SENATE JOINT MEMORIAL 61

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Arthur Rodarte

A JOINT MEMORIAL

REQUESTING CONGRESS, THE BUREAU OF LAND MANAGEMENT AND THE UNITED STATES FOREST SERVICE, AS WELL AS THE COMMISSIONER OF PUBLIC LANDS, TO REQUIRE IN LEASES OF PUBLIC LANDS THAT ACCESS BE PERMITTED THROUGH THE PRIVATE PROPERTY OF THE LESSEE IF THAT IS THE ONLY ACCESS TO SURROUNDING PUBLIC LANDS.

WHEREAS, public lands held by the federal government or the state are held for the benefit of the people of the United States and the state; and

WHEREAS, public lands are subject to multiple use requirements and the public is permitted to enter and enjoy public lands, as long as that use complies with federal and state laws and rules: and

WHEREAS, many plots of federal and state lands can be accessed only through the adjacent private property; and . 125740. 1

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WHEREAS, the access to some public lands is through private property under the control of lessees of federal and state lands; and

WHEREAS, many private landholders lock gates or prevent the public from entering their private land holdings and in doing so block access to public lands with limited access in the vicinity of the landholder's private lands; and

WHEREAS, a condition of permitting a person to lease public lands should be that the lessee agrees to allow access for the general public through the lessee's privately owned land on existing public highways, ranch roads or other well established private roads or paths crossing the lessee's private land if that is the only access to surrounding public lands, whether controlled by the state or federal government; and

WHEREAS, access through a lessee's private property should be limited to access on existing roads and should not be required to be given through agricultural fields, unless there are perimeter paths;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that congress, the United States forest service, the bureau of land management and the commissioner of public lands be requested to require in all leases of public lands an agreement with the potential lessee that the lessee allow public access through the lessee's private land holdings

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if that access is the only way to get to public lands in the vicinity of the lessee's private land; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to members of the New Mexico congressional delegation, the secretary of the interior, the assistant secretary for land and minerals management, the secretary of agriculture, the undersecretary for natural resources and environment and the commissioner of public lands.

- 3 -