



Sangre de Cristo Land Grant Commission Report

December 28, 1993

Sangre de Cristo Land Grant Commission Report

THE SANGRE DE CRISTO LAND GRANT COMMISSION

The Commission membership is broadly representative of parties interested in acquiring the Taylor Ranch and includes:

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Sangre de Cristo Catholic Parish
Father Pat Valdez

San Luis Vega Board
Dr. Ernesto Pacheco

Costilla County Board of Commissioners
Maclovio F. Gallegos

Town of San Luis
Mayor Floyd Garcia

Land Rights Council
Charlie Jaquez

Committee on Environmental Soundness
Michael A. Gomez

Costilla County Citizens for Better Government
Allen C. Manzanares

Costilla County Conservancy District
Maclovio Martinez

Costilla County Economic Development Council, Inc.
Felix Romero

People's Alternative Energy Services
Maria Valdez

San Luis Valley Economic Development Council
Roland C. Mower

Colorado State Legislature
Senator Bob Pastore and Representative Lewis Entz

Colorado Wildlife Commission/Division of Wildlife
Arnold Salazar and Bruce McCloskey

Colorado State Parks Board/Colorado State Parks
Pat McClearn and Tom Kenyon

Great Outdoors Colorado Trust
Senator Tilman Bishop

Colorado Historical Society
Jim Hartman

National Park Service, USDI
Judith Cordova

Colorado Department of Natural Resources
Ken Salazar

Forest Service, USDA
John Capell

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For a more detailed description of these entities and their particular roles in the acquisition under consideration, see Appendix C.

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Color map provided by Valdez and Associates.

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SUMMARY AND RECOMMENDATIONS

The 77,000 acre Taylor Ranch, (locally known as La Sierra mountain tract) is a unique historic, environmental and cultural land resource located at the foot of the Sangre de Cristo mountain range in the southeast corner of the San Luis Valley, the largest alpine valley in the world. At the base of La Sierra, the people of the villages of San Luis, San Francisco, Chama, San Acacio, San Pablo/San Pedro and San Isidro live in the oldest non-Indian settlements in Colorado. For over 100 years, their ancestors used this land to graze their sheep and cattle, to hunt and fish and to gather wood to heat and cook and to construct their adobe homes.

Their access was denied by Jack T. Taylor, a lumberman from North Carolina, when he acquired and fenced the land in 1960. This action was challenged by the local people and has resulted in emotional controversy and lengthy, unresolved litigation in the Colorado courts for over 30 years.

But things change, and much of the conflict ended when Jack Taylor died in 1988 leaving the Taylor Ranch as part of his estate. The entire ranch is now for sale by the Taylor family, an opportunity that cannot be overlooked by the state and local community. This property could become a crown jewel in Colorado's public lands and would be an exceptional addition to the public land trust of the state.

Now is the time to seize this unique opportunity to acquire and protect one of Colorado's last remaining mountain ecosystems. Although subject historically to low impact, subsistence uses and some resource development,

La Sierra is relatively pristine and wild.

La Sierra is a tremendous natural resource in Colorado. It includes within its boundaries resources of significance to the state: the 14,000 foot Culebra Peak, sixteen streams covering nearly 100 miles, the Rio Grande Cutthroat trout and a robust elk herd of over 2,500 head. Each of these assets, along with many others, contribute to making the area a recreation resource as well. The mountain serves as the watershed for Colorado's oldest agrarian economy, fed by a natural drainage and a system of hand-dug ditches comprising the first water rights adjudicated in the state.

The Sangre de Cristo Land Grant Commission was appointed by Governor Roy Romer on September 27, 1993, to identify funding sources to purchase the Taylor Ranch and to formulate specific recommendations for its management (See Appendix A, Executive Order). Since then, the State has had numerous discussions with the Taylor family concerning the purchase of the tract for the benefit of the local community and the citizens of Colorado. A broad-based coalition of local, state and federal agencies as well as voluntary citizens groups has been forged to work together to purchase the Taylor tract. This consensus and spirit of cooperation is necessary to secure funding from private foundations, corporations and individual sources.

The Commission's goal is to benefit all those interested in preserving this land and its wildlife and making the tract publicly accessible for appropriate economic and recreational activities.

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SUMMARY AND RECOMMENDATIONS

According to the Commission's goals, any permanent plan must recognize and provide "for the preservation and wise stewardship of [La Sierra's] natural resources, for access to the land by citizens of the State of Colorado, and for the ongoing protection of the historical rights and traditions of the citizens of San Luis and Costilla County". By achieving this goal, the entire state of Colorado will benefit, and the heirs of Colorado's earliest Hispanic settlers will be reunited with the historic use of the century old Mexican land grant.

In summary, the Sangre de Cristo Land Grant Commission submits the following recommendations to the Governor, the Colorado General Assembly and the people of Colorado:

1. The Taylor Ranch should be acquired for public ownership in a unique partnership between the local community and the state of Colorado.
2. The state and local community would develop a management plan for La Sierra that would assure the long-term protection and preservation of the property and its natural resources as well as the cultural and historic heritage of the area. The uses of the land would be governed by this management plan.
3. The local community, working with The Conservation Fund, a national conservation organization, would purchase an easement on the property with funds raised by a new non-profit organi-

zation called La Sierra Foundation. Several million dollars would be raised from public, non-profit and private sector sources for this purpose.

A local non-profit board of directors would oversee and administer the historic use rights. That board would be democratically elected by the local residents pursuant to the governing bylaws of the organization.

4. The easement purchased by the local community would protect the land and ensure that the local community would have undisputed ownership over the historic use rights of local residents. These non-commercial rights would be exercised in accord with the management plan for the property and would include:
 - (a) traditional wood gathering for heating and cooking, fuel, home construction, farm fencing and corral building;
 - (b) small-scale timber management for conservation purposes;
 - (c) livestock grazing that accommodates wildlife habitat and ecologically sound rangeland management;
 - (d) access for cow elk harvest in numbers as authorized by the Wildlife Commission;
 - (e) fishing pursuant to regulations of the Division of Wildlife.

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SUMMARY AND RECOMMENDATIONS

- (f) other recreational uses including camping, hiking and picnicking; and
- (g) historical, cultural and environmental education opportunities.

5. The State of Colorado, working with The Conservation Fund, through two divisions of the Department of Natural Resources, the Division of Wildlife and Colorado State Parks, will purchase the fee interest in the Taylor Ranch and exercise the state's rights to include the following public benefits:

- (a) hunters and wildlife enthusiasts would have access to the abundant wildlife (elk, black bear, mule deer, big-horn sheep, mountain lion, turkey, blue grouse and numerous other species) on the 77,000 acres and could enjoy wildlife on the property in accord with the laws and regulations of the Division of Wildlife. The exception to this right would be the cow elk harvest mentioned above;
- (b) a fishery management program would be developed for trout and long-term fishing opportunities giving anglers access to a lake and sixteen streams stretching over 100 miles of the ranch;
- (c) the state would emphasize protection of the Rio Grande Cutthroat and its native habitat on the ranch given the unique status of this fish species;
- (d) recreational opportunities such as hiking, camping, wildlife watching and mountain climbing; and
- (e) historical, cultural and environmental education opportunities.

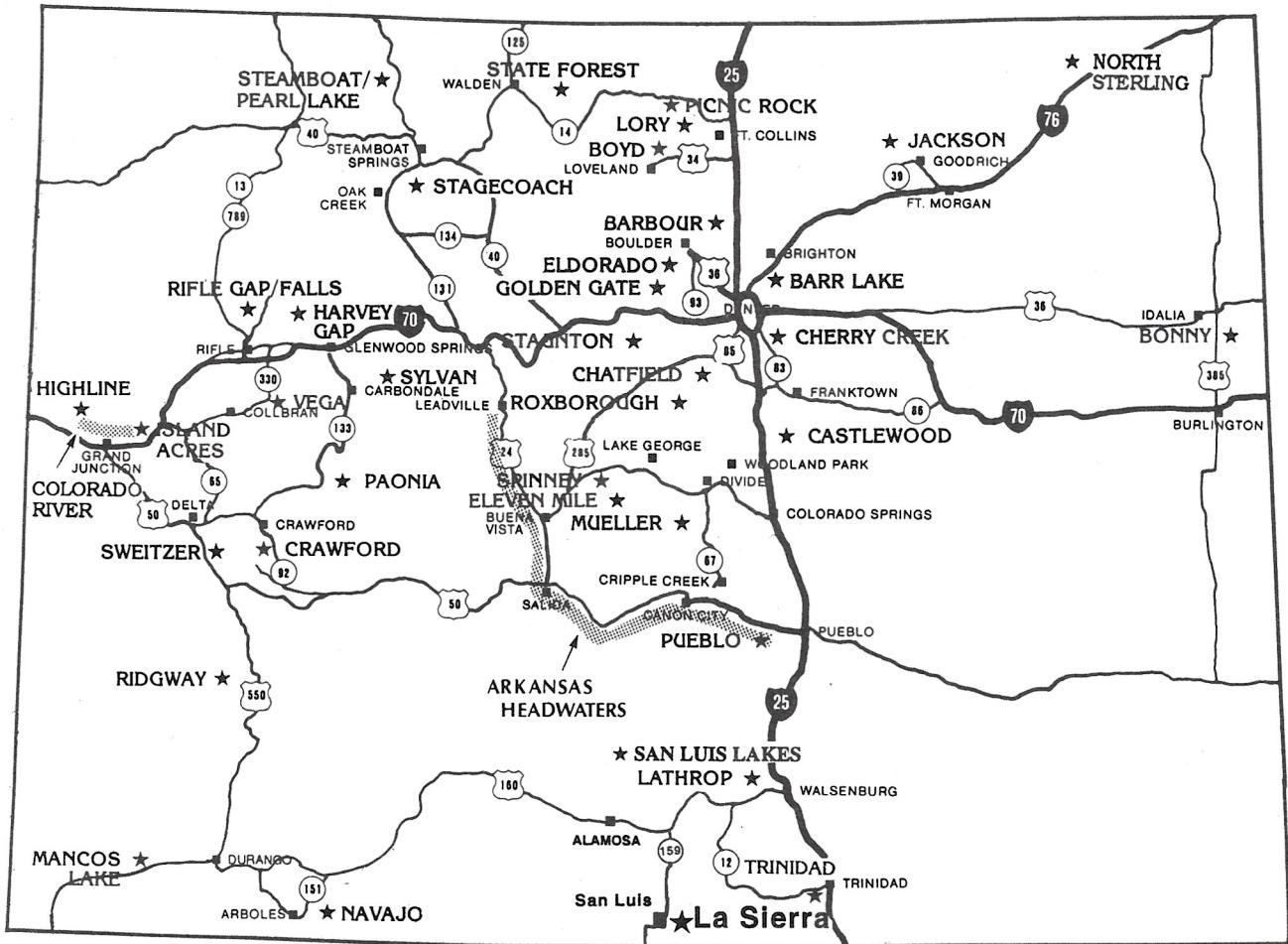
6. The majority of the land will be managed as a State Wildlife Area; day-to-day management will be done in partnership with Colorado State Parks much as Mueller State Park is managed by the two agencies today.

7. A state park would be developed at La Sierra. The plan created for the park would be a part of the management plan for the property, would be consistent with the historical and cultural uses of La Sierra, and would be a part of the State Parks' master plan known as "Horizons".

8. A managing board comprised of state representatives and local residents would develop and approve the management plan for the property. The board would be balanced evenly between state and local interests.

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MAP OF LA SIERRA



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BENEFITS OF PUBLIC OWNERSHIP

There is a critical need for preservation of lands for future generations of Coloradans. The Taylor Ranch property offers an exceptionally significant opportunity for the State to act on that need. This pristine piece of the Sangre de Cristo mountain range is almost exclusively under private ownership at this time. The people of the state have had little or no access to this exceptional resource, but the grandeur and beauty of this place has been protected from overuse and allowed to exist in nearly its natural state for many years.

This property is the hub of a unique ecosystem harboring a tremendous wealth of natural resources of special and unique diversity. The State should move expediently to take a leadership role in preserving and protecting these resources and planning for the future use as well. We have come to understand what is environmentally sound is economically sound as well. By preserving Colorado's natural beauty, we help to ensure a sustainable economy for our benefit today and for future generations.

