



September 27, 2024

Testimony of

Sherry Barrett, Chair, New Mexico Paddlers Coalition

And

Jesse Deubel, Executive Director, New Mexico Wildlife Federation

Water and Natural Resources Committee

New Mexico State Legislature

Dear Chairman Mathew McQueen:

Thank you for the opportunity to address the Water and Natural Resources Committee on the issue of stream access in New Mexico.

The New Mexico Paddlers Coalition consists of local and national paddling organizations, including the Adobe Whitewater Club. Our mission is establishing safe boater access to New Mexico's river and streams.

The New Mexico Wildlife Federation was founded in 1914 by pioneering conservationist Aldo Leopold to serve as a voice for our state's anglers, hunters and wildlife.

We wish to express our appreciation to Attorney General Raul Torrez and his staff for enforcing the New Mexico Supreme Court's 2022 unanimous decision that privatizing New Mexico streams and rivers is unconstitutional. Their commitment will ensure access to New Mexico's public waters, which are an important source of recreation for residents of New Mexico and its tourist industry.

We filed our New Mexico Supreme Court Petition to restore our Constitutional rights to access New Mexico's rivers and streams. The New Mexico Supreme Court ruled unanimously from the bench declaring Game Commission rules and privatization certificates unconstitutional and void.

It's now past time to ensure that hazardous fences are removed from our rivers and streams. Noncompliance with the 2022 New Mexico Supreme Court ruling is continuing a danger to people recreating because many, if not most, of the hazardous

fences remain. We are particularly concerned with fences still posted with signs threatening use of rivers and extremely hazardous fences around blind corners and in fast water, as well as single strands of barbed wire. These fences pose the potential for injury and death, depending on flow, circumstances of the location, and the expertise of the people recreating. We instruct on the dangers of strainers in a river - usually trees, logs, and jetty jacks, which can ensnare a person and easily cause drowning. However, lack of visibility of barbed wire and high flows near impenetrable fences can also result in severe injury or death, especially to members of the general public that recreate in New Mexico's public waters, often without adequate safety equipment or knowledge.

As avid paddlers and anglers we would prefer no fences across rivers, but we understand the need for livestock containment. There are paddler friendly fence designs available, which enable livestock containment and safe boater passage. Such fences have been constructed on some private lands on the lower Pecos River. In 2024, members of the paddling community retrofitted a fence for a private landowner on the upper Pecos River. Villa Nueva State Park hired Advanced Environmental Solutions (<https://aesnm.com/>) to construct a paddler friendly fence on their boundary on the Pecos River.

The New Mexico Paddlers Coalition, Adobe Whitewater Club, New Mexico Wildlife Federation and other outdoor groups embrace the need for sound river stewardship. As such, we hold regular trash cleanups throughout the year along various rivers with high use. We are also working with governmental agencies to develop signage along the rivers that promotes safety and "Leave no Trace" ethics.

Thank you for allowing us to appear before you.

Sincerely,

Sherry Barrett
And
Jesse Deubel