

Via email to
John.Bingaman@state.nm.us August
5, 2019

Governor Michelle Lujan
Grisham State Capitol, Santa Fe,
New Mexico

Dear Governor Lujan
Grisham,

Three wealthy landowners—including two non-resident Texans—through the extensive efforts of their well-connected Republican lawyer-lobbyist and former Governor Martinez's reactionary Game Commission—have denied New Mexicans their constitutional rights of public access to the public rivers running through five of their properties.

The Adobe Whitewater Club of New Mexico, the New Mexico state board of the American Canoe Association, and the New Mexico River Outfitters Association are writing you to express our appreciation that your new Game Commission has temporarily halted further privatization of New Mexico's public rivers and elimination of recreational access. We request you support restoration of public access to New Mexico's rivers and streams, regardless of whether they are flowing through private lands.

The New Mexico Supreme Court in *State v Red River Valley Co.* 51 N.M. 207 affirmed New Mexicans' constitutional right for public access to our streams and rivers. In that case, the Game Commission sued to protect public access to public waters and prevailed. Three New Mexico Attorneys General—Udall, King, and Balderas—have issued supporting opinions.

Erosion of New Mexicans' constitutional rights by rich outsiders is the issue, not the reverse as the landowners and their lobbyist-lawyer claim. The Game Commission's rules to privatize public rivers were passed without input from stream recreation interests because the minimum legal notices were the only public outreach. The five applications were similarly approved. Each application ludicrously claimed that no New Mexico streams and rivers are navigable and therefore all are subject to privatization. The existing rule even prohibits oral public comment on applications to privatize

streams that are before the Game Commission for decision.

We ask that, as Governor, you support the Game Commission's work to review and modify the Game Commission rules passed by Governor Martinez's administration and take action to protect our constitutional rights of stream access. We wish to fully participate in their processes on stream access and request adequate public notice to do so.

Sincerely,
y,

Scott A Carpenter Robert Levin Steve Harris President New Mexico State Director
Board of Directors Adobe Whitewater Club American Canoe Association NM River
Outfitters Assoc