

We Need your Help to Protect Paddlers' Access to New Mexico Rivers and Streams



The New Mexico constitution gives us legal right to paddle all New Mexico rivers and streams. The Constitution states “[t]he unappropriated water of every natural stream, perennial or torrential, within the State of New Mexico, is hereby declared to belong to the public...”

The State Game Commission acted far beyond its authority when it promulgated a Rule in 2017 authorizing state-sanctioned closure of public access to “non-navigable public water.” Rivers once promoted by the New Mexico State Parks Division in their publication “New Mexico Whitewater - A Guide to River Trips” are

now being blocked by private landowners with barricades, cables and *No Trespassing* signs. This includes upper Chama and Pecos river segments. Privatizers have filed additional applications that would close several other river segments in New Mexico, and their lawyers are threatening an “immense wave” of constitutional “litigation” in the event that “any action by the Court, the Legislature, the Department, or the Commission... restrict[s] landowners’ rights to prevent the public from using their streambeds underlying public waters.”

The Adobe Whitewater Club’s purpose includes “...work for the continued availability of rivers for recreational uses.” The Board of Directors unanimously found it necessary to take legal action to defend this valued public right to access New Mexico’s rivers and streams. In April 2020, the AWC joined New Mexico Wildlife Federation and Backcountry Hunters and Anglers to petition the New Mexico Supreme Court to uphold the constitutional rights of the people to access our public waters, even where they cross private lands. If upheld, our petition will restore equal access to the outdoors and benefit local communities, traditional land users and help to preserve the rich and diverse culture that defines New Mexico.

We are optimistic, but expect a prolonged battle to protect public access to our rivers and streams. Once this constitutional right is upheld, we intend to work toward the removal of dangerous barricades and obstacles on these rivers.



Upper Pecos River: Hersh Family Investments No Trespassing signs (above) and barricade with strands of barbed wire interwoven in uprights and concertina razor wire on the river bank. – Photo Grant Gourley

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We need your support to win this battle. If you’re in a position to contribute, doing so will help us with legal expenses and outreach. Donations can be made on our website www.adobewhitewater.org or by check payable to Adobe Whitewater Club of New Mexico, P.O. Box 3835, Albuquerque, NM 87190.

The AWC appreciates the substantial contributions and financial support of the New Mexico River Outfitters Association and American Whitewater as paddling community allies.

Now more than ever we need to continue our policy and practice of being good stewards of the rivers we traverse. Please leave no trace, help us spread the word, and clean up after others.