If Coloradans are in agreement about this basic premise, they must begin investing in our outdoors. And the potential for acquisition of the Taylor Ranch is a test of our resolve and our ability to meet the challenge. In doing so, we leave our children the kind of outdoors that will fill them with pride and a sense of place and belonging that these places do for us today.

Colorado enjoys a world-class reputation for beautiful places. La

Sierra is one of those uniquely special places that Thomas Hornsby Ferril had in mind when he wrote "God only created so much Colorado." This property could be a crown jewel in Colorado's treasury of public lands.

Colorado's residents and visitors alike are demanding additional wildlife and recreational opportunities. Research shows a strong commitment to protect wildlife habitat and the natural heritage of wildlife enjoyment. Hunters and anglers are concerned and want to protect adequate wildlife habitat. There is a rapidly growing segment of society that enjoys wildlife for viewing, photography or "just knowing it's there" and are willing to support and preserve this important piece of Colorado's natural and cultural heritage. State ownership and management of La Sierra will contribute to meeting those demands.

La Sierra is home to the wildlife that exemplifies Colorado and the mountain west and addresses many of the issues outlined above. The property is home to one of Colorado's quality elk herds, in high demand due to the large number of mature bulls. There is potential to develop this as a wintering area for the elk in the La Sierra. Other species such as deer and the predators that rely on these species, are found here also. The streams of La Sierra are home to the Rio Grande cutthroat trout, a unique sub-species found only in the Rio Grande drainage.

La Sierra is a unique habitat and a significant wildlife resource. La Sierra is a large property surrounded by other

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BENEFITS OF PUBLIC OWNERSHIP

large tracts of public/private properties. Long-term protection of this area's wildlife resource may prove impossible if the area remains in private ownership. In public ownership, the state can focus resources and expertise on the long-term security and management of the resources of La Sierra.

The emerging recreation opportunities of La Sierra could represent a strong magnet for locals and visitors. Opportunities for hiking, backpacking, camping and sightseeing are potent. When packaged with the area's potential for fishing and watchable wildlife, this area could draw visitors from throughout the state and region. There is considerable untapped potential to develop this area as a cultural history center as well. Such development would potentially make this a resource with international appeal.

Research suggests development of multiple recreation opportunities help to draw visitors from a wider geographical area and for a longer stay. La Sierra offers many opportunities to develop a wealth of compatible recreation options. These various facets could help strengthen the economies in the San Luis Valley. Without public ownership, little of this is likely to be available to the public.

The State of Colorado, through the Department of Natural Resources and its two divisions, Wildlife and State Parks, can become a partial owner of La Sierra for a fraction of its total cost. This effort will assure long-term protection and management of these natural

resources. The citizens of Colorado, and local communities will benefit if such a partnership evolved.

Wide-spread decline of natural resources and wildlife habitat has not yet occurred at La Sierra. But population growth, subdivision development, logging, mining and other large-scale impacts could change this situation. State ownership will ensure careful long-term management decisions are made with complete review of all public benefits.

In addition the language, history and culture of the area are important Colorado assets. La Sierra is part of the Sangre de Cristo land grant. Its adjacent villages are home to Colorado's oldest non-Indian residents.

If the recommendations in this report are embraced by the people of the state, we can take a step towards sustaining our natural and cultural heritage, protecting our natural diversity of wildlife and providing for the recreational needs of citizens and visitors.

Colorado's great outdoors belong to all of us, but we must have a vision to meet our future needs. If we miss opportunities like the acquisition of the Taylor Ranch, we miss a unique opportunity to preserve Colorado's quality of life and the economic well-being of our citizens.

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THE LOCAL CONTEXT

La Sierra is located within Costilla County, Colorado, which contains 1,215 square miles and a population of 3,156 (1991 figures). Costilla County is located in the south-central portion of the state and is one of the 17 counties created by the first Territorial Legislature in 1861. San Luis, the County Seat established in 1851, is the oldest continuously-occupied town in Colorado.

Agriculture has long been a staple of Costilla County's economy. Wheat, oats, beans, barley, alfalfa and potatoes have all been cultivated in the rich valleys carved out by the Costilla, Rio Grande, Trinchera and Culebra rivers. Small-scale livestock operations have been an important basis of the economy. However, the county has been and remains one of the poorest in the nation, with a poverty and unemployment rate well above the average. In 1990, the unemployment rate was 13.41 percent; per capita personal income was \$12,035 in 1989.

Nonetheless, the people of the county have demonstrated an enduring love of the land and treasure their homes and families. Despite the substantial economic obstacles, they strive resolutely to maintain and improve their lives in Costilla County including regaining their right to access the La Sierra. Acquisition of La Sierra could provide a critical component in the economic development efforts of the community.

As used in this report "local people" includes the heirs of the original settlers of the grant. Heirs are currently defined for these purposes as people who can trace their heritage along the Culebra drainage back to 1960s and still reside or have family living in this area.¹

¹ This definition is being reviewed at this time and may change based on legal interpretation.

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GEOGRAPHY OF LA SIERRA²

La Sierra comprises approximately 77,000 acres of mountainous terrain on the western slope of the Sangre de Cristo mountains, located within southern Costilla County along the Colorado-New Mexico border. This tract was part of the original Sangre de Cristo land grant, awarded by the Mexican government in 1844.

La Sierra is located approximately eight miles east and southeast of San Luis and is north of the Colorado-New Mexico state line. It is bordered on the east by several high alpine peaks, including State Line (12,867 feet), Purgatory (13,676 feet), Vermejo (13,723 feet), Red Mountain (13,908 feet), Culebra (14,047 feet), Miranda (13,468 feet), Lomo Liso (13,128 feet), Francisco (13,135 feet), Beaubien (13,184 feet) and De Anza (13,333 feet).

To the east of the La Sierra boundary lies the former 68,000-acre Bar NI Ranch, which was owned and operated by the Evergreen Land and Resources Company, a subsidiary of Colorado Fuel & Iron (CF&I)³. During the 1980s, the Bar NI Ranch was subdivided into a number of 8,800- to 22,000-acre ranches and sold to private individuals as recreational retreats.

The northern boundary of La Sierra is formed by the Forbes Ranch. 277,000 acres at the south end of the Forbes property (adjacent to the Taylor tract on the north) has been retained by Forbes for their own use, for open space,

hunting and recreational purposes. To the south lays the Dos Hermanos and the Vermejo Ranch.

La Sierra's western property line is irregular and shared by numerous private-property owners, many of whom can trace their title and land-use traditions to the original settlers.

Primary access to the La Sierra is gained from the village of Chama along Whiskey Pass Road in the north. Secondary access can be gained from the various adjacent villages. Interior access to the lower elevations of the tract is possible along relatively primitive jeep trails or un-maintained roads. The upper elevations of the tract are virtually inaccessible by vehicle, especially during the winter months.

The topography of La Sierra ranges from relatively flat, stream-fed meadows in the west to densely-forested mountains in the east. The upper elevations are defined by extensive talus slopes and high-alpine peaks such as the 14,047 foot Culebra Peak. This peak is a significant landmark since there are only 52 Colorado peaks which are higher than 14,000, and this is one of two located within private land.

The property slopes downward from the east to the west and these slopes are cut by many creeks which form the watershed for the traditional villages and farm lands. The numerous streams include: El Pedregoso, Culebra, El Perdido, Bernardino, El Rito de Aban,

²This section was prepared from information gathered by Nash-Johnson Associates, Inc., Real Estate Appraisers and Consultants, Englewood, Colorado.

³We anticipate providing a more detailed description of this issue in the final report.

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GEOGRAPHY OF LA SIERRA

Cuchilla Alta, El Puertecito, North Vallejos, South Vallejos, Rito Agua Azul, Alamosito, San Francisco, El Fragoso, Torcido, Jaroso and Cuates creeks. Many of these are fishable streams. La Sierra includes associated wetlands, beaver ponds and alpine lakes.

La Sierra contains a wealth of wildlife including a herd of 2,500 elk, black bear, mule deer, bighorn sheep, mountain lions, the Rio Grande Cutthroat trout, turkey, blue grouse and numerous other species. The Rio Grande Cutthroat trout is native and unique to this region, which adds to La Sierra's standing as a state treasure.

A key ecological feature is the tract's proximity to other large, undeveloped mountain tracts to the north, south and east, as described above.

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HISTORICAL BACKGROUND⁴

Although human occupation of the San Luis Valley prior to 1849 has not been well documented, the Utes and various other Indian groups almost certainly occupied portions of the region. Spanish colonial expeditions into the area were frequent as well. All of what is today Costilla County was part of the Sangre de Cristo land grant, awarded by the government of Mexico in 1844 and patented by the U. S. government in 1871. The northern half, known as the Trinchera Estate, comprised 450,000 acres; the southern half, known as the Costilla Estate, was made up of 300,000 acres.

The region wasn't permanently settled until 1851 when San Luis was established. Because of recurring Indian raids, a military post, Fort Massachusetts, was established shortly after the initial settlements in the region took hold. However, by the early 1860s, with the establishment of Fort Garland, Indian raids became infrequent.

The vast majority of the residents of the region's villages are descendants of the original settlers of San Luis. They are heirs to certain land-use rights obtained by their ancestors, who settled the territory within the Sangre de Cristo land grant pursuant to Mexican law and custom. These rights continue to be the subject of litigation.

These land grants were the instruments by which the Mexican govern-

ment sought to encourage settlement in the San Luis Valley and elsewhere in the northern Rio Grande region.

To promote settlement, Mexican law provided for the grantee to designate certain areas within the grant as ejido land, for the common usage of settlers for purposes such as grazing, hunting, fishing, timbering, wood gathering and recreation. The principal lands designated for this purpose were the mountain lands, extending to the headwaters of the watershed. This provision assured settlers control over the sources of water for irrigation, which was essential to successful farming, and upland pasturage for livestock during the summer growing season. This was a subsistence system where farming, animal husbandry, hunting and wood-gathering were wedded; all were essential to gaining a satisfactory livelihood.

In 1848, at the conclusion of the Mexican-American War, Mexico ceded a large portion of its northwestern territory to the United States. For the benefit of the Mexican settlers in the ceded territory, the eighth article of the Treaty of Guadalupe Hidalgo provided "property of every kind now belonging to Mexicans now established there shall be inviolably protected." At the time of the signing of the Treaty of Guadalupe Hidalgo, the owner of the Sangre de Cristo grant was Carlos Beaubien, a naturalized Mexican citizen.

⁴ Much of the information in this section is based upon the research contained in the Preliminary Manuscript on the History of the Sangre de Cristo Land Grant and the Claims of the People of the Culebra River Villages on Their Land, prepared by Marianne L. Stoller, Professor of Ethnohistory, Department of Anthropology, The Colorado College, Colorado Springs, Colorado.

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HISTORICAL BACKGROUND

In 1860, the Grant was confirmed by Congress, and in 1871, it was patented at roughly 1,000,000 acres, including within its boundaries all of the land which today comprises Costilla County, Colorado.

During the decade between when the Sangre de Cristo land grant became part of the United States and its 1860 confirmation by Congress, Beaubien had recruited roughly 1,700 Mexican settlers through sales and donations of land on which to build permanent villages and undertake farming. This enabled him to fulfill his promise to "...encourage the agriculture of the country and place it in a flourishing condition."

To ensure the survival of these villages, Beaubien provided settlers with access to all of the resources necessary to make them self reliant, which included rights to pasturage and to harvest the natural resources of the mountain lands. If such provisions had not been made, settlers could not have been attracted to the grant.

In 1863, Beaubien continued to protect and encourage settlement pursuant to Mexican land-grant law and custom by executing and recording a document dedicating certain rights and privileges to the settlers. (See Appendix D for English translation of this document.) In accordance with the Mexican land tenure practice, as has been noted, ejido lands were set aside for communal uses, including hunting, fishing, grazing, wood gathering and recreation.

For more than 100 years, the Mexican settlers and their descendants were uninterrupted in their communal use of this land for the purposes outlined by Beaubien. Indeed, their livelihood depended on these land-use rights. As late as 1949, Rafael Moses (later to become Jack Taylor's attorney) acknowledged his understanding of these rights in a letter to the local people, which reads:

In 1936 Mr. Albert L. Moses gave an opinion to J. J. Valdez and Mr. J. E. Sanchez that the owners of land in the grant who obtained their title through those originally settling the land have the right to go upon the timbered portions of the grant and take therefrom the necessary fire wood for their own personal uses and the necessary timber for use in connection with the land which they own (but not for sale), and likewise, have the right to pasture their own domestic animals, not by herding them upon the land but by permitting them to graze thereon.

