



MEMORANDUM

Date: September 1, 2021
To: New Mexico Citizens Redistricting Committee
From: New Mexico Acequia Association
Re: NMAA Proposed Conceptual District Maps

I. Introduction.

The New Mexico Acequia Association (NMAA) hereby submits its proposed conceptual district maps with supporting written comments for the Citizen Redistricting Committee's consideration. NMAA is a grassroots, membership based organization of acequias and community ditches in New Mexico. Since 1989, NMAA has been working to protect acequias and agricultural water rights through community education, organizing, advocacy, and protection of acequia voting strength and representation. NMAA's membership consists of historically distinct communities of interest with shared social, cultural and economic interests. Acequias, the life blood of land-based agricultural communities, are more than communal irrigation associations recognized as political subdivisions of state governance. They are key community institutions that share a unique cultural heritage with deep roots in Indigenous, Spanish, African, and Middle Eastern water practices that melded in the Americas.

Acequia communities have been features of the New Mexican cultural and economic landscape since the Spanish colonial period of the late 16th century. Though often thought of as solely the infrastructure of irrigation canals, acequias still form today the greater economic and political base of a cultural complex of Indo-Hispano, Chicana/o, and Mexican American, among other populations. The traditional agriculture practices and foodways of these acequia communities are culturally significant in the southwest. Acequias serve to connect communities directly to the watershed through resource management. Acequias are also linked to neighboring

watersheds due to the scarcity of water and the need to share limited resources. This has led to the creation of cultural-political watershed representation, otherwise known as acequia communities of interest.

Of primary importance to NMAA is the preservation of acequia communities of interest, preservation of existing district cores, as well as the prevention of acequia voting strength/representation dilution. NMAA's proposed conceptual maps endeavor to protect these unique and vital communities of interest, as discussed in greater detail below. NMAA presents its written comments as follows: Section II provides a general overview of the objectives NMAA's proposed conceptual maps seek to achieve, which includes a review of key state Redistricting Act requirements and an analysis of how acequias are communities of interest. Section III presents NMAA's proposed conceptual maps. Section IV provides NMAA's conclusory remarks.

The NMAA is aware that these comments will be part of a first round of public comments and that there will be another opportunity to comment on concept maps that will be developed by the committee at a later date. ***It is likely that NMAA will submit additional or amended recommendations after we have viewed the draft concepts as well as the comments of other individuals or organizations as we gain more insight into the various factors that will be considered in drawing boundaries.***

II. General Overview of NMAA's Proposed Conceptual District Maps Objectives.

NMAA's proposed conceptual district maps aim to accomplish the following three objectives: 1) preserve acequia communities of interest, 2) preserve the core of existing districts, and 3) prevent dilution of acequia voting strength and representation. Acequia communities of interest have unique challenges in political representation at both state and federal levels of government. For example, rural areas are less densely populated and therefore have fewer representative districts. The commodification of water has created an urban-rural divide and continues to exacerbate such a divide¹. Finally, acequias are largely in minority-majority areas which have been historically underserved, and in some cases discriminated against by federal programs aimed to protect and promote farmers.²

¹ Water is seen in the current market as a commodity to be bought or sold. This often pits larger populated areas such as cities against less populated areas. Cities are economically more solvent in contrast to economically disadvantaged rural agricultural communities, further exacerbating the urban-rural divide.

² African American and Native American farmers have settled class action lawsuits Pigford II and Keepseagle against the USDA. Hispanic and Women farmers, addressed by the Garcia and Love lawsuits against the USDA, who are acequia members are also among those underserved by the federal government.

Bad redistricting can result in harmful outcomes for communities of interest, such as reduction in electoral participation, reduced accountability of elected officials, incomplete representation, and increased partisanship. NMAA's proposed conceptual district maps meaningfully implement key Redistricting Act and Voting Rights Act requirements, and will therefore avoid such harmful outcomes.

