

RIO ARRIBA
COUNTY
COMPREHENSIVE
PLAN
2009 UPDATES
AND
AMENDMENTS

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I. Introduction

Planning is a process that bridges the gap between where we are today and where we would like to be in the future. A Comprehensive Plan is a policy document that establishes what the residents, business owners, property owners and other stakeholders would like to see in the future of the County. The Comprehensive Plan establishes a framework through the community's values, goals and objectives, defining the direction in which the County Board of Commissioners should steer the County.

The Comprehensive Plan does not change any existing, nor create any new, laws, regulations or requirements. However, it does recommend policies that suggest changes to these implementation tools. An approved Comprehensive Plan is an advisory document of the County that establishes a basis for the regulations and programs necessary to manage current and future development within the County. The Plan identifies and analyzes growth and development issues and indicates how the local residents and their elected officials want the regional community to develop in the next twenty years.

The Comprehensive Plan identifies a County-wide community vision and six plan elements. Elements of the Plan include Land and Water, Economic Development, Housing, Infrastructure, Transportation, and Hazard Mitigation. Each element consists of a set of goals and implementation strategies.

The Plan is a "living" document that is intended to be updated and amended as programs and regulations are implemented and conditions within the County change and evolve.

The Rio Arriba County Comprehensive Plan is funded through a planning grant provided by the Local Government Division of the New Mexico Department of Finance and Administration.

II. Rio Arriba County Vision

Rio Arriba County is a unique rural area where generations of families have chosen to live and new neighbors arrive everyday. By encouraging quality education and diverse economic opportunities, Rio Arriba County will enhance and strengthen our traditional land-based communities, customs and cultures and improve our quality of life. We will develop housing, education and business-friendly environments that create prosperity and a bright future for our youth. Restitution of our land grants will sustain us and our families, and agriculture will protect our precious water and natural resources by adopting and invoking the Treaty of Guadalupe Hildago. We will move toward a future where ourselves, our children and our grandchildren can find their own path, perhaps along an acequia, and feel the sense of place we have today.



For thousands of years, Rio Arriba County has been home to various groups of people who have survived on the water, land and economy of the region. Human settlement in Rio Arriba County reaches back 10,000 years, when Paleo-Indians hunted and gathered in the area. The Anasazi people of New Mexico are believed to have cultivated corn as early as 3000 BC, and squash, beans and melons by 1000 BC. By 1200 AD, the Anasazi were developing settlements of cliff dwellings and Great Houses on the mesas and cliffs of the Pajarito Plateau, while supporting themselves with complex dry land farming systems, hunting and gathering in the valleys below. Around 1500 AD, drought and other factors caused them to move permanently into the river valleys, where they irrigated their crops with surface water. There, village life began to flourish in communities known today as Pueblos. The Pueblo communities of Santa Clara and Ohkay Owingeh (formerly San Juan Pueblo) are located within Rio Arriba County's boundaries today.

The 1500s marked great change for the Pueblo Indians. Jicarilla Apache bands that had settled in the Platte and Arkansas River Valleys of Colorado in the 1200s or 1300s discovered the mountainous areas of northern New Mexico, and the first Spanish colonists began to explore the region. In 1598, Don Juan de Oñate established the territory's first capitol at the village of Yunque Yunque, located near present-day Ohkay Owingeh, and renamed it San Gabriel. From there, he and his men launched numerous expeditions in the area. In these early years, the Spanish captured nomadic Plains Indians, including Navajos, Apaches, Utes, and later, Comanches, to create peripheral settlements that buffered the Spanish from attack by nomadic tribes. Known as *genizaros*, these detribalized Indians became permanently integrated into northern New Mexico's communities and cultures over time. The Pueblo Indians also experienced negative effects on their culture and livelihood during the near century of Spanish rule. In 1680, Popay, a medicine man from Ohkay Owingeh, organized the Pueblo Revolt, which united all the Pueblos in the territory to drive the Spanish from New Mexico. The Pueblos lived in relative peace and isolation until the Spanish re-conquered the territory in 1692.

Within this legacy of conquest, the Spanish participated in cultural exchange with the Pueblos to the extent of introducing new crop varieties, the adobe brick, and technologies that included surface irrigation systems or *acequias*. However, it was not until *la reconquista* or the reconquest of 1692, that a more equitable and synergistic relationship emerged. After 1692, Mexican families, rather than Spanish conquistadores, were recruited to settle in the territory in exchange for *mercedes* or land grants provided by the government. Dictated by town design in the Laws of the Indies, the physical layout of the land grants was ingenious for its arrangement of land uses. A central plaza served as the center of commerce and economic activity, and was surrounded by adjoining homes which doubled as defensive walls. The plaza's only openings were solid wooden gates which could be closed and fortified in case of raids by nomadic Indian tribes. Outside of the plaza, land was divided into or narrow strips of common land, which began at the river and stretched into the mountains. The intent was to provide a family with all of the necessities for survival—irrigated land for crops; dry land for a home; grass lands for grazing; and mountainous areas for hunting, gathering and timber. It was from this integrated system of land use that northern New Mexico's pastoral traditions and livelihoods, which include grazing and timber harvesting, flourished.

The settlers' success in surviving from the land was aided by the social and political structures that underpinned their communities. The settlers formalized irrigation systems into political organizations known as *acequia* commissions. *Acequias* were viewed as community-owned infrastructure, and were managed by the commissioners. The ditches themselves were maintained by a *mayordomo* (ditch boss) and the *parciantes* (irrigators). As a result of this history, *acequia* commissions are recognized as political subdivisions of the State of New Mexico to this day. Within the context of the *acequias* and land grants, many of Rio Arriba County's communities were founded in the 1700s, including Chimayo, Truchas, Canjilon, Vallecitos and Cañon Plaza.

In 1776, Francisco Antanasio Dominguez passed from Santa Fe through Rio Arriba County with Francisco Garcés and Silvestre Velez de Escalante to establish a route between the older settlements of New Mexico and the new ones on the west coast. They traveled north from Santa Fe, through what would become southwest Colorado and from there they went west toward Monterey; but didn't make it to the west coast and returned back to Santa Fe. So while no direct link was established, the West had at last been explored and chronicled. The Dominguez-Escalante expedition would become invaluable to those who would follow, opening what would be called the Old Spanish Trail 40 years later, between Santa Fe and California.

The 1800s witnessed an explosion of new communities in Rio Arriba County, some due to construction of the railroad, which began in the 1860s. Gallina and La Madera were settled in the early 1800s, Tierra Amarilla and Española were established in the middle of the century, and Brazos, Chama, Dulce, Velarde, El Rito, Cebolla, Lumberton and the coal-mining town of Monero followed from 1860 through 1890. Political turmoil also characterized this period. In 1821, Mexico won its independence from Spain following the eleven-year Mexican War of Independence. New Mexico came under the rule of the Mexican government, although few changes were made to the status or government of the territory.

In 1846, the U.S. declared war on Mexico after Mexico attempted to defend the territory of Texas, which the U.S. annexed in 1845. The U.S. won the war in 1848, and Mexico's sparsely-populated northern territories, including New Mexico, fell to the U.S. The Treaty of Guadalupe Hidalgo, which established the terms for ending the war, allowed those living in the territories to become U.S. citizens, but did not commit to recognizing Spanish and Mexican land grants. As a result, it is estimated that only 13% of New Mexico's land grants were validated by the U.S. Court of Private Land Claims. The Pueblos of New Mexico, including those in Rio Arriba County, had their land grants recognized by the US government, although many grants were considerably reduced in size. The Jicarilla Apache Tribe negotiated with the U.S. for its own reservation, which was established by Executive Order in 1887. Today, these lands represent 24% of Rio Arriba County and are designated as federal reservations held in trust for the Pueblos and Tribes.

The Homestead Act of 1862 provided an incentive to spread population westward by granting land for farming to anyone whom would improve the land (related to farming) and build a permanent shelter. The western part of Rio Arriba County witnessed a population increase in the middle 1870's as settlers from several eastern states came to New Mexico. The Western part of the County, a portion of the San Juan Basin, arid and

known for its rugged topography, became home to several farmers and ranchers. Settlers found the land fertile, but with no surface water available and difficult access to groundwater, crop success was contingent on the weather. The settlers of the San Juan Basin developed cultivation techniques that accommodated their environment and were able to survive independently. As the oil and gas industry grew, and there were new livelihood alternatives, crop cultivation was practiced less in the area, however, limited ranching and grazing activities have continued to this day along with oil and gas development.

Under U.S. law, most of the land designated as “commons” under the land grants were set aside as forest reserves and national forests. This included most grazing and forest land. In Rio Arriba County, today’s Santa Fe and Carson National Forests were established as forest reserves in 1892 and 1906, respectively. To the land grant heirs of Rio Arriba County, the federalization of former land grants remains a difficult and controversial issue that is being addressed through the judicial and legislative systems. It is hoped that traditional livelihoods on communal grazing and timber lands can be restored to bring a higher level of social and economic stability to the area.

Rio Arriba County experienced several economic shifts after 1850. Timber and mining industries prospered in the late 1800s and the early 1900s, due to the arrival of the Denver and Rio Grande Western Railroad (D&RGW) to the area. Chama became home to the timber industry in the 1920s, and by the 1930s, two coal mines operated in Monero.

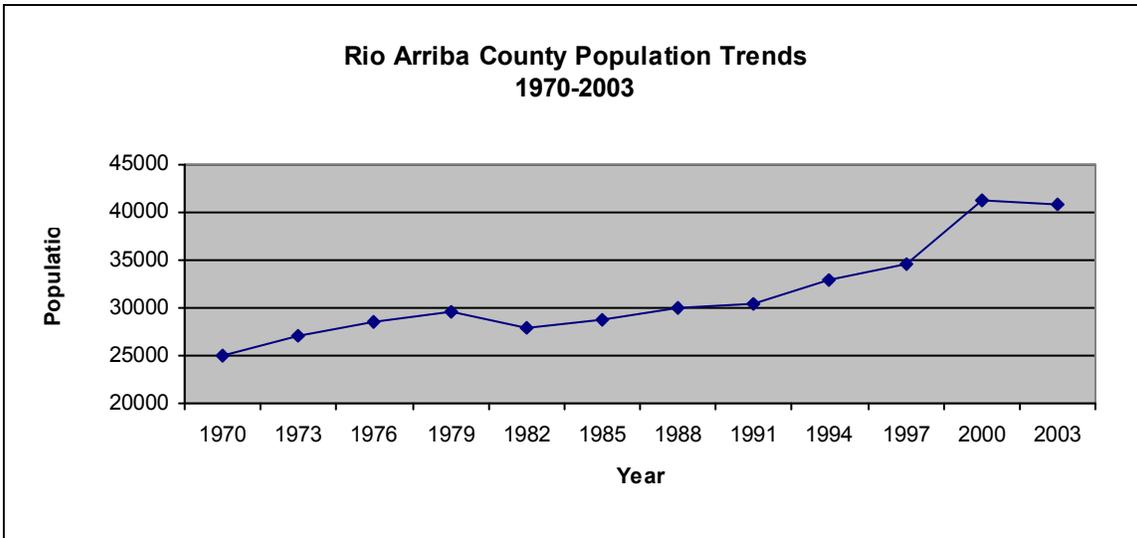
As the demand for petroleum increased across the United States, fueled by industrialization and the rise of the automobile, the oil and gas industry began to play a significant role in Rio Arriba County. Early oil and gas exploration dates back to 1906 in the San Juan Basin, but it wasn’t until 1921 that oil and gas production started to dominate the economy of this region. Since the 1950s Oil and gas (mainly natural gas) has been a major natural resource activity in Rio Arriba County’s western half. Most of the businesses and services associated with oil and gas industry are located in Farmington, in neighboring San Juan County. In Rio Arriba, small communities such as Lindrieth and local property owners many of them homesteaders living the San Juan Basin, have sustained themselves with ranching and oil and gas development for over 50 years. Today there are over 11,000 oil and gas wells in the western part of the County which contribute to the economic sustainability of these communities.



By the 1960s, mining and timber-harvesting declined as resources became depleted. In 1909, the Spanish American Normal School was founded in El Rito and eventually became a community college. A fiber arts program was instituted there in the 1930s and the strong sheep ranching traditions of the area have sustained fiber arts as a major local industry, concentrated today in Tierra Amarilla, Española and Chimayo. The El Rito fiber arts program was initiated at the Northern New Mexico Community College, which established a branch campus in El Rito in the 1990s. Northern New Mexico Community College opened the doors of its main branch in Española in 1970, and today has evolved into an accredited four-year college. Over time, the residents of Rio Arriba County have become increasingly dependent on wage labor, secured through work in state and federal government agencies, as well as in the local school district and institutions of higher education. Established during World War II to produce nuclear technology for the war, Los Alamos National Laboratories (presently Los Alamos National Security) is one of the largest employers in the area. Despite these radical changes in the economy, Rio Arriba County retains strong ties to its agricultural roots. Tens of thousands of acres remain under agricultural production, and agriculture and livestock remain important components of the local economy. As an encouraging testament to the strength of the Rio Arriba's traditions, culture and history, the protection of irrigated farm and grazing land continues to be a top priority for residents of the County.

III. Community Profile

In 2000, the U.S. Census Bureau estimated the population of Rio Arriba County to be approximately 41,190 people. Although Rio Arriba County had an average annual population increase of 1.5% from 1970 through 2003, this pattern began to shift toward the end of 1999. For the five year period of 2000 through 2005, the County actually experienced a 0.88% annual loss in population. Population decreases were recorded in all areas of the County, including the City of Española and the Village of Chama.



Migration patterns from 1999 through 2004 reveal a net population loss in the County of an average of 240 persons per year. Each subsequent year results in an increasing number of people leaving the County. From this data, the University of New Mexico’s Bureau of Business and Economic Research (BBER) projects a declining rate of growth for Rio Arriba County from 2010 through 2030. Growth in the County is hampered by several issues, such as the diminishing availability of land and water, and the relative lack of high paying jobs.

Year	In	Out	Change
1999-2000	537	664	-127
2000-2001	469	632	-163
2001-2002	427	673	-246
2002-2003	397	701	-304
2003-2004	210	697	-487
Totals	2040	3367	-1327

Source: U.S. Internal Revenue Service

III. Community Profile

Demographics

However, interviews conducted for this Comprehensive Plan with Rio Arriba County, the City of Española, Indian Tribes, real estate and other professionals reveal increasing construction activity in areas north of Española, near Chama and south of Abiquiu. In addition, both the County and the City are proactive in managing economic development and growth. As a result, this Plan estimates population growth for 2010 through 2030 at a level rate of 0.87%, rather than a declining rate.

Rio Arriba County Population Projections 2005-2030						
2000	2005	2010	2015	2020	2025	2030
41,190	40,828	42,633	44,410	45,986	47,265	48,215
Annual growth rate (BBER)	-0.88%	0.86%	0.82%	0.70%	0.55%	0.40%
41,190	40,828	42,633	44,517	46,485	48,540	50,685
Annual growth rate (est.)	-0.88%	0.87%	0.87%	0.87%	0.87%	0.87%

*Sources: BBER Released August 2002; revised April 2004
Southwest Planning and Marketing for estimated growth rate*

Rio Arriba County Demographics Compared to the State of New Mexico		
	Rio Arriba	New Mexico
Median age	34.5 years	34.6 years
Under 18 years	28.6%	28.0%
18 to 24 years	8.9%	9.8%
25 to 44 years	28.8%	28.4%
45 to 64 years	22.9%	22.2%
65 years +	10.9%	11.7%
Persons per household	2.7	2.6
Per capita income (1999)	\$14,263	\$17,261
Median household income (2003)	\$32,468	\$35,091
Persons below poverty level (2003)	17.9%	17.7%
High school graduates	73.0%	78.9%
Bachelor's degree or higher	15.4%	23.5%
Hispanic or Latino	72.5%	43.3%
American Indian/Alaska Native	13.9%	9.5%
Foreign born	3.7%	8.2%
Speak Spanish at home	55.8%	26.7%
Mean travel time to work	28.1 minutes	21.9 minutes

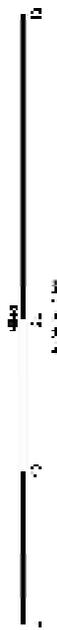
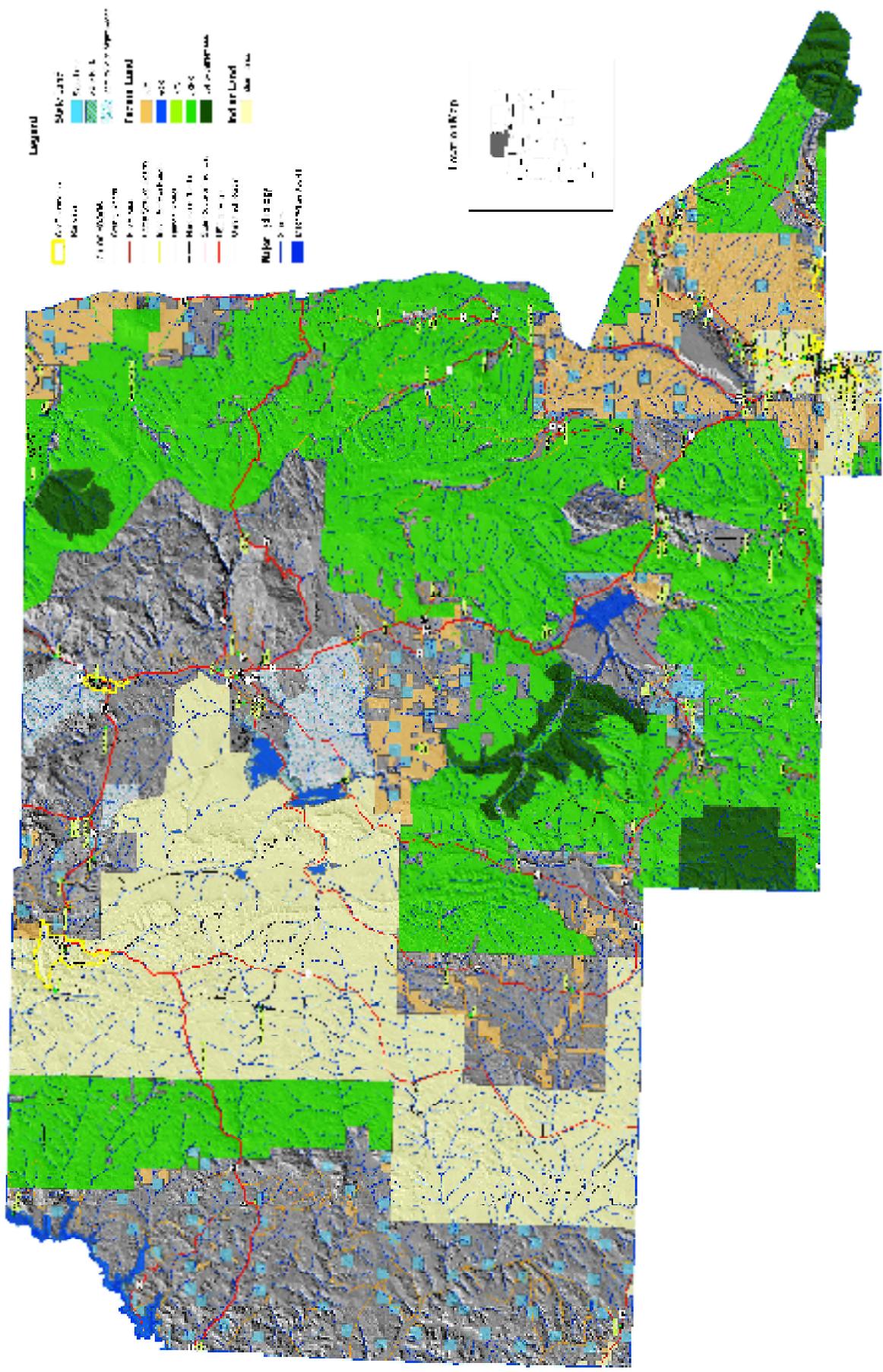
Source: U.S. Census 2000

The population of Rio Arriba County is slightly younger than the population of New Mexico. Per capita, there are more people under age eighteen (18) and less people over age sixty-five (65) in the County than in New Mexico as a whole. This is indicative of higher birth rates and larger families, and suggests the importance of planning for the future of the County's youth. Unfortunately, income and education levels indicate that economic opportunities for youth are lacking. Rio Arriba County's per capita and median household incomes are between \$2,500 and \$3,000 less than those for New Mexico. Rio Arriba County graduates six percent (6%) less students from high school than New Mexico, and eight percent (8%) less people have bachelors or other postsecondary degrees. Residents also drive longer distances to work, indicating reliance on jobs farther from home. Government and other entities within the County will need to devote significant resources toward economic development and education to provide the jobs, education and workforce training that are critical for keeping youth in the County and for improving the quality of life of generations to come.

Rio Arriba County is unique for its high percentage of Hispanic residents and Spanish-speakers. More than seventy percent (70%) of County residents identify themselves as Hispanic or Latino and more than fifty-five percent (55%) speak Spanish at home. Both statistics are nearly thirty percent (30%) higher in Rio Arriba County than for New Mexico as a whole. It is important to note that Hispanics and Spanish-speakers in Rio Arriba County are not associated with a large immigrant population. In fact, Rio Arriba has a much lower percentage of foreign-born residents than New Mexico. Instead, the County's Hispanic population has its origins in Spanish and Mexican settlers who came to New Mexico in the 1500s through the mid-1800s. Rio Arriba County also has a larger Native American population than New Mexico, at fourteen percent (14%) of all residents.

RIO ARRIBA COUNTY, NEW MEXICO - COMPREHENSIVE PLAN

Basemap



Map prepared by the University of New Mexico



IV. Community Participation

In November of 2000, the Board of County Commissioners of Rio Arriba County passed a resolution authorizing development of a Comprehensive Plan. The initial effort to prepare the comprehensive plan took place in 2000 and 2001. It consisted of establishing a Comprehensive Planning Task Force to develop a long-term vision that would serve as the conceptual basis for the Plan. The Task Force included the Board of County Commissioners, the Planning and Zoning Committee, and residents of Rio Arriba County representing diverse interests and geographical locations. The Task Force's process reconsidered existing Rio Arriba County public policies and led community participation efforts, which consisted of identifying nine Community Watershed Planning Districts, including Lower Rio Chama, Rio Grande, Santa Cruz, Rio Embudo, El Rito/Ojo Caliente, Upper Rio Chama, Rio Gallina/Rio Puerco, Española and San Juan Basin. A draft Comprehensive Plan was developed from these efforts; however, it was never presented to the Board of County Commissioners for approval.

The Comprehensive Planning process was revived in 2006 with a planning grant from the NM Local Government Division, which the County used to retain a planning consultant. Due to the amount of time that elapsed since initial community participation, a new community-based planning process was employed to validate and supplement community participation from 2000 and 2001. The process included establishing a Comprehensive Plan Steering Committee to develop a vision and goals for the Comprehensive Plan, and Community Workshops at which the public reviewed the work of the Steering Committee. While the 2000 process focused on individual watersheds, the 2006 process aimed to create a Comprehensive Plan for the entire County, with implementation strategies that, in certain cases, pertain to specific communities or areas. The Steering Committee met monthly from September 2006 through October 2007 and drafted a vision statement, goals for the six plan elements: Land and Water, Economic Development, Housing, Infrastructure, Transportation and Hazard Mitigation and then reviewed implementation strategies for each of the goals. In July and September 2007, Community Workshops were held in Alcalde, El Rito, Tierra Amarilla and Chimayo to obtain participation from residents in all areas of Rio Arriba County. Input from the Community Workshops was used to develop the final vision statement and plan goals. In November, 2007, over 130 implementation strategies were defined to achieve the goals, and through four community meetings, the residents prioritized their top strategies. The results of this prioritization are in Chapter XI Implementation.