We still believe that this is the case and that you would have the right to stop anyone who interferes with these rights.

In 1960, Jack T. Taylor, Jr. of North Carolina purchased La Sierra from the Costilla Land Company for \$7.00 per acre. Taylor's deed provided that:

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HISTORICAL BACKGROUND

All of the land hereby conveyed . . . (is) also subject to claims of the local people by prescription or otherwise to rights to pasture, wood, and lumber and so-called settlement rights in, to and upon said land. . . .

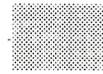
Shortly thereafter, Taylor initiated an action under the Torrens Title Registration Act to defeat the long-standing claims of the local people.

This action resulted in a 1965 decree in the Federal District Court invalidating the local people's use rights and confirming Taylor's sole title in the land. However, in the years that followed, the local people never acceded to this decree in words or deeds. Today, they continue to maintain that the Torrens action was fraught with procedural irregularities consciously pursued by Mr. Taylor's legal counsel to undermine their due process and property rights. These arguments have been raised in the case of Rael v Taylor filed by the Land Rights Council of Costilla County in 1981.

A decision regarding this suit is presently pending in the Colorado Supreme Court. Regardless of the outcome of this lawsuit, the controversy will not be resolved. (See Appendix F.)

Jack Taylor died in 1988, and La Sierra became part of his estate. The property has been for sale since that time. While there have been a number of offers, none of the sales have gone through. Currently, the property is under purchase-option contract by an

unknown private party. There have been numerous discussions with the Taylor family concerning the purchase of the tract for the benefit of the local community and the citizens of Colorado.



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LAND ACQUISITION PLAN

How will La Sierra be used in the years to come? How will those uses impact the environment and affect all the citizens of the State of Colorado? The answers to these questions will be largely determined by those who own and manage the land. The Commission believes the best way to protect both the land and the culture of the community is through joint purchase and management by the local citizens and the State of Colorado.

The Sangre de Cristo Land Grant Commission recommends that the Conservation Fund, a national non-profit land conservation organization (see Appendix E) negotiate and structure a transaction on behalf of the State of Colorado and the La Sierra Foundation and Land Trust of San Luis. This local non-profit corporation will hold and manage the easement rights in keeping with local interests, in cooperation with the state. (This Foundation and Land Trust is in the process of being established).

The structure of the transaction would be as follows:

The Conservation Fund would purchase La Sierra, the 77,000 acre Mountain tract, and then make two subsequent conveyances: one, to the State of Colorado and the other to the La Sierra Foundation and Land Trust. The State would purchase the fee ownership of the land and the La Sierra Foundation and Land Trust would purchase an easement to protect the land and to preserve for the local people their historical use rights in perpetuity. The exact nature of this joint owner-

ship would be dependent on the acquisition process, but in any event, the following minimum requirements would be maintained:

- ❖ The use rights of the local people will be guaranteed in perpetuity.
- ❖ La Sierra will be managed in an environmentally and culturally sound manner for the benefit of the public as a whole and the local people.
- ❖ Management decisions affecting La Sierra will be made through a partnership between the state and the local people.
- ❖ Each party will own an interest in land in perpetuity with corresponding rights and obligations.

Easements are an accepted mechanism for assuring the ownership of the rights sought by the La Sierra Foundation and Land Trust; these easements have been used before by the state and federal government as well as numerous states and nonprofit entities. The easement would control the use of the land in perpetuity and prohibit commercial activities such as mining, logging, subdivision and any other activities that would be damaging to the cultural and natural environment. In addition, it would guarantee to the local people their traditional rights such



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LAND ACQUISITION PLAN

as low impact grazing, wood gathering, recreation and access to hunting and fishing.

Because of budgets constraints and Amendment 1 limitations, it is not anticipated there will be any General Fund dollars available for the purchase of the Taylor Ranch. Identified potential sources of State monies for the purchase are: Great Outdoors Colorado Board, the Colorado Division of Wildlife, Colorado State Parks, the Colorado Historical Society, the Colorado Department of Local Affairs and potentially other agencies and organizations.

The La Sierra Foundation and Land Trust would approach the public and private sector for funds to purchase the easement.

The Commission recommends that an appraisal of the property be undertaken immediately.

The Commission recommends normal legislative and administrative review consistent with transactions of this type and as required by state statutes and regulations.

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LAND ACQUISITION PLAN

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The La Sierra Foundation and Land Trust would approach the public and private sector for funds to purchase the easement.

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MANAGEMENT PLAN

BASIC PREMISE:

The Taylor Ranch (La Sierra) will be acquired and managed through a partnership between La Sierra Foundation and Land Trust and the State of Colorado. The primary consideration for the management of this property will be for the long-term protection and preservation of this property and its natural resources as well as its cultural and historical heritage of the area.

the long-term protection and preservation of the property, its natural resources and the cultural and historic heritage of the area based on appropriate environmental and cultural assessments. An extensive survey inventory would be undertaken to identify resources and plan sustainability. The uses of the land would be governed by this management plan.

Recommendations:

In summary, the Sangre de Cristo Land Grant Commission submits the following recommendations to the Governor, the Colorado General Assembly and the people of Colorado:

1. The Taylor Ranch should be acquired for public ownership in a unique partnership between the local community and the state of Colorado.
2. Create a management board democratically balanced to represent local and state interests and reflecting the minimum principles to achieve the premise of sound management.
3. The management board would develop a comprehensive long-range management plan for La Sierra. The plan would assure
4. The local community would purchase an easement on the property with funds raised by a new non-profit organization called La Sierra Foundation. Several million dollars would be raised from public, non-profit and private sector sources for this purpose.
A local non-profit board of directors would oversee and administer the historic use rights. That board would be democratically elected by the local residents pursuant to the governing bylaws of the organization.
5. The Commission recommends historical user rights be obtained by the La Sierra Foundation through the purchase of an easement. The easement would protect the land and ensure that the local community would have undisputed ownership over the historic use rights of local residents. These non-commercial use rights would be recognized in the management of the property

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MANAGEMENT PLAN

and exercised in accord with the management plan as set forth below.

- (a) traditional wood gathering rights will be acquired for heating and cooking, fuel, vigas and latias⁵, traditional farm fencing and corral building for non-commercial purposes. A forest management plan will be completed, which emphasizes local management;
- (b) small-scale timber management, for conservation purposes and the benefit of local people may be authorized by the management board under the guidelines of the forest management plan;
- (c) the management board will ensure that a long-term grazing plan accommodates wildlife habitat and ecologically-sound rangeland and environmental-management principles;
- (d) the La Sierra Foundation and Land Trust will acquire the cow elk hunting "access rights" in perpetuity, maximizing the cow harvest for the benefit of the local people in numbers as authorized by the Wildlife Commission. Bull elk hunting will be open

to the general public in accordance with Wildlife Commission regulations⁶;

The Colorado Division of Wildlife will continue to be responsible for all wildlife-management activities, including the requirement to purchase appropriate licenses;

The plan should consider management practices to maximize use of La Sierra by wintering herds of deer and elk and to minimize adjoining private-property damage by big game animals;

- (e) fishing pursuant to regulations of the Division of Wildlife;
- (f) other recreational uses including camping, hiking and picnicking; and
- (g) historical, cultural and environmental education opportunities would be provided.

6. The State of Colorado, working with The Conservation Fund, a national land conservation organization, through two divisions of the Department of Natural Resources, the Division of Wildlife and Colorado State Parks, will purchase the fee interest in La Sierra and exercise the state's rights to include the following public benefits:

⁵ Ceiling beams and planking.

⁶ This element will likely be expanded, including a further elaboration on access rights and local control.

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MANAGEMENT PLAN

- (a) hunters would have access to the abundant game on the 77,000 acres and could hunt on the property in accord with the laws and regulations of the Division of Wildlife. The exception to this right would be the cow elk harvest mentioned above in 4.(d);
- (b) anglers would have access to a lake and sixteen streams stretching over 100 miles of the ranch. A fishery management program would be developed for catchable trout management, where appropriate, and long-term fishing opportunities;
- (c) the State's fish-management program would emphasize protection of the Rio Grande Cutthroat and its native habitat on the ranch given the unique status of this fish species;
- (d) Other recreational opportunities, such as mountain biking, hiking, camping, environmental education, watchable wildlife and other compatible uses, should be addressed in the long-range plan created by the management board.
- (e) historical, cultural and environmental education opportunities will be provided.

- 7. The majority of the land will be managed as a State Wildlife Area; day-to-day management will be done in partnership with Colorado State Parks much as Mueller State Park is managed by the two agencies today.
- 8. The Commission recommends a plan be developed for the creation of a state park at La Sierra. An environmental and cultural-impact study shall be undertaken before a decision is made concerning the location, size and use of the state park. This plan shall be consistent with the preservation of the historical and cultural uses of La Sierra and the adjoining communities. The plan would be a part of the management plan for the property and would be consistent with the State Parks' master plan (Horizons). Given present and expected budget constraints, State Parks anticipates a 10 to 12 year delay before construction can begin and park operations opened.
- 9. The long-range management plan should include consideration of the creation of an historical and cultural resource center as well as additional educational opportunities.
- 10. The Commission recommends an appraisal of the property be undertaken immediately.

Sangre de Cristo Land Grant Commission Report

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Sangre de Cristo Land Grant Commission Report

CONCLUSION

The people of Colorado have been presented with a window of opportunity to acquire for all our citizens the Taylor Ranch or La Sierra as it is known by the locals. It is a spectacular and unique mountain tract located in the heart of the Sangre de Cristo mountain range in the San Luis Valley offering the State remarkable natural resource, wildlife, cultural and recreation values.

For over 100 years, the property sustained the economy and culture of the citizens of the area. After 33 years in private hands, the property is once again available for sale to be added to the inventory of public properties protected and preserved for public use. This is a once-in-a-generation opportunity

for the people of Costilla County, the State of Colorado and the nation to acquire a unique natural and cultural resource.

Now is the time to be visionary, to seize this significant opportunity to acquire this vital asset for our citizens. In an extremely short time, the members of the commission have come together to produce this call to action. It is the recommendation of this Commission that the State work in partnership with the La Sierra Foundation and Land Trust to make Taylor Ranch part of Colorado's protected public properties. We believe this opportunity should be pursued immediately and vigorously.

Sangre de Cristo Land Grant Commission Report

APPENDIX A EXECUTIVE ORDER

STATE OF COLORADO

EXECUTIVE CHAMBERS

136 State Capitol
Denver, Colorado 80203-1792
Phone (303) 866-2471

B, 015 93

EXECUTIVE ORDER



Roy Romer
Governor

SANGRE DE CRISTO LAND GRANT COMMISSION

WHEREAS, in 1844 the Mexican Government awarded the million acre Sangre de Cristo Land Grant, which included within its boundaries all of the land which today comprises Costilla County, Colorado;

WHEREAS, the United States Government subsequently recognized the validity of the Sangre de Cristo Land Grant;

WHEREAS, in 1960, Jack Taylor purchased the last remaining unfenced portion of the Grant including approximately 77,000 acres of mountainous land adjacent to Colorado's oldest towns of San Luis, San Francisco, San Pablo, and Chama;

WHEREAS, for more than 100 years prior to the Taylor purchase, the citizens of Costilla County used this land as a place to hunt, fish, gather wood, graze animals for domestic uses, and recreation;

WHEREAS, during the three decades since Taylor's purchase of the land there has been considerable controversy concerning the historical claims of the local people;

WHEREAS, the Estate of Jack Taylor has indicated an interest in selling the Taylor Ranch, has several outstanding options for the possible purchase of the Taylor Ranch, and has indicated that if those sales are not consummated, that the Estate would be interested in selling the Taylor Ranch to the State;

WHEREAS, the Sangre de Cristo Land Grant and the Taylor Ranch have unique historical and cultural significance to the people of the State of Colorado as a whole, and in particular to the descendants of the original Hispanic settlers of our state;

WHEREAS, the Taylor Ranch has important wildlife, recreational, open space and other natural values;

Sangre de Cristo Land Grant Commission Report

APPENDIX A EXECUTIVE ORDER

B. 015 93

Sangre de Cristo Land Grant Commission
September 27, 1993
Page 2

WHEREAS, the acquisition of the Taylor Ranch would present a unique opportunity for the people of Costilla County and the State of Colorado by forging a new and better understanding of the history of the Southwest, the San Luis Valley, and its early Hispanic settlers, enhancing our appreciation for the relationship between land and people, preserving the natural resources and important wildlife of the region and creating a healthy and viable local economy; and

WHEREAS, the Taylor Ranch can be a nationally significant model of collaborative management for the protection and enjoyment of natural resources;

NOW THEREFORE, I, Roy Romer, Governor of the State of Colorado, under the authority vested in me by the Constitution and the laws of the State of Colorado, DO HEREBY ORDER AND DIRECT THE FOLLOWING:

1. A Sangre de Cristo Land Grant Commission ("Commission") is hereby established.
2. The Commission shall be comprised of no more than twenty-five (25) members appointed by the Governor. Members shall include one (1) representative from each of the following: Sangre de Cristo Parish; the Vega Board; the Costilla County Board of County Commissioners; the San Luis Town Council; the Land Rights Council; the Committee on Environmental Soundness; the Costilla County Citizens for Better Government; the Costilla County Water Conservancy District; the Costilla County Economic Development Council; the Peoples' Alternative Energy Services; the San Luis Valley Economic Development Council; the State Representative representing Costilla County; the State Senator representing Costilla County; the Wildlife Commission; the Colorado Board of Parks and Outdoor Recreation; the Great Outdoors Colorado Board; the Executive Director of the Colorado Department of Natural Resources and the directors of the Colorado Divisions of Wildlife and Parks and Outdoor Recreation or their designees; the State Historical Society; the United States Forest Service; the National Parks Service; and additional members may be appointed to the Commission by the Governor as deemed appropriate including representatives from Colorado's environmental and open space organizations.

