



## AMIGOS BRAVOS FRIENDS OF THE WILD RIVERS

Dear Friend of Wild Rivers,

We are writing to you today to ask you to help protect the Rio Grande River, its watershed and all of New Mexico's rivers.

You can begin helping by making a tax-deductible contribution of as little as \$25 to become a member of Amigos Bravos.

This year is a critical time for New Mexico's rivers and the fish, wildlife and people who depend on them. In the dry lands of New Mexico, water is life, and rivers provide the lifeblood that allows communities to survive.

Over the past fifty years, the Rio Grande has declined to the point that the American Medical Association has labeled the lower reaches "a virtual cesspool." In 1993, American Rivers named the Rio Grande the most endangered river in North America.

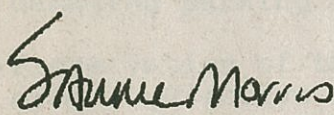
At Amigos Bravos, our mission is to return the Rio Grande and all of New Mexico's rivers to drinkable quality wherever possible. We want to prevent the destruction of threatened and endangered species while maintaining the environmentally sound and sustainable ways of life of the indigenous cultures.

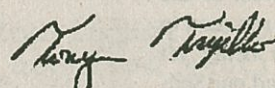
We need to educate the Legislature, other elected officials and the public about the central role that rivers play in sustaining all life. To begin that process, we're spearheading a statewide effort to assess the health of every river in New Mexico. With that information, we'll be better able to propose comprehensive laws to protect and reclaim our rivers.

Please join Amigos Bravos today and give as generously as you can. Your contribution of \$100, \$50, \$25 - or whatever you can afford - will help us become a stronger more effective statewide voice for New Mexico's rivers.

Remember - Agua es Vida - Water is Life - and we need your help to protect it.

Sincerely,

  
Sawnie Morris  
Executive Director

  
Tony Trujillo  
President

P.S. When you join Amigos Bravos, you'll receive our monthly Membership Bulletin informing you of current river issues, what we're doing to address those issues, and specific ways you can help.

P.O. BOX 238 ■ TAOS, NM 87571 ■ 505/758-3874 PHONE/FAX

## Property Rights are Not Absolute

[This editorial is reprinted from the March 26, 1994 Atlanta Constitution. At press time, the U.S. Supreme Court made its decision, 5-4 in favor of the hardware store. The Sierran will explore this decision and its impact on environmental regulation in an upcoming issue.]

How much power does government have to regulate the use of private property?

The answer is critical. It will dictate whether cities and counties will be able to sustain the quality of life in our neighborhoods, and whether government at any level will be able to protect the environment effectively. Part of the answer may come...when the U.S. Supreme Court...rule[s] in a case it heard [in March].

The case involves a hardware store in Tigard, Ore., which applied for a permit to double the size of the store and to pave a large parking lot in the floodplain of a local stream. Because the project would have increased traffic on an already congested road, and because the parking lot would have increased storm runoff downstream, raising the risk of flooding, Tigard officials could have rejected the application outright.

Instead, they offered what amounted to a deal. The application would be approved if the hardware store agreed to dedicate a small part of its property to a stormwater-control project to offset its floodplain impact, and to a bicycle-pedestrian path to offset the impact on the city's transportation system.

The owners of the hardware store refused.

Under their concept of property rights, they want to be free to build a parking lot in a floodplain, even if it means that downstream neighbors will get flooded. They want to inflict additional traffic on a crowded street, even if it forces higher taxes on their neighbors.

In other words, they want the gain, while everybody else gets the pain.

The hardware store's legal fees are being covered by a conservative legal foundation in Oregon. Among those filing briefs in support of the store's position are the American Farm Bureau and the Atlanta-based Southeastern Legal Foundation and Georgia Public Policy Foundation.

The latter two groups, along with the Georgia Farm Bureau, supported a bill in the Georgia Legislature this session that would have gutted local land-use laws in the state. The bill died, but its backers are not likely to give up.

Across the country, in Congress and in state legislatures, in state and federal courts, those and other groups are pressing the absolutist claim that any government regulation of land use is illegal. The courts so far have rejected that contention and should continue to do so.

