854-1891, at 49 (1965). This figure represents both the lands where title confirmation was denied and the lands that received confirmed titles but subsequently left the hands of the original owners after title confirmation.

26. HARPER ET AL., *supra* note 7, at 48; Gerry Wildeman & John H. Brock, *Grazing in the Southwest: History of Land Use and Grazing Since 1540*, in LIVESTOCK MANAGEMENT IN THE AMERICAN SOUTHWEST: ECOLOGY, SOCIETY, AND ECONOMICS 1, 17-18 (Roy Jemison & Carol Raish eds., 2000).

27. Wildeman & Brock, *supra* note 26, at 18.

28. *Id.* at 19.

congressional legislation establishing and regulating federal reserves in much of the West.<sup>29</sup>

### TRENDS IN FEDERAL LAND MANAGEMENT

The landownership situation in northern New Mexico is somewhat distinct, since a considerable amount of what is now federal land was once Spanish and Mexican land grant land owned and used by Hispano families and communities. Today over 53 percent of the land area of New Mexico is owed by the federal and state governments or held in trust for Indian tribes.<sup>30</sup> Much of this land is now managed by federal agencies, primarily the Forest Service in north-central New Mexico.

Many of these lands came under federal management after being degraded in one form or another by the large commercial ranching and timbering operations that were put into place after alienation of the land grants from their original Hispano owners.<sup>31</sup> When these commercial operations were no longer profitable, the land was often sold to the government. In this way, the Carson and Santa Fe National Forests include all or portions of various former land grants that were mainly used as community range, pasture, and woodland by local villages.<sup>32</sup> Currently, many local ranchers have grazing permits on both of these national forests. But, since the ranchers are often descendants of former land grantees, many resent government restrictions and fees to use land they consider part of their heritage.

The Forest Service began to address land condition problems in the early part of the twentieth century. Beginning in the 1920s and accelerating in the period from the 1940s through the 1960s, livestock ranching on these two forests changed significantly as the regional economy changed and the Forest Service introduced range improvement programs. Local stock raisers found many of these programs harsh and poorly explained by the Forest Service. During this period there were massive declines in the numbers of sheep and goats under permit. Goats were forbidden by conservation measures issued after World War II, and by 1980 there were no sheep on the Santa Fe National Forest.<sup>33</sup> These significant changes came about both as a result of Forest Service direction and as a result of the economic shift of the

29. *Id.* at 23.

30. John M. Fowler, *Historic Range Livestock Industry in New Mexico* in *LIVESTOCK MANAGEMENT, IN THE AMERICAN SOUTHWEST: ECOLOGY, SOCIETY, AND ECONOMICS* 419, 423 (Roy Jemison & Carol Raish eds., 2000). Over 80 percent of the land in Arizona is similarly held. Ruyle et al. *supra* note 15, at 380.

31. See EASTMAN ET AL., *supra* note 7, at 6.

32. See DEBUYS, *supra* note 22, at 190, 240-57; EASTMAN ET AL., *supra* note 7, at 6.

33. See DEBUYS, *supra* note 22, at 247-48; Van Ness, *supra* note 8, at 202.



region from a subsistence-based to a cash-based economy. Land losses and herd size cutbacks undoubtedly pushed many people into the cash-based economy of wage work.<sup>34</sup>

Over the years there was a notable trend toward grazing-permit consolidation among permittees, which led to fewer permittees with larger herds. The constant decline in the number of grazing permits available and the total number of animals permitted, from 2200 grazing permits in 1940 to fewer than 1000 permits in 1970,<sup>35</sup> contributed to increasing limitations on the herd sizes of small, subsistence ranches. One community had herd reductions of 60 percent, while the ranchers of another community lost permits for 1000 cattle in the period of a few years.<sup>36</sup> Although there were definite issues of rangeland health requiring treatment, the Forest Service's reduction of the number of permittees and herd sizes, the reduction of sheep permits, the phasing out of free-use permits for milk cows and draft horses, and the restrictions on goats seriously affected the livelihoods of many villagers.

During our interviews with permittees on the Santa Fe and Carson National Forests, several ranchers told us stories their grandfathers had passed down concerning the loss of permits for animals (these losses probably occurred sometime in the 1930s). According to the stories, when the Forest Service decided to revoke the permits, notices were placed in newspapers warning that the animals were to be removed from the pastures or they would be shot. These announcements were published in English, a foreign language to many rural Hispanos in those days, or were unavailable in rural villages. As a consequence, the message was not received. Often, the ranchers were unaware of the situation until they discovered that their animals had been killed. Among many ranchers in the area, deep resentment of the Forest Service remains from this period.

