

FIRE, THE CONTESTED LAND OF EL NORTE, AND THE FOREST SERVICE

by Yoly Zentella

The Northern New Mexican counties (El Norte) of San Miguel and Mora recently experienced a devastating wildfire, destroying more than 300K acres of forested land, homes and agricultural lands, displacing individuals, families and animals: livestock, domesticated and wild.

Intended to be a controlled burn, the fire began on April 6th of this year. According to the U.S. Forest Service (USFS), controlled burns are planned fires that help achieve forest health and reduce the threat of large fire events. “Controlled fire is used only under appropriate conditions and appropriate sites. The Forest Service [FS] has identified areas where controlled fire can be used as a management tool.” (fs.usda.gov). This policy looks good on paper, but as is often the case, the plan does not always match the reality on the ground, that which *la gente*, local folk, experience daily, in this case years of severe dry weather conditions. A controlled burn during a time of little rain, limited snow, severe drought and periodic high winds, some to 70 mph, is an act of stupidity, despite the expertise of the FS.

The April 6th fire, known as Hermit’s Peak became uncontrollable, spreading and creating the Calf Canyon fire, that began April 9th. According to the Las Vegas Optic (May 27th, 2022), “The fire began as a result of a dormant pile burn they conducted in January” (lasvegasoptic.com). In the same article the FS also took responsibility for the Calf Canyon Fire. Yet, despite the admission, the physical destruction and emotional chaos caused by this catastrophe resurrected an underlying fear that despite decades of it being swept under the rug, resurfaced -- the fear of continued loss of land and place in El Norte.

This fear seems to have encouraged a rumor, that the fire was deliberately set to flush out Nuevomexicanos from their ancestral lands and homes, making available the beautiful, rugged, mountainous enclaves of El Norte to more monied folks coming from Texas and California, many of them Anglos. These fears are nothing new, land in this part of New Mexico has been an object of contention, coveted for centuries, slowly changing hands from land rich, cash poor Nuevomexicanos, those no longer able to maintain their landed legacies, to developers, the real estate industry, and well heeled folks, often *outsiders*.

The fires displaced many, relocating them to shelters, hotels, and homes of relatives. This forced exile brought on despair, anxiety, fear, and anger much of it connected to not being able to return home, or rebuild after the fires—for lack of money or no insurance. While the Fed-

eral Emergency Management Agency (FEMA) promised much during the early days of the fire, the criteria, exceptions, and loopholes in their assistance policies make it doubtful that numbers who lost their homes will be assisted, continuing an underlying emotional current in the community, fear of loss of land and place.

Historically, El Norte has maintained a conflictual relationship with the FS, because, simply put, the FS is considered the handmaiden of 19th century Manifest Destiny, the basis of colonization in this area. The FS has functioned as a depository of confiscated land including Nuevomexicano land grants and individual tracts. *La gente*, has regarded this relationship with hostility, anger, and sadness not only because of the loss of land but also the slow erosion of a way of life that of living off the land as did their ancestors through sustainable agriculture, animal husbandry, and the harvesting of natural products such as wood, rock, and water. This conflictual relationship has manifested in a variety of ways since the annexation of the Southwest, including New Mexico, by the U.S. in 1848.

El Norte’s history is dotted with land theft schemes, efforts to separate the land from the predominant Nuevomexicano inhabitants, some living on ancestral properties for generations. This theft, accomplished at gunpoint or sanctioned by the courts, is glaringly evident in the 19th century (Carrigan & Webb, 2013; Ebright, 1994) when Manifest Destiny, the right by some to dominate over others, served as a tool of the U.S. colonial project of Westward Expansion in its acquisition of land west of the Mississippi. As history shows, and is well documented by Ebright, this push to acquire territory occurred in the interest of Anglo settlers and capitalists, to the detriment of Mexicans, living in Mexico’s northern territories before the Mexican American War (1846-1848), considered a provoked territorial war by some historians. It’s aftermath, the Treaty of Guadalupe-Hidalgo, 1848, witnessed Mexico’s loss of 50% of its territory to the U.S., including New Mexico, Arizona, Nevada. With the treaty, numbers of Mexicans were challenged by the U.S. land courts as to property ownership (Ebright), and in this way lost land inherited from their ancestors. Moreover, during this time of Westward Expansion, the federal government passed settlement mandates, like the Homestead Act of 1862, *giving* land to settlers, in general Anglos, coming from other regions into the

Southwest. The government also placed confiscated land, for *safekeeping*, under the jurisdiction of the FS, created in 1905 by President Roosevelt, part of the Federal Forest management scheme, circa 1876. Much of the land placed under *management*, was not only acres of private land,



Source: data.news-leader.com

but land grants, some thousands of acres. Land grants are tracts of land given to settlers of the northern territories of what is now known as Mexico first by the Spanish crown circa 17th - 18th centuries as reward for exploration and settlement; this was before Mexico's independence from Spain. Land was also granted by the Mexican government, after independence to those settling the northern territories of the country, circa 18th - 19th centuries.