Land Base and Land Tenure

Rio Arriba County encompasses approximately 5,800 square miles or 3.712 million acres of land, ranging in elevation from 13,064 feet at Truchas Peak in the Sangre de Cristo Mountains, to 5,000 feet south of the village of Mesilla, at the southern end of the County. According to the 2000 U.S. Census, the population of Rio Arriba County is 41,190, with an average population density of seven (7.1) people per square mile. There are two incorporated municipalities within Rio Arriba County, the City of Española (pop. 9,688 in 2000), located at the County's southern border, and the Village of Chama (pop. 1,199 in 2000), located at the northern end of the County near the Colorado state line. Española and the adjacent unincorporated communities of Hernández, El Llano and La Mesilla make up the most urban part of the County. Four Indian reservations also fall within the County. The Jicarilla Apache Nation is located in the northwestern corner of the County, near Chama. The Pueblos of Ohkay Owingeh and Santa Clara are located, respectively, to the northwest and southwest of the City of Española. Because the City of Española lies partly within Santa Clara Pueblo's land grant, Santa Clara owns land inside the City limits. San Ildefonso Pueblo which is located in Santa Fe County has a portion of its reservation which lies within Rio Arriba County.

Federal land ownership is a major issue in Rio Arriba County. Population density more than doubles to 19.2 people per square mile if it is based on land in private ownership, which represents only 37% of the County's land base. The remaining 63% of land is owned by the federal government, with the majority held by the U.S. Forest Service as Santa Fe and Carson National Forests. U.S. Forest Service and Bureau of Land Management land total 39% of the County's land base with 24% held in trust by the federal government for Indian Tribes. Residents participating in the Rio Arriba County Comprehensive Plan recognize that this disproportionate amount of federal land ownership places an undue burden on irrigated agricultural lands to accommodate growth. Strategies to address this issue include working with federal agencies to set aside federal land for the development of new housing and planned communities, in order that agricultural lands are preserved.

Land Use Patterns

The arrangement of communities and land uses in Rio Arriba County reflect the historical settlement patterns of the area. The majority of communities in the County were settled in the 1700s and 1800s, under Spanish and Mexican rule. The Laws of the Indies dictated town design at the time, and they required a centralized plaza, surrounded by homes sharing common walls, where commercial and economic activities were concentrated. Outside of the plaza, the land grant system assigned long, narrow parcels of



land known as *lineas* to settlers. These parcels originated in the river bottoms and stretched into the mountains, providing all the necessities for survival—irrigated land for crops; dry land for a home; grass lands for grazing; and mountainous areas for hunting, gathering and timber. *Acequia* or ditch systems supported irrigated agriculture by diverting water from major streams and rivers. Utilization of this system allowed traditional communities to support mixed land uses such as residential, commercial, and public uses within the town center, while leaving agricultural lands, grazing lands and forest lands open, to economically sustain the community. The aerial photo of the Abiquiu community, on the previous page, illustrates these traditional land use patterns.

In the late 1800s and early 1900s, the land grant system eroded as a result of the U.S. government not recognizing communal lands and subsequently federalizing them as forest reserves and national forests. Millions of acres of forest and grazing lands, once communally held, came under management and control of the U.S. government. This increased pressure on irrigated agricultural land, which now had to support residential, grazing and agricultural uses, in addition to growing populations. In addition, economic changes which caused people to seek wage labor, the rise of the automobile and the construction of major road networks resulted in significant changes in land use patterns throughout the County.

Today, several traditional communities in Rio Arriba County, such as Abiquiu, Chimayo, Cordova, and Truchas, have maintained their traditional plazas. However, most communities have shifted away from higher density plaza centers to low-density, single-family housing, which accounts for the majority of housing in the County today. Today, low-density single-family housing and agricultural land uses dominate land use throughout Rio Arriba County, often with key agricultural lands *adjacent* to the low density residential areas, with no centralized plan for residential development.

Just as residences have migrated from the plaza center to surrounding agricultural fields and dry lands, commercial businesses have abandoned the plaza for highway frontage. Examples of common rural commercial uses in Rio Arriba County include gas stations, automotive shops, convenience stores, art galleries, restaurants and bed and breakfasts. NM 64/68 from Alcalde to Rinconada, US 84 from Hernández to Chama, and NM 76 from Chimayo to Truchas offer examples of commercial growth that occurs in a linear pattern along the highway. The aerial photo of Hernández depicted at right illustrates the shift away from the village center to a system where residential development is dispersed and commercial uses dot the highways.



Although land use patterns in Rio Arriba County continue to favor low-density residential development that often erodes the agricultural land base, residents participating in the

Rio Arriba County Comprehensive Plan expressed a clear desire to protect agricultural lands, the *acequia* system and the agricultural traditions and culture of the area. Directing new housing and development to dry land is one strategy for achieving this goal.

Since the 1940s public water systems have been developed in many of the traditional communities throughout the county. Within the past decade, several community systems have begun to regionalize in order to achieve better economies of scale and thereby improve and extend their service to new community residents. El Rito Regional Water System, Agua Sana Water Users Association, Alcalde MDWCA and Greater Chimayo MDWCA are systems that are regional in nature. A significant percentage of the new residential development in the southern part of the county is now located on dry / non-irrigated land. This trend is helping to protect the agricultural lands, traditions and culture of these communities. In order to provide for a sustainable level of residential and other growth in these communities, the provision of a safe drinking water supply, fire protection supply and waste water treatment by the public water systems in the county will be essential.

Land Use Regulation

Rio Arriba County's first land use regulation was its subdivision ordinance, *Land Development Regulations*, which was adopted in 1973, revised in 1982 and 1986, and amended in 1986 and 1987. Actual subdivision review and approval began in 1993, when the Planning and Zoning Department was created. In August of 1995, Rio Arriba County adopted its first zoning ordinance, the *Design and Development Regulation System*, which employs a performance-based approach that mitigates site-specific impacts such as traffic, parking and use intensity, rather than geographically separating land uses in discrete zones. The *Design and Development Regulation System* creates a single, County-wide zone known as the County Residential Agricultural District (CRAD). Within the CRAD, use permits are required for all land uses other than agriculture and single-family residential. Mixed-use and commercial developments are addressed through use permits for Mixed Use Areas and Planned Unit Developments, and home occupations, industrial uses, mining and towers also require use permits specific to these uses. Over time, Rio Arriba residents have expressed interest in a more formal separation between incompatible land uses, such as residential and industrial, while preserving the performance-based foundation of the zoning ordinance.

After 1995, Rio Arriba County adopted a number of additional land use ordinances to address specific issues. When the County's timber harvesting standards failed to protect various watersheds and *acequias* from clear-cutting, communities in and around Tierra Amarilla requested that the County develop stricter standards on timber harvesting. The result was the *Timber Harvest Ordinance*, adopted in August 1998. Similarly, significant abuse and controversy regarding sand and gravel mining in the County precipitated adoption of the *Sand and Gravel Ordinance* in August of 1999. Most recently, the County adopted the *Agricultural Protection and Enhancement Ordinance* in June 2002, to help mitigate sprawl and residential development in agricultural areas of the County. *The Agricultural Protection and Enhancement Ordinance* creates a Cluster Development Agricultural Overlay Subdivision regulation for irrigated agricultural lands that allows clustering of residences on 30% of a parcel, thereby leaving 70% of the parcel in

agricultural use. Since the adoption of this Plan, several land use issues identified in the initial draft have been addressed by the creation of ordinances which were guided by the input of community interest groups. These new ordinances establish standards and regulations for night sky protection and filming in the county. Historic preservation, cell phone towers, and community beautification are land use issues identified in the previous draft that the county still needs to address.

Land Use Amendments to this Comprehensive Plan

On January 24, 2008 the Comprehensive Plan was adopted and approved by the Board of County Commissioners and, as mandated by the Plan, a task force was established to begin implementing the objectives outlines in the Plan. Less than two months from adoption, some of the gaps in the Plan, particularly surrounding land use, became apparent when a Texas-based oil company informed property owners of plans to drill on lands near the community of Tierra Amarilla. Several residents contacted the County expressing concern over how they were approached about drilling on their property. As the County did not have an established ordinance regulating oil and gas development in the County, it responded by contacting the Texas oil company and initiating a dialogue to better understand their intentions and to represent the interest of County residents. The County completed site visits of the proposed wells and was concerned when they found one well was to be sited 35 feet from an existing acequia (Trujillo Salazar ditch) and another proposed well pad site was at 10,000 feet in elevation located in the headwaters (later identified as wetland by a County expert) of the El Rito de Tierra Amarilla within three hundred (300) feet of the U.S. 64 scenic byway.

Because of the environmental and safety concerns raised by the proposed drilling placed a moratorium on oil and gas development for all private surface mineral estates in the County (on April 24, 2008). During the hearing for the moratorium adoption, many of the citizens from the community of Lindrith and others working in the western half of the County expressed concern over the impacts the moratorium would have on their businesses. They stated that their community has had oil and gas development for more than 50 years, and that they depend on oil and gas to supplement their ranching way of life. They also stated that there are many existing wells in their half of the County and they have had little problems. The County explained that it was forced to create a county-wide moratorium because the county needed to understand how current and future oil and gas development would affect the health and safety of county residents, water supplies, and the environment. Because the proposed drilling would have taken place in what the County considers unique and indispensable ecological areas, including headwaters, it was critical that the conservation and protection needs of these areas be understood before any development took place. In order to minimize the impact on San Juan Basin businesses and residents, and as a gesture of goodwill towards the industry, the County shortened the proposed moratorium from six (6) months to four (4) months. The County also expressed the desire to work with the oil and gas companies to expedite any permits once the new ordinance was in place. However, the Texas oil company responded to the County's actions by filing a lawsuit.

Realizing that several of the well permits had already been approved by the Oil Conservation Division (OCD), the County protested pending and approved well permits from OCD. As a result of the protest, OCD held a hearing where the County, with broad

support, was able to have one of the permits revoked while another permit was withdrawn by the company. In addition, several weeks after the OCD hearing, Governor Bill Richardson ordered OCD to create new rules and regulations for the Chama water shed, which prompted the Oil Company to drop their lawsuit and allowed the County to focus on drafting a new ordinance for oil and gas development.

The urgency of the moratorium was due to the fact that several of the approved well sites were located in areas considered “Critical Management Areas” (CMAs) by this plan. Critical Management areas are areas containing unique and essential natural resources and habitats that require comprehensive study and rigorous management standards. The County recognized that oil and gas development could have potential negative environmental impacts to undeveloped areas of the County, especially Critical Management Areas such as the El Rito De Tierra Amarilla headwaters and the Trujillo Salazar acequia and all of the streams, rivers, springs, wetlands, ciénegas, critical wildlife habitat, floodplains, riparian areas, and alluvium ground water aquifers that those waterways interconnect with. These same headwater areas have also been identified as primary elk calving habitat by the New Mexico Department of Game and Fish. These Critical Management Areas contain the majority of the County’s biodiversity. The County must adopt regulations that protect these areas from the many threats associated with oil and gas development. These issues were expressed by the County and its experts during the days of OCD hearings appealing the poorly sited permits.

Critical Management Areas were already identified in several implementation strategies contained in this Plan, adopted January 24, 2008, including the proposal to identify and create Critical Management Areas and more specifically to create more rigorous development standards in such areas.

The primary concerns expressed in the drafting the Critical Management Area strategies were the unknown impacts of large lot subdivisions in northern regions of the County near Tierra Amarilla and Chama. However, these proposed oil and gas wells demonstrate that subdivisions are not the only development threat to these areas. The communities’ desire to protect critical areas such as rivers, streams, irrigated land, floodplains, watersheds and wild life corridors played a large part in this plan’s original adoption, and at several public hearings, reviewing proposed master plans for these subdivisions, the surrounding community members reminded County staff that “agua es vida” or “water is life.” They also reminded the County not to allow residential development or any development in areas of critical concern without knowing the potential impacts to the County’s most precious resource, water.

As a result, the County’s task force prioritized the updating of existing subdivision regulations for development in Critical Management Areas to mitigate or eliminate potential threats to water, and the environment. Some of the proposed regulations would require clustering of homes, limited road construction, standards for road development, detailed water supply and quality standards, and water studies to be conducted and reviewed by County experts for all new subdivisions. Water use shall be regulated in gallons per day, metered and shared wells for all new residential developments. All liquid waste shall meet tertiary liquid waste standards in Critical Management Areas.

Oil and gas development would not only create roads and pad sites similar to residential development, but it also poses other potential stressors to the County's ecosystems such as the use of industrial chemicals, toxic water, hydrocarbons, spills, pipelines, etc. These potential threats need to be researched, analyzed and considered by the County before developing regulations to protect the County, its natural resources, critical management areas, bio-diversity, ecosystems, and the health of its citizens.

Oil and gas

Rio Arriba County includes portions of the San Juan Basin, a geologic basin that contains large natural gas reserves which have been in development for more than 50 years. More than one third of the San Juan Basin lies in Rio Arriba County and there are more than 11,000 oil and gas wells in Rio Arriba County's portion of the San Juan Basin. The oil and gas industry was in business prior to the County creating land-use regulations, and in the past oil and gas development has only been regulated by state and federal agencies, but because of attempts to develop oil and gas in the in the Chama Basin, a wildcat basin containing the County's headwaters and primary habitats, the County finds it necessary to develop regulations over gas and oil development to ensure the protection of the County's fragile ecosystems from potential threats and environmental damage from unregulated development. Unregulated development of any kind in these sensitive regions can have particularly devastating effects on aquatic habitats and ground and surface water supplies. The County is trying to achieve two goals by creating oil and gas regulations. One is to have an up to date knowledge of oil and gas developments across the County and the other is to ensure that oil and gas development is happening in a safe and responsible way, especially in the most ecologically sensitive areas of County.

The County recognizes the state and national interest in the San Juan Basin as a major energy producing region, one which greatly benefits the local economies of our rural communities, such as Lindrith. The existing density of oil and gas wells of the San Juan Basin and their continued development are important to the tax revenue of the County. By amending this plan, and in response to the need to protect natural habitat as well as foster economic growth, the County proposes the creation of an Energy Resource Development District (ERDD) for the San Juan Basin portion of the County, and a Frontier Basin District for the remaining eastern half of the County. The boundaries of the ERDD (mapped in figure 1) extend from the San Juan County Line to the Fruitland Coal Outcrop. The Energy Resource Development District shall authorize administrative approval processes for oil and gas development permits for areas located within the ERDD. In addition to the administrative permitting process, the County shall develop application processes, standards, and required submittals for oil and gas development in the ERDD in conjunction with the input of industry and concerned citizens

Oil and gas development within the Frontier Basin District, shall conform to the County's public hearing process for special use permits. In this process the County will review and analyze the potential environmental threats from oil and gas development such as; industrial chemicals, toxic water, hydrocarbons, spills, roads, pipelines and, accidents. The County shall require a life cycle analysis for all oil and gas development located in Frontier Basin District, including an ecological and hydrological risk analysis of each phase of development. In conjunction with life cycle analysis and risk analysis the

County will require baseline studies of the existing environment where studies do not exist. These baseline studies should include potentially impacted fish communities (trout populations), chemical constituents, water temperature, the stream macrobiotic-invertebrate community and water wells. The County shall require that studies be conducted at the developer's expense where such information does not exist. The goal is to establish a detailed environmental assessment of the existing ecologic conditions to insure no further degradation takes place. In order to insure compliance with the new regulations, oil and gas development shall be monitored, including stream monitoring where needed, for the life of the development.

The proposed Oil and Gas ordinance, which will be passed in conjunction with the expiration of the moratorium, will only apply to the extraction of Oil and Gas and not other mineral rights. The County must consider and develop regulations for the extraction of all other minerals.

Critical Management Areas

Through the mapping and designation of Critical Management Areas in this plan, the County recognizes the need to prioritize and protect vulnerable natural resources and bio-diversity. The goal of the County is to protect critical areas such as streams, rivers, irrigated farm lands, floodplains, and critical wildlife habitat that provide important ecologic, economic, and social value. These critical management areas, and the bio-diversity they contain, tend to be more sensitive to change, whether it is natural change or change caused by development. Although this plan lays out the basic concept of CMAs, and our basic knowledge of what resources we want to protect, the County needs to do extensive study in these areas to understand what needs to be protected and to implement best management practices to do so.

Maintaining healthy connections between headwaters, streams, rivers, springs, wetlands, ciénegas, critical wildlife habitats, floodplains/riparian areas, irrigated lands, surface water, and ground water are of critical importance to the County. Each of these ecosystems is connected, and often, overlaps one another. Therefore, the County must understand and protect individual ecosystems and their interconnected relationships as well as mitigate or eliminate stressors/threats to these critical areas posed by new development. In these instances, the burden will be on the developer to demonstrate that its development does not pose a potential stress or threaten receptors in the established baseline of existing conditions.

Threats from development in CMAs such as loss of critical wild life habitat, fragmentation or degradation of critical habitat or degradation of aquatic ecosystems, must be eliminated or reduced to where they have no significant impact. New development in CMAs can aggravate existing conflicts over already limited natural resources. For example, the conflict over elk depredation on ranchers' pastures in recent years is a recurring conflict and will continue to escalate if more elk habitat is devoted to development (roads, residential, commercial, oil and gas, etc.). Current loss of elk habitat in the County is mainly due to roads and pad sites from both residential and oil and gas development; *a sixteen (16) foot wide road takes one (1) acre of land out of use for every half (1/2) mile of roadway constructed – as determined by the NM Department of Game and Fish.* Roads are also an avenue for the introduction of non-native,

invasive species which present additional threats to native habitats. When habitat is degraded or taken out of use through development, wildlife such as elk will either move to another location or die. This type of impact must be analyzed and minimized to eliminate additional conflicts with ranchers and their livestock and elk.

Roads are particularly damaging to ecosystems and wildlife habitats, because in addition to removing, fragmenting and degrading productive land, they channel precipitation which causes erosion and rapid loss of water resulting in increased sedimentation, erosion, down cutting and loss of water storage as more water is run off instead of being absorbed. Aquatic ecosystems and their receptors are more sensitive to changes in their environment than humans, livestock, big game and other terrestrial receptors. For example, a road placed through a stream may kill the native Rio Grande Cutthroat trout but it won't kill the elk or live stock drinking from the stream. Each type of development and each phase of development must be analyzed to determine the potential threats, exposures, and receptors to their specific location in the Critical Management Areas.

Headwaters/Habitat Critical Management Area

This plan identifies three main Critical Management Areas, the Headwaters/Habitat Critical Management Area, the Riparian/Floodplain Critical Management Area, and the Irrigated Agricultural Lands Critical Management Area. The Headwaters/Habitat Critical Management Area of the County contains ecosystems with elevations over 8,500 feet that receive an average of more than 24, and up to 50 inches, of annual precipitation a year (much in the form of snow). This area contains subalpine forests and sizable aquatic habitat including wetlands such as springs, seeps, cienegas, streams, ponds, and lakes. Besides aquatic habitat for fish, reptiles, and amphibians. This Critical Management Area also contains critical elk breeding habitat mapped by the Game and Fish Department. It provides economic and social benefits from recreation, tourism, hunting, and most importantly a constant water supply, which is of major social and economic value to the County. High mountain snows might be the single most important resource to the County and State since they act as the naturally occurring equivalent of a man-made reservoir and piping system by creating headwater springs, seeps, ponds and lakes that slowly release water to feed streams, rivers, acequias, pastures and eventually domestic wells by replenishing alluvial aquifers. Because of the extremely sensitive nature of the ecosystems in these aquatic environments, the County desires to use fish and aquatic macro-invertebrates as indicators of the health of the Critical Management Areas where possible, and to require studies and monitoring of these aquatic populations as part of any development application that might threaten these areas. Rio Grande Cutthroat trout still live in the Headwater/Critical Habitat Critical Management Areas and the County would like to protect the future of this rare species as well as the aquatic organisms that support them.

Riparian/Floodplain Critical Management Area

The Riparian/Floodplain Critical Management Area of the County describes ecosystems that include rivers, streams, creeks, and their alluvium deposits. These features and their deposition create floodplains which store water and provide fertile soil for crop production. In addition to aquifer recharge and groundwater storage, this critical management area contains much of the plant and wildlife diversity critical to adjacent

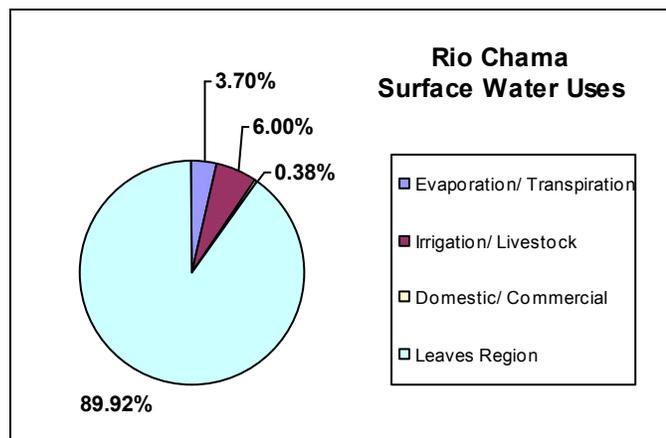
ecosystems. Threats or risk from development in floodplains can include increased size, frequency and intensity of flooding events, increased erosion, increase in sediment load, which can cause down cutting of arroyos and streams, loss of top soil, ecological degradation, monetary losses and even loss of human life. One of the biggest concerns to the County is the loss of floodplains due to development which results in the reduction of the water storage capacity of that formation. This is important because much of our domestic well water relies on alluvial aquifer recharge from the floodplains. Riparian vegetation, such as cotton wood, willow, oak and aspen live in the floodplain and provide for wildlife habitat and food. Floodplain/riparian areas contain a wealth of biodiversity and provide critical biologic functions, such as absorption of nitrates and creation of shade. The creation of riparian buffers is promoted by state and federal agencies as an effective and sustainable means of protecting aquatic ecosystems from nutrient stressors such as excessive nitrogen levels. Riparian buffer zones are a best management practice. A large portion of the County's irrigated lands lie in or adjacent to the floodplain. Thus, both wildlife and human food production benefit from floodplain and riparian protection since floodplains tend to have the richest soil for growing crops and help mitigate environmental stressors in aquatic habitats.

Irrigated Agricultural Land Critical Management Area

The Irrigated Agricultural Land Critical Management Area contains those portions of the County that are irrigated and used to grow agricultural products. These areas are normally contiguous with the Riparian Floodplain Critical Management Area. Acequias, as described in this plan, are of critical importance since they provide the gravity flow infrastructure for water from natural rivers and streams to get to the fields to grow crops. In addition to growing food for human and livestock consumption, irrigated lands provide water storage and aquifer recharge, a very important hydrologic function. The County has already created regulations protecting these lands and it intends to provide additional protections to guard against the impact of development on these invaluable lands.

Water Resources and Uses

Southern Rio Arriba County falls within the Jemez y Sangre Watershed, which is divided into two sub-basins. The Santa Cruz sub-basin consists of 200 square miles between the Rio Grande River and the Sangre de Cristo Mountains, in and to the east and south of Española. According to the *Jemez y Sangre Regional Water Plan* (2003), surface water inflow includes 26,280 acre feet per year from mountain front drainage and 10,760 acre feet from irrigation return flow. Annual outflows include 19,700 acre feet for irrigation, 3,680 for evaporation and evapotranspiration, 5,190 in loss to groundwater, and 8,470 in water outflow to the Rio Grande.



The Velarde sub-basin of the Jemez y Sangre Watershed covers an area of 167 square miles and includes the communities of Alcalde, Estaca, Velarde, small portions of Española and the Pueblo of Ohkay Owingeh. Surface water inflow consists of Rio Grande flow at Embudo (816 cubic feet per second), runoff from the Sangre de Cristo Mountains (2,420 acre feet per year), and inflow from groundwater to surface water (5,800 acre feet per year). Outflows include 1,800 acre feet per year in loss to groundwater, 26,400 for irrigation, 667 pumped for municipal and domestic uses, 46 pumped for irrigation, as well as evapotranspiration losses.

