

Madam Chair and Members of the Committee,

My name is Frank Pancho Adelo. I am a lifelong resident of Pecos and the cofounder and current president of the Upper Pecos Watershed Association. I am also a land owner of 14 acres along the river and a member of the the Molino Acequia in Pecos. The Upper Pecos Association is a 501c3 group founded in 2006 to deal with water quality issues in the Upper Pecos Water Shed, that is from the head waters in the wilderness to the Pecos river crossing of I25. We represent over 500 stakeholders not only from Pecos but through out New Mexico.

In 2015 we along with other groups, including the New Mexico Acequia Association, New Mexico Acequia Commission, several tribes, individual land owners, fishing guides, outfitters, real estate groups all enthusiastically supported the stream bed law passed by a democrat controlled legislature and signed a republican governor. This law set out to clear up the confusion caused by the erroneous opinion of the attorney general basically expropriating private stream bed rights of land owners. I am here today because several vocal groups continue to falsely claim public access to all river adjacent properties via the stream.

The Upper Pecos Watershed Association supported this law for several reason. First and foremost private stream beds have been good for the stream. In other word a majority of landowners in Pecos have been good stewards of the river. UPWA has worked with many land owners in the Pecos watershed helping them improve the stream. These landowners have spent millions of dollars of their own money on stream bed improvements. These improvements, which mitigate sediment pollution, thermal pollution would not have happened on these stream beds had they been considered public. I do not know on land who would spend his own money to improve public waters. These improvements not only mitigate non point source pollution but improve habitat for aquatic insects, trout, birds and a host of other species. Currently private sections of the Pecos are acting as trout nurseries and are vital to wild trout reproduction. NMG&F stocked trout do not reproduce. NMG&F conservation officers are stretched thin to enforce current game laws and they are certainly not going to enforce them on private properties if they do not have full access givng poachers complete freedom to do as they wish. . Secondly a large majority of these landowners have not developed their land, maintaining them as their own private sanctuaries because of this unique way we view stream beds in New Mexico. Selfish yes but with a public benefit as the Pecos River meanders through private and public properties. On the Pecos water quality depends on both private and public cooperation because of the mix of public and private properties. New Mexico largely does not have Colorado Style development, We do not have the Tellurides nor the Aspens characterized by thousand of condos streamside. We have landowners who have largely held their lands in tact in order to continue ranch, farm, recreate, and meditate. The expropriating of the stream bed would jeopardize all of this and incentivize stream bank development. Water quality would then be threatened with all that comes with streambank development.

Governor Lujan Grisham recently issued an executive order perserving 30% of public lands for climate stabilization, The law passed in 2015 clarifying New Mexico's unique situation goes a long way in preventing stream side development and helping landowners want to maintain the intergity of their properties. It incentivizes what the property owners have been doing all along preserving their lands which will go a long ways in helping the climate. The expropriating of streambeds would disincentivze land conservation.

Pirvate streambeds have always been a thing have always been a “thing” here in New Mexico. When I was a kid one never trespassed on someone else property. If you did venture onto someone stream property you either had permission from the owner, maybe your aunt, uncle, cousin or neighbor. If you did you trespass did you could find yourself at the end of a gun.

The current false narrative of all streams can be publicly accessed by some vocal groups has led to an increase in landowner-tresspasser conflicts, and property damage, poaching. It has resulted in cut fences and roaming livestock. It will lead to very dangerous situations in the future. We had one

incident with a off duty state police officer trespassing onto private property and having an ugly confrontation with the caretaker. I do fear the day because of the proliferation of ATVs when I see them roaming up and down the stream claiming public access.

UPWA has worked hard at preserving the quality of the watershed. Private land holding and private stream beds are vital to maintaining this. The lack of public education on stream stewardship and the outright lie that all stream in NM are publically accessible are and will have a damaging effect on water quality.

Thank you for your time.