HOUSE BILL 78

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC LANDS; ENACTING THE TIERRA AMARILLA
TRADITIONAL USE LANDS MANAGEMENT AND TRANSFER ACT; REQUIRING
SURVEYS, APPRAISALS, RESOURCE INVENTORIES AND THE DEVELOPMENT
OF A TRADITIONAL USE RESOURCE MANAGEMENT PLAN FOR CERTAIN
WILDLIFE MANAGEMENT AREAS; PROVIDING FOR TRADITIONAL USES OF
CERTAIN WILDLIFE MANAGEMENT AREAS BY THE TIERRA AMARILLA LAND
GRANT COMMUNITY, INCLUDING DISTRIBUTIONS OF HUNTING AND FISHING
PERMITS; REQUIRING A PHASED TRANSFER OF MANAGEMENT, OWNERSHIP
AND TITLE OF CERTAIN WILDLIFE MANAGEMENT AREAS TO THE LAND
GRANT-MERCED DE LOS PUEBLOS DE TIERRA AMARILLA; REQUIRING
REPORTS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Tierra Amarilla Traditional Use Lands Management
.218204.2
and Transfer Act".

SECTION 2.  [NEW MATERIAL] DEFINITIONS.--As used in the Tierra Amarilla Traditional Use Lands Management and Transfer Act:

A. "commission" means the state game commission;

B. "community" means the collection of persons living on or with a legal interest in traditional use lands who are family members of members of the land grant-merced de los Pueblos de Tierra Amarilla as defined by the bylaws of the land grant-merced;

C. "meaningful access" means unabated ingress and egress through an existing road, trail or path or through a road, trail or path specifically established for the purpose of accessing the resources of traditional use lands and includes stream access for fishing and livestock watering. "Meaningful access" includes the use of former state road 29 by the community;

D. "resource inventory" means an inventory of the natural and cultural resources for an area of land and includes a listing or map of cultural or historical sites protected by state or federal law, habitat for endangered or threatened species protected by state or federal law, water resources, roadways or trails and species populations;

E. "traditional use" means:

   (1) collecting, gathering or harvesting antler
sheds, fuel wood, timber, rocks, soils, vegetation and
vegetation products, including berries, fungi, herbs, nuts,
roots or sap, for personal or community use;

(2) fishing, hunting, livestock grazing and
use of water;

(3) recreation, including camping, hiking and
horseback riding; and

(4) other traditional activities identified in
a traditional use resource management plan that are beneficial
to the community and support the long-term sustainable cultural
and socioeconomic integrity of the community;

F. "traditional use lands" means lands that are
within the exterior boundaries of the survey of "Land Claim #3"
issued by the United States surveyor general of New Mexico
submitted as part of a review of land claims pursuant to the
Treaty of Guadalupe Hidalgo and confirmed by the congress of
the United States in 1860 and that as of January 1, 2021 are
managed by the department of game and fish for the commission
in whole or in part as:

(1) the Edward Sargent wildlife area;

(2) the Bill Humphries wildlife area; and

(3) the Rio Chama wildlife area;

G. "traditional use resource management plan" means
a natural resources management plan developed jointly by the
commission and the land grant-merced de los Pueblos de Tierra

.218204.2

- 3 -
Amarilla that permits sustainable beneficial community uses in support of the long-term cultural and socioeconomic integrity of the community; and


SECTION 3. [NEW MATERIAL] SURVEY, APPRAISAL AND RESOURCE INVENTORY--REPORT.--

A. The department of game and fish shall contract for property surveys and appraisals and develop resource inventories of the traditional use lands.

B. On or before November 30, 2021, the department of game and fish shall report to the appropriate interim legislative committee:

(1) the status or results of the property surveys, appraisals and resource inventories conducted or developed pursuant to Subsection A of this section; and

(2) the status of the development of a traditional use resource management plan pursuant to Section 4 of the Tierra Amarilla Traditional Use Lands Management and Transfer Act.

SECTION 4. [NEW MATERIAL] TRADITIONAL USE RESOURCE MANAGEMENT PLAN--DEVELOPMENT--IMPLEMENTATION--REPORTS.--

A. On or before January 1, 2023, the commission, in cooperation with the land grant-merced de los Pueblos de Tierra...
Amarilla, shall develop a traditional use resource management plan for the traditional use lands.