Sangre de Cristo Land Grant Commission Report

APPENDIX A EXECUTIVE ORDER

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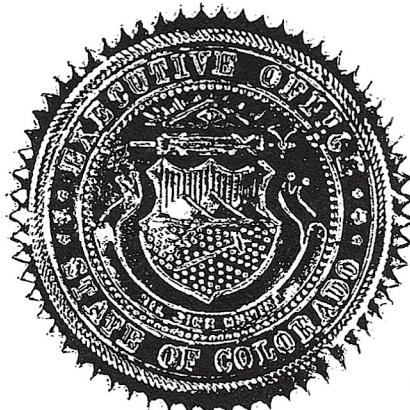
Sangre de Cristo Land Grant Commission Report

APPENDIX A EXECUTIVE ORDER

B 015 93

Sangre de Cristo Land Grant Commission
September 27, 1993
Page 3

3. The Commission shall have the responsibility to report to me by December 15, 1993 on the following:
 - (a) the identification of specific funding sources for the purchase of the Taylor Ranch;
 - (b) the formulation of specific recommendations for a comprehensive land management program for the Taylor Ranch which recognizes and provides for the preservation and wise stewardship of its natural resources, for access to the land by citizens of the State of Colorado, and for the ongoing protection of the historical rights and traditions of the citizens of San Luis and Costilla County. This land management program should provide for appropriate shared responsibility by local, state and/or federal representatives.
4. No compensation shall be provided to members of the Commission for their services on this Commission.
5. The Commission shall be staffed by the Colorado Department of Natural Resources, and shall be chaired by the Executive Director of the Department. The Commission shall consult with experts as appropriate, regarding legal, historical, natural resources, economic, ethnic, environmental and cultural issues.
6. This Executive Order shall expire two years from the date of its execution unless otherwise extended by Executive Order.



GIVEN under my hand and the Executive Seal of the State of Colorado this twenty-seventh day of September, 1993.

A handwritten signature in cursive ink that appears to read "Roy Romer".

Roy Romer
Governor

Sangre de Cristo Land Grant Commission Report

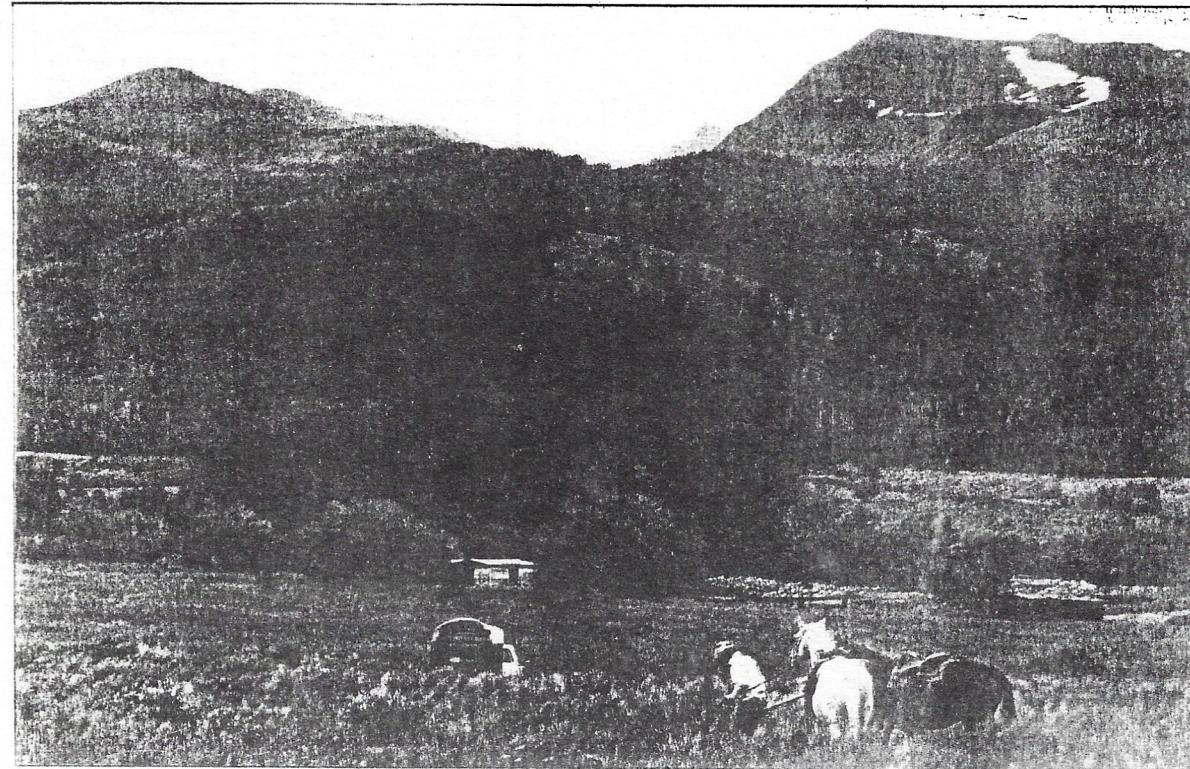
APPENDIX B MEDIA ARTICLES

28A

Rocky Mountain News Sun., Aug. 1, 1993

Science & Environment

George Douglas, Assistant City Editor — 892-2743



Photos by Hal Stoele/Rocky Mountain News

Mike Sanchez leads horses across a friend's field before looking for stray cattle on land the family leases from the Taylor Ranch.

Ending a range war at Taylor Ranch

*State is working
on a unique
deal to buy*

77,000-acre tract

By Katie Kerwin
Rocky Mountain News Staff Writer

SAN LUIS — A Wild West range war that has sparked shootouts and suspicious fires for decades could finally end if conservationists and state leaders succeed in buying a southern Colorado ranch.

Backers negotiating to buy the 77,000-acre Taylor Ranch near San Luis, Colorado's oldest town, say the purchase could protect pristine land where elk and black bears roam.

Larger than the city of Denver, the land would cost from \$22 million to \$33 million. It includes Culebra Peak, one of only two privately owned 14,000-foot peaks in Colorado.

The deal could restore rights to descendants of Colorado's first Spanish settlers who hunted, fished, gathered wood and grazed cattle there under a Mexican land grant. The subsistence farmers and ranchers lost those rights in 1960 when the late North Carolina millionaire Jack Taylor bought the land, fenced it, barricaded roads and hired armed guards to keep people out.

"We're talking about a century of use that was stopped in a day," said fourth-generation resident Charlie Jaquez. "That mountain was the soul of the settlers who lived here."



The Rev. Pat Valdez is pastor of the Sangre de Cristo Catholic Church in San Luis.

"It's in the blood of the community."

Over the years, resentment between the Spanish descendants and Taylor grew, spurring bloody battles. Taylor once pistol-whipped three cowboys and hauled them into court, accusing them of trespassing and

arson. A riot ensued and the sheriff threw Taylor in jail. The hatred culminated when Taylor was shot in the foot in his own bed. The property seemed cursed. One ranch boss was murdered there by an angry former employee. And in May, the \$60,000 ranch house burned to the ground in a suspicious blaze.

The attachments to the land are as old as western settlement. Mexican pioneers from Taos first spied Culebra Peak in the 1840s as they pushed northward with wagons and donkeys to the San Luis Valley.

They called the peak *La Sierra*.

Settling in the valley at 8,000 feet, they scratched out tiny farms and raised small herds of cattle and sheep.

Ruins of their adobe homes still dot the landscape near the small communities of San Luis, San Pedro and San Francisco on the flanks of the mountain. Sheep bells clang as small herds cross gravel roads near tiny, colorful churches.

The Mexican government, in a bid to secure land, had granted two young men a million acres in what is now Costilla County, Colo.

The original landholders both died in the Taos Revolt of 1847. But Carlos Beaubien, the father of one of the men, inherited the grant. When the land became part of the U.S. in 1848, the government honored the land grant.

See RANCH on 29A

Sangre de Cristo Land Grant Commission Report

APPENDIX B MEDIA ARTICLES

Sun., Aug. 1, 1993

Rocky Mountain News

★ ■ 29A

RANCH from 28A

Beaubien gave pioneers individual plots of land and, in the Spanish tradition, set aside *La Sierra* for communal hunting and grazing.

Beaubien in 1864 sold the land to Colorado's first territorial governor, William Gilpin. But the residents continued to use the mountain property.

In the winter, they collected piñon and aspen limbs for firewood. Many homes still rely on wood-burning stoves.

In the summer, the settlers led herds to graze on the expansive slopes. Water flowing off the high peaks fed streams and irrigation ditches. Each Fourth of July, residents celebrated with picnics there.

"It not only nourished them, but there was a definite spiritual tie between these communities and the mountain," said the Rev. Pat Valdez, pastor of the Sangre de Cristo Catholic Church in San Luis.

All that changed in 1960 when Jack Taylor flew over the property in his private plane. The North Carolina lumberman was on his way somewhere else, but Culebra and neighboring peaks enticed him.

He envisioned a hunting retreat and saw logging potential on some slopes.

Taylor landed at a small airport in northern New Mexico, found a land agent and insisted on buying the property. It wasn't for sale, but the feisty North Carolinian struck a deal anyway: \$500,000 for 121 square miles. He purchased it from a group of Denver businessmen.

There was one catch. The deed specified that Costilla County residents had "settlement rights," including rights to pastures and wood. Taylor later went to federal court and won clear title to the property, cancelling any of the residents' historic claims.



"We have to find a harmonious middle ground for the use of that land," says Maria Valdez, a San Luis environmental activist.

the residents.

Violent confrontations erupted almost immediately.

Taylor armed himself and his employees, built earthen barricades on the roads and encircled the ranch with a barbed-wire fence. He vowed to shoot the horses out from under trespassers and, on Thanksgiving Day 1961, admitted beating three men who strayed onto his land.

Taylor said the men had set fire to a trailer and shot up a bulldozer. The men claimed they were looking for a stray heifer. After beating the men, Taylor took their pictures, loaded the men in the back of a pickup truck and hauled them into town. Taylor wanted them jailed. Instead, the sheriff booked the millionaire and two hired guns on assault and kidnapping charges.

In sensational trials, Taylor was convicted of a minor assault charge and fined. The cowboys were charged with arson, but never convicted.

"He cracked my head open. I was knocked to the ground," recalled one of the victims, Gilbert Medina. He said he was hospitalized for 11 days.

Now a retired school security guard and rancher, Medina says his bitterness has faded.

"I got the beating. But I'm still here. I'm a pretty healthy Mexican. And he's dead."

For others the wounds haven't healed.

"We lost everything," said Daniel Quintana, who spent his youth gathering wood and helping

his father raise cattle on *La Sierra*. "We took it for granted. But he (Jack Taylor) was mean. He didn't like Spanish people. We fought it, but he won."

