



The Acequia Communities Empowered by Qualifying Upgrades for Infrastructure (ACEQUIA) Act

Background

Of Spanish, Mexican, and Indigenous origin, Acequias are community-owned and -managed irrigation systems comprised of gravity-fed irrigation channels and the people who maintain them. Acequias are democratically managed and consist of water rights holders called Parciantes, an elected Commission, and elected caretakers called Mayordomos. For centuries, Parciantes have irrigated in arid regions while stewarding lands and watersheds and providing ecosystem services such as groundwater recharge, habitat connectivity, and support for native vegetation.¹

Acequias create a land-based culture that has sustained communities throughout the arid west for generations, yet, like other agricultural practices, increasing aridification is creating significant challenges for Acequias. Drought conditions in the West are affecting growing seasons and crop yields, and Parciantes face barriers in accessing United States Department of Agriculture (USDA) programs to cope with these setbacks. Barriers to accessing assistance are particularly pronounced for USDA programs that are predicated on prior year production values, over time Parciantes are being yielded out of disaster assistance.

In many communities, Parciantes continue to irrigate using the same Acequias that were first constructed hundreds of years ago. This continued tradition and way of life is made possible by the ability of Parciantes to maintain and improve irrigation canals. Yet, while Acequias are recognized as political subdivisions of the State of New Mexico, many face undue burden in conducting routine maintenance on federal land. Although existing agency guidance exempts Acequias from acquiring a special-use permit for routine maintenance, this guidance is not always adhered to.

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This bill supports acequias by ensuring that they, like other agricultural systems, are able to access USDA disaster assistance programs. Specifically, this legislation amends the Non-insured Disaster Assistance Program (NAP) to ensure that Parciantes qualify for drought and other disaster assistance. Additionally, the legislation codifies current agency guidance that Parciantes do not need to obtain a special-use permit to perform routine maintenance or in-kind improvements on federal land.

¹ Fernald, A., Martinez, L., Rosenberg, A., Rodriguez, S., Rivera, J., Boykin, K., Samson, E., Alvarez, G., Ochoa, C., Lopez, S., Cibils, A., Cibils, L., Smedly, U., Guldán, S., Hurd, B., Mayagoitia, L., Turner, B., Tidwell, V. (2020). Acequias of the Southwestern United States: Elements of resilience in a coupled natural and human system. <https://nmsu.contentdm.oclc.org/digital/collection/AgCircs/id/101805>