In recent years, however, attitudes and orientations have changed among Forest Service personnel. Eastman et al. note that "discussions with forest and district range staffs on both the Carson and the Santa Fe in 1996 indicate a strong awareness of the role and importance of small herds to local ranchers and communities and a commitment to working with the permittees to improve range conditions within the framework of multiple-permittee allotments."<sup>37</sup> In addition, many local people currently work both as rangers and in range management positions on the two forests, which heightens sensitivity to and awareness of local problems and needs.

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34. See PATRICK C. WEST, *NATURAL RESOURCE BUREAUCRACY AND RURAL POVERTY: A STUDY IN THE POLITICAL SOCIOLOGY OF NATURAL RESOURCES* 92 (1982); Raish, *supra* note 13, at 496.

35. DEBUYS, *supra* note 22, at 248.

36. *Id.* at 259.

37. Eastman et al., *supra* note 1, at 541.

## CONTEMPORARY RANCHING IN NEW MEXICO AND ARIZONA

Even in the present day, ranching in northern New Mexico is both similar to and distinct from ranching in other areas of the Southwest.<sup>38</sup> In both New Mexico and Arizona, a ranch is typically composed of a core of private land augmented by grazing allotments on federal and/or state land. Although ranchers do not own or hold fee simple property rights to grazing allotments, these public grazing lands have traditionally been treated as part of the ranch by ranchers and are considered in determining ranch sale prices and appraisals for federal estate tax purposes.<sup>39</sup>

The estimated number of cattle ranches in Arizona varies depending on the definition of a ranch. As discussed by Ruyle et al., there were approximately 2500 farms and ranches reporting at least one beef cow during 1995.<sup>40</sup> "Most operations in the state have fewer than 50 cows, which is consistent with the national average."<sup>41</sup> The majority of Arizona ranches are cow-calf operations, which consist of a base cow herd and the animals needed to support them.<sup>42</sup>

The majority of ranches in New Mexico are also small, cow-calf operations with from one to ninety-nine head.<sup>43</sup> Ranches of this size constituted 70 percent of the state's 8313 ranches in 1996.<sup>44</sup> That same year, in the north-central mountain area of the state, small operations (one to ninety-nine head) made up 82 percent of the 1804 ranches.<sup>45</sup> This area also has the fewest large ranches (greater than 500 head) of the various ranching areas in the state.<sup>46</sup> Large ranches in the north-central mountain area make up three percent of the total ranches, whereas statewide, large ranches account for seven percent of the total.<sup>47</sup>

In both New Mexico and Arizona, 30 percent of ranches are considered to range in size from medium to large, with 100 or more head.<sup>48</sup> In northern New Mexico, however, only 17.5 percent of the ranches fall

38. See generally Fowler, *supra* note 30.

39. Ruyle et al. *supra* note 15, at 380.

40. *Id.* at 387.

41. *Id.*

42. *Id.*

43. L. ALLEN TORELL ET AL., RANGE LIVESTOCK COST RETURN ESTIMATES FOR NEW MEXICO, 1996 tbi.1 (New Mexico State Univ. Agric. Exp. Sta. Res. Rep. 726, 1998).

44. *Id.*

45. *Id.*

46. *Id.*

47. *Id.*

48. *Id.*; Ruyle et al., *supra* note 15, at 387-88.

within this range.<sup>49</sup> Thus, northern New Mexico has considerably fewer medium-to-large ranches than either Arizona or New Mexico as a whole. It is also interesting to note that New Mexico has over twice as many grazing permittees on national forests as Arizona, but New Mexico has 35 percent fewer animals.<sup>50</sup> These figures are conditioned in large part by the small ranches and small herd sizes of northern New Mexico, as well as by the tendency to allow multiple-permittee grazing allotments on national forests in this area (discussed in greater detail in the following sections). These figures indicate the continuity of the long-standing tradition of small-sized operations and communal herding prevalent in the area since Spanish colonial times.