## Deardorff to fill Land Use position

Dr. David Deardorff has been selected to fill the Land Use Specialist-Biologist position at the New Mexico State Land Office. His outstanding career in the biology profession spans over 20 years with experience in field botany, plant taxonomy, writing conservation management plans and developing a plant community classification system for New Mexico.

Dr. Deardorff's career started at Washington State University, where he obtained an Associate Degree in Zoology and a Bachelor's Degree in Botany. He went on to obtain his Doctorate from the University of Washington in Botany, with an emphasis in biosystematics.

Dr. Deardorff has been employed in both public service and the private sector. As part of his public service, he has been a Research Biologist at the Los Angeles Arboretum, Staff Ecologist and Director with the New Mexico Natural Resources Department - Resources Survey Section, and Research Associate and Coordinator with the University of Hawaii.

In the private sector, Dr. Deardorff was Vice President and Co-Founder of Plants of the Southwest, Inc. in Santa Fe, Project Manager and Consultant for International Resources Group, Research Director and Owner of Island Biotropix Laboratory, Consultant for the World Bank, and Director of KDI Plant Science Consultants.

In his new position, Dr. Deardorff will be responsible for evaluating the relative abundance, distribution, and status of biological resources on State trust land. Further, he will be responsible for developing methods for integrating biological information into the land management decision process to ensure State Land Office activities are conducted so as to maintain ecological integrity consistent with trustee responsibilities.

## New Chapterwide Ski Committee

by John A Turnbull

If you don't believe it, ask any bear, otter, weasel, seal, or child: sliding on snow is a lot of fun, and good for the soul. Humans enjoy it as well, and have for about 10,000 years. As a result of many discussions during the past couple of ski seasons, it has been proposed that we should introduce more humans to sliding around, particularly sliding around on skis. With the consent of the powers that be, several of us have decided to form a Chapter ski committee. Its purposes, as thus far suggested, would be as follows:

(1) Expand skiing opportunities for members in the southern latitudes who are now deprived.

(2) Visit and publicize places to go for everyone, Chapterwide.

(3) Evaluate present Chapter policies and practices related to skiing, especially with regard to safety and risk containment.

(4) Research and publish guidance brochures for ski tour leaders and participants.

(5) Provide advice and information to Chapter and group leadership on conservation issues which may be affected by or impact skiing, in all its forms.

(6) Plan Chapterwide ski outings, including the hosting of other chapters for joint ski adventures.

(7) Devise introductory programs for special groups such as children, the elderly, etc.

(8) Provide an interface for the Chapter ExCom for outside enquiries related to skiing.

(9) Expand the present Chapter program of Nordic ski instruction.

(10) Do a lot of skiing.

So far, we have six enthusiastic committee members from throughout the Chapter area, and we wish to extend an invitation to others who may be particularly interested, and willing to expend a bit of effort. It could be very productive. Phone John Turnbull at (505) 466-9329 if you are interested.



# Rangeland Reform

(continued from page 1)

prospective vegetation improvement rather than actual results, and we oppose any ceiling on the proposed rise in grazing fees that would be brought into play merely by blocking acceptance of criteria for the incentive (whether by us or by ranchers, who agree that all permittees should manage for the environment and who share our suspicion of incentives).

August's draft proposal to limit permits to five years for operators who have not proven that they are good stewards has been dropped; it should be reinstated. Perhaps one could suggest that increased permit terms, rather than fee reduction, should be the reward for good stewardship.

## Praiseworthy Provisions

Specific provisions of the Proposed Action to be praised are (1) elimination of the requirement that five years of monitoring must precede any required change of grazing practice; (2) elimination of the requirement that changes in stocking rate must be phased in over five years; (3) elimination of the restriction that only "affected interests"—determined by BLM—can participate in grazing decisions; (4) strengthening of provisions that violation of state or federal laws will lead to the loss of a grazing permit; for instance, illegal use of poisonous bait or hazardous devices or pesticides; (5) change in definition of "grazing preference" to eliminate mention of specific numbers of livestock; (6) elimination of the requirement that permittees must be in the ranching business and have base property; (7) broadening of allowable uses for range betterment funds (which come from grazing fees); (8) elimination of the automatic "stay" of grazing decisions that are under appeal; (9) easing of provisions for "conservation use"—non-grazing—for up to ten years; and (10) provision that new range developments, including water, will be owned by the United States. All of these changes are under attack by ranch interests and any could be lost from the proposal.