The northern portion of Rio Arriba County falls within the Rio Chama watershed, which covers 3,157 square miles. The Rio Chama is part of the Rio Grande Basin and is subject to the laws, compacts and treaties affecting the Rio Grande River. The *Rio Chama Regional Water Plan*, completed in 2005, is the water planning document for this area. According to the Plan, precipitation, the region's only water supply, produces approximately 418,000 acre feet of water each year in combined stream flow and groundwater recharge in a system where surface and groundwater are closely related. Of this amount, nearly ninety percent (90%) or 375,900 acre feet per year, leaves the region. Approximately 4% or 15,500 acre feet are lost to evaporation and transpiration in reservoirs, natural lakes and the river, or are used by vegetation along the river. Only 6.4% consists of intentional depletions including irrigated agriculture and livestock (6.0% or 25,100 acre feet) and domestic and commercial use (0.38% or 1,600 acre feet). Despite the large amounts of water that leave the region and support populations further south, the Rio Chama watershed chronically experiences shortages of irrigation and domestic water for many reasons, including limited groundwater supply, aging water systems, lack of water storage, and water right issues. The *Rio Chama Regional Water Plan*, as well as this Comprehensive Planning process, found that the priorities for Rio Arriba County residents are to keep water within the region to foster long-standing agricultural traditions, sustain the *acequia* system, and provide safe and adequate drinking water for this and future generations.

Surface Water and Agriculture

Reflecting time-honored agricultural traditions and operating within established *acequia* associations, irrigated agriculture continues to be an important use of water in Rio Arriba County. In the Santa Cruz sub-basin, 19,700 acre feet of surface water per year is used for agricultural purposes, irrigating approximately 9,890 acres along the Santa Cruz River and its principal tributaries, the Rio Quemado, Rio Medio and Rio Frijoles. Other drainages at lower elevations of the Santa Cruz sub-basin only flow after major storm events, including Arroyo Seco, Arroyo Madrid and Arroyo de la Mesilla.

In the Velarde sub-basin, irrigated agriculture is also the primary use of surface water, with approximately 26,400 acre feet diverted for irrigation each year along the Rio de Truchas and Cañada de las Entrañas. Arroyos at lower elevations include Arroyo del Pueblo, Arroyo Ocote, Cañada Ancha, Arroyo de Palacio, Arroyo de los Chavez, Arroyo de Ranchitos and Arroyo de los Borregos. An additional 46 acre feet per year is also pumped from groundwater for irrigation purposes in the Velarde sub-basin.

About 30,000 acres in the valleys of the Rio Chama are used for irrigated agriculture, with depletions for this use estimated at 24,250 acre feet per year, all from surface

water. There are thirteen (13) tributaries of the Rio Chama large enough to support irrigated agriculture, and these include Cañones Creek, Polavadera Creek, the Rio Brazos, Rito de Tierra Amarilla, Rio Nutrias, Rio Cebolla, Rio Gallina, Rito de Canjilon, Rio Puerco de Chama, El Rito Colorado, Rio del Oso, Abiquiu Creek, and the Rio Ojo Caliente. Irrigated agriculture in the Rio Chama region is facing two major challenges, 1) the lack of water storage capacity for local use, and 2) the pressure to convert agricultural water rights to domestic and other uses.

The Rio Embudo, which is a tributary of the Rio Grande in southern Rio Arriba County, serves the villages of Dixon, Cañoncito, Apodaca and Rio Trampas.

In terms of water storage capacity, the Rio Chama has three reservoirs, all of which primarily benefit downstream users. Operated by the U.S. Army Corps of Engineers, the Abiquiu Dam and Reservoir was constructed primarily for flood control purposes. The Middle Rio Grande Conservancy District owns the El Vado Reservoir, and therein stores irrigation water for the six southern Pueblos of Cochiti, Santo Domingo, San Felipe, Santa Ana, Sandia and Isleta. To protect local senior agricultural users, water from El Vado cannot be released if the *acequias* on the Rio Chama have a flow rate of less than 140 cubic feet per second. Finally, Heron Reservoir is operated by the U.S. Bureau of Reclamation and is authorized to store only water imported from the San Juan-Chama Project. The San Juan-Chama Project was created by Congress in 1962 to allow New Mexico to use its share (11%) of the Colorado River. The Project adds an average of 92,700 acre feet per year to the Rio Chama and delivers about 67,900 acre feet to downstream users, including the City of Albuquerque and the Middle Rio Grande Conservancy District. Abiquiu Reservoir is also authorized to store 200,000 acre feet of San Juan-Chama Project water, primarily for the City of Albuquerque. Although the San Juan-Chama Project was also intended to serve the *acequias* and rural communities of northern New Mexico, storage and diversion facilities have not been constructed in the region as originally planned. Some cities and towns in the north, including the City of Española, have contracted for use of this water. Agricultural communities within the Rio Chama region would be able to store and use San Juan-Chama water for agriculture, if water storage facilities existed. Another storage option for the Rio Chama watershed exists at Abiquiu Reservoir. Additional capacity resulting from the dam being raised fifteen (15) feet in 1984 can be used to store Rio Chama water if the space is not needed for San Juan-Chama water. Rio Arriba County is proactively working on securing 1,340 acre feet of water for storage and watershed restoration purposes. Cooperation and communication between the County and the various governing entities of these water storage facilities will be necessary to ensure that County residents have better access and expand use of these facilities, that the facilities are managed with the safety of surrounding communities in mind, and that water storage and release activities do not encroach on surrounding lands or damage local water infrastructure, such as *acequias*.

Pressure to convert agricultural water use to domestic and commercial use stems from the fact that surface water in the State of New Mexico is fully appropriated. The Rio Chama watershed's surface water is undergoing adjudication in federal court in *State of New Mexico, ex rel. State Engineer v. Aragon, et al.* Currently, about three-fourths of non-Indian surface water rights, as well as the water rights of the Jicarilla Apache Nation, have been adjudicated under this lawsuit. With no unappropriated water

available, the common practice is to seek transfers of water rights from existing uses to new uses. Throughout New Mexico, development pressures typically result in water transfers that convert agricultural water use to municipal and industrial uses. Rio Arriba has less development activity of this type than the other counties on the Rio Grande corridor. Nonetheless, this type of unbridled development is a threat to the agrarian, rural nature of the county. While the Office of the State Engineer applies criteria in reviewing these applications to transfer water to new beneficial uses, this process is uncertain. Even then, the County has been able to prevent to transfer of water rights to non-traditional and exclusively private uses in hearings before the State Engineer. In order to provide a stronger legal basis for defending against certain injurious transfer applications the County is adopting a “Public Welfare” policy statement, attached in Appendix E.

Water banking may be a helpful solution for keeping water available for agricultural use, and some *acequia* associations within the County are developing water banks for this purpose. Additional information on water rights adjudication and acequias can be found at NM Acequia Association’s website www.lasacequias.org and the Office of the State Engineer at www.ose.state.nm.us. The County estimates that there are enough surface water rights available from those irrigated lands that have been “built-upon”, or developed to a point where surface irrigation is no longer possible, to meet the present local demand for domestic and other future beneficial uses. Transfer of these “built-upon” surface water rights to other local agricultural or domestic uses through its many mutual domestic water consumers associations is an immediate goal of the County. In this regard, the County is working to develop its ordinances to protect against the loss of water rights which are at risk of loss due to forfeiture or abandonment. The “built-upon” surface water rights are a priority for this protection since it may now be very difficult to find new dry land upon which to put these water rights back into agricultural use. These unused rights could be put to immediate use in helping to meet part of the local domestic demand of several MDWCAs, including those ones in the southern half of the county.

Groundwater and Domestic Use

In the Santa Cruz sub-basin, surface and groundwater quantities are estimated to be sufficient through the year 2060. Projections estimate a doubling of the current 20,000 combined population of Española, Santa Cruz, Potero, Cordova, Truchas, La Mesilla and Arroyo Seco, with most growth to occur southeast of Española. Water quality is generally good in this area, except where septic tanks and leach fields have elevated nitrate levels. *The Jemez y Sangre Regional Water Plan* estimates inflow to groundwater at 10,650 acre feet per year, including 3,080 from mountain front recharge, 5,190 from surface water infiltration, 1,760 from adjacent sub-basins, and 620 in irrigation and municipal return flow. Outflow is estimated at 3,000 acre feet per year for domestic and municipal use, 2,400 for evapotranspiration and 7,130 for sub-basin outflow. Domestic and municipal use is expected to double by 2060, to 6,000 acre feet per year.

Currently, 667 acre feet per year are pumped for municipal and domestic use in the Velarde sub-basin. This amount is projected to increase by 325 additional acre feet by 2060, if the current population increases from 4,500 to 6,600. With groundwater storage estimated at 9.6 million acre feet, groundwater in the Velarde sub-basin is extensive and more than adequate to meet future needs. However, surface water in the sub-basin is

fully appropriated and subject to Rio Grande Compact delivery requirements, with Pueblo water rights still to be determined. This means that retirement or offset of surface water rights will be required for future groundwater depletions. Groundwater in the Velarde sub-basin generally meets water quality standards, with the exception of elevated nitrates caused by septic tanks in Alcalde and other areas of population concentration.

Water systems in the Rio Chama watershed are aging to the point that 68% of mutual domestic wells experience water shortages. Water quality problems are also prevalent. Some are naturally-occurring, while others result from groundwater contamination caused by individual septic systems throughout the County. Current New Mexico state law provides little assistance to counties to help discourage individual wells and septic systems, nor provides incentives for community water and wastewater systems. As a result, most builders and homeowners prefer to install individual wells and septic systems on large lots.

Ninety percent (90%) of domestic and commercial uses in the Rio Chama watershed are supported by an average of 2,150 acre feet of groundwater each year. While domestic and commercial uses are responsible for only a small portion of water use in the watershed, they have the greatest potential for growth. The population of the watershed grew by 22% between 1990 and 2000, similar to Rio Arriba County's growth rate for the same period. Domestic and commercial needs are projected to at least double over the next 40 years, although the current economic downturn of 2008 may change the actual growth experienced in the county. Recent census data is supporting a decrease in the population of the county which will likely be affected, one way or another, by the economic downturn. While individual wells are allowed to proliferate under current state law, it is uncertain where this additional water will actually come from, since there is no evidence of large undeveloped groundwater reserves in the region, and aquifer characteristics already limit groundwater availability. Of the three aquifer systems in the Rio Chama watershed, only one, the Española Basin province, yields ample supplies of good quality water. The Española Basin province is located in the southern portion of the watershed, where population density is highest. However, rates of growth are higher in northern areas of the watershed, where dry aquifers and chemical problems are common. Many wells throughout the watershed rely on shallow alluvial aquifers, made of gravel and sand. While these can be good sources of water if they are deep and extensive, alluvial aquifers in the Rio Chama region are generally shallow, causing wells to run short in dry years. The County is setting aside funding to acquire water rights to supplement these domestic and other needs in the County and for forest and watershed restoration, which can have beneficial results through increasing the natural water storage system.

In 2006 the State Engineer adopted new domestic well regulations which limit new well permits to 1.0 acre feet per year, down from the previous 3.0 ac ft. In 2008 the State Engineer agreed to resume allowing the transfer of the inside portion of domestic wells to the community well of the local mutual domestic water consumers associations. This new regulation will have the effect of reducing the impact of domestic wells on surface supplies and will provide an additional source of water rights to the MDWCAs, in addition to the transfer of "built-upon" surface rights to domestic use. New regional water systems are emerging in southern half of the county in the areas of El Rito, Hernandez, Alcalde

and Chimayo that collectively now have the an economy of scale to develop an adequate or better supply of good quality drinking water, especially with the collaboration and support of the County. Water in Rio Arriba County is a limited resource and with population and water use expected to grow significantly, the County must act aggressively to understand water availability, water use priorities, and regulate new development so that it creates the least visible water-footprint in the surrounding areas.

Goal 1: Strengthen the connection between the land and water, and protect the water rights within the region.

- *Strategy 1: Map the acequias with priority dates of water rights and Mutual Domestic Water Consumers Associations and delineate the watersheds that serve them.*
- *Strategy 2: Identify the irrigated lands that have water rights at risk of loss as a result of structures built-upon the land or where the irrigated land has fallen into non-use.*
- *Strategy 3: Develop a water rights protection ordinance in order to protect water rights at risk of loss by applying those water rights to a beneficial use that is local and within the watershed.*
- *Strategy 4: Budget County funding in order to acquire water rights at risk of loss throughout the county and thereafter apply these water rights to beneficial uses in the watershed of their origin.*
- *Strategy 5: Identify and prioritize beneficial uses, on a watershed by watershed basis, to include new local agricultural, storage, ranching, recreational, domestic and municipal uses and supplies.*
- *Strategy 6: Encourage the acequia and mutual domestic providers with serious water supply or water rights issues to work with the County and OSE in establishing Critical Management Areas and Stream Corridor Areas for both surface and ground water protection, enhancement and application.*
- *Strategy 7: Introduce legislation that encourages return flow credits for agricultural activities by repealing the "use it or lose it" scenario and by encouraging the use of acequia banking and acequia transfer legislation to help develop and regulate the local water rights market.*
- *Strategy 8: Recognize and encourage the adjudication of water rights of all acequias in Rio Arriba County to include its historic uses, customs and practices as per the Treaty of Guadalupe Hildago.*
- *Strategy 9: By ordinance require that all water right owners take measures to identify, prevent and protect water rights at risk of loss , before they sell their irrigated property or water rights, including the placement of these unused water rights with their local acequia water banks.*
- *Strategy 10: Encourage water transfers within watersheds of the County in order to protect and encourage local beneficial use of the water and to uphold the acequia transfer authority.*
- *Strategy 11: Protect against unauthorized withdrawals of water from acequias or diversions from streams and rivers by creating an agreement between Rio Arriba*

V. Land and Water

Goals and Implementation Strategies

County, the Office of the State Engineer, the Forest Service and BLM that prohibits such action and enforces strict penalties for abusers.

Goal 2: Protect and restore irrigated agricultural lands for livestock and agricultural production purposes and encourage/promote managed development and develop water foot-print of future developments.

- *Strategy 12: Identify, map and protect significant agricultural and grazing lands, prioritize lands for conservation, and assist county residents who are interested in working with non-profit conservation groups, or other appropriate entities, to utilize conservation easements, grass banks, purchase of development rights (PDR), etc, to conserve and manage their land.*
- *Strategy 13: Support the creation of a non-profit Rio Arriba Land Trust or extending the services of the Taos Land Trust into Rio Arriba County, to administer conservation easements and a purchase of development rights (PDR) program) for interested land owners.*
- *Strategy 14: Amend the Irrigated Agricultural Land Protection Ordinance to improve its effectiveness in conserving agricultural lands within subdivisions.*
- *Strategy 15: Create an irrigated agricultural land overlay zone in the Design and Development Regulation ordinance so it applies to all irrigated lands.*
- *Strategy 16: The County, in partnership with the USDA and Cooperative Extension Service, will inform and encourage interested ranchers and farmers to place conservation easements on their property and take advantage of the tax benefits offered by State and Federal legislation.*
- *Strategy 17: Support state enabling legislation to establish and fund the purchase of development rights (PDR).*
- *Strategy 18: Consider creating a system in the Design and Development Regulation System permitting for Transfer of Development Rights (TDRs) that allow the purchase and transfer development rights to an appropriate receiving entity that will conserve the agricultural lands and significant landscapes.*
- *Strategy 19: All new subdivisions should have community/shared wells and treated liquid waste systems, demonstrate water-foot print adequacy plan that assures water rights will meet full demand at build out, including water for fire-fighting and facilities for storage, distribution and delivery for fire flows.*
- *Strategy 20: Limit the amount of water available to new domestic well users by supporting domestic well legislation that encourages the expansion and/or creation of community wells or Domestic Water Associations.*
- *Strategy 21: Promote and demonstrate domestic water conservation efforts, such as the use of drip irrigation, gray-water, water harvesting, low-flow fixtures, xeriscape landscaping through education programs and in the Subdivision Regulations and Design and Development Regulation ordinance.*

- *Strategy 22: Provide incentives and pursue funding for agricultural measures such as drip irrigation and laser leveling, in partnership with the County Soil and Water Conservation District.*
- *Strategy 23: Establish development impact fees to finance roads, infrastructure and public safety facilities and Incentive Zoning to provide density bonuses for development on dry land.*
- *Strategy 24: Work with the Army Corps. Of Engineers to ensure that the concerns of the communities surrounding the Abiqui dam are represented in the management of the dam to ensure that water storage levels do not exceed the structural capacity of the dam and that existing water ways and valuable grazing lands are protected from high water levels and high outflows.*

Goal 3: Protect Critical Management Areas designated and mapped in this plan in order to protect and restore biodiversity and natural resources such as headwaters, streams, rivers, riparian areas, springs, ciénegas, floodplains, critical wildlife habitats, traditional range land and irrigated lands.

- *Strategy 25: Amend County ordinances to require a life cycle analysis, ecological risk analysis, baseline studies, and impact fees for review by County experts as part of all application process in Critical Management Areas.*
 1. *Require the applicant to conduct an ecological risk analysis for each phase of development located in Critical Management Areas.*
 2. *Require baseline studies for all tributaries, streams and rivers these studies should include amphibians, fish communities, macro-invertebrate communities and chemical constituents.*
 3. *Require the applicant conduct baseline studies where baseline studies do not exist.*
 4. *Require all development to disclose any pesticides or industrial chemicals to be use in development in order to analyze the potential threat.*
 5. *Create a land-use matrix of potential threats, exposures and receptors for each type of development depending on the proposed location in the Critical Management Area.*
 6. *Develop impact fees for development in Critical Management Areas based on; size of development, type of development, potential threats, potential exposures, and potential receptors of the development.*
 7. *Require road maintenance agreements for all new roads and insure maintenance through inspection and monitoring.*
 8. *Require road reclamation to be done at the end of a development's life cycle.*
 9. *Require New Mexico Department of Game and Fish review and make recommendations on all development permit applications.*
- *Strategy 26: Support and encourage state legislation to protect the watershed from the infestation of salt cedar and other invasive species in the County.*

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- *Strategy 27: Pursue State and Federal funding for forest thinning for Wildland Urban Critical Management areas and create buffers for fire safety, water yield and extended water retention especially at high elevation.*
- *Strategy 28: Educate and encourage property owners located in Critical Management Areas to create mosaics of canopy openings to provide better bio-diversity and improve livestock and elk herd management through partnerships with the New Mexico Department of Game and Fish.*
- *Strategy 29: Protect and enhance riparian areas, springs, wetlands and river and stream corridors by promoting and implementing riparian restoration, re-vegetation, fencing enclosure projects and by minimizing the use of toxic herbicides especially in the Critical Management Areas designated in this plan.*
- *Strategy 30: Define grading guidelines on ridge tops, escarpments and slopes above 20% within the Design and Development Regulation ordinance.*

Goal 4: Educate citizens of all ages about the values, history, principles, opportunities and economic benefits of the relationship between land and water so that future generations can continue to work the land.

- *Strategy 31: Inventory/survey historic and traditional buildings and features and adopt a Historic Landmark Ordinance describing preservation and restoration guidelines and identify programs and incentives for private owners for preservation of historic and cultural properties.*
- *Strategy 32: Encourage the charitable donation of historic, cultural, and scenic conservation easements by interested landowners to qualified non-profit land banks/land trust and other organizations to reduce State and Federal income and inheritance taxes under NM Laws 1995, Schedule PIT-CR, Form RPD-14282 and IRS Form 990 and IRS Form 8283.*
- *Strategy 33: Identify funding sources, such as USDA Value Added Grants, to support agriculture business diversification and work with the NMSU Cooperative Extension office on identifying opportunities and training for crop specialization.*
- *Strategy 34: Support and expand community-based sustainable agricultural programs such as 4H programs, Community Supported Agriculture (CSA) and Community Stewardship Organizations (CSO).*
- *Strategy 35: Provide an education and information program to farmers and agriculture producers through the Sustainable Agriculture Center, Rio Arriba Extension Office and Rio Arriba County Economic Development on producing sustainable crops and livestock that have a higher yield, higher market value and are more in demand.*
- *Strategy 36: Provide and promote education to property owners on water rights and water use.*

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- *Strategy 37: Acknowledge traditional place-names as cultural patrimony by utilizing, restoring or instituting a preference for the traditional place names or at least the mention of variant place names in the conduct of county business and in the promotion of our region (El Rito Encino as for Post Office "Youngsville" and Camino Monte Vista as for "County Road 544"). Adopt a limited procedure for names standardization.*
- *Strategy 38: Partner with the New Mexico Acequia Association's "Sembrando Semillas" and other youth organizations whose stated goal is to foster a future for agrarian practices, and thereby assist in maintaining our citizen's ties to the land.*

Goal 5: Protect the region's water supply and quality by maintaining the natural function of the land, encouraging and pursuing funding for water shed management, protecting Critical Management Areas from development, mapping and managing aquifers, and restoring function to damaged or unproductive lands.

- *Strategy 39: Maintain or increase high elevation snow retention through watershed management such as thinning and minimizing development.*
- *Strategy 40: Encourage property owners to return natural function to land that has been disturbed or degraded such as reclaiming unused roads.*
- *Strategy 41: Collaborate with the Office of the State Engineer, Game and Fish Department, the Bureau of Land Management, the Forest Service, and other agencies to ensure that standards developed to protect the newly created Critical Management Areas are understood and cooperatively enforced by all concerned agencies.*
- *Strategy 42 Work with FEMA and other local governments to improve and create digital floodplain mapping with new studies and amend County Floodplain Ordinance 2008-02 to appropriate standards. Expand?*
- *Strategy 43: Encourage property owners of outdated or inadequate septic tanks and leach fields to improve their existing systems, such as through tax incentives or low rate loans, and provide for more stringent county guidelines and inspections.*
- *Strategy 44: Pursue funding at New Mexico State water funding institutions such as the Water Trust Board, the NM Legislature and the New Mexico Finance Authority for a variety of groundwater studies, watershed protection and restoration treatments.*
- *Strategy 45: Pursue funding for water and wastewater maintenance and development projects from state and federal sources such as the State Water Trust Board, State Legislature, and NM Finance Authority.*

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- *Strategy 46: Support the establishment of Watershed Groups involved in developing a Watershed Restoration Action Strategy (WRAS) for funding of watershed improvement activities such as EPA/NMED 319 funds.*
- *Strategy 47: Pursue funding for the establishment and maintenance of a Rio Arriba County Aquifer Monitoring Program as a decision making tool for Rio Arriba County with a broad local, state and federal partnerships.*
- *Strategy 48: Map and analyze existing aquifers in the County and include data in the Aquifer Monitoring Program.*
- *Strategy 49: Coordinate and integrate ground and surface water and watershed planning with the Rio Arriba County Regional Water Plan, the New Mexico State Water Plan and the New Mexico State Forestry Watershed Plan, the Carson National Forest Ten Year Plan and the BLM Rio Arriba Resource Area Management Plan.*
- *Strategy 50: Establish standards for special use permitting for new developments in Critical Management Areas that...*

Goal 6: Encourage compact and sustainable growth that reflects traditional settlement patterns, promotes biodiversity, reduces our carbon footprint, reduces our water footprint, and enhances our unique diversity and quality of life.

- *Strategy 51: Prepare a Rio Arriba County Growth Management Plan that creates land use districts, defines and identifies traditional and contemporary communities, and defines land use intensities that are concurrent with the area's water and infrastructure capacities and respond to the cultural and physical characteristics.*
- *Strategy 52: Support state legislation to provide tax credits for green building and energy saving techniques that reduce greenhouse gas emissions.*
- *Strategy 53: Prepare a "Rio Arriba Green Building Guide" that describes sustainable development practices and green building techniques to reduce greenhouse gas emissions and include it with subdivision application packets.*
- *Strategy 54: Encourage compact node development on dry land in order to maximize efficiency of services and minimize land disturbed*
- *Strategy 55: Adopt a Cluster Development Option in the Land Use regulations that protects watersheds, utilizes community water/wastewater systems, and promotes cluster development in family transfers/exemptions through incentives of fee waivers and density bonuses*

Goal 7: Support local agricultural production and promote the development of local markets to consume local products and sustain a local agriculture economy.

- *Strategy 56: Promote the formation of Community Supported Agriculture organizations (CSA) that produce local food for residents and create Farm to*

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Table and Farm to Cafeteria programs through partnerships with school districts, hospitals and Farmers Markets.

