

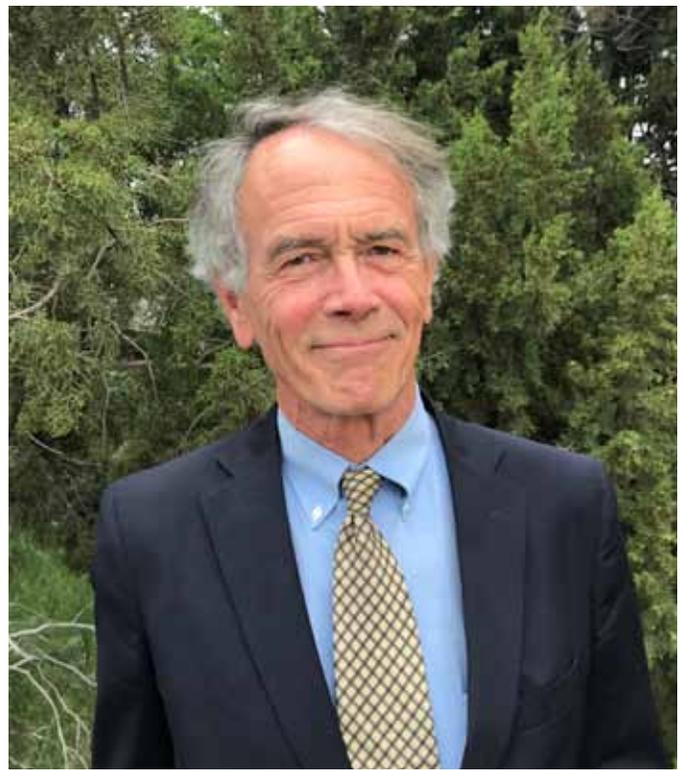
## Board Member Profile - Richard Hughes

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"I am profoundly opposed to giving you any information for publication!" Richard Hughes declared at the beginning of this interview, but we knew that was just him being modest. We bought him a margarita and proceeded, undeterred. At the end of 2018, Richard completed nine years of board service at the Santa Fe Conservation Trust, and we wanted to know why he gave so generously of his time and talents.

He would probably agree that the State of New Mexico is to blame, and Dyanna Taylor. Dyanna and Christopher Thomson were working on behalf of 26 friends, neighbors and partners who wanted to buy and preserve 32 acres of land along the Pecos River near Ilfeld, where the river twists and turns through Cerrito Amarillo Canyon, where 200-foot sandstone and limestone cliffs stand guard, historically preserving the canyon's untamed character. The canyon is home to abundant and diverse wildlife and a profusion of native grasses, wildflowers, shrubs and trees. "I went out to see the property, and it was a special, beautiful place," Richard said. "I figured out that with the transferrable State tax credit, we could essentially acquire the property, donate the conservation easement to the Trust, and recoup the cost with the tax benefits." He laughed when recalling the process. "Using conservation easements this way is not exactly pure altruism, but that's not the point. This system is the perfect device to protect beautiful land." Richard donated both legal support—helping the group form an LLC to purchase the property—and money to protect the canyon. It was such a satisfying experience, the group that spearheaded that effort decided to look at other opportunities to achieve the same goals in the Pecos River Canyon.

In 2005, Richard and a few others formed another LLC that then purchased a 17-acre stretch of riverfront along the Pecos River called the Swimming Hole, so dubbed because everyone in the surrounding area liked to swim there. They donated a conservation easement to SFCT that precluded any development (but preserved use of the swimming hole), and again, the tax benefits essentially covered the cost of the property. In 2009, they came up with a third such transaction, to protect a 16-acre parcel along the river, all in the same vicinity. This time, though, after donating the easement to SFCT, they donated the



fee to a non-profit they had formed, Pecos River Open Spaces, Inc. ("PROS"), after Richard had handled the paperwork to get PROS recognized as tax-exempt under Section 501(c)(3) of the federal tax code. Soon afterwards, Genevieve Coonly, of El Paso, wanting to find a way to protect a 60-acre parcel in the Pecos Canyon that she and her late husband had purchased some time before, learned about PROS, and after conveying a conservation easement on the property to SFCT she donated the fee to PROS. At that point, more than 100 acres of a particularly scenic and largely unspoiled area of the Pecos River Canyon had been put under conservation easement.