In addition, researchers have noted differences in profit orientation and attitudes toward land valuation between the ranchers of northern New Mexico and those of other areas of the state. For example, Hess found that ranchers in the northern part of the state view prosperity and future security in very different terms from those in other parts of the state.<sup>51</sup> In northern New Mexico, "community is the glue which binds individuals and families into a coherent social whole.... Their future lies not in the mixture of individual labor with the land, but in integration of community with the surrounding landscape."<sup>52</sup> DeBuys states, "They persist in ranching not because of its economics but in spite of them. What they gain is the pleasure of outdoor work and contact with nature and the opportunity to keep alive an ancient tradition of ranching on ancestral grounds."<sup>53</sup>

## RANCHING ON PUBLIC LAND

Since so many ranching operations in New Mexico and Arizona rely to some extent on public land, regulations and management decisions affecting these lands significantly impact the operation and future of ranching throughout this region. Many ranchers here rely on a combination of private land and federal and state grazing allotments to graze their cattle. In general, grazing allotments are based on historic use patterns that existed prior to the land's coming under federal ownership. Allotment sizes are not fixed and vary considerably. Early allotments were designed to complement

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49. TORELL, *supra* note 43.

50. See Carol Raish et al., *Contemporary Human Use of Southwestern Ponderosa Pine Forests*, in *SONGBIRD ECOLOGY IN SOUTHWESTERN PONDEROSA PINE FORESTS: A LITERATURE REVIEW* 28, 35 (U.S. Dep't of Agric., Forest Serv., RM-GTR-292) (William. M. Block & Deborah. M. Finch eds., 1997).

51. See KARL HESS, IV, *NEW MEXICO DEP'T. OF AGRI., THE WILDERNESS EXPERIENCE: NEW MEXICO RANCHES ON NATIONAL FOREST WILDERNESS, SPECIAL REPORT 7, 22-29* (1990).

52. *Id.* at 24-25.

53. See DEBUYS, *supra* note 22, at 270.

the ranching operations of existing range users to allow full-season grazing capability. Thus, their sizes varied, and they were often located in relatively close proximity to the permittee's private land.<sup>54</sup> Over the years, as lands have changed ownership and new regulations have been mandated on federal lands, some allotments have been moved and boundaries have been altered so that permittee's private lands are no longer necessarily contiguous to their allotments. Allotments where a group of permittees share a single allotment are not widespread in the region but some do occur and are also a reflection of historic communal use patterns prevalent before federal ownership.

The degree to which a ranch relies on private, leased, and publicly permitted land under different ownerships strongly affects the complexity of ranch management. Regulations, fees, and enforcement can vary between public agencies and within the same agency from location to location. The managing agency defines grazing seasons and stocking rates, which are often limited by competing uses and values such as recreation or riparian restoration. Restrictions imposed by the Endangered Species Act (ESA),<sup>55</sup> the National Environmental Policy Act (NEPA),<sup>56</sup> and the National Historic Preservation Act (NHPA)<sup>57</sup> also come into play and often affect the timing and construction of range improvements such as water developments and fencing. Such restrictions can adversely affect ranch operations and the economic viability of ranching.<sup>58</sup>

The cost of permits to graze on public land is subject to change and to considerable public scrutiny. There are those who believe that ranchers are paying less than fair market value for grazing fees. Comparisons are frequently drawn between the fees for grazing on private land versus the fees for grazing on federal land. The permittee rancher is sometimes criticized as being "subsidized" by the federal government. Others argue to the contrary, stating that the additional costs associated with the grazing permit, such as upkeep and maintenance of improvements, more than make up for the difference in grazing fees. Expenses associated with grazing on public land due to public access, including theft, vandalism, and disruption of ranching operations, also increase operational costs for public land ranchers. As populations and recreational visits to public lands increase, such costs are expected to rise.<sup>59</sup> These problems and issues are as common in northern New Mexico as they are in other parts of the Southwest.

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54. GLENN O. ROBINSON, *THE FOREST SERVICE: A STUDY IN PUBLIC LAND MANAGEMENT*, 200-01 (1975).

55. 16 U.S.C. §§ 1531-1544 (1994).

56. 42 U.S.C. §§ 4321-4370e (1994).

57. 16 U.S.C. §§ 470a-470x (1994).

58. See Ruyle et al. *supra* note 15, at 382-83.

59. *Id.* at 383.