Goal 8: Encourage use of xeriscape principles and native plants in landscape improvements.

- *Strategy 57: Adopt landscape guidelines that require native or drought-tolerant vegetation, and low-flow water fixtures. Provide incentives for replacing existing non-native or exotic plant species with native or drought-tolerant plants.*

Goal 9: Recognize, honor and protect historical grazing rights and uses as a means of local agricultural production which will be protected for future generations.

- *Strategy 58: The interests of local ranchers will be represented by the County in agricultural land policy decisions using the Treaty of Guadalupe Hidalgo for guidance. (See Appendix B)*
- *Strategy 59: NM Game and Fish Department and other state and federal agencies shall manage big game, prohibit the introduction of predators and work cooperatively with local ranchers in resource management so that existing grazing permits (rights) are sustained and increased when feasible. (See Appendix C)*

Goal 10: Protect existing big game wildlife habitat from development to minimize the pressure on existing range lands from big game.

- *Strategy 60: Create Critical Management Areas for critical wildlife habitat and restrict all development in those areas (except traditional agriculture)⁶*
- *Strategy 61: Reclaim, reseed, restore degraded or unproductive range land (such as unused roads) and wildlife habitat to allow for more grazing permits and hunting permits.*
- *Strategy 62: Create higher development standards to protect areas critical for reproduction of species such as calving areas for elk, headwaters regions for fish, springs, wetlands, riparian areas etc.*
- *Strategy 63: NM Mexico Game and Fish Department and other federal agencies shall manage big game, prohibit the introduction of predators, and work cooperatively with local ranchers in resource management so that existing grazing permits (rights) are sustained and increased when feasible.*
- *Strategy 64: Encourage NM Game and Fish Department to manage big game to insure a balance with grazing, such as allowing for more hunting permits in drought or dry years to minimize competition between elk and cattle.*

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- *Strategy 65: Educate ranchers about best management practices and encourage responsible ranching to conserve, enhance, and protect the land for future generations.*
- *Strategy 66: Protect agricultural operators from complaints concerning agricultural activities that are legal and responsible.*
- *Strategy 67: Encourage federal and state agencies to reduce and manage wild horse populations especially on traditional grazing tracts.*
- *Strategy 68: Educate the public, visitors and nonagricultural residents of the County about the existence, validity, and importance of the county's agricultural operations and activities.*

Goal 11: Protect and preserve the cultural, historic, and archaeological resources of the National Heritage Area and the County as a whole.

- *Strategy 69: Create a County Map of known archaeological sites and provide for their protection from development through the creation of standards in County ordinances.*

Goal 12: Regulate and encourage sustainable oil and gas development in appropriate areas that is compatible with the surrounding area and protects the environment.

- *Strategy 70: Work with the oil and gas industry and the citizens of the county to create an Energy Resource Development District (ERRD) based on geologic formation of the San Juan Basin and the existing oil and gas development there.*
- *Strategy 71: Create administrative approval processes for oil and gas development within the ERDD (except when located in critical management areas such as floodplain within the ERDD).*
- *Strategy 72: Work with the industry to provide maps of Critical Management Areas in the ERDD and develop setback and siting standards to place developments locations outside these areas.*
- *Strategy 73: Work with the Oil Conservation Division, oil and gas industry, and the citizens of the county to develop best management practices by ordinance for all phases and types of oil and gas development located in the ERDD.*
- *Strategy 74: Develop ordinances that adequately protect affected environments while allowing residents and the County to realize the full economic benefit of extraction activities.*
- *Strategy 75: Work with the oil and gas industry to create road development agreements to maintain existing roads in order to reduce erosion and invasive or nonnative weeds in the ERDD.*

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- *Strategy 76: Encourage, and where applicable, require the economies of scale for infrastructure development such as twining, wells, roads and pipelines, and other methods to reduce fragmentation and degradation of the ecosystem.*
- *Strategy 77: Require reclamation restoration plan for all sites and monitor them annually to insure re-vegetation has occurred and is maintained.*
- *Strategy 78: Provide higher standards for oil and gas development in all areas of the Frontier Basin District in order to protect the natural resources, the citizens of the county, and Critical Management Areas in the County from the potential adverse effects, impacts and public nuisances from oil and gas development by;*
 1. *Require special use (public hearing) approval process for oil and gas development in the Frontier Basin District, including Critical Management Areas.*
 2. *Require the applicant to conduct an ecological and hydrologicaql risk analysis for each phase of oil and gas development.*
 3. *Require the applicant conduct baseline studies where baseline studies do not exist.*
 4. *Develop impact fees for development for oil and gas development based on the location of development, size of development, type of development, potential threats, potential exposures, and potential receptors of the development.*
 5. *Require a baseline studies for all water courses tributaries, streams and rivers affected by the proposed development; these studies should include amphibians, fish communities, macro-invertebrate communities and chemical constituents.*
 6. *Require all oil and gas development to disclose any industrial chemicals to be use in development in order to analyze the potential threat.*
 7. *Require New Mexico Department of Game and Fish review and make recommendations on all development permit applications.*
 8. *Prohibit the use of toxic chemicals in the Frontier Basin District.*
 9. *Create a land-use matrix of potential threats, stressors, exposures and receptors for each type of development depending on the proposed location in the Frontier Basin District.*
 10. *Require road maintenance agreements for all new roads and insure maintenance through inspection and monitoring.*
 11. *Limiting area disturb through techniques such as economy of infrastructure and clustering.*
 12. *Limiting new road and other surface impacts where possible.*
 13. *Ensure long term surface and ground water quality and quantity through mitigation standards.*
 14. *Protect aquifer recharge areas through mitigation, minimum setbacks and siting standards.*
 15. *Require pre development and post development monitoring of any potentially affected water source surface or ground.*
 16. *Ensure all wastes are disposed of in accordance with all applicable laws and prohibit re-injection wells.*
 17. *Protect existing vegetation, in order to prevent invasive species, erosion, and other negative impacts associated with the loss of vegetation.*

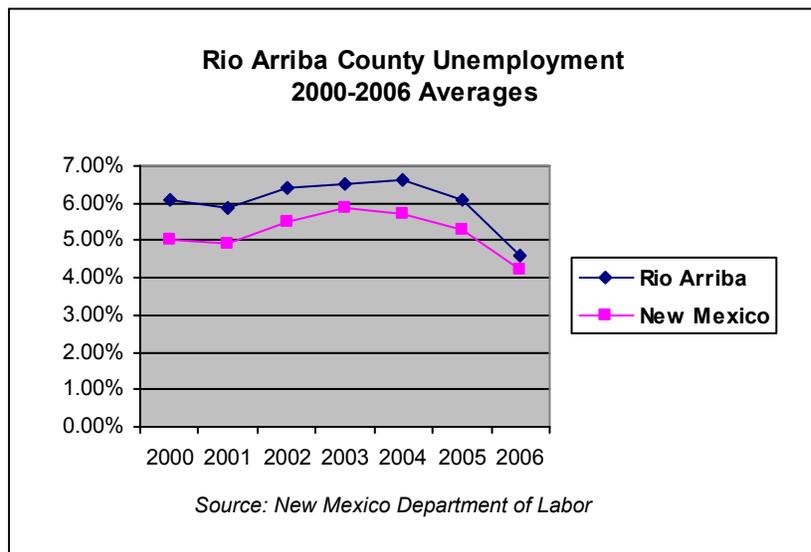
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18. *Require immediate re-vegetation of the use of native species in reclamation and restoration of the oil and gas development sites.*
 19. *Require the use of vegetation buffers to mitigate erosion, water pollution and aesthetics of oil and gas developments.*
 20. *Protect critical wildlife habitat from oil and gas development such endangered species habitat, elk and fish breeding habitat etc.*
- *Strategy 79: Develop appropriate standards, similar to those laid out in the Oil and Gas ordinance, to regulate all forms of mineral extraction in the County*
 - *Strategy 80: Develop oil and gas development regulations in a manner that protects both natural resources and the rights of private landowners to develop their mineral rights.*
 - *Strategy 81: The County should seek to develop more communicative relationships with the State Oil Conservation Division, the Bureau of Land Management, and the Forest Service to facilitate better public notice and public input regarding oil and gas development occurring on federal lands.*

Income, Education and Unemployment

Economic conditions in Rio Arriba County lag behind many areas of the state. Per capita income (*U.S. Census 1999*) is \$14,263 and median household income (*U.S. Census 2003*) is \$32,468, \$2,500 and \$3,000 less than per capita and household income in New Mexico. Almost 18% of the population falls below the poverty level. The County is weakest in education. Seventy three percent (73%) of Rio Arriba residents have a high



school diploma, compared to almost 80% for the state, and only 15% have a bachelor's or higher post-secondary degree. By comparison, 24% of New Mexicans have at least bachelor's degrees. Unemployment is consistently higher than New Mexico, but follows the same general trends. Unemployment in Rio Arriba rose to over 6.5% in 2003 and 2004, compared to 5.8% for New Mexico. As of September 2006, Rio Arriba County unemployment declined to 4.6%, just above New Mexico's rate of 4.2%

Employment by Economic Sector

Public Administration, which includes federal, state and local government, employs 37% of Rio Arriba County residents. Local government provides the majority of jobs in this sector, as well as more jobs than any single industry in the private sector, and is the only government category to have grown for the period 2001-2005. Local government growth is due in part to tribal government and casinos, which the New Mexico Department of Labor includes in this category. Beginning in 2006, federal government employment will decrease substantially due to the change of management at Los Alamos National Laboratories (LANL), now Los Alamos National Security (LANS). These employees will be counted under private sector industries. As of November 2006, LANS management announced immediate plans to reduce contract workers by 350, to 550 jobs, and to eliminate approximately 400 permanent positions through retirements and resignations. This will have a significant impact on Rio Arriba County.

In the private sector, health care and social assistance, retail trade, and accommodation and food service provide the greatest number of jobs to Rio Arriba County residents. Along with construction, these industries also experienced the greatest growth from 2001-2005. Health care and social assistance provide more employment than any other private sector industry in Rio Arriba County, providing a major opportunity to retain young people within the community. Growing networks of community health centers and expansion at the Española Hospital have contributed to increased employment in health care, which will likely continue. Job growth in health care and social assistance is

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encouraging, as these jobs are higher-skilled and higher-paying. Retail jobs increased, in part, through hiring at big-box retailers such as Wal-Mart and Lowes. However, wages for retail trade and accommodation and food service are generally low.

	2001	2002	2003	2004	2005
Agriculture, Forestry, Fishing & Hunting	69	91	75	67	71
Mining	106	114	109	158	156
Utilities	115	117	121	124	106
Construction	435	441	503	508	561
Manufacturing	440	401	319	280	267
Wholesale Trade	122	112	110	105	106
Retail Trade	1359	1334	1374	1506	1556
Transportation and Warehousing	160	133	143	143	135
Information	43	57	63	64	63
Finance & Insurance	205	232	221	215	213
Real Estate, Rental & Leasing	39	44	53	63	71
Professional & Technical Services	104	109	124	137	148
Administrative & Waste Services	70	135	141	135	125
Health Care & Social Assistance	1586	1637	1884	2406	2294
Arts, Entertainment & Recreation	29	21	28	38	37
Accommodation & Food Services	819	857	869	919	917
Other Services, except Public Admin.	141	210	168	208	162
Total Private Sector	5842	6045	6305	7076	6988
Federal Government	397	400	397	390	386
State Government	612	638	620	640	663
Local Government	3472	3844	4111	3937	4057
Total Public Administration	4480	4881	5128	4967	5106
GRAND TOTAL	10322	10926	11433	12043	12094

Source: New Mexico Department of Labor, Economic Research & Analysis

Arts, entertainment and recreation; information; real estate and agriculture provide the least jobs in the private sector. Arts and entertainment ranks last in employment for Rio Arriba County. This suggests a dearth of cultural activities and the relative absence of tourism. While there some resistance to promoting tourism due to its impacts and its tendency to generate low-paying jobs, growth in arts and recreation could improve the quality of life for residents and provide opportunities for youth. Employment in real estate is also low; however, it has grown by almost 50% since 2001. This indicates growth in the housing market, likely due to Santa Fe workers who have moved to the area for less expensive housing.

Finally, and most interestingly, agriculture ranks among the industries with the lowest employment within the County, yet is the County's top priority for preservation and

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growth. The majority of agricultural activity in Rio Arriba County occurs is informal and traditional, reminiscent of historical, subsistence, practices. Traditional agricultural practices in this region refer to small scale fruit and vegetable cultivation and small scale ranching and grazing practices. According to the U.S. Department of Agriculture's National Agricultural Statistics Service, in 2007, there were 988 farms in Rio Arriba County and agricultural activities occupied nearly 1.5 million acres – almost a third of the County's total land area. Out of thirty-three counties in New Mexico, Rio Arriba ranks 21st in cattle production and 7th in the production of sheep and lambs. Crop production in the County was valued at about 5 million dollars in cash receipts and nearly 12.5 million for livestock production. The longstanding practice of raising sheep and lambs, which provides material for local weavers, is just one example that illustrates how intimately linked the region's agricultural practices are with the arts, culture, and heritage of the area.

Tourism

Although several small unincorporated communities within Rio Arriba County, such as Abiquiu, Chama, Chimayo and Ojo Caliente, are tourist attractions, tourism is not a major industry in Rio Arriba County. As of the third quarter of 2006, lodging revenue for the City of Española was \$520,279 for the year to date. In 2005, Española ranked 35th in the state for lodger's tax and reported total lodging revenue of \$1,822,939. By contrast, lodger's revenue for the Village of Chama, which has less than 25% of Española's population, was \$2,004,602 in 2005. Lodger's revenue for Chama has grown over the past year, with revenue of \$1,089,216 for the third quarter of 2006, a 10.5% increase from the third quarter in 2005. Another indication of Chama's gains in tourism is the Cumbres and Toltec Scenic Railroad. On October 15, at the end of its 2006 season, the Railroad had almost a 22% increase in sales. August and September were especially strong months, with 34% and 23% increases, respectively. In 2007, a fourth steam locomotive will be added and a major track improvement completed.

Oil and Gas

Oil and gas production in the western half of the County, known as the San Juan Basin, has produced enormous revenues for the state and has also provided local governments with a large portion of their yearly budget for the County. From 2003-2007 County oil revenues nearly doubled moving from \$5.5 million dollars to just over \$14 million dollars. Since the 1950 the San Juan Basin has been an oil and gas basin of national importance. Currently Rio Arriba County has over 11,500 oil and gas wells on its portion of the San Juan Basin, mostly on Federal and Native American lands. Economically Rio Arriba has seen little in the way of service industries associated with oil and gas development as most of these businesses are located in San Juan County. However there are communities in the County, such as Lindrieth, that exist because of oil and gas development which has supplemented traditional ranching since the 1950s. The total jobs from the oil and gas industry in Rio Arriba is not known due to the fact that many who work in Rio Arriba County live in San Juan County or their businesses are located in San Juan County. Currently the total number of new wells permitted for the San Juan Basin is over 300 a year with roughly half of those wells constructed in Rio Arriba County. The Energy Resource Development District designated and map in this plan is created to allow for further oil and gas development in the San Juan Basin.

Economic Development Initiatives

With limited land and water availability and employment reductions at LANS looming on the horizon, Rio Arriba County faces many challenges in retaining community members, growing existing businesses, attracting new businesses, training and educating youth, and creating jobs. Toward these ends, the various government entities within Rio Arriba County are engaged in various initiatives to benefit economic development.

The City of Española is focusing on infrastructure investment in water, wastewater and utility improvements. Through land ownership, the City controls several development opportunities, including a five acre parcel on old Main Street and vacant space within the Roybal Industrial Park which was previously occupied by a call center. East and south of Wal-Mart and Lowe's, privately owned land is ripe for development, and investors have expressed interest in building a hotel.

On tribal lands, some of which lies within or near Española, the Pueblos of Ohkay Owingeh and Santa Clara are expanding existing and developing new tribal enterprises. This will help create jobs and attract more businesses and tourists to the County. Collectively, the Tribal governments in Rio Arriba County are already one of the County's largest employers. Expansion and new development will include convention facilities, an industrial park near the Ohkay Owingeh General Aviation Airport, hotel accommodations, food and leisure businesses and some new housing.

Prioritizing education and developing the skills of the local workforce is an important strategy in making the County a more competitive and appealing place for industry and jobs to locate. Local educational institutions need to gear their educational and training programs to meet the level and need of the local youth and the existing workforce. The lower levels of educational attainment in the County, along with the high drop-out rate, illustrate that obtaining a four year college degree may not suit the needs or desires of many of the County's residents. Higher education institutions in the County need to offer more professional certifications and degrees developed to meet the projected industry and job development in the area. For example – there needs to be degrees geared towards the energy and renewable energy economies that are, and will be, developing in the County. In order to better engage students and address the dropout rates, higher education institutions need to partner with local high schools and middle schools to offer pre-professional and college credit courses that help students make the link between the importance of their education and their professional futures, and make curriculums relevant to their lives. Rio Arriba County must cultivate and reinforce its human resources as well as its natural ones in order to have a competitive advantage for prospective economic development in the region.

Goal 1: Strengthen and support opportunities for local arts and culture.

- *Strategy 1: Identify the needs of small and locally-owned arts and culture businesses/organizations and work with the local chambers of commerce and regional economic development agencies to develop strategies to address these needs.*
- *Strategy 2: Create a Rio Arriba Arts Commission to promote the performing and visual arts, assist in identifying funding sources and markets, and identify models for artisan-based economic development projects through the Regional Development Corporation and other economic development organizations.*
- *Strategy 3: Expand the use of existing community facilities and programs that focus on arts and culture.*

Goal 2: Promote and support the expansion of agricultural-based businesses.

- *Strategy 4: Work with the NMSU Extension Office, Rural Events Center, Oñate Center, the State of New Mexico Renewable Energy Initiative and other organizations to identify opportunities for biomass and greenhouses for organic farming.*
- *Strategy 5: Work with the region's agricultural producers and the New Mexico Association of Farmer's Markets to identify the needs of growers and strategies to expand the market for locally produced agriculture - including the creation of value-added products.*
- *Strategy 6: Promote the creation of Community-Supported Agriculture (CSA) organizations in partnership with the Sustainable Agriculture Center in Alcalde. Encourage local organizations, such as schools, hospitals, and senior centers to utilize CSAs.*

Goal 3: Create a County-wide workforce training/education program, especially to keep our youth in the area.

- *Strategy 7: Inventory existing workforce and professional development opportunities in the region and work with Northern New Mexico College, the New Mexico Small Business Development Center, New Mexico State Cooperative Extension Program the New Mexico Film Office, LANL and its Technology Transfer Division.*
- *Strategy 8: Investigate opportunities and seek assistance from the Los Alamos National Laboratory's Community Outreach and Technical assistance programs, SCORE, the New Mexico Department of Workforce Solutions and the Empowering Business Spirit Initiative (EBS) to provide professional development learning opportunities in the County through both degree and non-degree courses.*

- *Strategy 9: Work with employers to create scholarships for targeted industries to encourage participation.*
- *Strategy 10: Partner with and provide support to the Youth Corps and other youth organizations to identify young adults' needs and requirements for returning or staying in the County to live and work, and develop programs in response to those needs.*
- *Strategy 11: Work with Northern New Mexico College to develop a diverse array of four year degrees for health professionals in fields such as medicine, dentistry, midwifery, social work, psychology, counseling, early childhood education, and substance abuse. Develop a scholarship fund for students and opportunities to pursue advanced degrees that encourages their retention as health care professionals in the community*
- *Strategy 12: Work with Northern New Mexico Community College, industry, and other local educational institutions to develop certificate and degree programs in professions relating to the developing energy and renewable energy economies.*

Goal 4: Promote the use and purchase of local goods and services that support local businesses.

- *Strategy 13: Create a "Rio Arriba First" Business Directory of licensed local businesses and services within the County, and/or with individual communities such as Española and Chama.*
- *Strategy 14: Institute and promote a buy-local campaign through a County publication and media announcements in order to reduce economic leakage and increase the circulation of capital in the county.*
- *Strategy 15: Institute local preference incentives in the County are purchasing system for goods and services that utilize local businesses and organizations.*
- *Strategy 16: Require businesses that receive funding from the Rio Arriba County Lodgers and Tax Board to acknowledge the source of funding in their advertisements and promotional materials.*

Goal 5: Encourage the creation and retention of home-based businesses.

- *Strategy 17: Investigate the feasibility of a County business incubator.*
- *Strategy 18: Partner with the Española Valley Chamber of Commerce to educate and promote business readiness – with assistance from organizations such as EBS, SCORE, the Community Enterprise Empowerment Project, the Greater Espanola Valley CDC, financial institutions, and Small Business Development Centers in the region.*
- *Strategy 19: Partner with NNMC and local non-profits to develop certification programs at community centers for home day care providers.*

Goal 6: Create and market an outdoors-oriented, historical and culturally-based tourism program.

- *Strategy 20: Work with economic development organizations such as the NM Tourism Dept, Dept of Cultural Affairs and Regional Development Corporation-Empowering Business Spirit (EBS) to inventory Rio Arriba County's outdoor recreational, cultural and historical assets and events and develop information and programs to promote and enhance these markets.*
- *Strategy 21: Cooperate with the City of Española to strengthen and improve existing museums such as the City's Convento Mision plaza and the County's Oñate Museum.*
- *Strategy 22: Create partnerships with local Tribes and tribal entities (such as the Tsay Corporation, Santa Clara Development Corporation and the Jicarilla Apache Nation) to support and utilize new and existing convention centers, hotels, recreational activities, cultural sites and dining establishments.*
- *Strategy 23: Work with the BLM and the Forest Service to develop brochures and promote outdoor recreational activities, and develop best management practices to guide recreation management on public lands. Encourage responsible use of public lands.*
- *Strategy 24: Look at the possibility of developing a County-wide system of bike, walking, and equestrian trails, preferably with access points linked to public transportation.*

Goal 7: Develop a job retention program to keep jobs in Rio Arriba County.

- *Strategy 25: Work with the New Mexico Departments of Economic Development and Workforce Solutions to promote and expand training and opportunities for less skilled or experienced workers through volunteer work experience, on the job training and professional internships, and workforce development programs.*
- *Strategy 26: Investigate incentives to employers and County contractors to establish a youth training and employment provision in their operations.*
- *Strategy 27: Work with existing youth development programs and agencies to promote youth activities that foster entrepreneurialism and business skills.*

Goal 8: Improve and expand the telecommunications system to provide local jobs and education opportunities and to support business growth.

- *Strategy 28: Establish a county-wide investment partnership involving NM Finance Authority, LANL, school districts, Northern New Mexico College, local governments, utility providers and the private sector to bring telecommunications to all areas of the County.*

- *Strategy 29: Expand rural wireless internet services by pursuing legislative funding and encouraging local utilities to run embedded fiber optics in utility lines and install new wireless networks.*

Goal 9: Designate and map existing and potential node development in the County at community centers, commercial clusters, transportation intersections, and traditional communities and, where compatible, encourage new development to locate at these nodes to increase efficiency of service and transportation.

- *Strategy 30: Map existing and potential nodes and surrounding area including;*
 - *Community centers*
 - *Traditional Communities*
 - *Major transportation intersections*
 - *Commercial clusters*
 - *Areas of higher residential density (such as neighborhoods)*
- *Strategy 31: Through Ordinance create incentives such as density bonuses, smaller lot sizes, reduced fees for new development located in node development locations identified in this plan that is compatible with the surrounding community and environment.*
- *Strategy 32: Identify public transportation nodes suitable for economic development opportunities in this plan and encourage development there when compatible with the surrounding community and environment.*
- *Strategy 33: Expand existing public transportation networks.*

Goal 10: Encourage environmentally-friendly light industry and manufacturing uses.

- *Strategy 34: Investigate partnerships with local companies to attract and identify locations for targeted clean industries.*
- *Strategy 35: Encourage light industry such as furniture making, metal working, and other similar uses when compatible with the surrounding community and environment.*

Goal 11: Encourage renewable energy resource development that is compatible with the surrounding community and does not negatively impact the environment.