A. Key Redistricting Act and Voting Rights Act Requirements.

The state Redistricting Act (Act) mandates that district plans be developed and adopted by the legislature in accordance with the following provisions:

- 1) congressional districts shall be as equal in population as practicable;
- 2) state districts shall be substantially equal in population; no plans for state office will be considered that have a total deviation of more than ten percent;
- 3) the committee shall use the most recent federal decennial census data generated by the United States census bureau and may use other reliable sources of demographic data as determined by majority vote of the committee;
- 4) proposed redistricting plans to be considered by the legislature shall not be composed of districts that split precincts;
- 5) plans must comport with the provisions of the federal Voting Rights Act of 1965, as amended, and federal constitutional standards; plans that dilute a protected minority's voting strength are unacceptable; race may be considered in developing redistricting plans but shall not be the predominant consideration; traditional race-neutral districting principles shall not be subordinated to racial considerations;
- 6) all redistricting plans shall use only single-member districts;
- 7) districts shall be drawn consistent with traditional districting principles;
- 8) districts shall be composed of contiguous precincts and shall be reasonably compact;
- 9) to the extent feasible, districts shall be drawn in an attempt to preserve communities of interest and shall take into consideration political and geographic boundaries, including the boundaries of Indian nations, tribes and pueblos; and
- 10) in addition, and to the extent feasible, the committee may seek to preserve the core of existing districts.

Section 1-3A-7 NMSA 1978. The Act also defines community of interest as "a contiguous population that shares common economic, social or cultural interests." Section 1-3A-2 NMSA 1978.

Additionally, the federal Voting Rights Act mandates that any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting shall not have the purpose or effect of “diminishing the ability of any citizens of the United States on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), to elect their preferred candidates of choice” or “abridge the right to vote.” 52 USCS § 10304(b). The state Redistricting Act has enshrined this and all other Voting Rights Act requirements at Section 1-3A-7(5).

B. Acequias as Communities of Interest.

As discussed above, the state Redistricting Act provides that a community of interest is a contiguous population that shares common economic, social or cultural interests. Section 1-3A-2.B. Additionally, districts, to the extent feasible, “shall be drawn in an attempt to preserve communities of interest.” Section 1-3A-7. Acequias satisfy the community of interest statutory definition as follows.

1. Acequias share common social and cultural interests.

Acequias are cultural commons made up of people, landscapes and infrastructure which depend on water as a giver of life. Cultural Anthropologist, Dr. Sylvia Rodríguez, provides us with the basic elements of an acequia community, which “identifies itself as historically continuous, genealogically connected, territorially placed, and socially enacted through the interrelated practices of irrigation, ditch management, water sharing, reciprocity, and religious celebration.”³ Acequia agricultural practices form cultural and political bonds and local networks of water sharing, infrastructure management, maintenance and improvement, food production and distribution that strengthens community cohesion, often through various forms of mutual aid and informal reciprocity.

Acequias as communities of interest also exhibit strong kinship, place-based relationships, and political associations among its members. Dr. José Rivera of the University of New Mexico Center Regional Studies points out:

“In the acequia culture, connections with a geographic locale are an integral part of the individual as well as the collective identity. Everyone is “from a place.” When two persons introduce themselves, invariably the next question of mutual interest is: “De dónde eres?” [“Where are you from?”] The acequia delineates the physical boundaries of the community; thus, many acequias bear the name of the locality itself, as in “La Acequia de Corrales.” Others pinpoint an interesting natural feature, such as “La

³ Rodríguez Sylvia. (2008). In *Acequia: Water Sharing, Sanctity, and Place* (p 76). SAR Press.

Acequia del Monte," near Talpa, "La Acequia del Bosque" at Embudo, the "Acequia de los Ojos de la Agua Caliente" at Agua Caliente Canyon, and the "Acequia Madre del Llano Largo" on the Rio Santa Barbara near Peñasco. Still others identify family surnames with long time connection to the ditch and the community: "Acequia de los Chávez," "Acequia El Llano de Abeyta," "Acequia de los Duranes," "Acequia de Tío Borrego," and scores of others. At the time of the annual acequia cleaning, the parcientes renew their strong attachment to the locality, assuring the continuance of place for yet another cycle of irrigation and community antiquity." ⁴

Acequia infrastructure is the central feature of community easements, rights of ways and boundaries. The management of the infrastructural features are the responsibility of local acequia governance whose laws and customs are enshrined in New Mexico's law. Acequia formal meetings serve as critical local 'polis' where local forms of democracy can be best witnessed in action. Within these meetings, core concepts and values of these communities of interest are spoken in such terms as local land-based practice sharing of water, known as repartimiento, and the sharing of labor in the maintenance of the cultural common of the acequia, known as the annual community acequia limpia or cleaning. These social and cultural traditions have resulted in the creation of cultural-political watershed representation and associated voting blocks, otherwise known as communities of interest under the Redistricting Act.

