

Taos trial in White Peak case tests public access

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The trial began Monday morning (March 19) in Taos District Court in a case pitting a private landowner against sportsmen and the state over access to state trust lands.

The trial centers around disputed public access to a road leading to state trust land in the rugged White Peak area of Colfax and Mora counties in northeastern New Mexico. The case was filed in 2011 against the Colfax and Mora County commissioners, the state Department of Game and Fish and the state Department of Transportation by landowner David Stanley.

Contentions over access to White Peak have flared a number of times over the years. Private landowners have argued the public trash up their lands and trespass to reach White Peak, also known as White's Peak. Sportsmen deny damaging property and say ranchers and private landowners have illegally blocked access to roads long used by the public.

The Stanley case is before Judge Sarah Backus, who has set aside two weeks to hear arguments and evidence in the case.

In a statement, New Mexico Attorney General Hector Balderas said the state will demonstrate that several major public roads have been used for more than a century to access the area.

"White Peak is one of the most culturally rich and beautiful areas of public land in New Mexico, which has been used by New Mexican families from all over our state to hunt, hike and gather wood for centuries," said Balderas in a statement. "I will fight any attempt to take away our unique culture and way of life."

Former state land commissioner Patrick Lyons tried to swap some state land for private land owned by Stanley near White Peak in 2009 to facilitate public access. Sportsmen cried foul, saying it was a raw deal that lacked public input, and then attorney general Gary King sued over the matter. The New Mexico State Supreme Court sided with the state, ruling the land swap was illegal.

Stanley and current state land commissioner Aubry Dunn have worked together on a plan, asking the Department of Game and Fish to buy 10,000 acres of David Stanley's cattle ranch around White Peak and deed the property to the State Land Office. In exchange, hunters and anglers would have free access to all state trust lands for 20 years.

In September, Dunn announced a new public access road was open to 12,000 acres of state trust lands south of White Peak, accessing state trust lands leased in part to Stanley. "This is going to open up a really big hunting area," Dunn said at the time of the 2.5-mile road.

In another lawsuit filed in 2011, the Stanley Ranch is seeking monetary damages against 8th Judicial District Attorney Donald Gallegos and sportsman Ed Olona and others for forcibly opening a locked gate across one of the disputed roads, Red Hill Road. According to court records, Stanley had put a locked gate across the road, believing it was private. The same week, he filed paperwork in court to

quiet title – a legal means to extinguish any other claims, including public ones – to the road. That case is still pending.

Gallegos learned of the locked gate from sportsmen and sent a notice to Stanley to open it. When Stanley didn't reply, according to a decision from the 10th Circuit Court of Appeals, Gallegos "took matters into his own hands. Accompanied by a former president of the New Mexico Wildlife Federation, four deputy sheriffs, and 18 private persons, Defendant cut the lock on the gate and, with the help of others, removed the barbed wire and T-posts from the road."

When Stanley put the gate up again, Gallegos asked local law enforcement to cut it open again. Stanley sued.

In March 2017, the 10th Circuit Court of Appeals remanded the case back to district court to determine if Gallegos had violated his authority by ordering the gate opened.

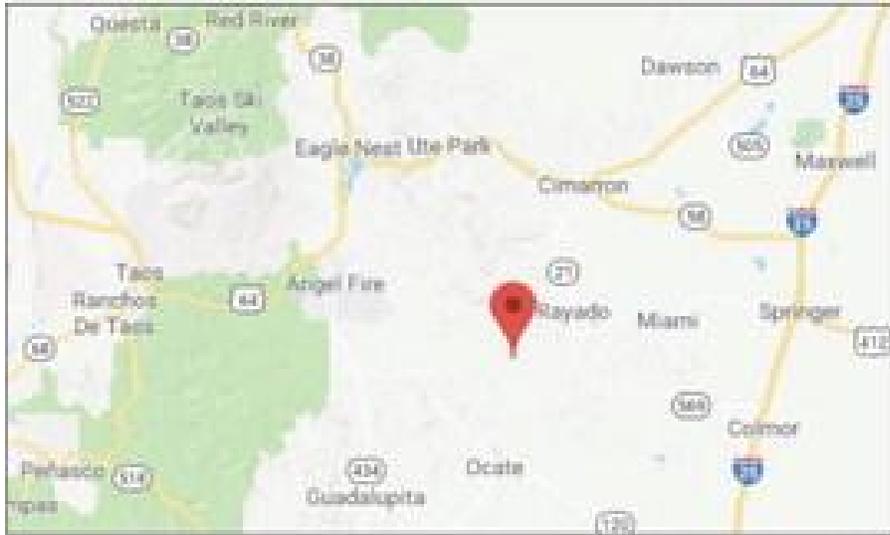
The state also battled the UU Bar Ranch over access to state trust lands on the east side of White Peak. UU Bar had locked a gate barring access to a road the state considered public. That case also landed in the state Supreme Court, which ruled in 2009 in the state's favor.



8th Judicial District Attorney Donald Gallegos
File photo



Deer in the White Peak area of northeastern New Mexico. Public access to the state trust lands in the area is the focus of a case currently being argued in the 8th Judicial District Court in Taos.
Courtesy Mora County Commission



Map showing White Peak location.

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