## RANCHING ON THE SANTA FE AND CARSON NATIONAL FORESTS

In order to understand the current concerns and problems of ranchers in northern New Mexico, as well as the ways in which ranching there contributes to maintaining traditional culture and ways of life, we are currently examining the economic, social, and cultural contributions of livestock ownership to ranchers who graze animals on the Santa Fe and Carson National Forests of northern New Mexico. The first phase of the study was conducted in 1999, working with the grazing permittees from the Española Ranger District of the Santa Fe National Forest and the Canjilon Ranger District of the Carson National Forest. Sixty-two permittees (55 percent) of the 112 from the two districts participated in the project by responding to a personally administered questionnaire followed by a personal interview. All permittees we could contact were offered the opportunity to participate.

Our research demonstrates the continuing social, cultural, and economic importance of livestock ownership to the permittees who were interviewed. Recent research by Atencio also shows the long-standing and continuing role of ranching in maintaining traditional culture and identity in the area.<sup>60</sup> Our interviews paint a picture of a deeply rooted tradition of northern ranching families living in their homeland for generations. Ninety-seven percent of those participating in the study were born in northern New Mexico, while the families of 94 percent have lived in the area since their grandparents' time. Seventy-seven percent report that their families have been ranching in the region since at least their great-grandparents' days, with many having family in the area since the 1700s and 1600s. Seventy-seven percent run livestock operations that have been in the family for generations.

Ranches on the two Districts are generally small cow-calf operations with herd sizes ranging anywhere from 5 to 550. With the four largest and smallest operations removed, herd sizes range from 8 to 160 (based on 56 of the 62 cases). The average herd size is 54 animals. Multiple-permittee allotments with grazing associations are common and continue the centuries-old northern New Mexico practice of communal herding. Grazing associations consist of groups of permittees, sharing an allotment, who organize to coordinate allotment management, and who undertake and share expenses on maintenance and range improvement projects. Although a few associations have an association grazing permit, permittees typically

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60. See generally ERNEST ATENCIO, *OF LAND AND CULTURE: ENVIRONMENTAL JUSTICE AND PUBLIC LANDS RANCHING IN NORTHERN NEW MEXICO* (2001).

retain their individual permits in most associations. All of the Española allotments have more than one permittee, ranging in number from 2 to 16. Multiple-permittee allotments are much less common in other areas of the region. The longevity of the permittees' ranching tradition is demonstrated by the fact that slightly over 70 percent of the permittees have had their Forest Service grazing permits over 50 years, often receiving them from their father or grandfather. Only three percent have had the permit less than 10 years.

When asked to discuss their views and attitudes toward ranching on Forest Service managed land, they freely shared their problems, frustrations, and suggestions, as well as positive experiences, in the hope of improving their working experiences with the agency. A selection of these observations is presented in the following paragraphs. While the working relationships of ranchers with agency personnel vary according to the location of the allotment, the personality of the specific ranger, and the personality of the permittee, most problems expressed are common from one district to another. In general, regulations are seen as rigid, mandated improvements are costly and time consuming, and pressure from environmental groups are seen to have a strong influence over the agency. As many permittees believe the lands were stolen from them to begin with, they take exception to Forest Service control and the permit systems. The feeling was expressed that "the Forest Service doesn't understand the cattleman's culture and tradition."

Several ranchers mentioned that the Forest Service changes rangers too often. Not uncommon in rural communities, there is a tendency to place great value on long-term associations, on knowing a person and being able to trust that person. According to deBuys, "[F]orest Service personnel change jobs frequently and move from district to district in order to advance their careers. As a result, the permittees are not always certain that agreements made with one ranger will be upheld by his successor."<sup>61</sup> From the ranchers' point of view, these frequent shifts in agency personnel promote a lack of communication and are a deterrent to understanding. "If you have good people who understand why you do things, it's so important," a rancher explained. "It's a way of keeping the peace." In this vein, many of the permittees praised the knowledge, understanding, and commitment to community of one of the district rangers with long tenure in the area.

Resentment often arises when a ranger unfamiliar with the area and perceived as inexperienced in livestock management is given control over a rancher's grazing territory and their way of ranching. This resentment is heightened if the land manager seems to imply that scholastic learning has

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61. See DEBUYS, *supra* note 22, at 272.

more validity than a lifetime of experience. When a ranger was raised in the area, this is generally viewed as beneficial. The "local man" has the advantage of being familiar with the land, may have been raised with livestock, and often better understands the people and culture of the district. Many ranchers commented very positively about a local range technician, noting that he is very knowledgeable and has their interests at heart.