2. Acequias share common economic interests.

Acequias also satisfy the "community of interest" statutory definition through their shared economic interests. Based on USDA Census data, acequia counties⁵ comprise forty-two (42) percent of the farms in New Mexico. Out of 680,318 irrigated acres in New Mexico, twenty-seven (27) percent are acequia irrigated acres. Many members of acequia communities grow crops to sell locally at farmers markets, local school food programs, to regional restaurants, and for home use. Cattle and other livestock also comprise a substantial part of acequia producer income. It is undisputed that Acequia agriculture and livestock provide substantial economic benefits to local and regional economies. Acequia counties contribute \$104 million in livestock market value and \$84 million in crop market value.⁶

Acequias also benefit New Mexico's tourism economy by contributing to cultural tourism, agri-tourism, local dining and the arts. For example, Chimayó weaving depends on livestock for wool, which in turn depends on pasture, which in turn depends on water, which ultimately depends on acequias. There is also a growing agro-tourism industry in New Mexico

⁴ Rivera José A. (1998). *Acequia culture: Water, Land, and Community in the Southwest*. University of New Mexico Press.

⁵ Rio Arriba, Taos, Mora, Lincoln, San Miguel, San Juan, Cibola, Grant, and Sandoval counties.

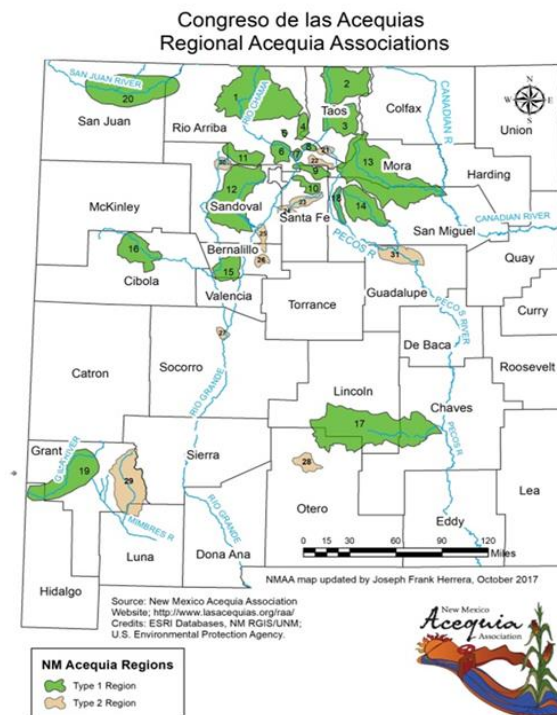
⁶ USDA 2012 Census of Agriculture.

that holds promise to create new revenue streams for land-based entrepreneurs. It is important to not underestimate both the economic and cultural contributions acequias provide. A significant number of historic riparian green belts that locals consider their homelands and that visitors have come to see and experience in our state have been brought about in part by the many generations of acequia agriculture. These shared economic interests have also resulted in cultural-political watershed representation discussed above. It is therefore imperative to preserve acequia communities of interest and to prevent dilution of acequia voting strength and representation.

III. NMAA Proposed Conceptual District Maps.

Our general approach in our conceptual district maps is to protect acequia communities of interest by maintaining the core of existing districts that have significant populations of acequia communities, mainly in north central New Mexico in the geographic area centered by the Sangre de Cristo and Jemez mountains. In the House, these districts include 41 (Hererra), 42 (Ortez), 40 (Montoya), 70 (Castellano), 46 (Romero), 43 (Chandler), and 65 (Lente). In the Senate, these districts include 5 (Jararmillo), 6 (Gonzales), 8 (Campos), 39 (Stefanics), 25 (Wirth), and 22 (Shendo). Note that legislator's names are used to aid in memory and labeling. As a guide, the NMAA has made reference to the following map which shows the relative concentrations of acequias in their respective watersheds and basins.

