

Gallup Land Partners get tax break on mine land

Written by By Deswood Tome Sun Correspondent
Friday, 27 October 2017 08:20



Tax rate lowered for proposed recreational AREA

With one dissenting vote against the proposed recreational development, the McKinley County Board of Commissioners approved a \$2.75 million tax break for the Gallup Land Partners to proceed in creating a multi-purpose recreational park on land with numerous closed-down coal mines.

On Oct. 17, Commissioners Carol Bowman-Muskett, chair, and Bill Lee approved the resolution that grants the county to lower the annual tax rate per acre from \$405 to \$1. Commissioner Genevieve Jackson cast the dissenting vote.

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The vast open land, 6,792 acres, sits just north of the Gallup outdoor market, up to the south end of China Springs, east of U.S. 491.

But it's unclear how the land will be of any use given the warning signs to stay away from the area dotted with mines.

A representative of Gallup Land Partners spoke at the meeting, saying that all is safe on the property.

"When we purchased this property all the mines have been reclaimed — there are no dangers," Adam Wilkey told the commission.

Wilkey is the administrative service manager for the Gallup Land Partners.

"I have never seen anything that poses a threat," he said. "There is a couple of events ... little tiny cracks and felt a little steam" from the ground on the property.

ADVENTURE GALLUP

At the center of the measure was Bob Rosebrough, president of Adventure Gallup, the organization that is at the front and center of the creation of outdoor tourism in Gallup via biking and walking trails.

"The land owner, Gallup Land Partners, has entered into an easement with the City of Gallup," Rosebrough said, for "purposes of recreational use, archery, horseback riding, hiking, biking."

They (Gallup Land Partners) are giving it to the public for use," Rosebrough added. "They are not seeking to make money on it."

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A grant of easement was approved over the Summer by the Gallup City Council for the Gallup Land Partners. The public easement grants the organization use of the property for recreation.

Gallup Land Partners' address is listed in Hurricane, UT, and they are registered as a limited liability company in the state of Delaware.

Rosebrough explained that the property is "revenue neutral, no loss or gain."

"What's being asked of the county is not to take any liability or expense," he said.

But if Gallup Land Partners decides it wants to develop the land for commercial purposes, the \$1 per acre tax deal is off the table.

"If the landowner wanted ultimately to see it fortuitous they would go to the city and remove the easement off the land. It would be valued at full value," County Attorney Doug Decker said. "If they choose to develop the land for commercial purposes, they would be required to pay property taxes."

IS IT REALLY SAFE?

Beth Wojahn, spokesperson for the state's Abandoned Mine Land program, didn't express confidence about the safety of the land in question, and responded to the Gallup Sun's request on the matter Oct. 24.

"The Abandoned Mine Land Program is currently updating and reconfirming the inventory of the mine features," she stated, in an email. "The work indicates that abandoned mine land hazards remain in the area."

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Invited to speak before the commission the same day the measure was on the table for commissioners to vote on, was Bruce Williams, a local cattle rancher. Williams explained that the Abandoned Mine Land office responded to him in February and April 2015, stating the land is closed.

Williams placed a yellow metal warning sign in front of the podium as he addressed the commission. The sign reads: "Warning! Stay Out! Stay Alive! Dangers Await Inside."

Similar signs surround the property are also in Navajo and Spanish languages.

Williams handed the commissioners a packet with pictures. One picture showed a heat monitor that was placed on the ground by an Abandoned Mine Land worker. The heat rose to 200 degrees in less than three minutes, an indication of an underground fire caused by remnants of oxygen getting into the abandoned coal mines.

The New Mexico Bureau of Geology and Minerals Resources, in open file report titled "530, August 2010," reports that there are 129 known coal mines in and around Gallup and in underground tunnels.

Given an opportunity to respond about the safety of the land, Rosebrough said they met and worked with Lloyd Moiola, compliance coordinator for the New Mexico Abandoned Mine Land program.

Commissioner Jackson asked Rosebrough for a letter from the New Mexico Abandoned Mine Land program that states that the area has been "reclaimed" or in other words is now safe.

He told her that he would obtain a letter from the agency.

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Jackson followed with a concern stating, "I have heard that story before. In Indian Country we have abandoned mines and we've heard promises. To me this whole thing raises a red flag."

Commissioner Bowman-Muskett asked Wilkey if the warning signs have been removed to which he replied the signs are still in place.

TAX VALUATION

The county resolution states: "The tax valuation for economic development purposes shall be equated to that used for 'Grazing Land' is valued for real property taxes."

The county uses the tax valuation to lower or higher the applied tax rate on land in the county.

"That's the other thing," Williams said, referring to the low tax rate deal as yet another problem with the commission approving the resolution.

He said the Gallup Land Partners are not ranchers nor do they have cattle to graze on the land.

Decker said, in response, that there is no county tax exemption for recreational use. The county is using the lowest tax rate that applies to cattle grazing to adjust taxes for economic development.

County Assessor Kathleen Arviso says that the county increased the annual tax rate to \$405 an acre after it was not being used to graze cattle by the owner, the Gallup Land Partners.

The Commission's measure lowered that down to \$1.

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