Much scholarship (Correira, 2013; deBuys, 1985; Ebright, 1994; Knowlton, 1973, 1985), has focused on the corrupt collusion between Anglo and Nuevomexicano capitalists, lawyers, surveyors, land developers and the land courts in the wresting of land from its holders after the Treaty of Guadalupe-Hidalgo. After annexation, numbers of court cases challenged these practices with land grant heirs and activists pressuring the U.S. government to investigate the manner in which land was acquired by speculators, capitalists, and the government. Challenges also took the form of confrontation between usurpers and Nuevomexicano residents of New Mexico. One example is the 19th century activism of las Gorras Blancas, known for nighttime raids, cutting barbed wire fences erected by Anglo settlers and monied Nuevomexicanos, and setting properties on fire. In the 20th century a prominent example is the Alianza Federal de Las Mercedes, whose spokesman was Reies Lpez Tijerina. Here, the claims of land grant heirs, took form in the Alianza's establishment in 1966, of the Republic of San Joaquín del Río Chama, a land grant under the control of the Kit Carson National Forest. This takeover by heirs and activists ensued into a confrontation between Forest Rangers and Alianza members resulting in the National Guard intervening and activists arrested.

LAND JUSTICE WAS AN IMPORTANT POINT SUPPORTED IN THE PHILOSOPHY AND ACTIVISM OF THE MOVIMIENTO (CHICANO MOVEMENT) IN NEW MEXICO. HEIRS AND ACTIVISTS HAVE CONTINUED TO PETITION AND PRESSURE THE FEDERAL GOVERNMENT FOR THE RETURN OF LANDS.

Over the years, the expectation of recovering lost land has diminished significantly; the issue becoming more complex with time as land is parceled to family members, sold to individuals, or placed under the jurisdiction of the NFS. Now, 174 years after the Treaty of Guadalupe-Hidalgo, the issue appears *swept* under the rug.

Considering the contentious history of land in El Norte, it is not surprising that a recent wildfire caused by the FS, revived not only historical memories of land theft, but also brought to the surface the fear of theft by fire. Necessary actions taken by the firefighting crews and authorities may have added to the existing fears of loss. One example, is the setting of backfires, - fires set along the inner edge of a fireline to consume the fuel in the path of a wildfire, also used to change the direction of the force of the

fire column. Another is the sheriff's office mandating evacuations, and going from door to door in fire threatened areas urging people to leave. Some residents may have perceived this as forcefully being removed from their homes. Moreover, the blocking of roads by the police because of dangerous wildfire conditions -- burning/falling trees, choking smoke, low visibility, and fire fighting equipment on the roads -- made access to property in burning and surrounding areas impossible. For some, such actions painted an image of inaccessibility to property. Such scenarios combined with a history of violent conflict over land -- very much

part of an oral tradition in El Norte -- contributed to a chaotic situation of fear and anger.

By late July the fire is 94% contained, but the memory of the damage done by the fire is very much alive as one drives through affected areas. Driving on State Road (SR) 94 West I pass collapsed homes, charred vehicles, scorched earth, black skeletal trees, and burn scars along mountain ridges. The little homes I have come to love for their simplicity are gone. I am reminded of a war scene, of what was left of a town during the Bosnia war in the '90s, sans the corpses.

These scenes are reminders of 3 months of anxiety, displacement, anger, frustration, suspicion, blame, and of devastating emotional drain. So much negative emotion to live with. Yet, the gente of El Norte is so very resilient, and I am overwhelmed by their strength. A friend, stayed throughout the fire, he lived through the huge clouds of smoke and orange flames coming over the mountain ridge his property faces. No water, no electricity, but he would not leave his place, his ancestral legacy. He tells me "this is where I live, this is my home, I have nowhere to go." He is not the only who stayed and coped as best he could.

Along SR 94 there are still piles of corrugated roofing and rubble, will the owners not re-build and if they don't, why not? There are still people that are displaced, where are they staying now? Rumor has it that the shelter in Las Vegas is closed. And where is FEMA in all of this, what about the assurances they made at the beginning of this catastrophe? What about the FS, did they manage to elude compensating the affected?

As in other areas of the world where native land is coveted, and native peoples engage in a continual tug of war with the government, the rich, and real estate developers over land, it is those at the bottom of the social and economic rungs, the average working person, the small farmer, those that barely subsists on ancestral land holdings, that bear the brunt of this territorial war. The Hermits Peak and Calf Canyon fires are a reminder of a history of land loss in this area, one that has not been forgotten. The stories embedded in the fires are new, added pages, to the evolving book on the struggle for land in El Norte.

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Tierra o Muerte, the slogan, was revived during the Chicano movement in New Mexico. bit.ly/guerilla-graphix