PROS claimed that the Coonly property should be exempt from state property taxes because it was being held by a qualified conservation organization (PROS) for a charitable purpose—conservation. The San Miguel County Valuation Protest Board disagreed, claiming there was no basis in state law for such an exemption. PROS, represented by Richard, took the case to state district court, and to everyone's (including Richard's) surprise won a decision from Judge Eugenio Mathis in 2010. The County appealed to the state Court of Appeals, but in 2013 that court affirmed Judge Mathis in what Richard regards as a landmark decision. It was one of the very few appellate court decisions in the country that have held that holding property to preserve open space (with scenic and wildlife habitat qualities) is a charitable purpose, if done by a qualified



The PROS Swimming Hole conservation easement along the Pecos River, held by SFCT. Photo Credit: Billy Johnson

conservation organization, and that thus qualifies the property for tax-exempt status.

Because of Richard's understanding of a conservation tool that could be essential for other landowners in 2010, then-board president Terry Smith invited Hughes, a partner at the Rothstein Law Firm in Santa Fe, to join the Board.

Before joining the Rothstein firm, Richard spent eight years in legal services on the Navajo Reservation, and ten years in an Albuquerque firm specializing in representation of Indian tribes and groups. When the Rothstein Law Firm in Santa Fe invited Richard to join the firm in 1988, he said he jumped at the opportunity to start the firm's Indian law practice. Six months after he arrived, the firm was asked to prosecute the chair of the Navajo Nation, Peter McDonald, who, unbeknownst to the tribe, but in league with two Phoenix businessmen, had purchased a huge ranch from Tenneco and persuaded the Navajo Nation to purchase it for millions more than he and his accomplices had paid for it. Three trials later, the Rothstein Law Firm had a solid reputation for representing Native interests. Today, Richard continues to practice fulltime, primarily in the representation of Indian tribes in land, water, natural resource, economic development and other areas.

Despite a heavy work load, Richard gave generously of his time helping SFCT landowners with the legal aspects of doing conservation easements. He also chaired the Land Review Committee, which meets monthly to review all land transactions at SFCT. He said his proudest moment as a Board member

was helping put together the deal that led to the La Piedra Trail conservation easement, which "was a complicated land deal, but also a gem of a deal where everyone came out a winner." La Piedra links the Dale Ball Trails to the National Forest on a 50 acre conservation easement that SFCT later conveyed, with the trail, to Santa Fe County Open Space.

We started talking about complicated projects involving land grants and Native lands. Richard then regaled us with stories about the history of the land grants in the La Bajada area and how a member of the notorious Santa Fe Ring who acquired title to what was thought to be a small Spanish grant, paid a surveyor to keep on walking and came out with a 60,000 acre tract to claim. Wow, we said, you should write a book about that! Turns out he did, while serving on our Board. The book chronicles the history of Pueblo Indian land in New Mexico, beginning in the late seventeenth century to the present day. Co-written with Malcolm Ebright and Rick Hendricks, it was published in 2014 by UNM Press and is called *Four Square Leagues: Pueblo Indian Land in New Mexico*. You can read it, or, if you are lucky, take Richard out for a margarita, and he'll tell you some fascinating stories!

Richard's nine years on the Board came to an end in December 2018. His commitment to the people and landscapes of New Mexico have had an impact on all of us and definitely made the Santa Fe Conservation Trust a stronger organization. "It was a lot of work," he said, "but frankly, I enjoyed it."