

1 AN ACT

2 RELATING TO OUTDOOR RECREATION; TRANSFERRING ADMINISTRATION
3 OF THE RIO GRANDE TRAIL COMMISSION AND THE RIO GRANDE
4 TRAIL FUND FROM THE ENERGY, MINERALS AND NATURAL RESOURCES
5 DEPARTMENT TO THE ECONOMIC DEVELOPMENT DEPARTMENT; PROVIDING
6 DUTIES TO THE NEW MEXICO OUTDOOR RECREATION DIVISION OF
7 THE ECONOMIC DEVELOPMENT DEPARTMENT TO COMPLETE THE
8 RIO GRANDE TRAIL.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 SECTION 1. Section 9-5C-1 NMSA 1978 (being Laws 2015,
12 Chapter 20, Section 1) is amended to read:

13 "9-5C-1. RIO GRANDE TRAIL COMMISSION CREATED--
14 MEMBERSHIP--FUND CREATED--ECONOMIC DEVELOPMENT DEPARTMENT.--

15 A. The "Rio Grande trail commission" is created to
16 establish the Rio Grande trail to run the length of the state
17 from Colorado to Texas. The Rio Grande trail shall be a
18 recreation trail for New Mexico residents and visitors to
19 enjoy the natural beauty of New Mexico and the Rio Grande and
20 learn about the culture and history of New Mexico. The trail
21 shall be established in a manner that seeks to minimize
22 environmental impacts and preserve sensitive habitat. The
23 commission shall define and recommend viable path routes of
24 the Rio Grande trail, mitigate challenges related to its
25 establishment and define and recommend other features,

1 facilities and enhancements needed on the trail. The
2 commission shall also make recommendations to the legislature
3 as needed and report annually to the governor and the
4 appropriate interim committees that deal with water and
5 natural resources and rural and economic development. The
6 commission shall consist of members appointed by the director
7 of the New Mexico outdoor recreation division of the economic
8 development department and shall include:

9 (1) the secretary of energy, minerals and
10 natural resources or the secretary's designee;

11 (2) the director of the New Mexico outdoor
12 recreation division of the economic development department or
13 the director's designee;

14 (3) the secretary of Indian affairs or the
15 secretary's designee;

16 (4) the secretary of transportation or the
17 secretary's designee;

18 (5) the secretary of tourism or the
19 secretary's designee;

20 (6) a representative from each of the
21 following:

22 (a) an organization with trail
23 management experience;

24 (b) the state parks division of the
25 energy, minerals and natural resources department;

1 (c) an organization that specializes in
2 river ecology and conservation, with specific experience in
3 the stated area of the organization's expertise; and

4 (d) an organization that specializes in
5 bird ecology and conservation, with specific experience in
6 the stated area of the organization's expertise; and

7 (7) two members of the public interested in
8 the Rio Grande trail development.

9 B. The director of the New Mexico outdoor
10 recreation division of the economic development department or
11 the director's designee shall serve as the chair of the
12 commission and invite federal entities to be a part of the
13 commission as non-voting members, including the:

- 14 (1) bureau of land management;
- 15 (2) bureau of reclamation;
- 16 (3) international boundary and
17 water commission;
- 18 (4) national park service;
- 19 (5) United States army corps of engineers;
- 20 (6) United States fish and wildlife service;
- 21 (7) United States forest service; and
- 22 (8) offices of the New Mexico
23 congressional delegation.

24 C. The commission shall collaborate and cooperate
25 with the national park service's historic trails project for

1 the El Camino Real historic trail from Mexico to northern
2 New Mexico when appropriate.

3 D. The commission shall be administratively
4 attached to the economic development department and staffed
5 by the New Mexico outdoor recreation division. Members of
6 the commission are entitled to per diem and mileage as
7 provided in the Per Diem and Mileage Act and shall receive no
8 other compensation, perquisite or allowance, contingent upon
9 money being available for this purpose.

10 E. The commission shall:

11 (1) meet at least three times annually;

12 (2) define and recommend viable path routes
13 of the Rio Grande trail that shall be contiguous where
14 possible and include only land that is expressly authorized
15 by the owner, including Indian nations, tribes or pueblos,
16 for inclusion in the Rio Grande trail and not to be acquired
17 by eminent domain;

18 (3) mitigate challenges related to the
19 Rio Grande trail's establishment, including facilitating
20 negotiations and discussions with landowners and
21 jurisdictions surrounding the Rio Grande;

22 (4) define and recommend other features,
23 facilities and enhancements needed on the Rio Grande trail;

24 (5) identify opportunities for river
25 recreation along the trail;

1 (6) establish a Rio Grande trail commission
2 website to publish meeting notices, meeting minutes,
3 commission trail recommendations and other appropriate
4 materials;

5 (7) ensure that any recommended designation,
6 construction and use of the trail will minimize environmental
7 impacts;

8 (8) endeavor to avoid areas of significant
9 habitat value and ensure that any recommended designation,
10 design, construction or use of the trail will minimize the
11 impact on habitat;

12 (9) consider the impacts on private and
13 commercial interests;

14 (10) make recommendations to the legislature
15 as needed;

16 (11) prepare and report annually to the
17 governor and the appropriate interim legislative committees
18 related to water and natural resources and economic
19 development;

20 (12) consult with representatives of the
21 following regarding issues within their jurisdiction in
22 development of the Rio Grande trail:

23 (a) each of the conservancy or
24 irrigation districts served by water in the Rio Grande;

25 (b) acequias adjoining the Rio Grande;

1 (c) counties adjoining the Rio Grande;
2 (d) land grants adjoining the
3 Rio Grande;
4 (e) municipalities adjoining the
5 Rio Grande; and
6 (f) Indian nations, tribes or pueblos
7 adjoining the Rio Grande;

