



**Aubrey Dunn**  
**COMMISSIONER**

*State of New Mexico*  
*Commissioner of Public Lands*

310 OLD SANTA FE TRAIL  
P.O. BOX 1148  
SANTA FE, NEW MEXICO 87504-1148

**COMMISSIONER'S OFFICE**

Phone (505) 827-5760  
Fax (505) 827-5766  
[www.nmstatelands.org](http://www.nmstatelands.org)

February 15, 2018

The Honorable Kirstjen M. Nielsen  
Secretary of Homeland Security  
Washington, DC 20528

Dear Secretary Nielsen:

I am writing with regard to the Department of Homeland Security's occupation and use of New Mexico state trust lands along the United States–Mexico border.

As New Mexico's State Land Commissioner, I manage New Mexico's state trust lands from which my agency generates critical funding for public schools, universities, hospitals, and several other institutions.

Due to the nature of various pieces of legislation introduced this year during New Mexico's legislative session concerning the U.S.–Mexico border wall system, I launched an investigation which revealed that the federal government has installed a border wall, infrastructure, and roads on state trust lands without state authorization and without compensation to the state trust.

In certain areas, these improvements were installed within the 60-foot area reserved to the U.S. under the 1907 proclamation issued by President Theodore Roosevelt. However, one section of state trust land, located east of the Santa Teresa Port of Entry (Section 16, Township 29S, Range 3E, N.M.P.M.), was conveyed to the Territory of New Mexico under the 1898 Ferguson Act before issuance of the Roosevelt proclamation in that section.

New Mexico State Land Office's recent investigation discovered a one-mile stretch of wall, a four-strand barbed wire fence, and two 50-foot wide roads encroaching onto state trust lands.

In addition, on another section further west (Section 16, Township 29S, Range 8W, N.M.P.M.), where the Roosevelt proclamation applies, the U.S. has installed electric lights and a structure and is maintaining a road outside the proclamation area on state trust lands.

There is no recorded documentation or agreement approving these encroachments, therefore I am eager to resolve the matter and receive compensation from the federal government for the use of state trust lands.

Please contact my office to begin the application process subsequent of which the State Land Office rights-of-way division will issue an easement to the Department of Homeland Security.

Sincerely,

A handwritten signature in black ink, appearing to be "Aubrey Dunn", is written over the typed name and title.

Aubrey Dunn  
State Land Commissioner