## Alternative 4

The Environmental Enhancement alternative (#4) does better than the Proposed Alternative on several specific issues as well as in its general emphasis on ecosystem health. It would prevent BLM permittees from pasturing someone else's stock (already true for

the Forest Service). BLM permittees who had permits canceled for violating laws or grazing regulations would—like Forest Service permittees—be disqualified from holding any permit for up to three years. Under this alternative, additional forage could not be allocated above current preference or permitted numbers, even after desired ecological conditions are reached. "Suspended non-use," a category listed on permits and used to protect their value, would be eliminated. Each of these points could be suggested as modifications of the proposed action or as reasons for preferring Alternative 4. This Alternative calls for a 53% decline in forage consumption by livestock on BLM lands and 45% on Forest Service lands in the short term, and 30% and 29% in the long term—figures that exceed much smaller declines in Alternatives 1 and 2. Part of the decrease would

result from elimination of grazing in wilderness. However desirable, banning livestock from wilderness would be contrary to law (the Wilderness Act) and this part of Alternative 4 seems like a trick: the Senate would not pass legislation to legalize the regulation; those who advocate all of this alternative would be favoring an illegal regulation and increasing opposition to designation of BLM wilderness.

There are arguments for campaigning against all public-land grazing; Andy Kerr of the Oregon Natural Resources Council wrote a good editorial to this effect in the June 13 *High Country News*. But with a solid reform proposal before us, it seems right to support it with all the knowledge and fervor that can be mustered, and that, rather than "cattle-free," is the Club's position. At this stage, that means thousands of letters, please!

## Changes in Fundraising, Member Services

by Ford Robbins

Over the past several months, important changes have occurred within the Sierra Club concerning direct mail solicitations, telephone calls and Membership Services that we believe you should know about.

At its last meeting, the Board of Directors adopted changes in the budget proposed by a special task force that have the effect of eliminating Office of Development direct mail solicitations. What this means is that you should no longer receive mail solicitations from the national fundraising office, resulting in a significant drop in Sierra Club mail solicitation. The Conservation Department will continue to send mailings, some of which may contain a fund solicitation, but even these will be better controlled. And expect some mailings from the Sierra Club Legal Defense Fund because of an agreement reached many years ago. But the steady stream of mail should be reduced to a trickle.

While national telephone solicitations will continue, the emphasis has been shifted to prospects at a higher giving level. This should further reduce the incidence

of fundraising solicitations which a lot of us have complained about.

Highlighted elsewhere in this issue of the *Sierran* is the new number for Membership Services, which you should call to change your address, telephone number, etc. The Sierra Club has moved to a new computer system and a new computer service bureau. As a result, if you call to correct your membership record, the change will be entered into the computer within 36 hours (frequently, it will be done "on the fly") so that all necessary changes to assure continuation of *Sierra* and the *Rio Grande Sierran* at your new address should be completed before publication of the next issue. One important service within Membership Services is that you can request that your name be removed from any solicitation list. If you wish to remove your name from mail or phone solicitation, or both, just call Membership Services.

If all else fails, please feel free to call Ford Robbins at 505-466-7665. He will see that the necessary changes are made.

# Rangeland Reform '94 Hearings in Las Cruces

by Marianne H. Thaeler

On June 8, 1994, hearings were held throughout the western United States on the Draft Environmental Impact Statement for the proposed new rules and regulations for grazing reform.