The violence peaked in 1975 when a volley of bullets rained through the roof of Taylor's ranch house in the middle of the night. Asleep in bed, Taylor was shot in the foot. The Colorado Bureau of Investigation probed the shooting, but no one was arrested. And locals say no one ever has bragged about pulling the trigger.

Taylor rarely returned to Colorado after that.

The ranch has evolved into a destination for out-of-town hunters who pay the Taylors thousands of dollars each to hunt on the private spread.

With Jack Taylor's death in 1988 came a change. His son, Zachary Taylor, has adopted a conciliatory tone, meeting with area residents, auctioning off some permits for hunting and sponsoring annual "woodfests" in which locals can take truckloads of fallen timber for firewood.

Friends of the current ranch boss are allowed to fish and hike on the property. Climbers can scale Culebra for a fee.

But area residents want their full access to the mountain restored.

In May, the ranch house in which Taylor was shot was burned. Authorities suspected arson. Others say an electrical malfunction was to blame. No arrests have been made, but the turmoil continues.

"Unless peace is made with local people, no matter who owns it, it won't work," said Jaquez, president of the Land Rights Council.

If the state buys the land, the Spanish descendants would get special access in a deal that conservationists say would be unique.

"This would be groundbreaking for the lower 48," said Tom Macy, western director for the Conservation Fund, a non-profit group brokering the deal. "This is not just another large conservation project. This is one that would incorporate historic rights."

Macy and others envision a public park with no logging, mines or subdivisions. But like Alaska's Indians who are allowed to hunt and fish in that state's national parks, Costilla County natives would have special access.

"It could represent almost a museum of the culture and history of the Southwest," said Ken Salazar, state natural resources director. "It's a way of maintaining a way of life, a way to pass down the traditions and culture."

Zachary Taylor, who inherited the land, has drafted a letter of intent to sell the property to the state.

At least one private buyer has the first option on the land. Area residents say poverty in the area makes it ripe for exploitation. They worry a mining company could taint their water. Or condors could dot the peak.

If private buyers fall through by November, as negotiators expect, Colorado will have the first option to buy. Completing the deal would take at least a year.

Taylor Ranch off-limits for years

By Katie Kerwin

Rocky Mountain News Staff Writer

SAN LUIS As a haven for wildlife, the mountainous Taylor Ranch is an environmental gem, San Luis Valley natives boast.

"If you compare Yellowstone to that place, there's no comparison," says Gilbert Medina.

Medina, 58, suffered a savage beating for trespassing on the land 31 years ago. "We used to see wild turkeys, mountain lions and elk, so many elk," he recalls.

What makes the ranch ecologically valuable, some state wildlife biologists say, is its proximity to huge tracts of undeveloped land. Elk can easily migrate from excellent spring, summer and fall range on the Taylor property to winter range on the 600,000-acre Vermejo Park Ranch in New Mexico, owned by Penzoil Co.

North of Taylor Ranch lies the late Malcolm Forbes' two ranches, stretching a combined 250,000 acres toward Mount Blanca. The southern part is subdivided, but the northern part is intact.

While Culebra Peak and the craggy mountains it embraces dominate the skyline in San Luis, few of Costilla County's 3,042 residents have been on the mountainous tract in years.

Some get invited to fish in the remote streams. Others have permits to graze a couple dozen cows on the lowlands or to gather wood. Others sneak onto the ranch for a hike or to get a little revenge against the millionaire owners who have blocked them out for years.

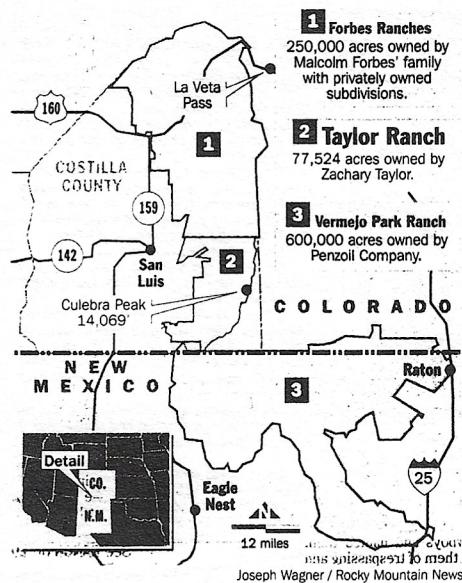
"It's not virgin land, but it's pretty close," says Charlie Jaquez, a high school math teacher and activist in the battle to reopen the ranch.

No formal wildlife assessments of the land exist. But in pamphlets to lure private hunting parties, the Taylors boast of large populations of deer, bear, coyote, bobcat, mountain lion and elk. There are few buildings or roads on the land.

Colorado Division of Wildlife biologists who supervise the Taylors' private hunts say the property bears some scars from clearcutting Taylor did on the southern end in the '60s and '70s but is otherwise pristine.

They say it's especially good habitat for bear and elk, and streams provide a home to once endangered native Rio Grande cutthroat trout.

Unlike the rest of Colorado, Costilla County has no federally owned land. So biologists say keeping large private tracts intact for wildlife is key.



Joseph Wagner / Rocky Mountain News

Sangre de Cristo Land Grant Commission Report

APPENDIX B MEDIA ARTICLES

30A ■ 5 ★

'We have to find a harmonious middle ground'

RANCH from 29A

"It's a long shot, but it just might work," Macy said.

Taylor declined to comment.

The biggest stumbling block, most agree, is not the threat of private buyers. Others have pulled out after learning about the land's violent legacy.

"Who's going to want to have the animosity of this community? Who's going to want a cloud over the title?" said Maria Valdez, a San Luis environmental activist and sixth-generation resident.

The real problem is money.

Salazar hopes private donors and Costilla County residents could supplement money from the state park department and lottery proceeds. Colorado voters last year decided lottery proceeds will go to the Great Outdoors Colorado Conservation Trust Fund for parks and open space. Nearly \$10 million a year will begin flowing into the trust this fall with up to \$42 million a year by 1998.

Salazar plans to draft an executive order to present to Gov. Roy Romer in the next month. It would create a commission to study purchase of the land and, with local input, frame a management plan for the property.

Zachary Taylor has indicated he's eager to sell. But deals in the past have fallen through. A plan to sell to the U.S. Forest Service died when former U.S. Sen. Tim Wirth, D-Colo., failed to win a \$3 million appropriation from Congress for an initial



Gilbert Medina was beaten by the late Jack Taylor more than 30 years ago.

payment. The land had been appraised then at \$22.5 million.

And residents vow to derail any plan in which they don't have a stake.

"We have to find a harmonious middle ground for the use of that land," said Maria Valdez. She worries that Front Range environmentalists will turn the land into a restrictive wilderness area.

"Part of the clash of this is that people here still hunt. We like elk meat. We still cut

wood," she said. The thought of recreational vehicles, four-wheel-drive enthusiasts and thousands of hikers makes her cringe.

"We have to look for new models that protect the rights of indigenous communities," she said.

The president of the water conservancy district, Maclovio Martinez, is exploring a plan to float bonds so area residents can purchase the land. The district would turn over management to a board and earn

money from permits for hunting or fishing, educational programs and possible short-term logging or mining.

But Martinez also supports a state purchase.

"We have a golden moment in history, a window of opportunity," he said. "We want to safeguard (the land), keep it unsold."

Added Father Valdez: "The violence and anger must end. We have to forgive. We have to bury the hatchet. This is a new day."

SLV residents study ways to buy Taylor Ranch

By ERIN SMITH

The Pueblo Chieftain

SAN LUIS — Area residents met Monday with a special commission studying ways to buy the 77,500-acre Taylor ranch here and open it to the public.

About 70 people crowded the Sangre de Cristo Church hall to discuss possible sources of funds and how the ranch would be managed.

The historic land was closed to public use in 1960 when it was purchased by North Carolina lumberman Jack T. Taylor. Since then, residents have fought the closure, saying their historic rights to use the land for hunting and recreation predated Taylor's purchase.

Taylor died several years ago. While his heirs have relaxed access to the ranch, residents say that's

not enough.

Ken Salazar, executive director of the Colorado Department of Natural Resources, heads the commission studying the purchase of the land. Specifically, the commission is trying to figure out how to allow the public to use the land for hunting, gathering of firewood, grazing and recreation.

County Assessor Maclovio Martinez, who also heads the

Costilla County Conservancy District, said he thinks his organization can buy the ranch. The district is raising money nationwide, he said.

Martinez said the Mountain Tract, which is what the ranch is referred to here, "gives us sustenance" and should be turned over to the public because of its available water and the economic benefit that the area would enjoy if the

land were opened.

He said if the property is sold for public use, the \$22,000 in annual property taxes lost to the county would be returned "10- to 100-fold."

Tom Macy, the Conservation Fund's western representative in Boulder, said he does not believe "pure preservation is practical anymore." He said a plan for using the land for economic benefit

should be devised, adding that the land would not have to be ruined in such an endeavor.

Sen. Robert Pastore, D-Monte Vista, said the congressional delegation should be lobbied in an effort to obtain federal funding.

State Sen. Tilman Bishop, R-Grand Junction, who is on the Legislature's Agriculture, Natural Resources and Energy Committee, said he is not sure if Colorado's congressional delegation knows the importance of the issue to the local community. Perhaps if the delegation did, efforts would be made to obtain federal funding for its purchase, he said.

Pastore also said the Taylor family owes hefty estate taxes stemming from the death of Taylor several years ago. He suggested that donating the ranch to the state for public use could give the Taylor heirs a tax break.

Rocky Mountain News Thurs., Sept. 30, 1993

State studies Taylor Ranch purchase

Commission named to seek means to buy huge San Luis tract once used as communal land

By Katie Kerwin

Rocky Mountain News Staff Writer

Gov. Roy Romer appointed a commission Wednesday to study buying the 77,000-acre Taylor Ranch in the San Luis Valley.

The state has the first option to buy the land if deals with private buyers fall through this year.

One of the potential buyers was Bellingham, Wash.-based Trillium Corp., which owns much of the

Central Platte Valley near lower downtown Denver. Trillium notified state officials it has backed out.

Romer said public purchase of the mountainous property could end a bitter feud that has raged between local residents and the landowners for decades.

The feud began when the late Jack Taylor, a North Carolina timber baron, bought the ranch in 1960, fenced it and kept locals out.

Until then, descendants of Colorado's first Spanish residents had used the property for communal hunting, fishing and wood gathering under an 1844 Mexican land grant.

Taylor's son is selling the ranch for an estimated \$22 million to \$33 million. Funds could come in part from Colorado lottery proceeds, along with other private and public donors. Fifth-generation San Luis Valley native and Natural Resources Department Director Ken Salazar will chair the commission that will explore funding sources.

"The Taylor Ranch has many important values," Salazar said. "For local residents, ... some form of special access may help them retain the special relationship they have with the land."

The commission's first meeting is Oct. 18 in San Luis.

Sangre de Cristo Land Grant Commission Report

APPENDIX B MEDIA ARTICLES

Disputed tract still part of 'dreams'

Panel charged with finding financing, plan for ranch near San Luis

By Kit Miniclier

Denver Post Staff Writer

SAN LUIS — Determined to win back their ancestral rights to fish, hunt, gather wood and graze livestock on "The Mountain Tract," residents of Colorado's oldest town joined forces with federal and state officials yesterday.

"It is a day of dreams," said the Rev. Pat Valdez of Sangre de Cristo Parish, remembering 33 years of racial slurs, threats and gunfire since Jack Taylor, a lumberman from North Carolina, bought the 77,000 acres of land and fenced it, chasing intruders off at gunpoint.

The Sangre de Cristo Land Grant Commission met for the first time yesterday, worked hard for five hours and agreed to meet two more times very soon.

The panel, created Sept. 27 by Gov. Roy Romer, is to report back by Dec. 15 with specific financing sources to buy the land and a plan to manage it.

Time is of the essence. The current ranch owner has given the commission a 30-day option if an unidentified consortium of buyers from Denver doesn't complete their purchase of the land in December, said Thomas Macy of the

Conservation Fund, a private group that helps various entities raise money.

"We may have a window of opportunity. If we get it, we have to be ready," Macy warned. "We work with governments and private funds to help preserve dreams."

An appraisal two years ago valued the ranch at \$22.5 million, but it didn't include untapped mineral rights.

"My greatest fear is not to inflate expectations," warned com-

Please see FIGHT on 2B

Land tract may be sold to investors before Dec.