Map 1. Location of Acequias in New Mexico



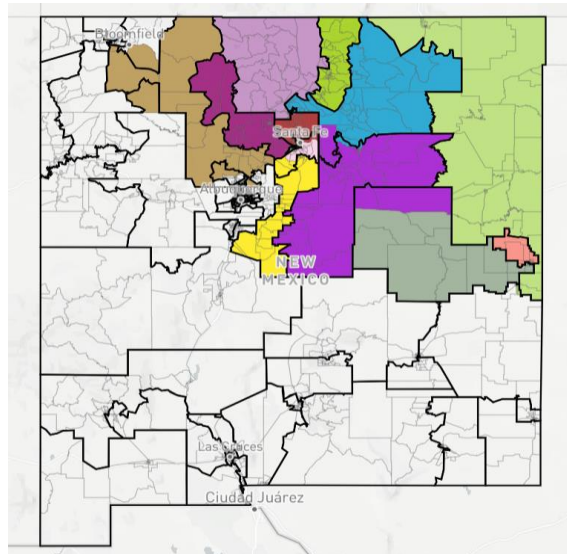
A. New Mexico House District Maps - Two Scenarios

NMAA's House District Map seeks to preserve the following district cores, which in turn serves to preserve acequia communities of interest and prevent the dilution of acequia and Hispanic voting strength and representation:

- House District 70 - San Miguel, Torrance
- House District 40 - Colfax, Mora, San Miguel, Rio Arriba
- House District 42 - Taos
- House District 41 - Rio Arriba and Taos
- House District 43 - Rio Arriba, Sandoval, Los Alamos, Santa Fe
- House District 46 - Rio Arriba and Santa Fe
- (Note that the proposed maps may include neighboring districts to estimate impacts on their population.)

NMAA has developed two House district scenarios for consideration. The main difference between the two scenarios is the location of Ohkay Owingeh. Scenario #1 keeps the Pueblo with District 40 and Scenario #2 moves the Pueblo to District 41 to be in the same district with Santa Clara. (This was mentioned in public comment at the committee meeting in Espanola on August 15, 2021.)

Map 2. NMAA Proposed House Districts Scenario #1



In the 2021 census, some counties in this region lost population (Mora, San Miguel, Colfax, Torrance), while other counties gained population (Santa Fe, Los Alamos, Taos, Rio Arriba, Sandoval). In general, NMAA's concept for the House map seeks to redraw district boundaries to preserve the core of existing districts. This is done by making adjustments to existing boundaries that slightly redistributes population, so that districts that lost population gain new precincts from districts that have a higher-than-ideal population. NMAA's changes are as follows:

House District 70 (29,440). NMAA is proposing to keep the core of House District 70 intact since it represents significant acequia communities of interest in the villages along the Pecos River. The major adjustment in this district is to move the precincts that contain the Village of Pecos and surrounding communities into House District 70 from House District 40. The Pecos area is more contiguous to the Pecos River corridor which includes the communities known as "El Valle" (Sena, Villanueva, Ribera, San Jose, and San Juan). The Pecos area is also along the I-25 corridor between Santa Fe and Las Vegas. The remainder of House District 70 remains close to the status quo by keeping existing precincts of San Miguel and Torrance Counties in House District 70.

The rural areas of Torrance County, which include a number of land grants and some acequias, have shared cultural, social, and economic interests with the rural areas of San Miguel County. NMAA's proposed map also adds two precincts in northern Guadalupe County, which include the villages of Anton Chico, Dilia, and Tecolotito, to House District 40 and out of House District 63. These are acequia villages that have shared social, cultural, and economic interests with the communities of the Pecos River, such as Tecolote and the communities of El Valle.

House District 40 (Population 28,798). NMAA proposes to keep the core of House District 40 in place because it contains significant acequia communities of interest in Mora and San Miguel Counties on the eastern slope of the Sangre de Cristo mountains (Chacon, Holman, Cleveland, Mora, LeDoux, Rainsville, Sapello, Rociada, Montezuma, Los Vigiles), as well as acequia communities of interest in Rio Arriba County (Truchas, Ojo Sarco, Upper Chimayo, Alcalde, Velarde). There are also close cultural ties between the communities of Alcalde and Velarde with Ohkay Owingeh Pueblo.

