

RESOLUTION NO. 2002-69

HISTORICAL ROADS, TRAILS AND FEDERALIZATION OF PRIVATE LANDS

WHEREAS; Rio Arriba County has a long and complex cultural history and land tenure and the roads and trails are reflective of this complexity, and

WHEREAS; Public use easements have evolved over time immemorial to access the natural resources of land including but not limited to hunting, gathering food plants, and medicinal herbs, grazing and watering, fuel wood harvesting, recreation and spiritual uses, and

WHEREAS; Federal Agencies have closed and continue to close many of these rights of ingress and egress and therefore creating wilderness areas without Congressional approval, and

WHEREAS; the Bureau of Land Management, the Bureau of Indian Affairs and the Forest Service continue to acquire and add private land to already extensive federal holding in Rio Arriba County, and

WHEREAS; these practices are detrimental to the survival of cultural practices, rituals and economic activities thus effectively destroying the cultures impacted, and

WHEREAS; these right of ways and easements have been documented and legal recognition granted from the Kearny Code through the RS 2477 statutes and recognizing that the General Accounting Office (GAO) has initiated a study in progress which may eventually resolve the claims of land grant heirs in this County under the Treaty of Guadalupe Hidalgo (the Treaty), and

WHEREAS; the actions of the Federal Agencies, taking rights and property interests of claimants without just compensation and due process, and because these actions are contrary to the Treaty and the Fifth Amendment of the Constitution, an argument can be made that the Federal Government is in Breach of Contract.

THEREFORE; Rio Arriba County resolves that it is opposed in principle to the aforementioned policies and practices of the Federal Government and that Rio Arriba County Commissioners,

Further resolves that a moratorium on the closure of any right of way and the taking of any additional lands in Federal ownership or Trust be imposed and that copy of this Resolution and Policy Statement be sent to appropriate offices and committees of the Federal Executive, Legislative and Judicial Branches of Government and a copy to the State of New Mexico.

**REVIEWED, APPROVED, AND ADOPTED ON THIS _____ DAY OF _____,
2002, BY THE RIO ARRIBA BOARD OF COUNTY COMMISSIONERS.**

**BOARD OF COUNTY COMMISSIONERS
RIO ARRIBA COUNTY**

**ALFREDO L. MONTOYA
DISTRICT II COMMISSIONER**

**RAY TAFOYA
DISTRICT I COMMISSIONER**

**MOISES MORALES
DISTRICT III COMMISSIONER**

ATTEST:

J. FRED VIGIL, COUNTY CLERK

CERTIFICATE OF FILING

I, J. Fred Vigil, County Clerk, do hereby certify that the foregoing Ordinance designated as Ordinance 2002-69 was filed in my office on the _____ day of _____ 2002 in Book Number _____ Pages _____

J. FRED VIGIL, COUNTY CLERK