FIGHT from Page 1B

mission Chairman Ken Salazar, executive director of the Colorado Department of Natural Resources.

Among the dangers he cited:

- An inability to come up with the \$22 million to \$40 million needed.
- "There is a big chance it will be sold to someone else" before December.
- "And there is a very big chance" the commission will fail to agree on a management plan.

Taylor died in 1987, and his son and executor, Zachary, has allowed limited access to the ranch.

Now he wants to sell it to eradicate the tax burden.

Several speakers suggested that Taylor be allowed to trade some land in lieu of taxes.

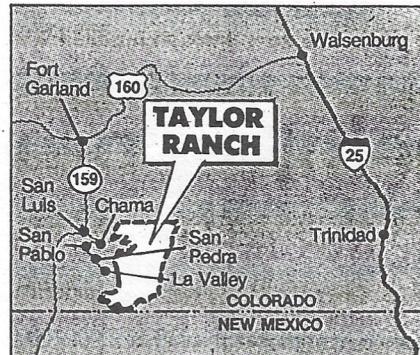
Others suggested that private and governmental groups, from Colorado agencies to the U.S. Forest Service, join forces to buy the property.

"The Taylor Ranch can be a nationally significant model of collaborative management for the protection and enjoyment of natural resources . . . enhancing our appreciation of the relationship between land and people," including early Hispanic settlers, Romer said in creating the commission.

Among 364 national parks, none depicts Spanish culture, noted commission member Judith Cordova, the representative from the National Park Service.

The ranch is part of the million-acre Sangre de Cristo land grant that Mexico gave to two men in 1844, four years before the area became part of the United States.

For a century, the acreage was largely



The Denver Post

unused by absentee landowners and happily used by residents of San Luis, San Pablo, Chama and San Pedro.

Then Taylor fenced it.

But before anyone coughs up money to buy the site, they need to know how it will be managed and how many locals will be entitled to precisely how many cords of wood and what other uses of the land.

Those are only a few of dozens of questions that four subcommittees are to answer before the commission reconvenes Nov. 1.

Sangre de Cristo Land Grant Commission Report

APPENDIX B MEDIA ARTICLES

Los Angeles Times

WEDNESDAY, NOVEMBER 17, 1993
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This Land Belonged to All of Us'

■ A timber baron shut out descendants of Colorado's Mexican settlers from the mountains they loved. Now, the state is trying to turn the area into a park and preserve an endangered heritage.

By LOUIS SAHAGUN
TIMES STAFF WRITER

SAN LUIS, Colo.—In 1960—a year bitterly remembered in this southeastern Colorado farming community—North Carolina timber baron Jack T. Taylor bought a 77,500-acre tract in the nearby Sangre de Cristo Mountains, fenced it and hired gunmen to keep local residents out.

To the Latino subsistence farmers and ranchers of the San Luis Valley, it was an assault on their traditions, their culture, on the survival of their very community.

As descendants of Colorado's first Mexican settlers, they had survived for nearly 150 years in a special relationship with the towering mountains they call La Sierra. They believed their rights to share La Sierra's bounty—its game, pastures and even firewood—were guaranteed under an 1844 Mexican land grant later ratified by Congress.

So they fought back. But they were beaten in the courts, and barred from the mountain range by Taylor's hired hands.

As battle after battle was lost over the last three decades, the people of San Luis watched their numbers dwindle by half to 900.

Now, they have hope. The state is stepping in with a proposal to buy the land from Taylor's heirs, restore the local community's historic rights and, at the same time, create a public wilderness park among the range's 14,000-foot peaks.

If the plan succeeds, it would be one of the first efforts to preserve unique cultures seen as endangered. It could also be a spur to the nascent national movement that holds that America's distinct societies, steadily eroding under outside pressure, are as worthy of protection as the land they live on and the wildlife it supports.

As the sun peeked over the Sangre de Cristo Mountains, Joe Gallegos emerged from the house built for his great-grandmother and girded himself for the struggle of cutting cattle from his herd to take to market.

Nine years ago, this pastoral life lured him from a lucrative job as an oil-drilling engineer in Africa back to the family homestead just below La Sierra's western flanks.

"You won't get rich here," shrugged Gallegos, 38, a rangy pony-tailed cowboy who took charge of the 1,600-acre family farm and ranch believed to be the oldest in Colorado. "But you'll never starve."

Gallegos is among the descendants of settlers sent north by Mexico in the 1840s to counter the

Please see PARK, A23

PARK: Colorado Hopes to Save a Culture

Continued from A1
westward expansion of the United States. Here, his ancestors adapted to life in a remote, high-altitude valley with short growing seasons and annual rainfall of nine inches. It is still a place where people speak a peculiar blend of Spanish and English. There are autos and tractors, and even a few solar heating systems and satellite dishes. But many families use outdoor dome-shaped adobe ovens called *ornos* to smoke strains of corn and beans that have been dried for years ago. A few subscribe to a secretive religious group known as the Brotherhood of Penitents, which evolved out of a shortage of Catholic priests when the original settlers anchored the northernmost reaches of what was then Mexico.

At the root of their dispute with Taylor were opposing views of land rights.

The Latino residents believed in old Mexican land law. Tradition held that land protected them and they protected it. While one person or company could hold title to the entire region, local people still had rights to live on that land.

They still share a 644-acre common pasture called the Vega—the last vestige of a million-acre grant awarded by the Department of New Mexico Gov. Manuel Armijo in 1840 on behalf of the Republic of Mexico.

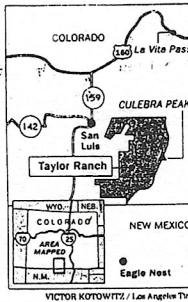
But barred from grazing their cattle and sheep in the highlands, San Luis watched half of its farming families sell their livestock and move away.

Among those too stubborn to let go is activist María Valdez, 44, who lives on a 23-acre farm with her husband and five children and is working on a Ph.D. in American Studies at the University of New Mexico at Albuquerque.

"We have to struggle to keep a culture alive—a culture that loses those things can only be read about in books," Valdez said while preparing a dinner of sautéed elk and home-grown potatoes over a wood stove. "Yet, Jack Taylor is holding this community hostage from the grave, all because he couldn't understand our bond to the land."

The Valdez family counts itself among a new generation inspired by the fierce rhetoric of respected *viejitos*, or elders, such as Apolinar Irael, who died in July at age 93.

"Before he passed away, my



VICTOR KOTOWICZ / Los Angeles Times

father said, 'Don't give up! It's taken 33 years to get this far, and if it takes another 33 years, do it!'" recalled Rael's daughter Gloria Maestras, 60. "My dad always said that Jack Taylor thought he was dealing with a bunch of idiots—Taylor was wrong."

When Taylor bought the mountain ranch, he turned it into an encampment bristling with weapons aimed at teaching residents a stern lesson. This land is now private. Keep out.

The feud exploded into violence on a cold November day in 1961, when Taylor's men severely beat three young Latinos suspected of setting fire to a trailer on the ranch, tied them to the back of a pickup truck and drove them to the mountains, effectively囚禁ing them.

It was 20 degrees below zero that day and the local boys were heaped in the bed of the truck like sheep carcasses," recalled former San Luis Mayor Joe Espinoza, 82, shaking his head. "It was pitiful."

Taylor and his men were taken into custody for their own protection, Espinoza said, as 200 angry residents converged on the jail, wanting to lynch them.

In 1965, Taylor won a court fight clearing his need of any language that could allow access by the San Luis community to his ranch.

Shootouts, mysterious fires, vandalism and cattle rustling persisted in and around the ranch until 1975, when a bullet ripped through the roof of Taylor's home and killed him.

When Taylor died, he left his heirs with hefty estate taxes, and a desire to sell the ranch. They have offered it to the state for about \$30 million if a private offer falls through before Dec. 1.

Gov. Roy Romer has appointed a commission to study the possibility of buying the land through public and private donations, along with proceeds of the Colorado lottery, which voters have decided may be used for acquisition and maintenance of state parks.

The state's effort to preserve the San Luis Valley culture could serve as a model for settling some of the dozen other Mexican and Spanish land grant disputes in Colorado and New Mexico, officials said.

"Our plan has the potential to strengthen the historic agricultural and cultural activities of the community of San Luis Valley," said Ken Salazar, executive director of

the Colorado Department of Natural Resources and chairman of the Colorado land grant commission. He said it also would "create homes for people in the state and around the world."

Marianne Stoller, a historian at Colorado College who was raised in the San Luis Valley, agreed: "The state's solution, which would be unique in the United States, should be considered very carefully. Cultural conservation is a new idea whose time has come."

Saving this culture and others from extinction also means preserving lands cherished for their "intrinsic spiritual or cultural qualities, aside from their economic value," said María Montoya, assistant professor of history at the University of Colorado, Boulder.

"If we look at the Native American tribes of the Great Plains or the Hispanic cultures of southern Col-

orado," Montoya said, "we realize that some cultures that are more environmentally friendly to their landscape than 20th Century urban dwellers and corporations who view land as a commodity."

Hawaii already is working on a similar preservation effort. The state is developing a "living cultural park" for native Hawaiians in a lush, 5,000-acre valley on the island of Oahu. Earlier plans to evict residents and build a commercial tourist theme park were scrapped after public outcry. Instead, Kauai Valley State Park is seen as a place where 31 families can bring their traditions back to life and teach residents about Hawaiian heritage.

Ernest Valdez, 65, remembers when fences were alien to the mountains that dominate the San Luis Valley near the headwaters of the Rio Grande. "The mountains belonged to all of us before [Taylor] came and bought them and took our rights away," said Valdez, whose fields have been producing beans, corn and potatoes for his family since the late 1800s.

"I'm old, but the younger generation is strong and educated, and they will keep fighting for our rights," he said. "It's all up to them."

"It's up to us," agreed rancher Joe Gallegos, saddling a horse beside a small adobe house on the ranch in which his father was born.

"We just take care of it."

His father, Corpus Gallegos, 73, smiled and added: "I always told my children to keep fighting for what is right. There's no place in this valley for a quitter."

Sangre de Cristo Land Grant Commission Report

APPENDIX C SANGRE DE CRISTO LAND GRANT COMMISSION

Sangre de Cristo Parish:

Established in 1881, there are a total of eight mission churches in the parish. Six of the churches in the parish were established between 1851 and the 1890's. These missions are all in the Culebra drainage, and were instrumental in the early settlements of the Sangre de Cristo land grant.

Approximately 95 percent of the people living within the Parish's communities are Hispanic, and of them about 75 percent are catholic. For many, the Catholic Church plays a stronger role in their lives than any other institution. The Parish Priest, Father Pat Valdez sees his role on this commission as that of an advocate for his parishioners.

San Luis Vega Board:

The San Luis vega is a 630-acre parcel of land that was set aside as public grazing by the founders for those families that lived in the town of San Luis. The vega has continuously been used for grazing by the residents of the villages of Costilla County; it is the only communal or non-private land in the county. The current Board was established in 1976 to manage grazing and to protect the integrity of the vega's boundaries. The Board consists of cattle owners from each of the villages and residents of San Luis. Dr. Ernesto Pacheco represents the Board on the Commission.

Costilla County Board of Commissioners: Costilla County is a statutory county, and one of the 17 original counties in Colorado. The Commissioners were early participants in bringing the opportunity to acquire the La Sierra tract to

the attention of Lt. Governor Callihan's, and they continue to give strong support to the Commission. The Board of Commissioners is represented by Maclovio F. Gallegos.

Town of San Luis:

Incorporated in 1968, San Luis enjoys the distinction of being the oldest established community in Colorado. Local historians have pinpointed its date of founding to April 1, 1851. The town is also the County seat for Costilla County. The town's Board of Trustees appointed Mayor Floyd Garcia as their representative to the Commission.

Land Rights Council:

A nonprofit corporation, it was established in 1978 to work to restore the traditional rights of the community that were usurped by the Taylor family when they purchased La Sierra. The Land Rights Council has been the most active group in this struggle, and are the lead litigants in the current court case, Rael vs Taylor. The Land Rights Council, through its legal efforts continues to maintain a cloud on the title of the property. Charlie Jaquez represents the Council on the Commission.

Committee on Environmental Soundness: This Committee was formed in 1988 to raise the local community's awareness regarding environmental issues, especially those surrounding mining by Battle Mountain Resources. It continues to keep environmental issues in front of the community. Michael A. Gomez represents the Committee on the Commission.