- *Strategy 36: Investigate partnerships with local utility companies to attract renewable energy production and identify and develop locations for targeted clean industries.*
- *Strategy 37: Identify, designate and map areas for renewable energy production such as solar and wind, and develop and ordinance with administrative processes to encourage development in these newly designated areas.*

VII. Housing

Housing Characteristics

Rio Arriba County is unique in that a very large percentage (81.6%) of homes are owned and occupied in comparison to the average for the State of New Mexico (70%). Overall, only 18.4% of Rio Arriba County's housing units are rented as opposed to 30% of New Mexico housing units overall. These figures reinforce the County's family-orientation and the historic ties that residents maintain to the area.

	Rio Arriba County	New Mexico
Number of Units	18,016	780,579
Average Household Size	2.71	2.63
Housing Tenure		
Owner-Occupied	81.6%	70.0%
Renter-Occupied	18.4%	30.0%
Housing Type		
Single-Family Detached	58.0%	61.0%
Single-Family Attached	2.8%	4.5%
Mobile Home	36.6%	18.6%
Units built in 1939 or earlier	11.2%	5.9%
House Heating Fuel		
Utility gas	56.9%	67.7%
Bottled, tank or LP gas	23.5%	14.5%
Wood	14.5%	5.1%
Selected Characteristics		
Lacking complete plumbing facilities	3.1%	1.8%
Lacking complete kitchen facilities	2.3%	1.6%
No telephone service	11.8%	5.7%
Occupants per Room		
1.0 or less	93.8%	92.5%
1.01 to 1.50	4.3%	4.2%
1.51 or more	1.9%	3.2%
Median Home Value	\$107,500	\$108,100

Source: U.S. Census 2000

Rio Arriba is also notable for its high percentage of mobile homes. At 37% of all homes, the County has almost twice as many mobile homes, per capita, as the state. As neither the City of Española nor Rio Arriba County have adopted affordable housing ordinances, manufactured and mobile housing units currently serve as affordable housing alternatives for the region. It is also often much easier to obtain insurance and financing for a mobile home than it is to build or rehabilitate a traditional adobe home.

Like many rural areas of the state, Rio Arriba County's housing stock is old. Eleven percent of housing units were built before 1939, compared to 5.9% of housing units built during that period in New Mexico. In addition to having structural rehabilitation needs, older housing is also at higher risk for lead-based paint. The County has more housing units that lack complete plumbing and kitchen facilities and telephone service than the state, and more residents use wood or bottled, tank or propane gas for their household

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heating needs. Financing and insuring the rehabilitation of these homes can be costly and difficult. There needs to be more education and assistance to help property owners looking to invest in rehabilitation. With a slightly larger household size than the state of 2.71 persons, Rio Arriba County actually experiences less overcrowding than New Mexico as a whole. Median home values for Rio Arriba are only slightly less than those for New Mexico, at \$107,500 vs. \$108,100.

Census Tract	Communities	Total Units	Owner-Occupied			Renter-Occupied		
			Units	Percent	HH Size	Units	Percent	HH Size
1	Chimayo, Truchas, Cordova	1,624	1,226	89.0%	2.59	152	11.0%	2.47
2	Dixon, Velarde, Embudo	1,811	1,277	80.1%	2.55	318	19.9%	2.48
3	Alcalde, Chamita, Hernandez	2,510	1,972	86.8%	2.84	299	13.2%	2.44
4	Abiquiu, Coyote, Vallecitos, Canjilon, Ojo Caliente	2,284	1,595	84.6%	2.81	291	15.4%	2.16
5	Tierra Amarilla, Chama	2,728	1,344	81.6%	2.50	303	18.4%	2.34
6	Dulce, Jicarilla Apache Nation	122	49	75.4%	2.04	16	24.6%	1.63
9407	Española	1,490	890	65.7%	2.48	465	34.3%	2.48
9408	Santa Clara Pueblo	1,846	1,455	85.5%	2.76	247	14.5%	2.58
9409	Jicarilla Apache Nation	957	554	68.3%	3.37	257	31.7%	3.28
9433	Eastern Navajo Nation	90	39	84.8%	3.23	7	15.2%	2.71
9541	Ohkay Owingeh Pueblo	2,554	1,880	82.2%	2.89	408	17.8%	2.93
Totals		18,016	12,281	81.6%	2.74	2,763	18.4%	2.57

Several housing trends emerge when Rio Arriba County is analyzed at the census tract level. As shown in the table above, housing in Rio Arriba County is concentrated around the City of Española. The census tract containing the portion of Española that lies within Rio Arriba County has 1,490 total housing units. Immediately to the north and south of Española lie the Pueblos of Ohkay Owingeh and Santa Clara, with 2,554 and 1,846 additional units, respectively. And just north of Ohkay Owingeh, census tract 3, which contains Alcalde, Chamita and Hernandez, has 2,510 units. Other census tracts with significant housing concentrations cover much larger areas, and therefore do not have densities comparable to those around the City of Española.

Significantly, two (2) census tracts within the County have homeownership rates approaching 90%. The tract containing Chimayo, Truchas and Cordova has a homeownership rate of 89%, and the tract containing Alcalde, Chamita and Hernandez has a rate of 87%. While only 18.4% of Rio Arriba County residents rent overall, renter-occupied housing is much higher for the census tracts that contain the City of Española (34.3%); the eastern Navajo Nation (31.7%) and Dulce (24.6%).

Predictably, average household size is larger for owner-occupied homes (2.74 persons) than for renter-occupied homes (2.57 persons). The three (3) census tracts with household sizes near or above three (3) persons contain the Jicarilla Apache Nation, the

eastern Navajo Nation, and the Pueblo of Ohkay Owingeh. This is indicative of larger families within Native American communities, which typically have higher birth rates.

Affordability

The Espanola Valley Board of Realtors reports that residential sale listings are averaging \$180,000 to \$190,000 for both single-family homes and manufactured units, with prices much higher in Abiquiu. Income of approximately \$40,000, which is in the range of Rio Arriba County's median area income of \$38,600, is needed to qualify for a home at this price. (*Ginne Mae mortgage calculator*) Rio Arriba County's high percentage of mobile homes indicates that affordability issues exist, and this conclusion is borne out by several statistics. In 2000, the median mortgage payment in Rio Arriba County was \$870.00, which left 20.8% of residents cost burdened, or paying more than 30% of their household income for housing. Nearly 28% renters in Rio Arriba County were similarly cost burdened, and paid median rent of \$587.

Rio Arriba County Affordability Indicators, 2000

Homeowners	
Median mortgage	\$870
Cost burdened	20.8%
Renters	
Median rent	\$394
Cost burdened	27.5%
80% AMI or below	
2-person HH	43.4%
3-person HH	43.0%
4-person HH	37.8%
5-person HH	43.3%
6-person HH	41.1%
7-person HH	63.4%

Source: U.S. Census 2000

When comparing family income for various family sizes in Rio Arriba County to current HUD income levels for the County, roughly 40% of all two to six person-families fall below the median area income, and would therefore be unable to qualify to purchase a home. Sixty-six percent (66%) of seven-person households would also be out of reach of homeownership. Without affordable housing ordinances or new affordable development, the situation is unlikely to improve because many people who work in Santa Fe are relocating to the area for lower housing costs. This, in turn, has driven prices up, particularly in the southern portion of the County. Housing prices have also increased in the Abiquiu area, ostensibly due to a recent influx of retirees to the area. And prices in the Chama area will certainly rise if large ranch subdivisions and developments, marketed as vacation or second homes, continue.

New Construction

Building permits in Rio Arriba County reflect the County's low growth rate. For the five-year period from 2000-2004, building permits in Rio Arriba County averaged ten (10) per year. In 2005, fifteen (15) permits were issued, and in 2006, twelve (12) had been applied for as of October. The City of Española and the Española Board of Realtors report that there is very little physical room for housing growth or development in the City. Only one new subdivision is underway, and opportunities for new development are limited to small and infill properties.

Currently, there is some construction activity north of the City of Española and in Abiquiu; however, gross receipts tax revenue for new housing construction is flat. Most new development is occurring in the form of large land sales and ranch subdivisions in the northern part of the County, from Tierra Amarilla to Chama. The Yellow Hills project near Heron Lake and the 5,600 acre Briar Rose development in East Brazos are examples. Briar Rose is planned for one hundred (100) very high-end homes, in the price range of \$1 million or more, marketed as vacation home sites. If large land sales in the northern part of the County continue, it is possible that the number of building permits will increase and that development of retirement and second homes will occur in the future.

Goal 1: Promote site-built, higher residential density and infill developments in areas where adequate infrastructure exists or will be provided.

- *Strategy 1: Offer density bonuses or other incentives for development that rehabilitates existing housing stock or is an infill development in an existing village or community.*

Goal 2: Provide incentives and education for affordable home ownership.

- *Strategy 2: Form an affordable housing task force to address issues of affordable housing in the County.*
- *Strategy 3: Conduct a County-wide housing assessment to better understand housing availability, affordability, and areas of need.*
- *Strategy 4: Work with other housing agencies and developers in the county to create a non-profit Community Housing Development Organization (CHDO) and/or Community Land Trusts.*
- *Strategy 5: Partner with organizations that educate potential homebuyers such as the New Mexico Mortgage Finance Authority, Habitat for Humanity and Empowering Business Spirit (EBS), also work with advocacy organizations that are pushing legislation to make home buying and home rehabilitating more affordable, such as the current initiative addressing title insurance reform. .*

Goal 3: Provide incentives for the rehabilitation of existing site-built residential structures.

- *Strategy 6: With the help of affordable housing organizations, such as the Habitat for Humanity, Homewise and the Enterprise Foundation, identify and promote programs and incentives for home rehabilitation and property owners.*

Goal 4: Encourage the use of sustainable development practices.

- *Strategy 7: Research other successful best practices utilized and create a building code within the County and institute sustainable building practices, such as working with the Legislature and Construction Industries Division (CID) to promote traditional adobe housing.*
- *Strategy 8: Encourage and support local, state, and federal initiatives to create tax credits, or other incentives, that promote green building practices.*

Goal 5: Encourage a diversity of housing opportunities.

- *Strategy 9: Identify housing needs that are not being met in the County. Examples may include workforce, senior, multi-family and special needs housing and identify opportunities that exist for financing of special projects with organizations such as the New Mexico Mortgage Finance Authority.*

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Many of Rio Arriba County's infrastructure programs and services are provided by its Public Works Department, which oversees animal control and maintains approximately 1,000 miles of County roads within nine (9) districts, the County's 219-vehicle fleet and 19 heavy equipment units. The Public Works Department also operates a number of food and health programs for seniors and youth. As described below, Rio Arriba County also provides police, fire, emergency, solid waste and health services, and manages several multi-use facilities throughout the County.

Water and Wastewater

Due to the rural nature and low population density of the County, Rio Arriba does not have a water or wastewater system. Most county residents rely on private wells and septic systems; however, these individual systems are problematic. Wells frequently go dry and septic systems pollute both ground and drinking water. While this Comprehensive Plan favors limits on the proliferation of private wells and septic systems, state subdivision and water law do not currently discourage the use of these systems. Furthermore, community systems are often cost-prohibitive.

There are forty-eight (48) mutual domestic water systems in Rio Arriba County, but only four (4) community wastewater systems, located in Abiquiu, Chama, Cordova and Truchas. With limited funding at their disposal, many mutual domestics are unable to keep pace with water demand and expanding service areas. The City of Española operates the only municipal water and wastewater system in the County.

Energy

Natural gas in Rio Arriba County is provided by PNM, the Public Service Company of New Mexico. Because PNM does not have infrastructure in all areas of the County, many residents rely on propane gas for heating, which can be costly. Electricity is provided by the Jemez Mountain Electric Cooperative, and is available for residences County-wide. However, residents in more remote locations sometimes pay tens of thousands of dollars to have electricity extended from a main line to their home. In addition, three-phase power required for commercial development is only available in certain areas. Thus, limited availability of gas and electricity preclude economic development in many parts of the County. There is significant interest in Rio Arriba County about developing renewable energy resources, such as wind, solar and biomass, in partnership with existing utility providers.

Renewable Energy

The County has investigated some of the renewable energy options available - both large scale and small scale wind and solar. Large scale is the production of electricity to sell to the consumer and small scale refers to individual consumers producing for their own consumption and to potentially sell back to the electric provider. Before investigating the County believed that Black Mesa, "Mesa Prieta," would provide an ideal location for large wind turbines. Research from the Energy Soils and Minerals Divisions of the State proved it to be the opposite. In fact only the very top of the mountain peaks have significant wind for large wind turbines in Rio Arriba County at this time. Large

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scale solar, however, is a much more viable possibility. The BLM has recently begun the process of solar leases and western Rio Arriba might be an ideal location for large scale solar. The County needs to develop regulations for large scale solar projects with the intent that those regulations will ensure expedited approval of projects that demonstrate compatibility with and minimal impact on the surrounding environment. The County has a desire for large scale solar project to be administrative if they are to be located in the ERDD. Although small scale wind and solar production can save money over time, the initial installation cost is prohibitive, which has deterred widespread small scale energy production.

Telecommunications

In 2005, Windstream Communications replaced Valor Telecom as the County's telephone and primary internet service provider. To date, T1 lines have been installed along all major roads in the County, and installation of a line between Abiquiu to Tierra Amarilla is in progress. Rio Arriba County is particularly interested in ensuring that all community facilities, including schools, libraries and community centers, have internet access that is available to the public at no charge.

Solid Waste

As of June 2004, individual solid waste operations serving the City of Española, Rio Arriba County, San Juan Pueblo (now Ohkay Owingeh) and Santa Clara Pueblo were consolidated into a single regional integrated waste management system known as the North Central Solid Waste Authority. By consolidating the basic services of each jurisdiction, the Authority has created economies of scale and efficiencies that permit expansion of services. The North Central Solid Waste Authority is currently providing automated collection of residential waste, commercial trash collection, operation of a transfer station in Alcalde, operation of a convenience center in Española, and management of a contract for landfill disposal with the City of Rio Rancho. Additional services that will be phased in over time include construction and operation of a recycling center, collection of residential and commercial recycling, development of a yard waste program, large-item pick up and problem waste disposal. Composting and hazardous waste swaps may be offered thereafter.

The governance structure of the Authority provides each member with equal voting power and the ability to direct efforts and funds. Each member can select services, with rates determined by the Authority. As a quasi-government agency, the Authority can lobby the New Mexico State Legislature for appropriations, and can obtain low-interest loans from the New Mexico Finance Authority. These additional funding sources will greatly improve the County's ability to provide convenient, reliable and expanded solid waste services.

Community Facilities

Rio Arriba County owns and operates several multi-purpose facilities, including the Rio Arriba County Administration Building on Industrial Park Road in Española, the Rio Arriba County Courthouse in Tierra Amarilla, the Oñate Center in Alcalde, the Rural

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Events Center in El Rito and community centers in Cebolla, Coyote, Mendanales and Truchas. The Rural Events Center is home to the County Fair as well as agricultural programs run by the local extension office of New Mexico State University. The County also operates several recreation facilities, including ball fields in Abiquiu, Dixon, Velarde and Tierra Amarilla, as well as a swimming pool in Tierra Amarilla. Community recreation programs are offered each summer at these facilities.

The Rio Arriba County Senior Citizens Program operates and maintains seven (7) senior centers in the communities of Chama, Coyote, Española, Mendanales, Tierra Amarilla and Truchas, where meals, transportation, and educational programs are provided. The program also offers a variety of services to meet the needs of all seniors. These include the Adult Daycare Program, Family Caregivers Program, Alzheimer Respite Program, and light housecleaning services.

Rio Arriba County is divided into five (5) public school districts, with schools in the communities of Abiquiu, Alcalde, Chama, Chimayo, Coyote, Dixon, Dulce, El Rito, Española, Gallina, Hernandez, Mesa Vista, Tierra Amarilla and Velarde. The Pueblos of Ohkay Owingeh and Santa Clara also have elementary schools. There are eight (8) libraries in the County, located in Abiquiu, Chama, El Rito, Embudo, Española, Truchas, the Jicarilla Apache Nation and Santa Clara Pueblo.

Traditional Infrastructure

Rio Arriba County contains a wealth of traditional infrastructure, ranging from *acequia* systems, to churches, community plazas, and *moradas*, buildings used by the religious brotherhood of *Hermanos* beginning in the 1700s. Rio Arriba County and its residents have expressed a strong desire to preserve, protect and continue the use of this traditional infrastructure well into the future.

Public Safety

The Rio Arriba County Sherriff Department serves the unincorporated areas of Rio Arriba County and operates out of the County's offices in Española and Tierra Amarilla. Rio Arriba County manages the eighteen (18) fire departments in the County, fifteen (15) of which also provide rescue and emergency medial service (EMS) for the area. In addition, two private companies provide EMS service. These include Presbyterian Hospital in Española and Las Clinicas del Norte, which serves the northern part of the County.

Health Care

Health care facilities in Rio Arriba County include the Española Hospital and health clinics located in Abiquiu, Chama, Coyote, El Rito, Embudo, Española (4), Tierra Amarilla and Truchas. According to the UNM Health Sciences Center's 2006 Health Report Card for Rio Arriba County, the County's priority needs are access to health care, obesity and substance abuse. Access to health care is often a problem in rural areas, because many residents live far from primary and emergency services. Rio Arriba County, however, also has difficulty recruiting medical professionals. In comparing the

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number of licensed health professionals to population figures, it is clear that Rio Arriba County residents are greatly underserved. Rio Arriba County had one medical doctor for every 1,056 residents in 2003, compared to New Mexico as a whole, where there was one doctor for every 313 residents. All categories of medical personnel in Rio Arriba County are similarly overextended.

Licensed Health Professionals, 2003		
	Rio Arriba Co.	New Mexico
Population in 2000	41,190	1,189,046
Medical Doctors	39	5,809
Medical Doctor Residents	1	1,144
Physician Assistants	8	287
Nurses (RN, LPN)	255	19,575
Certified Nurse Midwives	2	148
Licensed Midwives	1	79

Source: New Mexico Department of Health Rio Arriba County Profile, 2003

The County's problem with obesity is reflected in its high number of diabetics. In 2003, Rio Arriba County had the third highest percentage of adults with diabetes (10.4%), behind only Cibola County (10.6%) and McKinley County (12.0%). As in other rural, agricultural communities that have relied on a consistent, healthy diet over generations, obesity and diabetes in Rio Arriba County is linked to the breakdown of the area's traditional diet and the increasing popularity of fast food and junk food. The prevalence of this problem is illustrated by the concentration of fast-food restaurants on Riverside Drive in Española. Associated with commuting to jobs outside of the community, fast food is a major contributor to malnutrition, obesity, diabetes, heart disease, hypertension, depression and attention deficit issues.

Substance abuse is probably the health issue for which Rio Arriba County is best known. In 1998, the New Mexico Department of Health drew public attention to the disturbing number of drug-related deaths in Rio Arriba County, many of them caused by heroin. At the time, the rate of fatal drug overdoses in Rio Arriba County was the highest in the nation and nearly four (4) times the national average. In 2003, Rio Arriba County ranked third in New Mexico on the composite measure of substance abuse (hospitalization, mortality, traffic and youth). It also had high rates for indicators associated with substance abuse, such as alcohol-involved crash fatalities, high-school dropouts and suicides.

In 1999, the Rio Arriba Board of County Commissioners recognized substance abuse as an epidemic that could only be addressed through a public health approach. To reduce substance and alcohol abuse throughout the County, the County Commission adopted the *Rio Arriba Strategic Plan for Substance and Alcohol Abuse and Treatment* that same year. The Plan was developed through an inclusive process, conducted in collaboration with Rio Arriba County's designated local health council, the Rio Arriba Family Care Network (RAFCN). The purpose of the Plan was to develop a coordinated service delivery system that would integrate substance and alcohol abuse and prevention into primary and emergency care. Implementation of the Plan at the County level involves physically concentrating all County-operated health services into a Health Commons on

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Industrial Park Road, so that “warm referrals” may be made among various health providers. For example, if an individual receiving medical attention has a substance abuse problem, the person can be immediately referred for treatment next door, rather than being sent home with a directive to seek help. This approach will simultaneously address substance abuse and access to health care.

The report entitled *Substance Abuse, Culture and Economics in Rio Arriba County: An Analysis of Impacts and Root Causes* (2001) by Lauren Reichelt, Director of the Rio Arriba Department of Health and Human Services, suggests several potential causes of epidemic levels of substance abuse in the County, and proposes strategies to reverse the potential causes. Potential causes include cultural disintegration related to the loss of land, agricultural traditions and social cohesion; income disparity; long commutes which keep adults away from home; chronic malnutrition and nutritional imbalances caused by a breakdown in the traditional diet; and elements of the built environment, including high concentrations of alcohol outlets. Some of the strategies to address these causes are within the scope of this Comprehensive Plan, such as implementing proactive land use policies and working with federal agencies to allow community use of federal lands; creating economic development and workforce development opportunities focused on value-added enterprise; mapping data on substance abuse, violent crimes and social indicators for use in planning and prevention; and encouraging traditional agriculture and crops to improve diets.

Recently, Rio Arriba County discovered that nearly 90% of its state funding for behavioral health services is being spent outside of the county, primarily on youth residential treatment. This statistic has brought to light the extreme lack of behavioral health services in the County, particularly for children and youth. It has also raised new concerns about the use of the local intensive care unit and jail as substitutes for mental health services. The implications of this situation are that millions of dollars are spent on out-of-county behavioral health services, with no local follow-up or family involvement upon a client’s return home.

In the face of these many challenges, Rio Arriba County has played a leading role in the development of health care services and infrastructure. In addition to providing case management for substance abuse, jail-based substance abuse treatment and enrollment for publicly funded insurance, Rio Arriba County maintains a health council, a DWI council and a maternal child health council to assist providers with development and coordination of health care services. In 1997, Rio Arriba became the first county in New Mexico to create a county-run Health and Human Services Department. As a result of its infrastructure planning activities, the County also renovated and purchased a 30-acre, state of the art residential treatment facility in Velarde, New Mexico. The facility has the potential to house 50 beds and is currently licensed for 40. Up to sixteen acres may be used to support agricultural ventures. Rio Arriba County has passed hospital mill levies to support expansion of the Española Hospital, and has assisted with the expansion of primary care infrastructure as well. The County supports health care service delivery through indigent funds, grants, the general fund and other sources, and often convenes providers to discuss ways to improve service delivery and fill gaps in the service array.

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Goals and Implementation Strategies

Goal 1: Incrementally improve electrical distribution and availability by promoting the use of renewable energy and reduction of greenhouse gases.

- *Strategy 1: Develop partnerships between local electric utilities and property owners, such as the County, land grants and private individuals, who can provide a land base for siting renewable energy infrastructure.*
- *Strategy 2: Encourage and offer incentives for new developments to provide distributed co-generation through the use of solar panels and wind and water turbines.*
- *Strategy 3: Actively recruit and offer incentives for manufacturers that produce solar panels, wind and water turbines and other renewable energy infrastructure to locate in Rio Arriba County.*
- *Strategy 4: Allow administrative processes for large solar developments located in the ERDD.*
- *Strategy 5: Through land use regulations, offer incentives to encourage solar-driven water systems and solar and wind power in new homes.*
- *Strategy 6: Promote the use of biomass through partnerships with the federal agencies and the land grants in the Vallecitos Sustained Yield unit for thinning and timber harvesting in high-fuel areas.*

Goal 2: Develop standards outlining an acceptable water foot print for a new developments that address gallon per/day usage contingent upon available supplies. Develop appropriate water and wastewater technology standards to minimize the water footprint of new developments.

- *Strategy 7: Encourage and offer incentives for the use of water harvesting and gray-water treatment systems in new residential development, including water harvesting non-structural improvements such as roads, etc.*
- *Strategy 8: Promote water conserving fixtures and drought tolerant, native landscaping in new construction.*

Goal 3: Limit the proliferation of individual septic systems and wells.

