

Maps, mountain roads at heart of public access trial

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Thousands of acres of Northern New Mexico forest around White Peak are a hunting paradise, with trophy animals and rugged terrain that makes the thrill of the hunt all the more thrilling. They're also a legal quagmire.

A two-week trial, centering on a handful of old roads that cross private property but lead to stateowned land around White Peak, has consumed the Taos County Courthouse since last Monday (March 19).

Although the trial will reconvene in late April, with a final decision coming even later, the case highlights a hyper-local but nonetheless hotly contested case of public-access disputes with implications beyond the rural country east of Taos.

David Stanley, a landowner with about 15,000 acres in the White Peak area to his name, filed the case seven years ago against the Colfax and Mora County commissioners, the Department of Game and Fish and the state Department of Transportation.

He's seeking to once and for all settle his ownership over several roads in the area.

White Peak, also called White's Peak, lies between Colfax and Mora counties in northeastern New Mexico. Both state trust land and Stanley holdings are checkered across the landscape that has seen the struggle over public access flare up over the years.

Judge Sarah Backus is presiding over the bench trial and lawyers with the New Mexico Office of the Attorney General are arguing on behalf of the state and local governments. Backus will make the final determination.

"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 New Mexico Attorney General Hector Balderas in a statement released before the start of the trial.

His office has claimed that even though current and historical roads through the area may not have a "laser-point-perfect match," using them is still a "fundamental right" of residents.

Over the past two weeks, the Taos courthouse has seen relatively small crowds. At times, sportsmen siding with the state have turned out in camouflage, sitting on one side of the courtroom while Stanley employees and supporters donned in plaid and denim sat on the other.

Lawyers have spent hours going over dozens of maps and documents in painstaking detail to discern the locations of historic roads, how they might have been used and what hunters and historians understand of them today.

The opening day brought an hours-long review of post office applications from the 19th century, including one for the small settlement of Vandoritos, accompanied with hand-drawn maps of Red Hill Road in the Ocate area.

During witness testimony Tuesday (March 27), Raton resident Mary Ena Johnson, who grew up in Ocate, recalled her grandfather using the old roads to haul mail on horseback from the Ocate post office to Black Lake for two days at a time in order to make a little money.

Private landowners have argued the public trash up their lands and trespass to reach White Peak. But sportsmen and their advocacy groups fire back, saying ranchers and private landowners have illegally blocked access to roads long used by the public.

During witness testimony Tuesday (March 27), Ed Olona, a former president of the New Mexico Wildlife Federation and a prominent figure in this ongoing battle, said the public has a right to wilds and “whispering pines” around White Peak.

Olona spoke of one incident in 1977 (before Stanley owned the ranch) when mounds of dirt were pushed onto one of the roads leading to state trust land. “The White’s Peak road is a public road from beginning to end,” he wrote a district attorney at the time petitioning for help.

The sentiment has not wavered through the years.

“As an industry, we depend on access to public lands because that’s where we go,” John Olivas, a former Mora County commissioner, private hunting guide and board member of the New Mexico Council of Guides and Outfitters, told *The Taos News* .

“When there are threats of road closures keeping hunters like myself out of these areas, it’s pretty detrimental to our livelihoods,” he said.

Olivas started his business 24 years ago as a way to stay in Mora County. But he won’t go near White Peak.

“It’s not worth me taking paid clients up there and be harassed by ranch managers or officers with the state’s wildlife department. Even though I have my paperwork in order, I just don’t want to deal with the hassle,” he said.

Olivas added that the roads under consideration in the Stanley trial are but a small sliver of disputes about road jurisdiction. Counties are consistently abandoning roads, including those that lead to public land owned by local, state or federal governments, he said. And the essential question of the right to access these lands is at stake in each case.

“This happens a lot more than we see,” he said, noting other examples in Mora and Chavez Counties.

Past efforts to resolve disputes with the Stanley Ranch have been unsuccessful. In a land exchange facilitated by former Land Commissioner Patrick Lyons, Stanley traded 3,330 acres of his ranch for 7,205 acres of state trust land. Both tracks were appraised at about \$6.3 million. Still, then-Attorney General Gary King challenged the deals, and the New Mexico Supreme Court in 2011 determined the trades were illegal.

The trial over the White Peak roads will continue through Thursday (March 29) and reconvene between April 25-27. According to Olivas, a decision is not expected until the following month or later.

But this trial isn’t the the only case involving Stanley’s ranch that has yet to be resolved. According to online court records, he’s been party to numerous lawsuits in New Mexico over the past three decades.

In another lawsuit filed in 2011, the Stanley Ranch is seeking monetary damages against 8th Judicial District Attorney Donald Gallegos and others for forcibly opening a locked gate across one of the disputed roads. According to court records, Gallegos filed a lawsuit to quiet title to the road and when Stanley didn’t reply, “took matters into his own hands.”

He removed the barriers and when Stanley put the gate up again, Gallegos asked local law enforcement to cut it open. Stanley then 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.



A long-simmering debate over public access to White Peak on a road that crosses private land has boiled over again in a case currently underway in Taos District Court.

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