Sangre de Cristo Land Grant Commission Report

APPENDIX C SANGRE DE CRISTO LAND GRANT COMMISSION

Costilla County Citizens for Better Government:

Established in 1992, it is a grassroots organization that serves the public as a "watchdog" for local government. The organization has county-wide membership. Allen C. Manzanares represents this organization.

Costilla County Conservancy District:
Established in 1975, the District was formed to oppose an attempt to export Costilla County's water by an oil exploration firm. In general, it has been active in protecting the water rights of all irrigation ditches or acequias that belong to the District. It initiated the effort to purchase La Sierra because of the need to protect the water shed of the Culebra drainage. The Conservancy District has a Board of Directors with three members. The District has taken a lead role in the creation of La Sierra Foundation and Land Trust. The District is represented by Maclovio Martinez.

Costilla County Economic Development Council, Inc.:

Established in 1987, the Economic Development Council is a 501 (c) (3) corporation that is working towards bringing economic change to the communities of Costilla County. The Council has worked closely with the town, county and the parish, serving as an administrative arm for economic development projects. The Council has adopted tourism development and sustainable agriculture as its strategies for economic development. The Council's Board of Directors is made up of residents from throughout the county.

Felix Romero represents the Council on this Commission.

People's Alternative Energy Services:

Established in 1977, People's Alternative is involved in energy advocacy, environmental work, research, networking among similar organizations, and protecting the vital "spirit of place" in the local communities. People's Alternative was the lead agency in developing and working towards adoption of the 1041 Land Use Regulations by Costilla County. People's Alternative also joined the Committee on Environmental Soundness and the Conservancy District as co-objectors to the establishment of the Battle Mountain Resources mine. Maria Valdez represents People's Alternative on the Commission.

San Luis Valley Economic Development Council:

This Council was formed in 1985 by the municipalities and counties of the San Luis Valley to promote economic development activity for the six counties of the valley. The membership includes private corporations. Roland C. Mower represents the Council on the Commission.

Colorado Legislature:

Both houses of the state legislature are represented through Rep. Lewis Entz, House District 60, and Sen Bob Pastore, 5th Senate District. Both legislators have been active supporters of this effort, and have participated in countless hours of meetings and negotiations.

Sangre de Cristo Land Grant Commission Report

APPENDIX C

SANGRE DE CRISTO LAND GRANT COMMISSION

Colorado Wildlife Commission:

This is an eight member commission that oversees the activities of the Division of Wildlife, under the State Department of Natural Resources. The Commission is represented by Arnold Salazar, a native of Costilla County and a resident of the San Luis Valley. The staff member representing the Wildlife Commission is Bruce McCloskey, Deputy Director of the Division of Wildlife.

Colorado Division of Parks and

Outdoor Recreation:

Charged with the responsibility for acquisition and management of parks in Colorado. The Division is overseen by a five member citizens Board, and represented on this commission by Pat McClearn. The staff member on the commission is Tom Kenyon, Deputy Director of Parks and Outdoor Recreation.

Great Outdoors Colorado Trust Fund:

This Trust was established by the legislature to supervise the distribution of funds from the Colorado lottery, as mandated by the passage of amendment eight in the 1992 general election. The Great Outdoors Colorado Trust Fund (GOCO) is represented on this commission by State Senator Tilman Bishop of Grand Junction, Colorado.

Colorado Historical Society:

As an educational agency of the state, the Colorado Historical Society is dedicated to collecting, preserving, and interpreting the history of Colorado and the West in order to foster appreciation, insight, and useful understanding of the past and present. Its President, Jim Hartman, represents the Colorado Historical Society on the Commission.

Forest Service, USDA:

A land and resource management agency of the federal government, within the US Department of Agriculture. The Forest Service, at the request of Governor Romer, is playing an active role in trying to help the local community realize its vision. The Forest Service is represented on this commission by John Capell, a staff forester of the Rio Grande National Forest.

National Parks Service:

A land management agency within the U. S. Department of Interior, the Parks Service has worked with the commission to offer funding and management alternatives. The Parks Service is represented on this commission by Judith Cordova, a staff member of the Colorado National Monument in Fruita, Colorado.

Colorado Department of Natural Resources:

The Department of Natural Resources has been responsible for chairing and staffing the Commission and for creating the documents necessary to secure state, federal and/or private foundation funding. The Department is represented on the Commission by Ken Salazar, Executive Director.

In addition, several expert consultants have donated their time to the efforts of the commission. These include: Tom Macy of the Conservation Fund; Jeffrey Goldstein, attorney for the Land Rights Council; John Van Ness, anthropologist and writer; Dr. Marianne Stoller, Professor of Anthropology at Colorado College; and Dr. Devon Pena, Professor of Sociology at Colorado College. Many other members of the County have attended and contributed to the Commission meetings.

Sangre de Cristo Land Grant Commission Report

APPENDIX D ENGLISH TRANSLATION OF 1863 DOCUMENT

English translation of 1863 document regarding settler privileges.

On May 11, 1863, Beaubien executed and later recorded a document setting forth certain regulations, privileges and rights of the settlers. This particular instrument, the original of which was handwritten and in Spanish, was recorded at Page 256, Volume 1 of the Costilla County records. Land grant historian Myra Ellen Jenkins has most recently translated this document as follows:

Plaza of San Luis de la Culebra,
May 11, 1863

It has been decided that the lands of the Rito Seco remain uncultivated for the benefit of the community members (gente) of the plazas of San Luis, San Pablo and Los Ballejos and for the other inhabitants of these plazas for pasturing cattle by the payment of a fee per head.* etc. and that the water of the same Rito remains partitioned among the inhabitants of the same plaza of San Luis and those from the other side of the vega who hold lands almost adjacent to it as their own lands, that are not irrigated with the waters of the Rio Culebra. The vega, after the measurement of three acres from it in front of the chapel, to which they have been donated, will remain for the benefit of the

inhabitants of this plaza and hose of the Culebra as far as above the plaza of Los Ballejos, including with them those who live as far as along the side of the Rito of the deceased Jose Gregorio Martin. Those below the road as far as the narrows will have the right to enjoy the same benefit. The plaza, it is understood, and I have recently determined, that the drains (chorreras)⁷ and rights for the households are on the east, fifty varas of land, as well as on the west side, and no one has rights to the south, nor to the north, nor in any other direction and cannot, as some have believed, place any obstacle or obstruction to anyone in the enjoyment of his legitimate rights, and if anyone has done so, he will have to remove the obstacle immediately and without delay. Also, the regulations for the roads will be observed well without allowing those who travel and have business to conduct within the limits of the farm lands to be injured. Likewise, each one should take scrupulous care in the use of water without causing damage with it to his neighbors nor to anyone. According to the corresponding rule all the inhabitants will have enjoyment of benefits of pastures, water, firewood and timber, always taking care that one does not injure

⁷ These are the drains or canales from the flat roof which jut out over the house wall, and the space below them slightly sloped to carry the water away from the walls.

Sangre de Cristo Land Grant Commission Report

APPENDIX D ENGLISH TRANSLATION OF 1863 DOCUMENT

another. Furthermore, the mills which have been built without damage to a third party may remain in their respective places. For the well being and protection of the plantings animals, except those needed solely for domestic service, will not be allowed for a distance of one league from the farmland. It will be understood that every person who comes into the place with rights, by purchase, or in another manner has to give personal service, the same as all do, or by means of a representative, that he is obligated to maintain weapons sufficient for defense and to comply with the municipal duties, the same as the rest, this being among others, the requisite condition of his admission.

Carlos Beaubien
Witnesses, J.L. Gaspar
Nasario Gallegos

Note:

The limits of the plaza of San Luis de la Culebra are: on the south side the acequia which is located adjacent to the mill of the Senores St. Vrain and Easterday; on the north as far as facing the foot of the mesa; to the entrance of the vega, and the houses which are built without permission further above this point and from the chapel (their owners) will have to pay five pesos for each twenty varas from north to south and in proportion to their corresponding

rights from each to west. The rights of the chapel in the four directions will be 50 varas, and 200 varas to the north from the rights of the limits for the chapel there is set aside 100 square varas, it being understood that the inhabitants will have to fence them well, immediately and sufficiently, in order to prevent animals from coming into the cemetery, etc.

Carlos Beaubien
Witnesses, J.L. Gaspar
Nasario Gallegos

*The Spanish phrase is pisos pasteos, Francisco J. Santa Maria, Diccionario de Americanismos, Mexico, 1942, Tomo II, p. 491, defines piso as "a fee or tax which is paid to the owner of a pasture land or field for each head of cattle which is placed there to pasture" (tributo o derecho que se paga al dueño de un potrero o campo por cada res que se ponga allí de pastar).

Sangre de Cristo Land Grant Commission Report

APPENDIX E CONSERVATION FUND

The Conservation Fund

The Conservation Fund creates partnerships with the private sector, non-profit organizations and public agencies to protect our outdoor heritage – America's special places. Unique among non-profit conservation groups, the Fund's charter includes provisions for programs and projects that blend environmental and economic goals. Since its founding in 1985, a score of sustainable projects have demonstrated how resources can be leveraged to produce both environmental and economic benefits. In total, 337,099 acres in 30 states, with a cumulative estimated value of \$142,459,254 have been protected.

Organization: *The Conservation Fund* - Since 1985, The Fund, a national non-profit organization, has helped its partners protect 400,000 acres - nearly 10,000 in Colorado.

Mission/Purpose: The Conservation Fund creates partnerships with the private sector, nonprofit organizations, and public agencies to protect America's outdoor heritage. Dedicated to excellence and the entrepreneurial spirit, we constantly seek new opportunities to advance land and water conservation.

Model Projects Applicable to GO-CO:

Craig Mountain, Idaho: Co-op/Mitigation Project

We facilitated a multi-party transaction with: Aetna Life Insurance Company, the State of Idaho, the Nez Perce Indian Tribe, the Bonneville Power Administration (BPA), The Nature Conservancy, and the BLM. We acquired this 60,000-acre wildlife area at the confluence of the Snake and Salmon Rivers using \$7.2 million in mitigation funds from BPA (mitigating the impact of a dam on the Clearwater River). Conservationists had been trying to protect this area for over a decade when we were asked to step in. Craig Mountain is now in public ownership and is managed as a wildlife conservation area by the Idaho Department of Fish and Game.

Applicable Programs within The Conservation Fund

(see examples of projects in Annual Report):

- *American Land Conservation Program*
 - Conserving the nation's outdoor heritage using donations from private foundations.
- *Government Co-ops*
 - Assisting public agencies in protecting critical natural areas.
- *American Greenways*
 - Creating a network of green areas throughout the nation.
- *Land Advisory Services*
 - Planning and consultation services.
- *Sustainable Conservation*
 - Limited Development - integrating economic and environmental objectives.
- *Conservation Buyer Program*
 - Assisting private individuals in finding and protecting unique natural areas.

Sangre de Cristo Land Grant Commission Report

APPENDIX F NEW YORKER ARTICLE, 1976 U.S. JOURNAL: COSTILLA COUNTY, COLORADO

A LITTLE CLOUD ON THE TITLE

JUST about everyone who lives in Costilla County was born there.

Just about everyone seems to know precisely when his forefathers arrived—in the eighteen-fifties, as *pobladores*, or settlers, recruited by Don Carlos Beaubien of Taos to colonize the million-acre Sangre de Cristo land grant he had acquired from the government of Mexico. In the high country that is now Taos County and Rio Arriba County, in northern New Mexico, people like those Beaubien recruited had been farming the same land since Spain sent expeditions toward the interior of the continent, long before there was a United States. Far into this century, their remote settlements seemed more like the rural villages of Spain or Peru than like part of an American state. Their spoken Spanish retained some echoes of the eighteenth century, and their religion was strongly influenced by a Penitente movement best known for the reluctance of some of its members to give up rituals of scourging. The people who agreed to move north to the San Luis Valley as settlers of the Sangre de Cristo grant became separated from the rest of Spanish New Mexico by the Colorado state line, but Costilla County has nothing in common with the popular image of Colorado except mountains. The Sangre de Cristo Mountains coming north from New Mexico tower over the valley on the east, even though the valley itself is a mile and a half above sea level. The San Juan Mountains and the Sawatch Range stand be-

tween the valley and the rest of Colorado. In a way, Costilla County has remained more isolated than some similar places in northern New Mexico, where the Indian pueblos and the scenery and the conquistadores legends drew successive waves of outsiders—artists and wellborn eccentrics and tourists and, eventually, the nineteen-sixties flower children, accompanied by a good number of nineteen-sixties flower grownups. The county seat of Costilla County, San Luis, is town of eight hundred people. Many descendants of the *pobladores* still live in villages that seem dominated by cracked adobe or on tiny *ranchitos* with a garden patch and a few head of cattle. Like a lot of rural people who live together in remote places for generations, the people of Costilla County have the reputation of being proud and independent and close-knit and suspicious of strangers. Like a lot of rural people who still hunt game for their own tables, they are not averted by firearms.