- *Strategy 9: Require new development to connect to nearby community water and wastewater systems with adequate capacity, and allow higher density on lots with existing development through the use of shared wells and septic systems, or by connection to community water and wastewater systems.*
- *Strategy 10: Encourage the expansion and creation of new mutual domestic water associations and sanitation districts through land use regulation and*

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Goals and Implementation Strategies

partnerships at the local level, and through support of funding requests and favorable community system legislation at the state level.

- *Strategy 11: Amend Subdivision regulations to allow lot sizes smaller than the $\frac{3}{4}$ ac min. for advanced on-site liquid waste systems or for shared agreements as approved by NM Environment Department.*

Goal 4: Promote reuse and multiple uses of existing community facilities, and develop new parks and recreational facilities to meet community needs.

- *Strategy 12: Establish partnerships and joint use agreements with school districts, Northern New Mexico College and local municipalities, for the use of facilities and construction of new facilities to ensure public access and availability.*
- *Strategy 13: Support the extension of the County's liability insurance for communities to use in areas where there are no County buildings available and they must use non-County buildings for community activities.*
- *Strategy 14: Adopt a policy to ensure that all Rio Arriba County facilities are utilized to their maximum and available to the public and community groups throughout the year within the limits of State laws and regulations. Fire stations can be used for voting and by recognized public entities.*
- *Strategy 15: Investigate the feasibility of a regional, multi-use recreational facility for all age groups and pursue funding from ICIP legislative appropriation, GRT increase and/or GO bond.*
- *Strategy 16: Require large subdivisions, planned communities and planned unit developments to provide recreational facilities, including community centers, parks, trails and greenbelts to ensure adequate recreational amenities for residents.*

Goal 5: Promote local usage of natural resources for energy production, road and construction materials when compatible with neighborhoods and the environment.

- *Strategy 17: Promote partnerships with the community organizations and the USFS Vallecitos Sustained Yield Unit to provide timber for local construction projects.*
- *Strategy 18: Institute local preference incentives in the County's purchasing system for materials and products that are utilizing local resources.*
- *Strategy 19: Develop a map of areas appropriate for sustainable resource development and define guidelines and procedures for ensuring compatibility with neighborhoods and environment.*

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Goals and Implementation Strategies

- *Strategy 20: County should partner with PNM to provide natural gas to rural communities.*

Goal 6: Expand the animal control capabilities to ensure adequate protection of people and animals.

- *Strategy 21: Encourage the use of pet controls in covenants for new residential development.*
- *Strategy 22: Require leashes, spaying and neutering of pets in the Rio Arriba County Animal Ordinance.*
- *Strategy 23: Consolidate all County code enforcement activities, including animal abuse, into a single County division, and provide adequate staffing for enforcement.*

Goal 7: Improve solid waste services and facilities and promote recycling to beautify the County.

- *Strategy 24: Support the North Central Solid Waste Authority's efforts to construct and operate a recycling center, collect residential and commercial recycling, develop a yard waste program, and provide large-item pick up and problem waste disposal services.*
- *Strategy 25: Adopt stricter land use regulations for inoperable vehicles and abandoned mobile homes and increase the County's code enforcement staff.*
- *Strategy 26: Develop a Graffiti-prevention ordinance that requires large surfaces on buildings or walls to use a surface texture or treatment that discourages graffiti tagging, and has civil penalties for offenders.*

Goal 8: Provide adequate and accessible total health care facilities and promote the County's Health Commons and primary care facilities.

- *Strategy 27: Through capital improvements plans and grant writing, aggressively seek state and federal funding for the Rio Arriba Health Commons and primary care facilities.*
- *Strategy 28: Provide incentives and land use zoning to expand and encourage constructing of medical and treatment facilities in and near the Health Commons.*
- *Strategy 29: Develop and adopt policies favoring business practices, land use and service delivery specifically designed to improve the health of Rio Arriba residents.*

VIII. Community Facilities /

Infrastructure

Goals and Implementation Strategies

- *Strategy 30: The County will use its influence as a funder to play a leadership role by assisting providers to coordinate services, develop new services, and meet gaps in the service array. It will negotiate with the state and its designated agencies to insure that service coordination remains local.*

Goal 9: Work in collaboration with the Acequia commissions to improve and maintain acequia access easements.

- *Strategy 31: Work with acequia commissions to identify and map acequia access easements and input them in the County's GIS mapping system.*
- *Strategy 32: Restrict development from encroaching on acequia access easements through land regulations.*
- *Strategy 33: In partnership with the acequia commissions, develop and distribute education materials to real estate agents, finance institutions, homebuyers and landowners about the acequia system and the state statutes protecting these easements.*

Transportation constraints in Rio Arriba County have long posed challenges to economic development and growth. With no interstates or commercial railroads, the County does not possess the level of transportation infrastructure required for most industry and manufacturing. Freight transportation relies on the County's network of federal, state and county roads, most of which were not constructed to accommodate large trucks. State and county roads in the rural areas are typically the most neglected, because they serve low population densities.

Public transportation for Rio Arriba County is limited to services that transport people from home to work. Thus, schedules and locations for public transit revolve around the work day and employment centers. There is no daily, frequent public transit that serves all areas of the County. In addition, facilities for other modes of transportation, such as pedestrian and bicycle, are few and far between. However, opportunities for trails within and between communities clearly exist and can be developed from traditional accesses, *acequia* rights of way, and federally-owned land.

Road Network and Improvements

Rio Arriba County's road network is anchored by US Highway 84 and US Highway 285, which connect north central New Mexico and southern Colorado to Interstate 25 in Santa Fe. Running north to south through the County, US 84/285 provides the area's only link to the interstate system. US Highway 64 is the County's primary east-west arterial and runs through the entire northern quarter of the state. Rio Arriba County's road network also includes three scenic byways, including the High Road to Taos, the Puye Cliffs Scenic Byway, and the Narrow Gauge Scenic Roadway.

Roadway improvements in Rio Arriba County are primarily funded through the New Mexico Statewide Transportation Improvement Program (STIP). The STIP is the state's four-year multi-modal transportation, preservation and capital improvement program. It meets the requirements of the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)*, the law that provides federal funds for transportation projects to move people and freight, which will remain in effect through 2009. Projects included in the STIP are prioritized locally by Municipal and Regional Planning Organizations within the state's six transportation districts. Rio Arriba County falls within District 5, made up of northwest and north central New Mexico, including San Juan, Taos, Rio Arriba, Santa Fe and Torrance counties. Rio Arriba participates in the Northern Pueblos Regional Planning Organization, along with Taos County, municipalities in Rio Arriba and Taos Counties, the Jicarilla Apache Nation, and the Pueblos of Ohkay Owingeh, Santa Clara, Taos and Picuris.

IX. Transportation

Rio Arriba County STIP Projects, 2008-2011				
Project	2008	2009	2010	2011
Española Railroad Museum Construction / Enhancements		\$532,000		
US 64 / Jicarilla 8 Pedestrian Facilities				\$585,000
US 84 / Paseo de Oñate Intersection Improvements				\$2,220,000
NM 76/NM 503 Reconstruction		\$7,100,000		
NM 111 Bridge Replacement			\$2,335,000	
La Jara Bridge Replacement				\$4,000,000
US 64 / US 84 Pavement Rehabilitation				\$1,388,000
Totals	\$0.00	\$7,632,000	\$2,335,000	\$8,193,000

Source: New Mexico Department of Transportation STIP, 2008-2011 (Official Draft Version)

The current STIP includes projects for fiscal year 2008 through 2011, as shown above. Funding for transportation projects within Rio Arriba County for this period totals \$18,160,000. In addition, several major projects listed under other counties significantly impact Rio Arriba. Road improvements on US 64 from the Rio Arriba County line to US 84 were completed in 2006. This was the first in a series of projects to improve road safety on a dangerous stretch of US 64, from Bloomfield to Dulce. When fully completed, the project will correct poor vertical and horizontal alignment of the roadway, as well as widen existing two-foot shoulders to six feet.

The New Mexico Department of Transportation is also in the process of improving US 84 from Pojoaque to Española, which will upgrade access to Española and southern Rio Arriba County. The northern half of this project is scheduled for 2008, and is estimated to cost \$25 million in two phases. Current traffic counts on US 84 are approximately 24,000 vehicles per day, projected to increase to 46,000 vehicles per day by the year 2026. The project is designed to meet a 20-year planning horizon and includes pavement rehabilitation, the addition of turning lanes and highway access lanes, the installation of new traffic signals, and construction of barrier walls for noise reduction.

Finally, a corridor study is underway for NM 30, which runs through the Santa Clara Pueblo reservation between Española and NM 502, the turn-off to Los Alamos. This two-lane stretch of highway is the major commuter route for Rio Arriba County residents who work in Los Alamos. NM 30 has experienced its share of safety problems over the years, particularly during peak commuting times. Improvements to this roadway are budgeted at \$558,000 for 2008 and \$6,389,959 for 2009.

Airports

Rio Arriba County's public airports include the Ohkay Owingeh General Aviation (San Juan) Airport, Jicarilla Apache Nation Airport, El Vado (Navajo Lake) Airport and Lindriith Airpark. Eseñada Airport, Ghost Ranch Strip Airport and Eastside Airstrip are private facilities. While none of these airports offer commercial air service, they provide various levels of service to private aircraft. The closest airport with commercial air service is the Santa Fe Airport. The New Mexico Department of Transportation's Aviation Capital Improvements Plan for 2007-2009 indicates that significant improvements are underway at Ohkay Owingeh Generation Aviation Airport, located immediately north of Española. Improvements include addition of a terminal, taxiways, hangars, fuel infrastructure and a fixed-based operator. Ohkay Owingeh is also planning to develop an industrial park at the airport, all of which will provide significant economic development opportunities in Rio Arriba County.

Public Transportation

Managed and operated by Rio Arriba County, Los Valles Transit provides shuttle service Monday through Friday in the service areas of Española, Santa Fe, Turquoise Trail and Pecos (I-25 corridor). Los Valles offers reduced fares for Work Force Investment Act clients and Job Access Program participants, and free fares to New Mexico Works Program participants. Other modes of public transportation include the Rapid Ride, managed and funded by the State of New Mexico, which runs on weekdays and serves commuters in Albuquerque, Santa Fe, Española and Los Alamos. Private shuttles to and from the Albuquerque International Sunport and Santa Fe Municipal Airport are also available.

Goal 1: Improve and maintain the County roads' level of service and condition.

- *Strategy 1: Prepare a Road Management and Maintenance Program that evaluates the overall roadway system and develops maintenance program and standards that reflect existing and projected traffic volumes. Develop standards that address the adoption or creation of new County roads.*
- *Strategy 2: Consider using alternative road surfacing materials on dirt roads such as Polypavement or X-zyme products to improve dust and erosion control and reduce maintenance.*
- *Strategy 3: Prevent encroachment on existing road easements and ensure that all County roads are navigable by County and emergency services.*
- *Strategy 4: Amend the County's Land Subdivision Regulations Ordinance to require the submission of a soil quality report for the areas designated for road development. Require that property owners habitate existing soil quality to meet basic road standards.*
- *Strategy 5: Seek and support cooperation between the County, the Bureau of Land Management, private land owners and community members to improve the quality and safety of roads in the county both public and private.*

Goal 2: Encourage multi-modal transportation uses, such as bike lanes and transit services.

- *Strategy 6: In partnership with the local municipalities and the NMDOT, prepare an assessment of County and State routes that could qualify a Rio Arriba County Scenic Roadways system designation that incorporates a bike path system, possible equestrian trails, bicycle parking and amenities and includes significant cultural, historical, environmental, and recreational assets of the county.*
- *Strategy 7: Identify roads that are feasible for bike lanes and include dedicated bike and pedestrian facilities in new roadway projects when easement width is available.*
- *Strategy 8: Assist in educational programs to users and the general public related to safe operations of motorized and non-motorized transportation modes.*
- *Strategy 9: In partnership with the Northern Pueblos Regional Planning Organization, prepare a County Multi-modal Transportation Master Plan that evaluates the overall road, bike and pedestrian system, assesses intersection and safety functions, projects future traffic volumes and develops a functional street classification system and level of service standards that reflect existing and projected traffic volumes.*
- *Strategy 10: Prepare a Rio Arriba Trail, Bikeway, Equestrian Trail, and Open Space Master Plan in collaboration with land grant associations, local pueblos, the BLM Rio Arriba Resource Area and the Carson National Forest Ten Year*

IX. Transportation

Goals and Implementation Strategies

Management Plan, to ensure access to the outdoors for local families. Try to link access to these open spaces with existing public transportation to increase accessibility.

Goal 3: Expand access and availability of the public transit system for all ages.

- *Strategy 11: Support and expand the North Central Regional Transit District, including park and ride facilities.*

Goal 4: Improve safety of the roadway system.

- *Strategy 12: Review traffic accident statistics and prioritize the highest-risk county and state roadways and their causes, and working with the NMDOT, program these safety improvements in the State Transportation Improvements Program (STIP).*

Goal 5: Improve and maintain public access to traditional and communal lands.

- *Strategy 13: (same as Transportation Strategy #3) In partnership with the local municipalities and the NMDOT, prepare an assessment of county and state routes that could qualify a Rio Arriba County Scenic Roadways system designation that incorporates a path system for pedestrians, cyclists, and equestrians that would help connect significant cultural, historical, environmental, and recreational assets of the county.*
- *Strategy 14: Adopt a County Land Use ordinance to create public right of way from existing prescriptive easements to assure historic access to public lands.*

Goal 6: Identify roads with level of service and road width restrictions.

- *Strategy 15: In partnership with the local municipalities and the NMDOT, prepare an assessment of county and state routes to determine road classifications, level of service and road width standards.*
- *Strategy 16: Adopt road standards for land-use decisions including Critical Management Areas mapped in this plan.*

Goal 7: Work with local communities to prioritize road maintenance for their area of the county.

- *Strategy 17: Ensure a public hearing process during the development of the Road Management and Maintenance guide.*

Hazard mitigation refers to real and potential threats to communities which occur naturally or are caused by humans. The terrorist attacks of September 11, 2001 and the subsequent creation of the US Department of Homeland Security focused attention on these threats, resulting in funding for communities to plan for and implement actions for hazard mitigation. In May 2007, the Rio Arriba Board of County Commissioners adopted the *Hazard Mitigation Plan* for Rio Arriba County, New Mexico. The Plan is the result of several years of work by Rio Arriba County, incorporated and unincorporated communities and Indian Tribes and Pueblos within the County, County residents, and agencies involved with emergency response, such as the American Red Cross, the Española Hospital, the New Mexico State Police and the New Mexico Department of Public Safety. The Plan assesses and proposes mitigation actions for wildfire; drought; flooding; human-caused hazards, including terrorism and radiological hazardous materials transportation and operations at Los Alamos National Security (LANS); and other hazards including severe weather and earthquakes. The highest-priority mitigation action in the Plan is establishing a comprehensive communication network which would reduce potential loss of life and damage to community assets from all hazards.

The *Hazard Mitigation Plan* also recommends several mitigation actions aimed at prevention of all hazards, including public education, intra-governmental partnerships and land use and development controls. Land use and development control mitigation actions are especially relevant to this Comprehensive Plan, as the Comprehensive Plan can serve as a basis for implementing them. These mitigation actions include:

- Developing or revising comprehensive plans and zoning ordinances to limit development in high hazard areas and improve the ability to identify vulnerable structures. This involves using vulnerability analysis information in planning processes, and identifying hazard areas and vulnerable structures in Geographic Information Systems.
- Adopt building codes that protect against hazards for new construction and renovation.
- Adequately and consistently enforce ordinances and codes.
- Assist in providing information about the build-out potential of high hazard areas.

Drought

New Mexico experiences drought about every ten (10) years. Droughts in Rio Arriba County reduce water supplies used for human consumption, livestock, agriculture, forests, firefighting, recreation and wildlife, and also affect water quality. The Rio Arriba County *Hazard Mitigation Plan* identifies water conservation as the primary tool to protect the County from the impacts of drought. A county-wide drought management plan, xeriscaping and land use regulations that direct runoff to pervious areas, are mitigation actions included in the plan.

Wildfire

Of all hazards, wildfires pose the greatest threat in Rio Arriba County. From 1997 to 2003, 354 fires in Rio Arriba required emergency response. The Cerro Grande Fire of 2000 burned 45,000 acres in Los Alamos and Rio Arriba counties, causing property loss, and damage to vegetation and wildlife. Today, Northern Rio Arriba County and the Española *bosque* rank among the twenty most vulnerable wildland/urban interfaces in New Mexico. Wildfires in Rio Arriba County pose such a significant threat because tree densities in the wildland/urban interface are several times greater than those in healthy forests. In recent years, drought and insect infestation has created drier conditions, exacerbating the underlying problem of fuel accumulation. Irrigated farmlands, which extend approximately one mile on either side of the County's three rivers, are most vulnerable to wildfires. Shown in the box at right, the *Hazard Mitigation Plan* proposes a number of mitigation actions to address wildfires.

Wildfire Mitigation Actions

- Reduce fuel loads through thinning and other measures
- Create defensible space in the wildland/urban interface
- Stop removal of native species in the Española *bosque*
- Develop a water tank to supply fire hydrants in Española
- Create firebreaks around communities
- Extend water lines and install hydrants in areas without community water systems
- Assess conditions for facilities located in forested areas
- Promote alternatives to forest-related tourism

Source: *Hazard Mitigation Plan*, Rio Arriba Co., NM

Flash Floods

Flooding in Rio Arriba County takes the form of flash floods, high-velocity storm flows that fall suddenly, usually for short periods of time. Runoff from dense snow pack and heavy spring and summer thunderstorms produce large volumes of water, which rapidly run off the steep slopes, sparse vegetation and fined-grained soils of Rio Arriba County. The impacts of flash flooding are exacerbated by wildfire, drought and development (roads etc.), which reduce vegetative cover and expose the soil further. Severe flash flooding is most likely to occur in drainages that receive runoff from watersheds with steep slopes and narrow stream valleys. Parking lots and other impervious surfaces also contribute to flash floods, because they prevent infiltration and allow water to runoff more quickly. Numerous roads in Rio Arriba County that cross arroyos suffer from severe erosion and wash-out as a result of flash floods and subsequent mudslides. The Rio Arriba County *Hazard Mitigation Plan* aims to protect these roads through flood protection measures and erosion and sediment reduction. The plan also proposes to educate property owners in flood hazard areas about purchasing flood insurance, and to gather data about structures in the 100-year floodplain through the County's records and Geographic Information System.

Human-Caused Hazards

Terrorism and hazards created by human error are difficult to predict or prevent because they can occur anywhere. In the case of Rio Arriba County, potential hazards related to hazardous materials operations and transportation from Los Alamos National Security (LANS) can be planned for, because locations for these activities are known. The Rio Arriba County *Hazard Mitigation Plan* proposes that its Mitigation Planning Team work with LANS to ensure that adequate warning systems are installed to warn nearby residents of toxic spills, and that the facility is in compliance with local, state and federal regulations. The plan addresses random human-caused hazards by focusing on key facilities and emergency service providers. For example, the plan proposes to protect public water systems and other facilities from contamination, and to improve the capability of fire, police and medical personnel to respond to emergencies through the use of backup generators, fuel tanks, communication systems and early warning devices. Finally, public education is recommended to prepare residents and business owners for potential releases of hazardous materials.

Other Hazards

Unlike wildfires and floods, which are typically concentrated in one area, severe wind and weather hazards would likely affect the entire County or region. Efforts to protect against severe weather focus on identifying individual structures and critical facilities that are vulnerable to severe weather, public education, and improvements to building regulations.

In terms of earthquakes, structures can be made safer by constructing new and retrofitting existing buildings according to the most recent seismic design specifications. However, the Rio Arriba County *Hazard Mitigation Plan* recommends retrofits only for critical facilities or special needs populations, because the risk of earthquakes is low in Rio Arriba County.

Goal 1: Reduce potential loss of life and damage to existing community assets, including structures, critical facilities and infrastructure from all natural and human-caused hazards such as wildfires, flooding, drought, severe weather, earthquakes and contaminants.

- *Strategy 1: Develop an all-hazard, county-wide early warning system, including but not limited to sirens and emergency broadcast on radio and television.*
- *Strategy 2: Identify and map hazard-prone areas such as the urban wildland interface, floodplains and flood fringes, as well as structures and critical facilities located in these areas, and identify extremely vulnerable properties.*
- *Strategy 3: Assess the vulnerability of critical facilities and structures in hazard-prone areas.*
- *Strategy 4: Develop a county-wide storm water management plan that addresses flood protection and erosion control and leads to implementation of soil stabilization and flood control projects such as dikes and culverts.*
- *Strategy 5: Develop capital improvement plans to identify and seek local, state and federal funding for priority hazard mitigation projects.*

Goal 2: Promote disaster-resistant future development by limiting development in high hazard areas.

- *Strategy 6: Identify and map hazard-prone areas such as the urban wildland interface, floodplains and flood fringes, as well as structures and critical facilities located in these areas.*
- *Strategy 7: Adopt land use and zoning regulations that prohibit development in the floodplain and that limit development in the urban wildland interface.*
- *Strategy 8: Adopt performance standards that mitigate against natural and human-caused hazards, such as requiring firebreaks and defensible spaces around all new development, subdivisions and homes in the urban wildland interface; on-site retention of storm flows; and drought tolerant and low-water landscaping.*
- *Strategy 9: Adopt and enforce building code regulations that protect new construction and renovation from hazards.*

Goal 3: Promote education of hazard mitigation as a public value in recognition of its importance to the health, safety and welfare of the population.

- *Strategy 10: Implement a public education campaign to educate County residents on hazard mitigation topics such as wildfire prevention through defensible space creation, vegetation management and fuel reduction; flood protection through on-site retention and purchase of flood insurance; water*

conservation techniques and retrofitting; and actions to take during an emergency situation.

- *Strategy 11: Increase County-wide partnerships on hazard mitigation through the Rio Arriba County Mitigation Planning Team, including the Project Impact initiative, which promotes disaster resistance in the Rio Arriba County business community and other local community disaster relief teams.*

Goal 4: Enforce and improve fire protection infrastructure for the urban wildland interface.

- *Strategy 12: Create and extend fire suppression infrastructure, such as water tanks, water lines, fire hydrants, and dry hydrant areas, where no such infrastructure currently exists.*
- *Strategy 13: Develop and implement a County vegetation management program to reduce fuel loads and noxious weeds for County residents and businesses in the urban wildland interface.*
- *Strategy 14: Promote partnerships with the federal agencies and the Vallecitos Sustained Yield for thinning and timber harvesting in high-fuel areas.*

Goal 5: Upgrade and enhance the County's emergency response system to ensure that all areas have adequate police, fire and emergency services.

- *Strategy 15: Improve the accuracy of the E-911 database by establishing agreements with telecommunication providers to ensure that old phone numbers are verified, new phone numbers are matched to accurate physical addresses, and all phone numbers are recorded with the County.*
- *Strategy 16: Continually maintain the accuracy of the County's E-911 database through building permit data and data from telecommunication providers.*
- *Strategy 17: Inventory existing emergency response infrastructure in communities across the County. Assist communities in updating their infrastructure when possible and interim facilitate sharing of services between communities where appropriate.*
- *Strategy 18: Support legislation to increase retirement benefits for volunteer fire fighters.*

Comprehensive Plan Administration, Amendment and Update

The Rio Arriba County Comprehensive Plan is intended to be a dynamic document that should be implemented and reviewed on a continuous basis. As priorities and conditions change, so should these changes be reflected in the Plan. The Comprehensive Plan should be informally reviewed once a year or as needed for refinements or minor updates. There should be a formal update of the County Comprehensive Plan every five years, using updated information from the Census and other sources on socio-economic and geographic data.

The Rio Arriba County Board of Commissioners will appoint a Comprehensive Plan Implementation Task Force to assist in developing a Strategic Action Plan to implement the strategies and for the formal County-wide Plan Update process. The Task Force should include, but is not limited to, representatives from the County Departments, Planning and Zoning Commission, business and real estate interests, ranching/agriculture, water interests and outlying communities. The Plan Update process will recognize the residents as a vital part of the planning process and its implementation.

