

1 SENATE JOINT MEMORIAL 13

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THAT THE UNITED STATES FOREST SERVICE, IN THE STATE
12 OF NEW MEXICO, ENSURE THAT THE TRADITIONAL, RURAL, CULTURAL AND
13 RANCHING WAY OF NEW MEXICAN LIFE WILL NOT BE ADVERSELY IMPACTED
14 BY ITS OWN TRAVEL MANAGEMENT PROPOSAL OF MOTORIZED ROUTES AND
15 THAT ANY NEW MEXICO NATIONAL FOREST PLANS UNDERGOING REVISION
16 SHOULD CONTAIN CRITERIA TO PROTECT AND PRESERVE THE TRADITIONAL
17 NEW MEXICAN WAY OF LIFE.

18
19 WHEREAS, the United States forest service has created the
20 travel management rule in order to better manage recreational
21 off-highway vehicle use, describing it as one of the four major
22 threats facing the national forests today; and

23 WHEREAS, according to the United States forest service,
24 recreational off-highway vehicle use can have various adverse
25 impacts, including:

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- 1 A. conflict between recreational off-highway
2 vehicles and quiet recreationists;
3 B. impacts to significant historic sites;
4 C. severe soil erosion and spread of invasive
5 weeds;
6 D. disturbance of wildlife habitat and interruption
7 of wildlife migration;
8 E. destruction of valuable watersheds and
9 sedimentation;
10 F. wildfires; and
11 G. vandalism to private property; and

12 WHEREAS, rangers from the federal bureau of land
13 management and the United States forest service agree that off-
14 highway vehicles represent "a significant law enforcement
15 problem" and are "the biggest drain on ranger's resources and
16 generate more law enforcement citations than all other criminal
17 activity combined"; and

18 WHEREAS, the United States forest service does not appear
19 to have a practical plan or budget for enforcement of the
20 travel management plan or the maintenance of a reasonable
21 system of motorized routes; and

22 WHEREAS, areas of the Santa Fe national forest, such as
23 Glorieta mesa and the Jemez mountains, host unique
24 archaeological sites and serve as vital wildlife corridors
25 between core areas in the north and south, allowing species to

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1 migrate and maintain healthy populations; and

2 WHEREAS, there are ranchers and federal grazing permit
3 holders in and adjacent to New Mexico's national forests, some
4 of whom have lived, ranched and gathered wood there for more
5 than five generations, who have proven themselves to be
6 responsible, careful stewards of the forest; and

7 WHEREAS, the Santa Fe national forest management plan
8 calls for protection of the "traditional, cultural and ranching
9 way of life" and the United States forest service region 3
10 travel management rule guidelines state: "As a critical
11 component of allotment management, the implementation of the
12 TMR should be conducted in careful and considered consultation
13 with the grazing permit holder"; and

14 WHEREAS, for more than a year, the Santa Fe national
15 forest has actively solicited the direct involvement of
16 recreational off-highway vehicle users by explaining the travel
17 management rule and requesting input and assisting this
18 stakeholder group in documenting and mapping their preferred
19 routes, but the Santa Fe forest service has not made a similar
20 effort to solicit input from its grazing and other special use
21 permit holders; and

22 WHEREAS, there are property owners in or adjacent to the
23 New Mexico national forests and grazing permit holders that
24 live in a climate of intimidation, such as on Glorieta mesa,
25 where ranchers and their families have been shot at, had their

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1 pets killed, livestock harassed and property damaged, are
2 afraid to speak up for fear of retribution, and in spite of
3 making these events known to the United States forest service,
4 there has been no significant action taken to prevent loss of
5 life or damage to private property or to in any way deter these
6 criminal activities on forest land; and

7 WHEREAS, in some national forest areas such as Glorieta
8 mesa, where there is no history of extensive recreational off-
9 highway vehicle activity, the little use that exists now has
10 created a disproportionate disturbance to the land and
11 ranchers' livelihoods due to destruction of earthen dams and
12 stock tanks, livestock escaping from gates left open and fences
13 cut, harassing of livestock, the creation of unauthorized roads
14 and general vandalism; and

15 WHEREAS, the off-road abuse in the Jemez mountains is
16 monumental, causing extreme erosion, sedimentation of surface
17 water, trail degradation and illegally created trails, property
18 damage, intimidation and threat to the property inholders and
19 grazing permit holders, including one long-standing rancher who
20 was forced to give up his permit after motorcyclists repeatedly
21 chased his cattle and severely rutted the rangeland; and

22 WHEREAS, it is illegal to operate all-terrain vehicles on
23 paved roads and there are access roads to the national forests,
24 such as Santa Fe county road 51, that are unsafe for off-
25 highway vehicles and trailering, that serve as "attractive

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1 nuisances" for illegal all-terrain-vehicle use and that
2 recently had one all-terrain vehicle-related death;

3 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
4 STATE OF NEW MEXICO that the preservation of traditional
5 culture be established as a mandatory filter in evaluating any
6 potential designation of routes open for motorized travel,
7 requiring the United States forest service to actively solicit
8 input on motorized route designations from all stakeholders in
9 or adjacent to the forest, such as local ranchers, farmers,
10 other permit holders, adjacent property owners, in-holders and
11 local quiet recreational interests; and

12 BE IT FURTHER RESOLVED that the preservation of existing
13 wildlife habitat and wildlife corridors, as well as protection
14 of watersheds, rangeland, natural resources and archaeological
15 sites, be established as a mandatory filter in evaluating any
16 potential designation of routes open for motorized travel,
17 particularly as applied to off-highway vehicle and dirt-bike
18 use; and

19 BE IT FURTHER RESOLVED that safe access to areas
20 designated for recreational off-highway vehicle traffic,
21 particularly dirt bikes and all-terrain vehicles, be
22 established as a mandatory filter in route designation,
23 prohibiting access directly from roads that are inherently
24 unsafe for a particular class of vehicle, for example, off-
25 highway vehicles or dirt bikes, so as not to create an

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1 attractive nuisance that could result in injury or death to
2 recreationists or rural residents; and

3 BE IT FURTHER RESOLVED that recreational off-highway
4 vehicle activities be adequately enforced and monitored and
5 that violation of designated closed routes and areas result in
6 sufficient penalties and, if any designated routes and areas
7 are shown to be unenforceable, that they are closed permanently
8 or until sufficient enforcement can be guaranteed; and

9 BE IT FURTHER RESOLVED that the United States forest
10 service seriously consider the recommendations of the
11 department of game and fish with regard to motorized use in the
12 New Mexico national forests; and

13 BE IT FURTHER RESOLVED that the United States forest
14 service travel management plan proposed actions be suspended
15 until adequate input from all major stakeholders can be
16 collected, that the scoping period for proposed actions be
17 ninety days and that the state forester and the department of
18 game and fish be requested to report by December 1, 2008 to the
19 appropriate committee designated by the New Mexico legislative
20 council on the United States forest service response to this
21 memorial; and

22 BE IT FURTHER RESOLVED that the United States forest
23 service, in the process of rewriting their forest plans for the
24 national forests in New Mexico, should contain criteria to
25 protect and preserve the traditional New Mexican way of life;

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and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the federal secretary of agriculture, the chief of the United States forest service, the New Mexico congressional delegation and the state forester.

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