In 1960, a stranger came to the San Luis Valley to buy what everyone had always called the Mountain Tract—a seventy-seven-thousand-acre tract of land on the western slope of the Sangre de Cristo Mountains which happened to be the last significant parcel of Beaubien's grant remaining unfenced. The seller, the Costilla Land Company, consisted of some Denver businessmen who had held the land for years without much discernible purpose beyond the intention of someday reselling it. The buyer was John T. Taylor, a timber

and land man from New Bern, North Carolina. As Taylor later recalled the transaction, the sellers, willing to part with the land for what seemed a bargain price of five hundred thousand dollars, did include a mild warning that he might face some poaching and some claims by local residents—what people in the business call “a little cloud on the title.” The cloud turned out to be the virtually universal belief in Costilla County that the descendants of the Sangre de Cristo grant settlers had the legal and moral right to pasture cattle and gather wood and cut timber and hunt game on the Mountain Tract, no matter who owned it. When Taylor arrived in Costilla County as the owner of the property, a committee to fight for those claims already existed. It was called the Asociación de Derechos Civicos—the Asociación de Derechos Civicos—the Association for Civic Rights.

Perhaps there was a way for an outsider buying the Mountain Tract to come to some agreement with the people who believed that no man had the right to its exclusive use. Perhaps someone particularly sensitive to the history and culture of the valley could have satisfied everyone by, say, permitting some limited wood gathering and hunting or even by making available a section of the land. Seventy-seven thousand acres, after all, provides some margin for negotiations. Or perhaps, as Taylor later claimed, any outsider who bought the Mountain Tract would have met great resistance in Costilla County no matter how diplomatic he was. There is no way to know, since Taylor was not by nature a man who dealt in gestures of conciliation or assurances of mutual respect. At the time he bought the Mountain Tract, he was forty years old, and in North Carolina he had already made a lot of money in a business in which successful men are more likely to be admired for their toughness than their diplomacy. In North Carolina, Taylor was known as a man who took a broad view of what land he had a right to cut timber on—an attitude that had often resulted in angry confrontations and long court battles about who had title to what. Someone who had observed his career in North Carolina said recently, “He's the kind of man who has probably spent more money defending the land he got than he did buying it.” Taylor was also a man unawed by firearms. He had apparently faced peo-

Sangre de Cristo Land Grant Commission Report

APPENDIX F NEW YORKER ARTICLE, 1976

fence—and about the unwillingness of local law-enforcement officials to do anything about it. The local people complained that Taylor was setting himself up as a dictator who could make his own law—confiscating rifles or equipment from trespassers as fees, shooting horses out from under people who came onto his land. (Taylor acknowledged seizing equipment, if not shooting horses, claiming that his law was the only law available.) In a way, though, the years between the mid-sixties and the mid-seventies amounted to a form of peace—without changing the views of Costilla County people on either issue raised by the purchase. They still saw Taylor as an arrogant and brutal and probably racist outsider. They still believed that, fence or no fence, the descendants of the *pobladores* had a right to graze animals and picnic and hunt and cut aspens and gather firewood on the Mountain Tract.

IN the years after the Court of Appeals decision favoring Taylor, some of the men who had led the opposition to him died, and some of them more or less resigned themselves to Taylor's victory. But then, around 1974, a new generation of Costilla County residents—young men who had been children when Taylor bought the property—began to question whether Taylor could really keep the local people off his land and whether their fathers and grandfathers had fought hard enough to prevent him from doing so. A lot had happened among Spanish-speaking people in the Southwest in the years after the mid-sixties—the Alianza that Reies Lopez Tijerina organized in Rio Arriba County around claims of Spanish ownership of the old land grants, the militant civil-rights movements in cities like Denver. A lot had happened to the young men in Costilla County. Some of them had been to the city. Some of them had been to Vietnam. A few had even been to college. The sheriff of Costilla County talks about the Mountain Tract difficulties as something brought on by a Southern racist taking the law into his own hands; the sheriff's son talks about it as an example of Anglo land expropriation that can be understood only within the context of the Texas Annexation and the American concept of Manifest Destiny and the Treaty of Guadalupe Hidalgo and the land thievery engineered by a late-nineteenth-century cartel known as the Santa Fe Ring. Middle-aged people in San Luis tend to refer to themselves as Spanish, to distinguish themselves from

later arrivals from Mexico; some of their sons and daughters refer to themselves as Chicanos, or even Mestizos. A new association was formed in 1974, led by a Vietnam veteran named Pete Espinoza, who was later named deputy sheriff. "Our parents got scared," Espinoza told Jane Earle, of the *Denver Post*, soon after the association was formed. "But it's different with us now."

In the summer of 1974, under pressure from the young people during an election campaign, the county commissioners and the sheriff had the barriers removed from Mountain Tract roads—an act that apparently inspired the sort of street celebration that is ordinarily seen in San Luis only on the festival of Santa Ana, the patron saint of the village. Taylor replaced the barriers under protection of a court order that enjoined the sheriff from so much as stepping on the property, but there was not much he could do to protect twenty miles of fence from people who cut the barbed wire and entered on horseback. In southern Costilla County, a young man who felt the need to shoot up a sign or destroy a bridge—whether he was the type of young man who knew anything about the Treaty of Guadalupe Hidalgo or not—apparently had no trouble deciding where to do it. Taylor began making a list of allegations—acts of vandalism and of incidents in which guests or employees had been intimidated. He even claimed that one afternoon in Chama he had been shot at.

The rhetoric of the young people tended to treat Taylor's ownership of the Mountain Tract within the historical pattern of Anglos taking over Spanish land, and Taylor began to say that his harassment was based on his being an Anglo—or to say, on occasions when he was not being careful about his choice of words, that his harassment was based on his being a white. The more Taylor talked about being involved in a racial dispute the more he confirmed the belief of Costilla County people that he was a racist. One of the first remarks that almost anyone in Costilla County makes about Taylor is something like "He thought he could come here and treat us the way he treats the blacks in the South." It is difficult to tell how people in San Luis, Colorado, knew how Taylor treats blacks in the South; there are, after all, plenty of white liberals in North Carolina. As it happens, though, he is the sort of man who expresses his opposition to school integration largely in terms of black people in general having

poor moral standards, and who defends himself against suspicion of racism by recalling the headstones he has erected for loyal black employees or by saying, "I don't hate niggers; I hate the people who are trying to shove them down our throats." It is easy to tell how people in San Luis, Colorado, knew precisely the way Taylor feels about people with Spanish names, if their contact with him left them any doubt; they read his views in the *News and Observer* of Raleigh, North Carolina, the clippings having been sent to Colorado by one of the people in North Carolina who dislike Taylor enough to furnish a county official in San Luis with any information they believe may be damaging. In a taped interview with Pat Stith, of the *News and Observer*, in 1974, Taylor said, "That's what the anti-Anglo thing is, it's an inferiority complex. They know they're not equal, mentally or physically, to a white man and that's why they stick together so." When people in Costilla County talk about Taylor's "attitude," as they constantly do, they are often referring to his views on race. "People did believe that they had rights to that land, but they would have abided by the courts," a county official said recently. "They would have said, 'Well, we lost.' Except for his attitude."

Last October, while Taylor was sleeping alone in the house he had built on the Mountain Tract, several bullets came through the roof. One of them shattered his ankle. Some people in San Luis say that Taylor was shot not by locals but by disgruntled hunters he had argued with over fees; some people in San Luis say that Taylor was shot by locals and probably by locals who regretted only that they had failed to kill him. There are many Spanish people in Costilla County who deplore violence, and even a few who say that the owner of the Mountain Tract has every right to keep anyone he pleases off his land. But it is difficult to find anyone with any sympathy for Jack Taylor.

EVEN before he was shot, Taylor had, through North Carolina Senator Jesse Helms, approached the Justice Department with the claim that he, as an Anglo in a predominantly Spanish county, was being deprived of his right to property and to police protection because of his race. He has increasingly claimed, in fact, that the young people who now oppose him are engaged not in an argument with Jack Taylor but in a conspiracy to drive all Anglos out of southern Costilla County. Whether because of a conspiracy or because of some fallout from the Taylor

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dispute, at least one Anglo rancher has left the area since the shooting out of fear for the safety of himself and his family. Some Anglo counter-culture types have also left, although so many Anglo counter-culture types have been driven out of Spanish villages in the Sangre de Cristo Mountains in the past decade that sudden exodes of people in beards and beads and buckskin are more or less routine. County officials say that many Anglos have lived peacefully in Costilla County for years. The publisher Malcolm Forbes, who owns the huge Trinchera Ranch north of the Mountain Tract, gets along well with the local people—perhaps because Trinchera was fenced long before he bought it or because it is not as convenient as the Mountain Tract for poachers from small villages or because it employs a number of locals for ranch work and construction or because Forbes has gone out of his way to be lenient about such matters as firewood gathering or, in Taylor's view, because the Trinchera management would rather ignore unconscionable poaching and vandalism than frighten away potential buyers for houses on a section of the ranch that has been subdivided.

Since the shooting, there have been some mild attempts at conciliation by Taylor. His lawyer has written the county offering five thousand acres of recreation land in return for a guarantee of law protection and some concessions on tax and eminent-domain disputes Taylor is having with the county—adding that he found it chilling to offer land for law protection that every American should assume was his by right. One county commissioner has been told that Taylor might be willing to provide a couple of college scholarships for Costilla County young people. But people in Costilla County say that Jack Taylor's efforts at neighborliness have come sixteen years too late. The commissioner who was approached about scholarships says that any family sending a son or daughter to college on Taylor's money might bear the stigma for several generations. "One of his people asked me what he could do," a local official said recently. "I said, 'What he could do is change his god-dam attitude.'"

Taylor's attitude remains unchanged. He expresses no regrets at having taken a hard line from the beginning. "It would have been a lot cheaper to pay someone off," he said not long ago. "But it just goes kind of against the grain to do everything the Mexican way—with bribery." Finding himself the minority looking for federal protection—the person who believes, as blacks

in Mississippi used to believe, that the local law and his tormentors are the same people—has apparently not changed his views on the evils of federal meddlers shoving people down other people's throats. It seems merely to have confirmed his belief that the government and the press are now loaded in favor of the minorities. "Can you visualize what would have happened if I had been a Negro and they were all Anglos and I had been treated that way?" he asked a recent visitor to his office in New Bern. "They would have had Sherman tanks in there within three days."

Taylor has not been back to Costilla County since the night he was shot. Through his attorneys, he has made an enormous effort to have the shooting and what he believes to be his lack of police protection investigated by authorities outside the county. The federal grand jury in Denver has agreed to investigate, and Taylor says that even one indictment and conviction would end what he believes is a widespread feeling that he can be harassed or even shot at with impunity. Since the shooting, there has also been a revival of talk about an old plan to resolve the dispute by working out some trade of the Mountain Tract to a federal agency like the Forest Service for similar land elsewhere. A few young militants in Costilla County are opposed to such a trade, on the theory that the land doesn't belong to the Forest Service any more than it belongs to Taylor—the Forest Service, in fact, has for years been at the center of grazing disputes in New Mexico—but just about everyone else in the county is for it. Taylor says that talk of a trade is basically just a way for politicians to appeal to the Mexican vote, but he also says he would be willing to go along if appropriate land is found. He says both his timber and his hunting businesses have suffered greatly from the troubles. An attempt to sell the land now would be something on the order of a distress sale. "Mr. Taylor wants to raise the white flag," one of the people working on his behalf said not long ago. "He's just having trouble finding a flagpole." The deed to the Mountain Tract may be clean as a whistle, but, as it turned out in Costilla County, a man sometimes owns only the land his neighbors acknowledge he owns.

—CALVIN TRILLIN