Because of population losses in Mora, San Miguel, and Colfax counties, addition of additional precincts will be needed to preserve the core of this House district. Additionally, new boundaries for this district may take into account issues with contiguity in terms of travel. NMAA's proposed map adds new precincts from Taos, San Miguel, and Rio Arriba Counties to make the district numbers reach the ideal population. The new precincts would come from southern Taos County in the mountain pass that connects the Mora Valley across the Sangre de Cristo mountains to the Espanola Valley.

This map adds one additional precinct from Rio Arriba County to District 40, which is in the area near Llano road and three precincts from San Miguel County which are contiguous to the communities of Sapello and Montezuma, which are just north of the City of Las Vegas (in the area of Storrie Lake). By adding these San Miguel and Rio Arriba precincts, it is possible to preserve the core of the existing District 40 and achieve the ideal population. It should be noted that with all of these changes it is possible to move Pecos out to District 70 (discussed above).

House District 41 (Population 30,467). NMAA proposes to maintain House District 41 because it contains significant acequia communities of interest and possibly the highest concentration of acequias in any district in the state in communities that include Tierra Amarilla, Parkview, Abiquiu, Medenales, Ojo Caliente, Gallina, Hernandez, La Mesilla, and many others. The only changes to House District 41 are those needed to offset the removal of one precinct near Espanola from District 41 to 40 as described above. This map will add two precincts which include the villages of Santa Cruz and Quarteles. Otherwise, the district remains intact and is close to the ideal population.

House District 42 (Population 30,413). NMAA proposes to maintain the core of House District 42 because it contains significant acequia communities of interest in the Taos Valley along five stream systems including Ranchos de Taos, Talpa, Valdez, etc. It also has a significant acequia community in the area around Penasco. Because this district consists of primarily Taos County precincts, and Taos County gained population at a pace with state growth, most of this district remains intact.

House District 43 (Population 30,334). NMAA proposes to maintain House District 43 because it contains significant acequia communities of interest in the areas of Jemez Springs, Ponderosa, and Cuba. This district has no changes to the precincts.

House District 46 (Population 30,115). NMAA proposes to maintain House District 46 because it contains significant acequia communities of interest in northern Santa Fe County La Puebla, parts of Chimayo, in addition to numerous acequia communities around the areas of Pojoaque and Nambe. To offset the two precincts moved to House District 41 in the north of the district (Santa Cruz area), two new precincts are added in the south end near Tesuque which are currently in District 25.

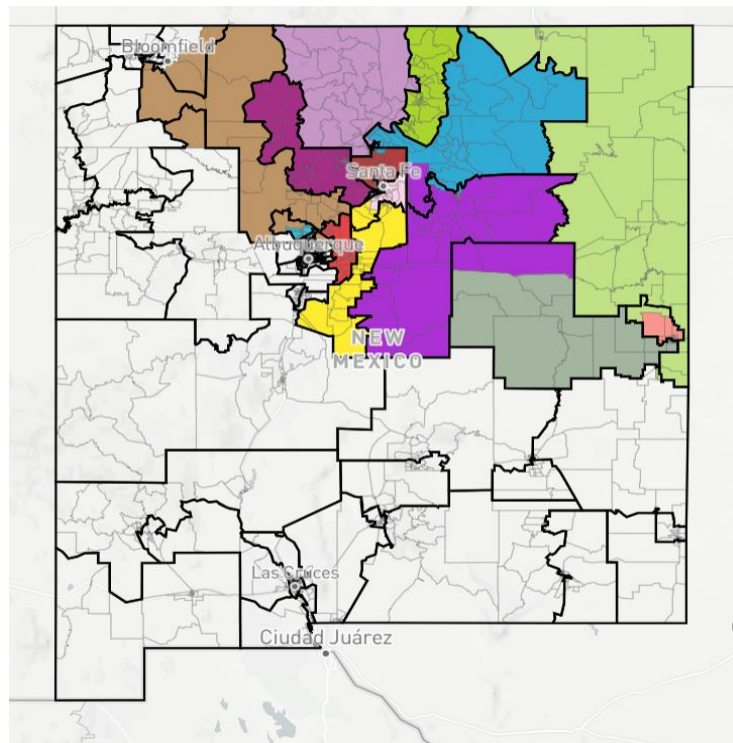
Neighboring districts of interest: NMAA has mapped out neighboring districts to determine if any of our proposed recommendations affect the viability of those districts. It is possible to maintain all of the above districts with acequia communities of interest and also maintain neighboring districts. Specifically, House District 65 can be intact with few if any changes. House District 45 has a population higher than the ideal population so some precincts can be