8 (13) actively engage the public in the
9 planning process of the Rio Grande trail and display meeting
10 notices, meeting minutes and official commission trail
11 proposals on the Rio Grande trail commission's website;

12 (14) where feasible, develop multiple
13 options of trail routing, construction design and potential
14 enhancements;

15 (15) prior to making any final decisions
16 regarding trail designation, design or construction, hold
17 public meetings and allow for a written comment period to
18 solicit public input;

19 (16) make a final recommendation based on
20 all factors, including public comments and environmental
21 impacts;

22 (17) to the extent feasible, select existing
23 trails for the route of the Rio Grande trail;

24 (18) to the extent feasible, in the case of
25 non-motorized existing trails, avoid widening these trails;

1 (19) in the case of new trails on public
2 lands, construct the trails for non-motorized use; provided,
3 however, that such trails may, but are not required to, be
4 open to power-driven mobility devices for individuals with
5 mobility impairments; and

6 (20) to the extent possible, avoid
7 introduction of non-native material on the trail.

8 F. The New Mexico outdoor recreation division
9 shall actively work to complete the Rio Grande trail,
10 including identifying and pursuing trail segment
11 designations, facilitating construction of new trail
12 segments, shelters and other infrastructure needed to support
13 short- and long-distance use of the Rio Grande trail and
14 educating entities with potential trail segments about the
15 Rio Grande trail and actively seeking their support.

16 G. Eminent domain shall not be used to establish
17 or construct the Rio Grande trail or features, facilities or
18 enhancements associated with the trail.

19 H. The "Rio Grande trail fund" is created in the
20 state treasury. The fund consists of appropriations,
21 donations, grants to the fund, income from investment of the
22 fund and money otherwise accruing to the fund. Money in the
23 fund shall not revert to any other fund at the end of a
24 fiscal year. The economic development department shall
25 administer the fund, and money in the fund is subject to

1 appropriation by the legislature to the economic development
2 department for the New Mexico outdoor recreation division to
3 develop, establish and support the Rio Grande trail. Money
4 in the fund shall be disbursed on warrants signed by the
5 secretary of finance and administration pursuant to vouchers
6 signed by the secretary of economic development or the
7 secretary's authorized representative.

8 I. For the purposes of this section, "commission"
9 means the Rio Grande trail commission."

10 SECTION 2. Section 16-3-4 NMSA 1978 (being Laws 1973,
11 Chapter 372, Section 4, as amended) is amended to read:

12 "16-3-4. STATE TRAILS SYSTEM CREATED--TYPES OF TRAILS--
13 PLANNING.--

14 A. There is created a "state trails system"
15 composed of:

16 (1) "state scenic trails", which are extended
17 trails so located as to provide maximum potential for the
18 appreciation of natural areas and for the conservation and
19 enjoyment of the significant scenic, historic, natural,
20 ecological, geological or cultural qualities of the areas
21 through which such trails pass;

22 (2) "state recreation trails", which are
23 trails designed to provide a variety of outdoor recreational
24 uses in or reasonably accessible to urban areas and, where
25 appropriate, shall connect parks, scenic areas, historical

1 points and neighboring communities;

2 (3) "state historical trails", which are
3 trails designed to identify and interpret routes that were
4 significant in the prehistoric settlement or historical
5 development of the state; and

6 (4) "special use trails", which are trails
7 that may provide uses also provided by scenic, recreation and
8 historical trails but which shall not be limited to such
9 uses. The secretary may designate special use trails in such
10 locations as the secretary deems appropriate and may limit
11 the use of such trails to such special users as the secretary
12 determines. In designating special use trails, the secretary
13 shall give due regard to the interests of users who have
14 needs of a special nature that are not fulfilled by other
15 trail types comprising the state trails system.

16 B. State trails shall be supplemented by support
17 facilities deemed necessary and feasible by the secretary.
18 These facilities shall comply with department of environment
19 standards and regulations.

20 C. In the planning and designation of trails, the
21 secretary shall give due regard to the interests of federal
22 or state agencies, counties, municipalities, private
23 landowners and interested individuals and recreational and
24 conservation organizations. The secretary shall give full
25 consideration to the inclusion of trails from all categories

1 within the system.

2 D. The secretary shall prescribe the uses and
3 limits of each type of trail.

4 E. Separate trails may be established for motorized
5 vehicles but shall not be trails designated for horseback
6 riding, hiking or bicycling.

7 F. Before making a final designation of any trail,
8 the secretary shall:

9 (1) hold a public hearing after proper notice
10 within the affected county and area; and

11 (2) as a result of the hearing, adopt a
12 finding approving or disapproving the trail based upon
13 evidence as to the adverse effects that the trail has on the
14 holders of any interest in the lands in the proximity of the
15 trail.

16 G. The provisions of the State Trails System Act
17 relating to the planning and designation of trails do not
18 apply to the Rio Grande trail.""

19 SECTION 3. TEMPORARY PROVISION--TRANSFER OF
20 APPROPRIATIONS, RECORDS AND CONTRACTS TO THE ECONOMIC
21 DEVELOPMENT DEPARTMENT.--On the effective date of this act:

22 A. all functions, appropriations, money, records
23 and files of the energy, minerals and natural resources
24 department relating to the Rio Grande trail commission and
25 establishment of the Rio Grande trail shall be transferred to

1 the economic development department;

2 B. all contractual obligations of the energy,
3 minerals and natural resources department relating to the
4 Rio Grande trail commission and establishment of the
5 Rio Grande trail shall be binding on the economic development
6 department; and

7 C. the rules, orders and decisions of the energy,
8 minerals and natural resources department relating to the
9 Rio Grande trail commission and establishment of the
10 Rio Grande trail shall remain in effect until repealed or
11 amended. _____

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