One rancher described his relationship with the Forest Service as a partnership in caring for the land. He believes ranchers and the agency share a common goal and should work together to protect the land, but also observed that the rancher spends more time in the national forest than does the ranger. According to several permittees, there are times when Forest Service personnel aren't aware of things because they're not out in the field. "Forest Service personnel are good," a rancher said, "but should be given more freedom to work out in the field."

Ranchers' attitudes toward the environmental movement have little bearing on their attitude toward the natural environment. If asked about the latter, they are likely to talk about their responsibility to care for the land, weather conditions, or concerns for wildlife. They take pride in familiarity with the rangelands and forest and consider themselves good stewards. On the other hand, mention of environmentalists or the environmental movement predictably elicits an atmosphere of defense and negativity. Many have expressed the fear of environmentalists trying to drive them out and feel threatened by environmental concerns. In spite of the ranchers' long-standing association with the land, many feel alienated from the organized environmental community. "Some good comes from the environmental movement. It's the extreme politics that cause the problem." "Pressure from outside is the problem," a rancher commented. "There are pressures from environmental groups who don't understand life here. They don't understand that people here still need wood for heating and cooking." The grazing permit brings with it responsibilities and many associated expenses. "People think if you have animals, you have money. They don't know how much money you have to spend," said one rancher. "You must pay a lot of money just to keep your traditions going."

### **Contributions of Livestock Operations**

In spite of the pressures and frustrations expressed by many of the ranchers, retaining their livestock operations for their families and future generations remains tremendously important. Ninety-three percent put the majority of money earned from the ranch back into the operation to maintain and improve it, and 92 percent plan to run their cattle operation as a major activity after they retire from other jobs. Many of them, commenting on their other jobs, told us they only work outside the ranch

as a way to supplement their incomes and remain in the ranching business. They look forward to a time when they can afford to retire and devote all of their time to the ranch and livestock.

Studies conducted in the 1970s, 1960s, and earlier on small-scale cattle operations demonstrated that although domesticated animals were important components of household economies, most of the small operators no longer depended on their crops and animals for their full support.<sup>62</sup> The function of the livestock herd was not purely economic. The animals were used as a partial subsistence and back-up resource and as a means of saving for special expenses or emergencies.<sup>63</sup> Our discussions with the permittees corroborated these findings in 1999.

Despite the fact that livestock are not the primary means of support for most of the families, they do make a substantial contribution to household economy, with 58 percent of the interviewees reporting that they use money from the ranch for basic living expenses. Forty-eight percent use livestock money for household and family emergencies; 45 percent use the money for special expenses (such as college tuition for children) and household improvements. In addition to monetary gain from the ranch, permittees use their animals for household consumption for both their immediate and extended families. On average, the ranchers butcher about two and one-half animals per year. Many commented about the practice of providing animals to family and friends and using animals and meat to pay for goods and services, although both bartering animals for goods and services and using their by-products have apparently declined in recent years.

Those we interviewed discussed the importance of the quality of life that ranching provides their families and the ways they use animals to teach their children of their cultural heritage and ties to the land.<sup>64</sup> When asked to prioritize goals for their families, 54 percent ranked maintaining their family's quality of life first, while 41 percent ranked maintaining traditional values number one. Only three percent ranked increasing family income as their top priority.

The ranch operations in northern New Mexico lend themselves to both family and community social cohesion. Grazing permittees herd their livestock together with relatives or with help from their relatives (84 percent), and with neighbors or other community members (81 percent), often in grazing associations. Eighty-seven percent of those interviewed

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62. See generally CLYDE EASTMAN & JAMES R. GRAY, *COMMUNITY GRAZING: PRACTICE AND POTENTIAL IN NEW MEXICO* 39-50 (1987); Van Ness, *supra* note 8, at 184-204; HARPER ET AL., *supra* note 7 at 56-84; EASTMAN ET AL., *supra* note 7.

63. EASTMAN & GRAY, *supra* note 62.

64. See EASTMAN & GRAY, *supra* note 62, for additional discussion of this topic.



attend grazing association meetings during a typical year. They also attend many other livestock and farming-related community events with neighbors and relatives throughout the year. These include brandings, round-ups and moving the cattle on the allotment, rodeos, fairs, 4-H events, and *matanzas* (butchering parties), although *matanzas* are less common now than in the past.