moved to House District 50 to address the need to increase precincts to bring it closer to the ideal population. NMAA also mapped out the far east side House district to determine if it was possible to keep District 40 while also keeping Districts 67 and 63. With some adjustments, it is possible to do so. These are all included in our maps on Districtr.

B. NM House District Map Scenario #2

Our scenario #2 map is similar to scenario #1. However, in Scenario #2, Ohkay Owingeh is moved from House District 40 to District 41. Because District 40 is short on population, other precincts would need to be added for that district to reach the ideal population. This causes a cascade effect for neighboring districts. The following summarizes the impact for each of the House districts that are of priority interest to acequias.

Map 3. House District Map Scenario #2



House District 70 (29,440) - Same as Scenario #1.

House District 40 (29,011) - The major change is that Ohkay Owingeh is moved to District 41. Otherwise it is very similarly to Scenario #1 except that this map adds additional precincts from Rio Arriba County in the area of Santa Cruz and Quarteles.

House District 41 (31,659) - Adds Ohkay Owingeh. One precinct in the El Llano road area is moved to District 40 out of 41. With gain of some numbers and removal of others, the district is within the allowable deviation.

House District 42 (30,413) - No changes from status quo. Same as Scenario #1.

House District 43 (30,334) - No changes from status quo. Same as Scenario #1.

House District 46 (29,209) - To offset the loss of precincts in Santa Cruz and Cuarteles, District 46 has to pick up precincts from three precincts around Tesuque, which would be moved from District 47.

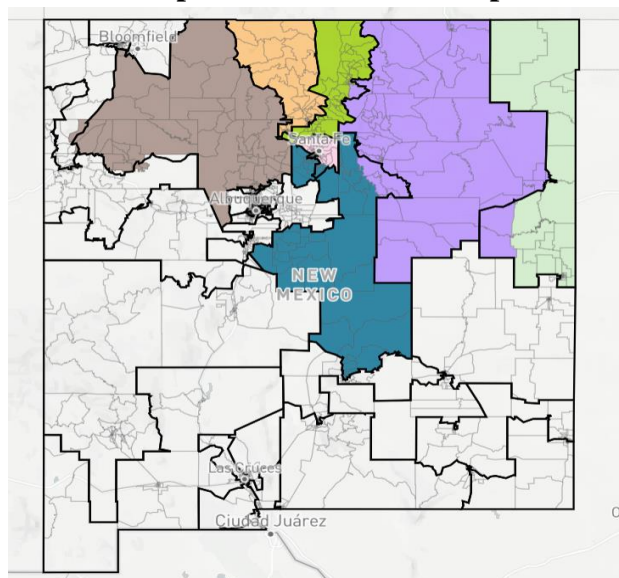
The effects on neighboring districts are similar to those for Scenario #1.

C. NM Senate District Map.

The NMAA Senate District Map proposes to retain the core of existing districts to protect acequia communities of interest. The districts of most concern to the NMAA are the following:

- Senate District 5 - Rio Arriba and Los Alamos
- Senate District 6 - Rio Arriba and Taos
- Senate District 8 - Colfax, San Miguel, Mora, Guadalupe
- Senate District 39 - San Miguel, Torrance, Santa Fe
- Senate District 25 - Santa Fe
- Senate District 22 - Sandoval, Rio Arriba, San Juan, McKinley, Bernalillo

Map 3. Senate District Map



Senate District 5 (Population 50,807). The NMAA proposes to keep the core of Senate District 5 intact because it contains significant acequia communities of interest in Rio Arriba County in several communities from Tierra Amarilla, Ojo Caliente, Abiquiu, Hernandez, San Pedro, Alcalde, Velarde, Santa Cruz, Cuarteles, Chimayo, and many others. It is the Senate district with the highest concentration of acequias. Population growth in this district was close to that of the state as a whole and it is close to the ideal population. There are no changes to the precincts or boundaries.