## "People of the West"

As Chair of the Southern New Mexico Group, I attended the hearings in Las Cruces. I arrived at 8:25 a.m. at the Aspen Room of the Best Western Motel on Avenida Mesilla, where it was advertised that the Rangeland Reform '94 Hearings were to take place. I had prepared testimony in hand. As I approached the room, I saw a 3 by 5 foot sign tacked on the side of the door which said "People of the West Meeting Here." As I walked up the ramp, people asked me, "Are you here for the People of the West meeting?" When I entered the first of a set of double doors, I noticed a small table with a stack of papers entitled "Referendum." When I entered the second door, I found a long table. A Bureau of Land Management employee behind the table asked me if I wanted to sign up for People of the West. I just stood there. I heard my name called and turned my head. The Las Cruces District BLM Manager was standing next to me. She asked, "Planning to testify?" I replied, "I don't know. I was just asked by BLM to sign up for People of the West." Then she commented, "Going to see how the wind blows?" I walked forward and, at the end of the table, the Public Affairs Officer of the Las Cruces BLM District asked me if I wanted to sign up to testify. Again I said, "I don't know." I walked to the end of the room, stood, and observed what was happening at the door. The District Manager was continuing to greet people as they entered the room. I walked back to her and said, "I am lodging an official complaint against the sign at the door and the sign-up sheets for People of the West being in the room. Also, does the motel management know there is a sign tacked to their property?" She replied, "I'm sure not." I left the building at 8:40 a.m., went home, and called Sierra Club members and activists to verify what I had witnessed. (Later, I learned that they had and had lodged a complaint with the motel management, who had the sign removed.)

At 10 a.m., I returned to the Hearing. The sign which had previously been next to the

door was now on the back of a pick-up truck across from the entrance. As I went through the first door, I noticed the same stack of papers labeled "Referendum," and clip-boards with sign-up sheets. As I entered the second door, I noticed the long table was empty except for the sign-up sheet to testify.

The Hearings began and people were allowed to say anything they wanted for 5 minutes. At the front table were a Hearing Officer, a representative of the Forest Service from the Lincoln National Forest, the Las Cruces BLM District Manager, and an attorney from Interior Secretary Babbitt's office. In the front row, there was a woman taking a verbatim transcript of the proceedings.

## Testimony

By late afternoon, I had the courage to read my prepared testimony. Here it is:

"On behalf of the Southern New Mexico Group of the Sierra Club, I wish to give the following testimony on Rangeland Reform '94.

"The proposed Rules and Regulations for the BLM and the Forest Service do not adequately address some facts that all reasonable people should agree with.

"First, there are some places where grazing should not take place (lands that are not SUITABLE for grazing). For example: places where there is no grass, alkali flats, lava flows, playas, mountaintops and areas where desertification has already begun. If necessary, I can give specific examples of each of these where Sierra Club members have seen livestock grazing.

"Another example: arroyos, streams, and wetlands, called riparian areas, ESPECIAL-ly springs, streams, and wetlands in the National Forests. And even more especially in springs and streams which may end up as the source of domestic drinking water, as is true in the Lincoln National Forest. In the Gila Forest, cows do not belong in riparian areas where the vegetation has been eaten and stream banks eroded away and damaging downstream flooding occurs.

"Rangeland Reform '94 must think of what is best for our natural resources, for all our sakes.

"Another example: archaeologic sites where we have seen ancient walls pushed over and artifacts damaged by livestock. Old

forts are one example.

"There are some places where rare and wondrous plants and animals live, that are the sources of potential cures and new knowledge which may help us all to survive.

"Second Comment: To insure that there is no misunderstanding of what good grazing practices entail, there need to be national minimum uniform standards and guidelines that will be implemented. I could site examples of Permittees in both the National Forests and on BLM lands who have never, NEVER EVER, lived on their ranches. Minimum national standards and guidelines would assure the public and the Permittees that our lands are not being destroyed for immediate gain at the expense of longterm viability.

"Third Comment: Ranching is a business. It is a business that should pay fair market value for forage. All markets adjust to supply and demand and, over time, prices vary. Rising fees for limited supplies of forage must be expected. Ranches which are not businesses, but, rather, recreational opportunities or income supplements, must be run like businesses and pay fair market value for forage or they will not survive, Rangeland Reform or no Rangeland Reform.

"And a Final Comment regarding Advisory Councils. These Councils will only work if there is mutual respect between all parties and minimum national standards and guidelines to work from. There cannot be an "Us/Them" mentality. For example, my first name is not DAMN, although I have been called that both to my face and in writing. I am a reasonable and forgiving person. But, when a Sierra Club member has an index finger pointed at their head and is told, 'I'm praying for you,' this conduct should not be tolerated by anyone and should be chastised by all. We believe that Advisory Councils should be experimental, in the hopes that reasonable people can be found who will show mutual respect. If not, Advisory Councils could be abolished.

"Thank you for the opportunity to comment."

Specific written comments to Rangeland Reform '94 will be accepted by the BLM until July 28. See the article on page 1 for further information on how to comment.