B. The traditional use resource management plan developed pursuant to Subsection A of this section shall include:

(1) an identification of the traditional use resources, including water resources, the appropriate seasons of use and methods of harvesting and extraction of traditional use resources and the existing roads, trails and paths within the traditional use lands;

(2) an ingress and egress plan to provide meaningful access that may include the construction of new permanent or temporary roads, trails or paths. The plan shall also identify the process for allowing year-round access, including motorized access, to members of the community;

(3) a livestock grazing plan that provides annual opportunities for livestock grazing by members of the community and with consideration of the impact on forage for wildlife and management of the elk population and establishes a grazing season, stocking limits and a schedule for rotation of livestock grazing;

(4) a fuel wood management plan developed in consultation with the forestry division of the energy, minerals and natural resources department that provides for motorized access, including identification of required temporary roads,
for annual gathering and harvesting and establishes
prescriptions for no fewer than five separate collection areas
within the traditional use lands. A single fuel wood
collection area shall not be greater than one hundred acres.
The plan shall include basal counts and the approximate cords
of fuel wood available for harvesting in each collection area.
Fuel wood prescriptions shall be developed with the goal of
increasing the fire resiliency of the wooded areas and overall
watershed health;

(5) designations of areas, allowable amounts
and appropriate methods for rock and soil removal for
traditional use;

(6) designations of the locations, seasons and
types of recreation that shall be available within the
traditional use lands for community members;

(7) an agreement regarding the phased transfer
of management of the traditional use lands from the department
of game and fish to the land grant-merced de los Pueblos de
Tierra Amarilla pursuant to Section 5 of the Tierra Amarilla
Traditional Use Lands Management and Transfer Act; and

(8) a process for distributing the hunting and
fishing permits available to community members pursuant to
Subsection C of Section 5 of the Tierra Amarilla Traditional
Use Lands Management and Transfer Act.

C. From 2023 through 2027, prior to December 1 each
year the commission shall report to the appropriate interim committee regarding the implementation of the traditional use resource management plan developed pursuant to Subsection A of this section. Beginning in 2028, the land grant-merced de los Pueblos de Tierra Amarilla shall provide the reports.

SECTION 5.  [NEW MATERIAL] TRANSFER OF MANAGEMENT--

ALLOTMENT OF HUNTING AND FISHING PERMITS.--

A. On or before January 1, 2028, all rights, title, ownership and management authority and responsibility for the traditional use lands shall be transferred from the commission to the land grant-merced de los Pueblos de Tierra Amarilla.

B. On or before January 1, 2023, the commission and the land grant-merced de los Pueblos de Tierra Amarilla shall enter into an agreement to transfer management of the traditional use lands to the land grant-merced in phases and that is designed to allow for the orderly development of land management capacity by the land grant-merced and the implementation of the traditional use resource management plan developed pursuant to Section 4 of the Tierra Amarilla Traditional Use Lands Management and Transfer Act.

C. Beginning on January 1, 2023, hunting and fishing permits shall be allotted for the traditional use lands in the same numbers for each type and value of permit as the distributions for private lands in their respective game units and shall be distributed as follows:

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(1) in 2023, twenty percent of each type and
value of hunting and fishing permits shall be distributed to
the land grant-merced de los Pueblos de Tierra Amarilla for
subsequent distribution;

(2) in 2024, forty percent of each type and
value of hunting and fishing permits shall be distributed to
the land grant-merced de los Pueblos de Tierra Amarilla for
subsequent distribution;

(3) in 2025, sixty percent of each type and
value of hunting and fishing permits shall be distributed to
the land grant-merced de los Pueblos de Tierra Amarilla for
subsequent distribution;

(4) in 2026, eighty percent of each type and
value of hunting and fishing permits shall be distributed to
the land grant-merced de los Pueblos de Tierra Amarilla for
subsequent distribution; provided that the land grant-merced
shall make twenty-five percent of the permits that are
distributed to it available for purchase by general members of
the public who are residents of New Mexico; and

(5) in 2027 and thereafter, one hundred
percent of each type and value of hunting and fishing permits
shall be distributed to the land grant-merced de los Pueblos de
Tierra Amarilla for subsequent distribution; provided that the
land grant-merced shall make forty percent of the permits that
are distributed to it available for purchase by general members
of the public who are residents of New Mexico.

D. On or before December 31, 2032 and every ten years thereafter, the land grant-merced de los Pueblos de Tierra Amarilla shall, in consultation with the commission and the forestry division of the energy, minerals and natural resources department, develop and revise the traditional use resource management plan developed pursuant to Section 4 of the Tierra Amarilla Traditional Use Lands Management and Transfer Act and shall report on the revised plan by November 30 of the subsequent year.

E. The traditional use lands shall become and remain part of the common lands of the land grant-merced de los Pueblos de Tierra Amarilla, and in the event the lands or a portion of the lands cease to be part of the common lands of the land grant-merced, or cease to be managed and used according to a traditional use resource management plan developed pursuant to Section 4 of the Tierra Amarilla Traditional Use Lands Management and Transfer Act or revised pursuant to Subsection D of this section, ownership of the lands or portion of the lands affected shall revert to the commission.

SECTION 6. APPROPRIATION.--Two hundred thousand dollars ($200,000) is appropriated from the general fund to the department of game and fish for expenditure in fiscal years 2022 and 2023 to implement the provisions of the Tierra
Amarilla Traditional Use Lands Management and Transfer Act.
Any unexpended or unencumbered balance remaining at the end of
fiscal year 2023 shall revert to the general fund.

SECTION 7. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2021.

- 10 -