The Comprehensive Plan recognizes the NM state law requirement that land use regulations, if formulated and adopted in Rio Arriba County, must be in accordance with the Comprehensive Plan. New Subdivision regulations, if more stringent than those in the NM Subdivision statute, must also be identified on their need and specified in the Comprehensive Plan, as per Senate Bill 410 passed in the 2003 Legislative session.

Implementation Strategy Priorities

The Implementation strategies from each Element were prioritized by the County residents at the November, 2007 community meetings. Following a review and revision of all the strategies within an Element, the residents placed dots on those strategies most important to them. By having to make a choice in selecting a limited number of strategies, those strategies with the highest number of dots were determined to be the highest priority strategies. The strategies have been prioritized within each Plan Element. The highest votes for specific implementation strategies are included in the Appendix.



Rio Arriba County Comprehensive Plan

PRIORITY STRATEGIES BY PLAN ELEMENT

The strategies within each Plan Element that received the highest priority by the community residents in the initial round of community input are identified below, in order of their ranking.

LAND AND WATER PRIORITY STRATEGIES

- *Recognize and encourage the adjudication of water rights of all acequias in Rio Arriba County as per the Treaty of Guadalupe Hildago.*
- *Inform and encourage water right owners, before they sell their water rights, to transfer, lease or extend first right of refusal to local acequia water banks*
- *Map the acequias with priority dates of water rights and Mutual Domestic Water Associations and delineate the watersheds that serve them. Encourage the acequia and mutual domestic areas with serious water supply or water rights issues to work with the County and OSE in establishing Critical Management Areas and Stream Corridor Areas.*
- *Increase water storage capacity through watershed management and snow retention at high elevations.*
- *The interests of local ranchers will be represented by the County in agricultural land policy decisions using the Treaty of Guadalupe Hidalgo for guidance.*
- *The County, in partnership with the USDA and Cooperative Extension Service, will inform and encourage ranchers and farmers to place conservation easements on their property and take advantage of the tax benefits offered by State and Federal legislation.*

TRANSPORTATION PRIORITY STRATEGIES

- *Prepare a Rio Arriba Trail, Bikeway and Open Space Master Plan in collaboration with land grant associations, BLM Rio Arriba Resource Area and the Carson National Forest Ten Year Management Plan.*
- *Review traffic accident statistics and prioritize the highest-risk county and state roadways and their causes, and working with the NMDOT, program these safety improvements in the State Transportation Improvements Program (STIP).*
- *Support and expand the North Central Regional Transit District, including park and ride facilities.*
- *Identify roads that are feasible for bike lanes and include dedicated bike and pedestrian facilities in new roadway projects when easement width is available.*

COMMUNITY FACILITIES/INFRASTRUCTURE PRIORITY STRATEGIES

- *Adopt stricter land use regulations for inoperable vehicles and abandoned mobile homes and increase the County's code enforcement staff.*
- *The County should partner with PNM to provide natural gas to rural communities.*

- *Through capital improvements plans and grant writing, aggressively seek state and federal funding for the Rio Arriba Health Commons and primary care facilities.*
- *Support the North Central Solid Waste Authority's efforts to construct and operate a recycling center, collect residential and commercial recycling, develop a yard waste program, and provide large-item pick up and problem waste disposal services.*

ECONOMIC DEVELOPMENT PRIORITY STRATEGIES

- *Work with Northern New Mexico College to develop a diverse array of four year degrees for health professionals in fields such as medicine, dentistry, midwifery, social work, psychology, counseling, early childhood education, and substance abuse. Develop a scholarship fund for students and opportunities to pursue advanced degrees that encourages their retention as health care professionals in the community*
- *Work with the New Mexico Departments of Economic Development and Workforce Solutions to promote and expand training and opportunities for less skilled or experienced workers through volunteer work experience, on the job training, and workforce development programs.*
- *Work with the region's agricultural producers and the New Mexico Association of Farmer's Markets to identify the needs of growers and strategies to expand the market for locally produced agriculture - including the creation of value-added products.*
- *Investigate incentives to employers and County contractors to establish a youth training and employment provision in their operations.*
- *Expand the use of existing community facilities and programs that focus on arts and culture.*

HOUSING PRIORITY STRATEGIES

- *Form an affordable housing task force to identify housing needs that are not being met in the County. Examples may include workforce, senior, multi-family and special needs housing and identify opportunities that exist for financing of special projects with organizations such as the New Mexico Mortgage Finance Authority.*
- *With the help of affordable housing organizations, such as the Habitat for Humanity, Homewise and the Enterprise Foundation, identify and promote programs and incentives for home rehabilitation and property owners.*
- *Conduct a county-wide housing assessment to better understand housing availability, affordability, and areas of need. .*

HAZARDS MITIGATION PRIORITY STRATEGIES

- *Improve the accuracy of the E-911 database by establishing agreements with telecommunication providers to ensure that old phone numbers are verified, new phone numbers are matched to accurate physical addresses, and all phone numbers are recorded with the County.*
- *Develop an all-hazard, county-wide early warning system, including but not limited to sirens and emergency broadcast on radio and television.*
- *Develop a county-wide storm water management plan that addresses flood protection and erosion control and leads to implementation of soil stabilization and flood control projects such as dikes and culverts.*
- *Implement a public education campaign to educate County residents on hazard mitigation topics such as wildfire prevention through defensible space creation, vegetation management and fuel reduction; flood protection through on-site retention and purchase of flood insurance; water conservation techniques and retrofitting; and actions to take during an emergency situation.*

Appendix A: Overall Highest Priority Strategies

Appendix B: Treaty of Guadalupe Hildago

Appendix C: Treaty of Guadalupe Hidalgo Provisions

Appendix D: Comments from 5 community workshops conducted in July, 2006

Appendix E: Public Welfare Policy Statement

Appendix F: Rio Arriba's Wildlife of Concern Table
Source: U.S. Fish and Wildlife Service

Appendix A

OVERALL HIGHEST PRIORITY STRATEGIES

The following strategies were those that received the highest “votes” from the community when asked to place a dot next to the strategies that were most important to them during the community meetings. The total number of votes are identified in parentheses.

- *Recognize and encourage the adjudication of water rights of all acequias in Rio Arriba County as per the Treaty of Guadalupe Hildago. (74)*
- *Work with Northern New Mexico College to develop a diverse array of four year degrees for health professionals in fields such as medicine, dentistry, midwifery, social work, psychology, counseling, early childhood education, and substance abuse. Develop a scholarship fund for students and opportunities to pursue advanced degrees that encourages their retention as health care professionals in the community. (50)*
- *Inform and encourage water right owners, before they sell their water rights, to transfer, lease or extend first right of refusal to local acequia water banks (44)*
- *Adopt stricter land use regulations for inoperable vehicles and abandoned mobile homes and increase the County’s code enforcement staff. (44)*
- *The County should partner with PNM to provide natural gas to rural communities. (43)*
- *Through capital improvements plans and grant writing, aggressively seek state and federal funding for the Rio Arriba Health Commons and primary care facilities. (41)*
- *Support the North Central Solid Waste Authority’s efforts to construct and operate a recycling center, collect residential and commercial recycling, develop a yard waste program, and provide large-item pick up and problem waste disposal services. (41)*
- *Work with the New Mexico Departments of Economic Development and Workforce Solutions to promote and expand training and opportunities for less skilled or experienced workers through volunteer work experience, on the job training, and workforce development programs. (40)*
- *Map the acequias with priority dates of water rights and Mutual Domestic Water Associations and delineate the watersheds that serve them. Encourage the acequia and mutual domestic areas with serious water supply or water rights issues to work with the County and OSE in establishing Critical Management Areas and Stream Corridor Areas. (40)*

- *Increase water storage capacity through watershed management and snow retention at high elevations. (39)*
- *Form an affordable housing task force to identify housing needs that are not being met in the County. Examples may include workforce, senior, multi-family and special needs housing and identify opportunities that exist for financing of special projects with organizations such as the New Mexico Mortgage Finance Authority. (37)*
- *Prepare a Rio Arriba Trail, Bikeway and Open Space Master Plan in collaboration with land grant associations, BLM Rio Arriba Resource Area and the Carson National Forest Ten Year Management Plan. (29)*
- *Improve the accuracy of the E-911 database by establishing agreements with telecommunication providers to ensure that old phone numbers are verified, new phone numbers are matched to accurate physical addresses, and all phone numbers are recorded with the County. (28)*

Appendix B

TREATY OF GUADALUPE HIDALGO

The Spanish and Mexican Customs and Laws are Protected by the Treaty of Guadalupe Hidalgo which is the Controlling Law in New Mexico.

1. *The Treaty of Guadalupe Hidalgo Resides in the Constitution of the State of New Mexico.*

Generally the Treaty of Guadalupe Hidalgo has been given legal weight in various jurisdictions, although there is still considerable controversy as to whether its application under international legal principles has been met, especially in the confirmation process of the land grants in New Mexico. See generally “2004 GAO Land Grant Study”, the Executive Summary, Chapter 1, Chapter 2, Chapter 3, and Chapter 4. However, in New Mexico the legal applicability of the Treaty of Guadalupe Hidalgo has been assured by the adoption into the Constitution of the State of New Mexico of Article II, Bill of Rights, Section 5, “Rights under Treaty of Guadalupe Hidalgo preserved”, which reads as follows:

The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate.

New Mexico is the only state from the Mexican territory ceded to the United States, (comprised of Arizona, California, Nevada, Utah, and parts of Colorado and Wyoming), which has ratified its state constitution with a provision requiring that the “Treaty of Guadalupe Hidalgo shall be preserved inviolate.” There is no mention whatsoever of the Treaty of Guadalupe Hidalgo in any of the constitutions of the aforementioned states. While these neighboring states are

free to give such weight to the Treaty of Guadalupe Hidalgo in matters of law as deemed proper, New Mexico is also required to preserve “inviolable...the rights...guaranteed to the people of New Mexico” by the Treaty.

2. *Constitutional Provisions are the Supreme Law of the Land and Must be given Legal Effect.*

It is a matter of black letter law that a state constitution is the supreme law of the people of a state, subject only to certain limitations of the Constitution of the United States. “The constitution is the supreme law, written by the supreme power of the state, the people themselves.” *In Re Gorham-Fayette Local School Dist.*, 20 Ohio Misc. 222, 49 Ohio Op. 2d 143, 49 Ohio Op, 2d 303, 250 N.E. 2d 104 (C.P. 1969). “It is fundamental that a written constitution is the paramount law since it emanates directly from the people.” *Becky v. Butte-silver Bow School Dist. No. 1*, 274 Mont. 131, 906 P.2d 193, 105 E. Law Rep. (1995).

Since the state constitution is supreme or paramount law, the branches of government cannot lawfully act beyond its limitations and its provisions control in any case of conflict with all lesser laws, such as statutes, local ordinances, or administrative regulations.

It is the basic and supreme law of a state...It is the mandate of a sovereign people to its servants and representatives, and no one of them has a right to ignore or disregard its mandates; the legislature, the executive officers, and the judiciary cannot lawfully act beyond its limitations. Thus, it is also the absolute rule of action and decision for all departments and offices of government with respect to all matters covered by it, and must control as it is written until it is changed by the authority which established it.

See “American Jurisprudence, Second Edition, Constitutional Law, Donald T. Kramer, J.D., § 58. Generally”.

In the light of this additional state constitutional protection, it is the position of the Northern New Mexico Stockman's Association that the rights of the Hispano stockman to forage, water and access are rights which vested under the Spanish and Mexican periods and deserve federal recognition and protection. Federal law, immediately after the War with Mexico, recognized and confirmed these vested property rights in the Kearny Code of 1846. Since these vested rights to forage, water and access originally enjoyed the protection of the federal Kearny Code and are now subject to the protection of the state constitution, Article II, Section 5, "Rights under Treaty of Guadalupe Hidalgo preserved", the various agencies of the United States government should give these property rights deference in the management of lands in New Mexico under their control.

Appendix C

TREATY OF GUADALUPE HIDALGO PROVISIONS

1. Rio Arriba County does not waive its sovereignty, power, jurisdiction granted under the U.S. Constitution, New Mexico State Constitution, Treaty of Guadalupe Hidalgo (Treaty), Kearney's Code and any applicable laws and statutes as it may pertain to protecting the rights of the citizens of Rio Arriba County.
2. Prohibit further designation of wilderness areas in the County as this designation conflicts with the Treaty, Kearney's Code and the United States Constitution, Article 1 Section 8 Clause 17.
3. Prohibit the introduction of large predators (wolves, grizzly bears, mountain lions etc.) by Federal and State Agencies or any other entities that threaten or endanger the health, safety and welfare of the citizens.
4. Prohibit the suspension and cancellation of permitted and/or adjudicated livestock numbers by federal and state agencies.
5. Prohibit livestock reductions in terms of numbers and season of use (time) on lands being administered by federal agencies.
6. Big game populations shall be managed by the State in such a manner that it does not impact the historical grazing rights of ranchers and the authorized livestock numbers.
7. If a private citizen of the County chooses not to permit the federal agency from managing his private property, the sheriff shall protect him from harassment and intimidation.
8. Federal and state agencies shall preserve, protect, recognize, respect and honor the cultural, customs, traditions and values of Hispanics per the Treaty including but not limited to just the grazing rights, stock water and forage rights, acequia water rights, firewood gathering, logging, thinning, mining, pinon picking, hunting, fishing, recreation, etc.
9. Prohibit the federal and state governments from filing on the vested water rights of the citizens of the County contrary to the Prior Appropriations and Beneficial Use Doctrines.

10. Prohibit any federal, state or local entity from acquiring private property through eminent domain from any citizen without just compensation for highest and best use of the property.
11. All irrigation water shall remain attached to the land it serves and cannot be transferred or sold out of the community acequia without 100 percent approval of the Parciantes, Acequia and the County Commissions.
12. The County shall not enter into partnerships or agreements of any kind with federal and state agencies that may compromise the rights of the citizens, except in planning or requesting assistance for natural and man-made disasters such as land slides, avalanches, wildfires, floods, tornadoes, snow and ice storms, droughts, search and rescue, nuclear and radioactive mishaps, oil and gas spills, and biological and terrorism warfare etc.
13. Delete the establishment of a 300' riparian habitat corridor from all water courses because it conflicts with historic rights and traditional uses on those corridors and lacks clarity in the plan.
14. The Forest Service Travel Management Rule shall abide in its entirety with RS 2477, whereby it protects and keeps open all roads and trail easements that existed prior to 1976, with no exceptions.
15. National Forests shall be thinned and logged to keep them in a healthy state so to enhance the water flows from the forests and to produce a sustainable yield of timber. If the Federal government does not maintain the forests in a healthy state the County shall pass an ordinance to protect the private property from mismanagement of the timber and water.
16. All federal agencies shall comply with all provisions of the Range Management Act of 1978, Section 8, which prohibits federal agencies from cutting any grazing permit or removing any ranchers from the land.
17. Federal and state agencies shall seek cooperating agency status with the county before initiating any actions that may conflict with any of the provisions listed above.

Appendix D

**Rio Arriba County Comprehensive Plan
Comments (unedited) from the five community workshops conducted in
July, 2006**

Vision Statement

- Return all land sold to the nation back to the county tax rolls!!!
- Suggestion: use the word heritage.

Rio Arriba County is a unique rural area where generations of families have chosen to live and new neighbors arrive every day. By providing quality education and diverse economic opportunities, Rio Arriba County will *maintain*, enhance and strengthen our traditional land-based communities and cultures and improve our quality of life. We will (*protect our heritage and the environment developing...*) develop housing, *quality education (community education vs. public institutionalized education) higher education*. And business-friendly environments that create prosperity and a bright future for our youth. Restitution of our land grants *protect our water to enhance agriculture and natural resources* will sustain us and our families, and agriculture will protect our precious water and natural resources *whereas, unchecked development will deplete them*. We will move towards a future where our children and grandchildren can find their own paths, perhaps along an acequia, and feel the sense of place we have today. *Too long*.

Land and Water goals

- Develop programs/strategies to encourage more people to use their land for agriculture.
- Especially prior water rights. –Yes
- Develop marketing strategies/facilities to process/ its one thing to grow it, what do you do after harvest?
- County needs a relevant development code.
- Need terrain ordinance, ridge top ordinance, escarpment ordinance, enhanced mining ord = sand and gravel, hard rock.
- Goal 6. Yes!
- Includes livestock/ animal husbandry.
- Local water markets.
- Goal 7. Clarify this means control “light night” pollution.
- Pursuant to New Mexico night sky protection act.
- Goal 8. I understand the county is going to build a large community center on some of the 175 acres of land given to them by the BLM in Alcalde. We need a community center in Chimayo for education for children to connect with nature and the earth- to understand our interdependence and the preciousness of wildlife and habitat and clean water. A big room where they can dance, a meeting place for grown ups to come together in community and to dance, and an art and craft room and video showings. It would be great if it was built with environmentally friendly materials and solar energy and wind energy and catching water etc.- as a model of environmentally friendly building. Also a place to promote/educate about perm culture and sustainable agriculture (and conflict resolution! - helping people to get along/understand one another). People need to come together to bring people back to working the land. Los Alamos is

polluting our earth and water, this must be stopped, and clean up happen. The people need to come together! Air enforcement rules to stop big trucks spew black clouds of hideous pollutants into air.

- Safe drinking water/ better uses of land to accommodate extended- families- in acreage per need.
- Support communities in preserving traditional landscapes, historical districts and historic buildings.
- Specify a process for becoming a “traditional community”.
- We need a non-denominational cemetery in the Espanola Valley/ Rio Arriba County. Baby boomers are starting or will fill up local ones soon. (A fact of life)
- We need an escarpment regulation to preserve our scenic landscape.
- Protect special scenic views document, map, and restrict development at these sites.
- Protect old adobe homes and structures! Give them recognition and perhaps open them up for others to see.
- Develop a way for communities to participate in documenting historic buildings and districts, a county group to get started on this.
- Re: Goal 5. Future creation of more community water and sewer/septic systems- promote underground water supply.
- Goal 1. This is true.
- Water quality storage/space.
- Educate about and protect the water rights within the region.
- How can you restore lands that have been built on?
- Self-employment.
- Issue-most private land is in river valleys.
- Protect the Rio Grande from pollution.
- Protect Rio Chama Bosque.
- Goal 3. I like this.
- Educate citizens of all ages about the values, history, principles, (opportunities), and economic benefits of the relationship between land and water so that future generations will (should the word be changed to “can”) continue to work the land.
- Building sewage treatment plants provide portable water.
- Promote water catchments.
- Grey water/conservation plans.
- Exact a building moratorium until we figure out how to do it.
- No pole lights.
- Goal 7. Yes.
- Goal 8. Implement the existing agriculture protection ordinance its mandatory- not permissive.
- Goal 9. Encourage xeriscaping and native planting, especially with new development.
- Protect water rights, do not separate water from land, and protect citizens from changes by state engineers.
- Create order that address and enforce protection.

Housing Goals

- Work with lending institutions, realtors, and builders to promote homes vs. mobile homes. Restrict mobile homes.

- Develop criteria to develop waste water systems that will allow clustering/ more than one home on a $\frac{3}{4}$ acre.
- Contact MFA for insight.
- Provide incentives for the rehabilitation (does this mean restore? “Restoration”) of existing site-built residential structures.
- Beware “gentrification”.
- Situation: as strict or stricter than state which affects poor and self-built.
- “Housing opportunities” what does this mean? Housing models? Types of construction? Access to financing/ land?
- Model SF homes programs- industry zoning/ 30 % is too much but 10 % is a good start.
- Special laws or rulings governing owner built sustainable housing special support (I.Q. taxes) for “general” house and land usage and construction.
- Affordable housing for all families.
- Don’t make it so hard to get permits.
- State Const. Industries and state regulations should promote self-built and site built.
- How about county building and fixing those 2 beautiful old houses, near courthouse in T.A. for future generations. They are falling apart and need restoration.
- Better enforcement of regulations for septic, trailer and house placement. Too much escape.
- Adequate resources to enforce regulation already adapted by the county.
- Goal 5. Does this mean to include low income, middle class? Promote programs for middle class- are their programs? Such as funding programs that are accessible for permanent homes (stick build, adobe) as M.H. and tax credits for solar buildings/ green buildings.
- Require developers to provide infrastructure before allowing permits.
- Yes. Encourage home-ownership relationship instead of mobile homes, which especially waste people’s money.
- Planning must be more open and receptive to the mess around us.
- Create a building code and enforce building existing regulations.
- Allow peoples who have land to sell it.
- Enforcement, enforcement, enforcement.
- Better policing of land use to code.
- Federal funds are available for low income housing projects.
- Make building code that supports and encourage sustainable building- adobe, straw bale, etc.
- Goal 6. Set back when building houses 300 ft of riverbanks.
- Or- pilings- house built above high water level.
- Goal 7. Enforce septic permit regulations.
- Enforce the 1-home/ $\frac{3}{4}$ acre law to protect our water supply from septic contamination. Publish a list of contact numbers to report violations.
- Enforce this to 1-3 acres. 300-500 foot separation.

Economic Development Goals

- Separate goal to emphasize arts and culture.
- Agricultural- based business must be number one!

- Need improvements in educational system overall.
- It's one thing to train the workforce- where do I go (work) after I'm trained? What types of skills will be demanded in 5, 7, 10 years.
- Keeping our youth in the area working and living.
- With equal opportunity for our residents.
- Start with LANL and streamline the procurement bureaucracy for small business- LANL has billion-dollar budget and the county/region gets pennies for goods/services.
- LANL is not a good neighbor.
- Conduct comparative advantage analysis.
- Goal 5. (Comes second after agricultural endeavors).
- Not everybody is agriculture oriented it's highly unlikely the majority of our youth will become Mr. Green Jeans.
- Goal 8. Encourage/incentive
- Wind power energy.
- Control timber harvest.
- Erosion control.
- Support by county to put in place incentives to prevent soil erosion on private land.
- Need education and spay/neuter campaign.
- Is there a leash law ordinance?
- Establish countywide spay and neuter program/with requirements for owners to comply.
- Curbside pickup for recycling.
- (For the health of the county) establish and maintain easily accessible recycling centers throughout the county.
- Goal 11. Very important.
- Start with reviving your small farms, maybe a local farmers market, a farmers' cooperative, promotion of local crops in regional markets (Taos, Los Alamos, Santa Fe).
- Tap into LANL (LANS) Economic development programs to help build more diverse economic base.
- Use the Chimayo Youth Conservation Corps. As a model for programs throughout the county.
- Provide an educational program for all the elements so citizens are more informed.
- Education must come first- the level of education must be increased to give our kids the tools they need to get into college and then promote jobs.
- Day care services for working moms/ dads.
- Work programs for youth essential- very little available today- need programs that encourage higher education.
- Support the arts and tourism so this because a higher economic element in the county.
- Creating good customer service to keep the locals from going outside area to purchase goods and services.
- Change El Rito campus format to seminar (1 to 2 week) classes.
- Install hiking/biking trail between El Rito campus and rural events center (along creek side).

- El Rito campus would provide trade and arts classes in condensed format.
- Especially local organic farming, etc. energy businesses (building).
- Utilize el Rito campus.
- Involve our youth.
- Rio Arriba has rich natural resources fishing, hunting, hiking, ATV, etc. all need is to enhance and facilitate these activities. More money, taxes, and jobs for the entire area.
- Create tax-incenting plan to entice business in area.
- (Goal 7) to support business growth.
- (Goal 8) that won't pollute rivers and land.

Goal 1: Strengthen and support opportunities for local arts, culture and agricultural-based businesses.

- What is being proposed to strengthen and support these opportunities?
- Are the programs that currently exist being fully utilized? Seek out what the government agencies (State and Federal) have to offer, such as: Economic Development, International Trade Division, Dept. of Tourism, Dept. of Cultural Affairs, and Department of Agriculture. Non-government entities also have programs that can assist, such as the Regional Development Corporation-Empowering Business Spirit (EBS) initiative.

Goal 2: Create a County-wide workforce training program.

- Basic soft skills can be taught across the board, but without specific industries in the area, there is no target to train to.
- There is no mention of working with local school districts and/or Northern New Mexico College on training towards any specific industry.
- There is no mention of what the local businesses are looking for in regards to workforce training.