### Sociocultural Attitudes toward Land

Commitment to land, community, and cultural heritage among the northern ranchers we spoke with is strong and immediately apparent, appearing repeatedly in responses to questions ranging from ways to invest money to teaching children responsibility and sound values. Seventy-nine percent want to invest their money in buying land in the area and/or improving their livestock operation, as opposed to putting their money into stocks and bonds or other financial investments. When asked to agree or disagree with a series of statements concerning land and landownership, 98 percent agreed that owning and personally working the same land all their lives is one of the greatest sources of pride for landowners. Eighty-four percent agreed that passing on land to their children is the best means of providing for their future (along with a good education), and 89 percent agreed that land that has been in the family for generations should not be sold. As they stated, "There's nothing better to put your money into than land, to keep the land from being cut up and sold in pieces. There's not any more land being made!"

One rancher told us he thinks of land as part of the family, not as something to sell. To him working on the land is a tradition, something he enjoys, the way he was taught when he was young. "This is part of our culture, something we have to do." Regarding the land and livestock, another said, "It's in your blood for the rest of your life. If you're raised in this kind of atmosphere, you keep on doing it for as long as you can. Not to make money!" Yet another said, "It's not just a case of land passed on. You must also teach the children the way of life and how to care for the land. Once you lose your identity, your culture, your language, you are nothing."

One of the greatest concerns for the ranchers is the tendency for ranch land to be sold and subdivided rather than continuing as agricultural land. It may take the sale of only one ranch in a community. And so the process begins with one ranch sale affecting the next, with land being divided and taxes increasing, and with insatiable new demands placed on the ever-limited watershed. As we heard from the ranchers, some of the new people adapt to their surroundings, but many want to recreate the place to suit their own notions of civilization. The contrast created with the addition of extreme affluence transforms what was once viewed by the newcomer as quaint to the perception of a less than desirable appearance

of poverty.<sup>65</sup> That is what one rancher we spoke with meant to convey when he said, "A place this beautiful is a curse!"

A major goal of the rural ranchers of the area is teaching their children to value their lands and agricultural heritage. They want their children to continue fighting to keep the land in the family and in the community. One of their most important educational tools in this endeavor is the ranching way of life itself. People told us of their desire to pass on a firm set of traditional values and a rich cultural heritage. They want their children to learn to care for and respect the animals, land, and resources that have shaped the lives of their parents and grandparents. Teaching the children family values, responsibility, and a balanced attitude toward money were common themes throughout our discussions.

Ranch life is viewed as a way for the children to learn to work, to keep busy, and to stay out of trouble. "The payoff is keeping the kids off the streets," a rancher commented; he said that he is deeply grateful for the ranch that has kept his family close. Another rancher spoke of working together for the family, trying to show the children the value of ranching and teaching them family values through the ranching business. Another believes they must teach the children to respect the land so it will last longer. "Money isn't everything; it's the way you bring up your children that counts."

Many want their children to have the opportunity of a more formal education, and those who had already met this goal were proud of their college graduates. As one respondent said, "It is important to give your children a good education as well as land." "Education and good family values are the best ways to provide for the future of your children," another stated. There is a risk they may not return to the ranch or community, but these parents will take that risk to provide an opportunity for their children. The future of the ranch depends on the continued interest and participation of the younger generations. The values and heritage instilled in childhood are necessary ingredients for the survival of the ranch.

## CONCLUSION

As this research demonstrates, the contributions that small livestock operations make to family and community in northern New Mexico are considerable. The traditions and culture of ranching families here are deeply rooted in the land and history of the region. The northern New Mexican ranching way of life is both similar to and distinct from the

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65. See Alice McSweeney, *Views on Land and Nature: Conversations with Northern New Mexican Ranchers 96* (1995) (unpublished M.S. thesis, New Mexico State Univ.) (on file with author).

ranching tradition in other areas of the Southwest. When numerous generations of a family have been involved in a ranch and livestock business, it becomes far more complex than an occupation. Traditions and values are passed down from parent to child until the past, present, and future form a continuum that gives form to a way of life. Protecting this way of life with its integral ties to public land use is of paramount importance to the ranchers we interviewed. Understanding the contribution and importance of the small ranching operations to the grazing permittees in northern New Mexico is crucial if land management conflicts and disputes are to be minimized.