Senate District 6 (Population 50,307). The NMAA proposes to keep the core of Senate District 6 intact because it contains significant acequia communities of interest. These include numerous acequia communities in Taos County including Arroyo Hondo, Valdez, El Prado, Los Ranchos, Canon, Talpa, and many others. There are also acequia communities in Santa Fe county including Nambe and Pojoaque. Population growth in this district was close to that of the state as a whole and it is close to the ideal population. Except for moving one precinct in Talpa to Senate District 8, there are no changes to the boundaries of this district.

Senate District 8 (Population 49,670). The NMAA proposes to keep the core of Senate District 8 intact because it contains significant acequia communities of interest. Because this area lost population, it is necessary to add some precincts from a neighboring district. Our map adds some precincts from Senate District 39 to District 8 including three from the outskirts of Las Vegas in the area of Romeroville and Ojitos Frios. These are closely related to the Las Vegas area. With these additions, District 8 is close to its ideal population.

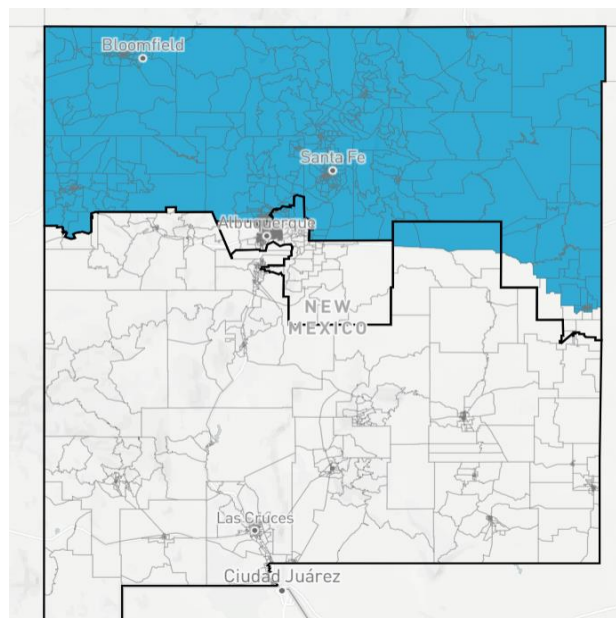
Senate District 39 (Population 50,424). The NMAA proposes to keep the core of Senate District 39 intact because it contains significant acequia communities of interest, particularly in San Miguel County in the communities of Pecos, Villanueva, Sena, Ribera, Tecolote, and many others. There are also acequias associated with community land grants in the area covered by Torrance County including Manzano and Tajique. To offset the removal of precincts to move to District 8 (Romeroville area), additional precincts are added in the Eldorado area. This gets the district very close to the ideal population.

D. Federal Congressional District Map.

The NMAA recommendation is to retain CD3 as a northern New Mexico district. We propose some adjustments to the district to make it more compact and to consider acequia communities of interest. The current boundaries of CD3 contain the vast majority of New Mexico's acequias forming a unique cultural and geographic region where acequia communities can mobilize in their interest for common goals. Additionally, many of the natural resource issues and

foundations in traditional agriculture give acequias much in common with the many Native American Pueblos in the northern district. NMAA is proposing some adjustments to the boundaries of CD3 in the areas within the Middle Rio Grande Region and northern Guadalupe County. The map adds Bernalillo and Placitas as well as Guadalupe County and it removes Portales. This is a first draft of our recommendations, which will likely be updated after the opportunity to view the committee concept maps as well as the public comment submitted by various individuals and/or groups.

Map 4. NM Congressional District 3 Map



IV. Conclusion.

NMAA's proposed conceptual district maps meaningfully implement key Redistricting Act and Voting Act requirements by ensuring preservation of unique and vital acequia communities of interest and prevention of acequia voting strength and representation dilution. Moreover, NMAA's proposed maps comply with the foundational principles of contiguous precincts and compactness, as well with the ten (10) percent deviation allowance for district population. Section 1-3A-7(2),(7). For these reasons, the Citizen Redistricting Committee should strongly consider NMAA's proposed maps in developing concepts and scenarios for the Legislature's consideration in final district plan selection. Section 1-3A-8, -9 NMSA 1978.