Goal 3: Promote the use and purchase of local goods and services that support local businesses.

- This is great, but what is being done to get outside money into the region.
- A marketing campaign could be initiated to promote the "buy local" theme but the businesses must be committed to support this. If the customer does not find what it is looking for (consistent) at the right cost, they will go outside of the area. Santa Fe, Albuquerque are not that far, not to mention the web. This would be a great platform for business/customer training.

Goal 4: Encourage the creation and retention of home-based businesses.

- How is this being done? Are there any incentives? How does this add to the economy or create jobs? Is there baseline data to track or benchmark these businesses?

Goal 5: Create and market an outdoors-oriented, historical and culturally-based tourism program.

- There is opportunity in this area, but must get public funding to get the local infrastructure to an adequate level that will support these levels of visitors into rural communities. Chama is an example, with their water and wastewater capacity issues.

- The Cumbres & Toltec Railroad offers opportunities in different areas, in tourism; the train itself; and in creating a manufacturing center around the railroad industry. This center/facility could support the other narrow gauge railroads around the country.

Goal 6: Develop a job retention program to keep jobs in Rio Arriba County.

- With no real job opportunities in Agriculture and currently no organized effort to bring in other industry, how do you attempt a retention program?

Goal 7: Improve and expand the telecommunication system to provide local jobs and education opportunities.

- How is the county seeking to improve and expand telecommunications, especially in the very rural areas? Are they working with the Legislature to get the resources and/or industry support?

Goal 8: Promote environmentally-friendly light industry and manufacturing uses.

- What has the County identified as industry targets (that they would support)
- What is being proposed to attract and/or create these companies or jobs?
- Identify current and existing assets. What can be expanded?

Other Issues/Concerns

- There is no mention on how Rio Arriba County can take advantage of Los Alamos National Laboratory. (Spin-off, tech transfer, and commercialization) There is potential for bringing business opportunity to Espanola and into Rio Arriba County. Because of the non-availability of land in Los Alamos County, RA Co. could be positioning itself to offer space (land) and bring these high paying positions down from the hill. (This should be a priority goal)
- There is no mention on working directly with the Native American entities on economic development initiatives. They also have land and resources that can be utilized.
- Rio Arriba County currently does not have an economic development staff person or point of contact. This is a critical piece. There is no one person that is aware of what is happening or the ability to coordinate. (Another goal)
- RA County can seek certification as a certified community for economic development through the state under NMEDD's CCI program. This certification will address several of the issues listed.

Initiatives/Ideas

- Rio Arriba could create a business park or parks in several different areas of the county and make use of non-agricultural lands. The park(s) could also create a business incubator to help create/retain these small businesses. On park/complex should be in the Espanola area to facilitate the pursuit of Los Alamos business opportunities. Other areas to consider for industrial/light manufacturing are: Alcalde and Chama. Agricultural parks could be considered in areas of strong agriculture activity, such as: Chimayo, Abiquiu, and El Rito.

Community Facilities/Infrastructure Goals.

- The current electrical distribution system is antiquated- 3/ or 4 “bumps” a week is unacceptable! How does an inferior infrastructure encourage economy?
- They are developed! Require they install appropriate water and wastewater technology.
- Goal 2. To allow for more than one home on $\frac{3}{4}$ acre.
- Goals 2. In the future in other communities that don't have infrastructure.
- Limit and enforce equitably (not who you know) the proliferation of individual septic systems and wells.
- Develop cluster WW systems (less expensive than big projects) to get people off septic. –Already developed need to implement.
- Establish a regional septic system with neighboring communities. Yes! !
- Create a “one-stop” “one-call” system for public emergencies.
- USFS region 3 policy- Hassell Report (1968) recommends the USFS provide their facilities to the rural communities “perhaps”- our leaders can broker a collaborative effort.
- Better lunches
- Improve recreation for the youth.
- Village incorporation with community governance and leadership to implement infrastructure.
- Need to develop community wells and senior facilities.
- Improve facilities- maintain them and keep them safe.
- Clean up crews for our roads and community- graffiti and trash clean up.
- More need of community centers for our youth, adults, and seniors.
- Build recreational facilities up north.
- Regional sports complex.
- Provide more opportunities for youth in education and training. And recreation beyond sports.
- Develop comprehensive recreational opportunities for all ages- recreational complex in high density areas further develop rural events center.
- County-wide recycling
- What about existing well and septic system on small lots? (Or not in compliance with current regulations)- way of enforcing/ changing current situations.
- Yes, parks are badly needed.
- What/who will provide maintenance and upkeep of the parks, etc.
- Develop “arts” parks and “arts” programs... youth through seniors.
- More activities at low or no cost to our youth.
- Swimming pool

Goal 1.

- Solar and wind
- Hydro
- Governmental entities need to buy into this area.

Goal 2.

- Require developer compliance.
- New wastewater system. And legal liabilities if exceeded. Through boards and assurances.
- Sewage waste disposal plants.
- Provide all residents with alternative septic system options.

- Develop/legalize alternative wastewater/black water treatment, the technology is available.
- Provide Internet access to all community members/individuals.
- And business, which provide gross receipts and taxes and jobs for county.
- Need to provide DSL service in the area working with the telephone co. and utility commition.
- Make certain current street maps are available to emergency responders.
- Need police substation at rural events center.
- Educational facilities.
- Promote international use of senior centers.
- All communities should have a community center including senior centers and gyms too.
- With an emphasis on responsible mining that is and does not damage the local communities or the natural environment. (i.e., no more high walls)
- Animals control officers need county sheriff back up.
- Make sure officers are certified.
- Promote spay/neuter programs.
- Change “open range” laws so ranchers are responsible (share) damages due to negligence, etc.
- Include education about the care and respect of all living creatures, and natural and man-made laws against neglect and abuse.
- Provide recycling.
- All serviced home provided by waste containers.
- No more “bags: by the road.
- Free dump days.
- Process to get rid of eyesores (junk, mobiles, cars, etc.).
- Pay-by taxing land owner/ deposit for cans and bottles. Paper.
- Make it easy for households to recycle.
- Waste management at every community, transfer stations.
- (Health commons facility) what and where is this?
- Create right-a-way prescriptions and setbacks from streams and rivers.
- When realtors sell property with easements buyer should have knowledge what easements mean. Especially on ditch easements and road easements.
- What about basic quality of life issues like fire protection, police protection, emergency response for health/rural areas still don’t have these basics.
- Law enforcements at all small communities.
- Goal 1. Reliability of utilities, historically electrical and water (community water) will become unavailable. The inconvenience and possibly more to households is the problem of households. A decrease, credit on the household utility bill would seem appropriate.
- Goal 12. Build bike paths and alternative transportation routes along roads and rivers/ditches.

Transportation Goals

- Address road casements and road widths, on all new additions.
- Eliminate county roads that don’t serve a purpose.
- Park and ride for Jarosa- Tierra Amarilla.
- Bus along county road 76 Chimayo to Espanola and plus more maybe.

- Transport will be needed for patients and clients who need services at the new health commons to be built adjacent to county offices.
- Enforce speed limits on high way 76. Yes. Definitely.
- Water drainage on state road 76.
- Create walkways for pedestrians.
- Goal 5. Need this.
- More buses for all of Rio Arriba county areas.
- More public transport.
- More places to ride bikes.
- Buses with drinks and snacks provided.
- Buses for women to go to and from places because of rapes.
- Bike trails.
- Graded roads with good base coarse.
- Need bike trails in areas of county! Equestrian trails also.
- Develop and maintain some of the old pack trails.
- Buses available to help our youth attend summer programs/activities.
- RS 2477 roads must be recognized and acceded.
- Widen highway 554 to state standard.
- Trash on road between Ch and highway 285 around bend.
- Work with state for better roads in long term. state will spend large money amounts and when done the improvements are not much better than what was already there. The new turn off to Ojo Caliente is a prime example road US 289/84 was not widened far north enough past the gas station. If effect is a dangerous area.
- Establish process for turning over private roads (privately owned publicly used) to county.

(Goal 3. Expand access and availability of the public transit system for all ages.)

- This must include rural areas north of Espanola and south of Tierra Amarilla.
- Pave more roads.
- Improve the safety of the county roadway system.
- Enforce the laws.
- Post speed signage.
- Manage animals to keep off roads.
- Land grants should determine public access on their lands not the county.
- Publish location of public lands, type of use, etc.

Hazards Mitigation Goals

- Stop permitting mobile homes in arroyos floodplains.
- Support volunteer fire depts. Provide resources.
- Included with the EAP (Emergency Action Plan).
- Collaborate emergency services with fire, sheriffs, etc.
- Increase storage facilities for water'
- Paid RA fire department.
- Enhance emergency services in the Santa Cruz valley (SR 76 corridor), work with SF County.
- Building codes- trailers on top of the mesas.
- Enforce graffiti laws (if any) and make them harsh! I agree 100%.

- Control local residents putting up their own raised platforms for trash bags, etc. and putting trash out too early. Looks very ugly along county and state roads.
- Adopt better fire protection building code regulations- see Santa Fe county's code- and apply to clearing around house.
- Bring back legal graffiti wall in Valdez Park.
- I agree graffiti is a huge problem
- Encourage federal government to clean up fire hazards on forest, BLM lands.
- Have a consequence for development if exceeded.
- Add intolerable high walls.
- Good idea, arroyos, setbacks, from acequias, and river.
- Establish "no build" zones.
- Fire department for 285 to Ojo Caliente.
- Goal 5 should be # 1 goal.
- Provide current and frequently updated street maps for law enforcements, fire, etc. should be available in each emergency vehicle, postal.
- Goal 6. More and better enforcement of existing laws. Increase police/sheriff presents in rural areas.
- Goal 5. Espanola Presbyterian Hospital, being the major provider needs to become a better provider, more responsive to emergencies.



RIO ARRIBA COUNTY

ICE CREAM & MUSIC

COMPREHENSIVE PLAN

Performances by
Arte Sin Fronteras

Come to a Community Open House, talk with your neighbors, and plan Rio Arriba's future about:

- **LAND USE & WATER**
- **ECONOMIC DEVELOPMENT**
- **HOUSING**
- **INFRASTRUCTURE**
- **TRANSPORTATION**
- **HAZARD MITIGATION**

Attend one of the meetings anytime between 4 pm to 7 pm

Date	Time	Town	Place
Monday July 9	4-7pm	Alcalde	Onate Community Center, State Rd 68 Alcalde House #854
Tuesday July 10	4-7pm	Abiquiu	Rural Events Center State Rd 554 Abiquiu House #122
Monday July 23	4-7pm	Tierra Amarilla	Tierra Amarilla County Complex State Rd 162 Tierra Amarilla House #149
Tuesday July 24	4-7pm	Chimayo	Chimayo Elementary School Gym County Rd 93 Chimayo House #32
Wednesday July 25	4-7pm	Española	Española County Complex Building 1122 Industrial Park Rd

A draft of the Comprehensive Plan is available at the County
Government Administration Building, Española Library and at
the County's website www.rioarriba.org

For additional information or special needs contact Gabriel Boyle, Rio Arriba County at 833-7772, GBoyle@rioarriba.org or Charlie Deas, County by Design at 907-985-8225, Charlie@countyrbydesign.biz

Welcome to the Rio Arriba County Comprehensive Plan

Second Round of Community Meetings

The Comprehensive Plan is a *community vision for a desired and sustainable future*. A Comprehensive Plan is a document that establishes what you, the citizen, resident, or property owner would like to see in the future of the County. It creates a framework through your values and goals to provide direction to the community's leadership, such as the County Board of Commissioners. The Rio Arriba County Comprehensive Plan is advisory, it does not change or create any new regulations or requirements, but it can recommend changes to them.

The purpose of a Comprehensive Plan is to:

- provide direction for the community's future.
- prioritize community needs and values.
- create the basis for seeking funding through County, State, and Federal sources.

This draft plan includes a Community Vision statement and six Plan Elements:

- Land and Water
- Housing
- Economic Development
- Infrastructure
- Transportation
- Hazards Mitigation

The purpose of this meeting is for you to prioritize the Implementation Strategies that have been developed for each of the Plan Goals. These strategies have been prepared by the consultant team, and a Citizen Steering Committee. We are asking you to review these strategies and “vote” (by placing a dot) for each of the strategies that are most important to you and that you would like to see Rio Arriba County implement over the next ten years.

You only have 35 dots so you have to choose from the 123 strategies which to prioritize as the most important.

Appendix E.

THE PUBLIC WELFARE POLICY STATEMENT

The New Mexico State Water Plan Protects the Acequias of Rio Arriba County

The New Mexico State Water Plan, (“NMSWP”), adopted by the New Mexico Interstate Stream Commission on December 17, 2003, expressly recognizes the importance of Acequias and supports several goals which are inherently compatible with the acequia culture and systems of Rio Arriba County watersheds. Certain of these goals in the State Water Plan which promote and support acequias are as follows:

- (1) the promotion of conservation and the efficient use of water, page 8 of 80;
- (2) the protection of the acequias' senior water rights, pages 9-10 of 80;
- (3) the completion of water rights adjudications, page 11 of 80; and
- (4) the management of water by acequias where water sharing customs and water banks for preservation of cultural and local uses are recognized, pages 15-16 of 80.

Importantly, the New Mexico State Water Plan strongly supports the goal of **diversity** in its policy statements, which is of particular historical importance to Rio Arriba County in light of its resident pre-Columbian Native American populations, and its native Hispano settlements which descend from the oldest continuous European presence in the continental United States. The numerous Hispano settlements of Rio Arriba date back to the first Spanish settlement in 1598 of Don Juan de Onate at San Gabriel de Yunge between the banks of the Rio Chama and Rio Grande:

“Consider water rights transfer policies that balance the need to protect the customs, culture, environment and economic health and stability of the state’s **diverse communities** while providing for timely and efficient transfers of water between uses to meet both short-term shortages and long-term economic development needs.”

Section C-9, page 44 of 80, New Mexico State Water Plan.

The acequias of Rio Arriba County which have their origins in Roman, Moorish and Spanish law, tradition, custom and practice, constitute the oldest form of local government in the United States, and their economic health and stability are assured by the diversity goal of the New Mexico State Water Plan.

The New Mexico State Water Plan also makes express note of the strong sentiment of New Mexico citizens that “traditional uses of water have value”, and that “water is the only thing keeping rural communities viable.” This sentiment is important to Rio Arriba County because of the highly rural setting of its acequias.

Appendix G, “Comment Synthesis Document”, page 48, “values and ethics”.

The New Mexico State Water Plan Act itself requires that the plan “identify and reflect the common priorities, goals and objectives that will have a positive impact on the public welfare of the state’s waters.” In addition, regional water plans are required to “provide for ...adequate review of...the effect of public welfare. The New Mexico State Water Plan Act mandates that “all regions must incorporate public welfare statements into their regional plans.”

Appendix C, paragraph 3 of page 8, New Mexico State Water Plan.

This mandate for a public welfare statement in regional plans must of necessity be specific to the diverse communities found throughout New Mexico. For Rio Arriba County this diversity is found in its numerous acequia communities, comprised of over 230 member acequias.

The Treaty of Guadalupe Hidalgo Protects the Acequias of Rio Arriba

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The New Mexico State Water Plan, itself, exists in the context of the law of New Mexico, which has its origins in the Kearny Code of 1846 and the Treaty of Guadalupe Hidalgo of 1848. The Kearny Code itself recognized and codified much of the law from the Spanish and Mexican periods, which included the customs and practices of the acequias of the ceded territory. The Kearny Code effectively assured continuity and stability at the conquest of the ceded territory by continuing the same pre-war settlement pattern of the Spanish and Mexican periods, based on the system of acequias and other usufructuary rights of the people to the common lands, including pasture. These rights were protected by the Treaty of Guadalupe Hidalgo, which applied to all ceded territory from Mexico to the United States.

At statehood New Mexico guaranteed the legal application of the Treaty of Guadalupe Hidalgo by the adoption into the Constitution of the State of New Mexico of Article II, Bill of Rights, Section 5, “Rights under Treaty of Guadalupe Hidalgo preserved”, which reads as follows:

The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate.

Significantly, New Mexico is the only state from the Mexican territory ceded to the United States, (comprised of Arizona, California, Nevada, Utah, and parts of Colorado and Wyoming), which has ratified its state constitution with a provision requiring that the “Treaty of Guadalupe Hidalgo shall be preserved inviolate.” There is no mention whatsoever of the Treaty of Guadalupe Hidalgo in any of the constitutions of the aforementioned states. While these neighboring states are free to give such weight to the Treaty of Guadalupe Hidalgo in matters of law as deemed proper, New Mexico is required to preserve “inviolate...the rights...guaranteed to the people of New Mexico” by the Treaty. It is incumbent upon the County and its native land-based residents to identify and document the local practices customs, and traditions that are protected under the Treaty.

It is a matter of black letter law that a state constitution is the supreme law of the people of a state, subject only to certain limitations of the Constitution of the United States. Since the state constitution is supreme or paramount law, the branches of state government cannot lawfully act beyond its limitations and its provisions control in any case of conflict with all lesser laws, such as statutes, local ordinances, or administrative regulations. In the instance of the regional water plan, involving property rights, customs and practices of the acequias of the Rio Arriba watersheds, this constitution mandate

supports the protection of the acequias through the public welfare requirement of state law.

The Public Welfare Policy Statement of Rio Arriba County

In view of the long history leading to public water policy of the State of New Mexico, which policy is mandated by the Treaty of Guadalupe Hidalgo, Rio Arriba County defines the public welfare requirement as follows:

The “public welfare” of the State of New Mexico is advanced by maintaining the diversity and the economic sustainability of its communities throughout its respective planning regions. Rio Arriba County contributes the historically unique and economically important acequia system and culture to the diversity goal of the State of New Mexico. Therefore, protecting the stability of the acequia system and culture is the primary goal by which all applications for the transfer of water rights, changes in use, purpose or place of use, or points of diversion, as well as other applications under the states water code, must be evaluated and weighed by the decision-makers in the context of local practices, custom and tradition as well as the contemporary local domestic needs of its residents and other future innovative sustainable uses.

The state water code, including administrative regulations, must not violate the Treaty of Guadalupe Hidalgo which is the supreme law of New Mexico by virtue of its adoption into the Constitution of the State of New Mexico of Article II, Bill of Rights, Section 5, “Rights under Treaty of Guadalupe Hidalgo preserved”, which reads as follows:

The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate.

If an application is found to de-stabilize the acequia system whether directly through the loss of water to the system, even if such loss is de minimis, or indirectly by contributing to the loss or de-stabilization of custom, practice or tradition of the acequia systems of Rio Arriba County, that application should be denied. The term decision-makers includes all acequias, all acequia associations, all local governmental units, as well as the State Engineer

The extensive experience and expertise of parciantes, mayordomos and comisionados in the management of the invaluable surface water supplies of Rio Arriba County shall be given deference by the State Engineer in deciding whether applications for transfers or changes in use shall be approved or denied, especially when the applicant is preserving the water resource within the existing watershed. Rio Arriba County recognizes that the acequia community by virtue of its unique expertise is in the best position to be able to make those decisions which allow it to

incorporate domestic and other new sustainable uses into its acequia system in order to improve its economy and rural way of life, but which do not de-stabilize its long-standing customs, practices and traditions.

Deference to the acequia decision-makers by the State Engineer, and the court system, is the proper legal relationship by which diversity of the acequia communities can be protected pursuant to the Constitution of the State of New Mexico, specifically Article II, Bill of Rights, Section 5, “Rights under Treaty of Guadalupe Hidalgo preserved.

Appendix

Appendix F – New Mexico Wildlife of Concern – Rio Arriba County

<u>Common Name</u>	<u>Scientific Name</u>	<u>NMGF</u>	<u>US FWS</u>	<u>critical habitat</u>
Rio Grande Cutthroat Trout	Oncorhynchus clarki	s	SOC	
Rio Grande Chub	Gila pandora	s		
Roundtail Chub	Gila robusta	E	SOC	
Jemez Mountains Salamander	Plethodon neomexicanus	E	SOC	
Western Boreal Toad	Bufo boreas boreas	E	SOC	
Southwestern Fence Lizard	Sceloporus cowlesi	s		
Brown Pelican	Pelecanus occidentalis	E		
Bald Eagle	Haliaeetus leucocephalus	T	T	
Northern Goshawk	Accipiter gentilis	s	SOC	
Peregrine Falcon	Falco peregrinus	T	SOC	
White-tailed Ptarmigan	Lagopus leucurus	E		
Mountain Plover	Charadrius montanus	s	SOC	
Least Tern	Sterna antillarum	E	E	
Black Tern	Chlidonias niger surinamensis		SOC	
Yellow-billed Cuckoo	Coccyzus americanus	s	C	
Mexican Spotted Owl	Strix occidentalis lucida	s	T	Y
Boreal Owl	Aegolius funereus	T		
Burrowing Owl	Athene cunicularia		SOC	
Black Swift	Cypseloides niger	s		
Southwestern Willow Flycatcher	Empidonax traillii extimus	E	E	Y
Loggerhead Shrike	Lanius ludovicianus	s		
Baird's Sparrow	Ammodramus bairdii	T	SOC	
Western Small-footed Myotis Bat	Myotis ciliolabrum melanorhinus	s		
Yuma Myotis Bat	Myotis yumanensis yumanensis	s		
Long-legged Myotis Bat	Myotis volans interior	s		
Long-eared Myotis Bat	Myotis evotis evotis	s		
Spotted Bat	Euderma maculatum	T		
Pale Townsend's Big-eared Bat	Corynorhinus townsendii pallescens	s	SOC	
Big Free-tailed Bat	Nyctinomops macrotis	s		
Goat Peak Pika	Ochotona princeps nigrescens	s	SOC	
White-tailed Jack Rabbit	Lepus townsendii campanius	s		
Yellow-bellied Marmot	Marmota flaviventris	s		
Gunnison's Prairie Dog	Cynomys gunnisoni	s		
Heather Vole	Phenacomys intermedius intermedius	s		
New Mexican Jumping Mouse	Zapus hudsonius luteus	E	SOC	
Red Fox	Vulpes vulpes	s		
Ringtail	Bassariscus astutus	s		
American Marten	Martes americana origenes	T		
Black-footed Ferret	Mustela nigripes		E	
Western Spotted Skunk	Spilogale gracilis	s		
Socorro Mountainsnail	Oreohelix neomexicana	s		

SOC = Species of Concern E = Endangered T = Threatened s = Sensitive
 NMGF = NM Dept. Of Game and Fish USFWS = United States Fish and Wildlife Service

There are several members of the County staff, consultants and steering committee who are here to assist you and answer questions. We need your priorities so that the plan reflects the community's values.

You may also provide comments and suggestions to:

Gabriel Boyle, Assistant Planning Director
Rio Arriba County Planning Department
1122 Industrial Park Road
Española, NM 87532
753-7774
gtboyle@rio-arriba.org



RIO ARRIBA COUNTY COMPREHENSIVE PLAN

Refreshments

Come to a Community Meeting to choose the County's next steps that will shape our future growth on land and water, economic development and community facilities.

Date	Time	Town	Place
Wednesday Nov. 14	6-8pm	Abiquiu	Rural Events Center State Rd 554 Abiquiu House #112
Thursday Nov. 15	6-8pm	Tierra Amarilla	Tierra Amarilla County Complex State Rd 162 Tierra Amarilla House #149
Tuesday Nov. 20	6-8pm	Alcalde	Oñate Community Center, State Rd 68 Alcalde House #854
Wednesday Dec. 5	2:30pm	Española	County Planning & Zoning Commission Meeting Española County Complex Building 1122 Industrial Park Rd

A draft of the Comprehensive Plan is available at the County Administration Buildings and on the County's website:
www.rio-arriba.org/pdf/2012/comprehensive_plan.pdf

For additional information or special needs contact: Gabriel Boyle, Rio Arriba County at 752-7774, GTBoyle@rio-arriba.org or Charlie Dears, CommunityByDesign at 505-983-8328, charlie@communitybydesign.biz