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SENATE MEMORIAL 49

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Gerald Ortiz y Pino

A MEMORIAL

REQUESTING THE ENERGY, MINERALS AND NATURAL RESOURCES
DEPARTMENT TO CREATE A WORKING GROUP TO DEVELOP A STUDY ON
PROVISIONS OF THE ANTI-DONATION CLAUSE IN NEW MEXICO AS IT
RELATES TO STATE FOREST ASSISTANCE ON PRIVATE LAND.

WHEREAS, forest landscapes and forest habitats are
essential components of New Mexico ecosystems; and

WHEREAS, forested watersheds are the source of most
surface water and replenish ground water supplies for New
Mexico communities and agriculture; and

WHEREAS, forty-four percent of forested land in New Mexico
is in private ownership; and

WHEREAS, the state, in its 2020 New Mexico forest action
plan, established the need to increase the pace and scale of
forest and watershed restoration treatments across all

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1 jurisdictions for purposes of community protection, watershed
2 resilience, silviculture, wildland fire hazard reduction, fuels
3 reduction, rangeland improvement, wildlife management, habitat
4 improvement, invasive species management, post-fire
5 reforestation and climate adaptation and ecological maintenance
6 or restoration; and

7 WHEREAS, the state in its New Mexico state wildlife action
8 plan outlines a suite of conservation actions that cross
9 political, jurisdictional and ecological boundaries to address
10 issues affecting state listed-species and other species of
11 conservation concern distributed on private forested land as
12 well as public forestlands; and

13 WHEREAS, treatment and habitat restoration on private land
14 have been demonstrated to be a public benefit in lowering
15 severe fire risk and loss of life, property and infrastructure
16 and in preserving forest benefits such as water supply,
17 wildlife species and habitat, ecotourism and economic
18 development in rural communities; and

19 WHEREAS, the Rio Chama watershed, for example, is largely
20 composed of private lands and it provides native water for
21 acequias and tribes, conveys San Juan-Chama project water for
22 New Mexico's municipal water and irrigation needs and is at
23 risk of severe wildfire; and

24 WHEREAS, many residents, scientists and stakeholders agree
25 that the current level of forest treatment and restoration in

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1 New Mexico is insufficient to achieve these purposes and
2 realize these public benefits; and

3 WHEREAS, farmers, ranchers and private landowners who
4 employ practices to conserve land, water, habitat and wildlife
5 that benefit the public good may seek assistance with technical
6 guidance, funding, restoration or treatments through agreements
7 and contracts with the forestry division of the energy,
8 minerals and natural resources department; and

9 WHEREAS, collaborative efforts to increase the pace and
10 scale of such treatments across large landscapes are confounded
11 by a lack of clarity about what is allowable for the state to
12 fund on private lands; and

13 WHEREAS, knowledge and experience from diverse
14 stakeholders are needed to recommend actions and policy changes
15 that support the expanded restoration of forests and watersheds
16 and conservation of biodiversity statewide;

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
18 OF NEW MEXICO that the energy, minerals and natural resources
19 department be requested to convene a working group to:

20 A. study the impacts of the provisions of Article
21 9, Section 14 of the constitution of New Mexico, also known as
22 the "anti-donation clause", on the ability of the forestry
23 division to enter into contracts and agreements with private
24 landowners or private entities to carry out its mission when a
25 public need or public benefit is clearly indicated;

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