



# rio grande SIERRAN

Volume XIII, Number 4

RECEIVED MAY 23 1976

May 1976



## BLM ORGANIC ACT CORRUPTED!

It will seem ironic to those who recall the Sierra Club's strong support of the BLM "Organic Act" in recent years, but a situation is firming up where the Club will be fighting to kill the House's latest version of the Organic Act.

The term "organic act" refers to the basic legislation behind the functioning of a land agency defining its purposes, operating procedures and limits. It is a strange quirk in the history of American public land administration that the Bureau of Land Management has never had an organic act. In the absence of such a basic mandate the agency has had to make do basing its actions on 3000 laws (!) passed down by the Congress over 170 years.

The Club still strongly favors the passage

of an organic act, but it all depends on how it's done. In a recent telephone interview, John McComb, Southwest Representative of the Sierra Club, listed the main ingredients of an organic act the Club would favor:

- 1) The Organic Act should provide a coordinated legal framework for the agency, defining multiple use policy with a strong environmental emphasis and a long-range view of sustained-yield.
- 2) The Act should provide for enforcement authority for the agency.
- 3) The Act should repeal the many archaic laws currently on the books.
- 4) The Act should contain a clause which brings the BLM under the authority of the Wilderness Act.

(Continued on page 4)

# CLEAN AIR THREATENED

*This article has been plagiarized predominantly from two sources: Clean Air and Water's April 17 article in the Los Alamos Monitor and an article on the Moss Amendment in the April 30 National News Report.*

Six years of assault on the Clean Air Act of 1970 by major polluters have reached a critical moment this month. Committees in both houses of Congress have reported out bills containing amendments to the Act.

The bills (HR 14098 and S 3219) were in markups in the committees for over a year, reflecting the controversy surrounding them. Due to compromises along the way, the amendments are substantially weaker than when first written. They are complicated and need strengthening in several areas.

But the "no significant deterioration" amendment is vital to preserve the scenic beauty of the Southwest which is threatened by vast emissions of pollutants from coal-fired power plants to be constructed in the next ten years.

Some areas may experience 70 to 80 per cent reduction in visibility from smog generated by the plants.

## Significant Deterioration

Both House and Senate bills currently contain significant deterioration amendments under which National Parks and most Wilderness Areas in the West are designated as "Class 1" areas. In the Senate version the Class 1 designation would apply to National Parks and Wilderness units of over 25,000 acres; the House version, at the moment, is most inclusive bringing under Class 1 protection National Park and Wilderness units of over 5000 acres.

"Class 1" would mean that very little pollution over what already exists would be allowed -- an increase in pollution of only 2% of the national ambient air quality standards from each new source.

A "Class 1" designation means that a major source of pollution would not be allowed to locate anywhere such that its emissions would have an adverse impact on the air quality values (such as visibility) over the parks.

## Best Available Control

Another important provision requires new pollution sources to use the best available technology, even though they may meet the Class 1 or Class 2 "no significant deterioration" increments without it. This will prevent the first industry to move into a clean area from polluting up to the legal limit and thus halting the areas industrial growth. It further removes the incentive for industry to relocate into clean air areas, in order to avoid the cost of pollution control that would be required in other parts of the country.

## Industry Opposition

These key provisions are in great danger of being eliminated on the floor of the House and Senate due to the massive and sustained opposition generated by numerous industries.

Industry admits to having spent almost a million dollars to defeat the "no significant deterioration" amendments alone. In a memo to member companies of the American Mining Congress, AMC president J. Allen Overton, Jr. has urged company officials to "Contact immediately, personally . . . Senators whom you know and request them to support deletion -- when it is taken up in the Senate -- of the "no significant deterioration" provision of the upcoming Senate bill."

Senate floor action was to have begun on May 4th, but due to the absence of some of the principal Senate leaders that body will not debate the bill until early June, meaning that floor action in House and Senate will likely occur at the same time -- a crucial time for Southwestern air quality.

## The Moss Amendment

When the Senate begins debate, Senator Frank Moss (D-Utah) will offer an amendment to eliminate the significant deterioration protection contained in the Senate bill and substitute a one-year study of non-degradation. This amendment, backed by the Chamber of Commerce (see "The Attack on Clean Air" in the Sierran, Jan. '76) and the electrical utilities, would have the

effect of retaining the relatively weak current EPA policy on non-degradation, and would eliminate the stringent protection for National Parks and Wilderness Areas. The Moss amendment would also eliminate the requirement that each new source use best available control technology as determined by the state, thus allowing new sources to be far dirtier than they would be under the committee bills. EPA studies show that virtually any kind of well-controlled source can be built under the Senate bill, including power plants which are apparently Senator Moss's concern.

*It is imperative that all members of the Senate hear from their constituents on this issue. They should be impressed with the fact that the significant deterioration protection accorded by the Senate bill is a realistic and essential improvement to existing law, particularly in light of the myriad concessions and delays provided to the polluting industries by this bill.*

The address for all Senators is: Senate Office Building, Washington, D.C. 20510.

The address for Congressmen is: House Office Building, Washington, D.C. 20515.

The Washington offices of Senators and Congressmen can be reached by calling the Capitol operator at (202) 224-3121.

The inexpensive way to make contact is to call the local offices. Your message will be relayed to Washington.

Senator Joseph Montoya	
Santa Fe	(505) 988-6461
Albuquerque	766-2551
Senator Pete Domenici	
Santa Fe	988-6511
Albuquerque	766-3481
Roswell	622-9272
Las Cruces	525-7433
Congressman Manuel Lujan	
Santa Fe	988-6521
Albuquerque	766-2538
Las Vegas	425-7838
Congressman Harold Runnels	
Lovington	396-2252
Las Cruces	863-3400

Congressman Richard White	
El Paso	(915) 545-7650

The Senators in Texas are John Tower and Lloyd Bentsen.

A strengthening amendment to the Senate bill will be introduced by Senator Gary Hart (D-Colo.). This will provide Class 1 protection for National Monuments (such as Bandelier, Chaco Canyon and White Sands) instead of Class 2 which allows from 2 to 28 times the amount of pollutants.

Although his record has by no means been perfect, Senator Domenici has been standing firm on "no significant deterioration" as was pointed out by John Ploger of the New Mexico Lung Association at an Earth Day news conference held in Santa Fe April 22. And Domenici will oppose the destructive Moss amendment and has apparently asked Senator Montoya to do the same.

## Action Needed

Unless the public is heard from there is no assurance at all that the final bill will protect the pure air and the blue skies over the Southwest.

It is important to write the entire Congressional delegation (they will be under terrific pressure this month from the electric utilities and the National Chamber of Commerce) but it is perhaps most important for New Mexicans to write to Senator Montoya (with copies to Domenici, Lujan and Runnels).

Senator Montoya should be asked (1) to support "no significant deterioration" (2) to oppose the Moss amendment and (3) to support the Hart amendment (which will extend the Class 1 protection to some of the larger National Monuments).

In writing to Congressman Lujan ask him not to support the Dingell Amendment on Section 203. The Dingell Amendment would freeze auto emission standards at their current levels through 1981, and left it up to the EPA to set standards thereafter, thus abandoning the statutory goals of the Clean Air Act.

## ECO PORN

Southern California Edison had 23 registered lobbyists at the latest budget session of the Utah state legislature (an astronomical number if you stop to consider that 36 people produce all of the Hostess Twinkies consumed in the eastern United States).

# "ORGANIC ACT"

(From page 1)

According to John McComb a bill "pretty well liked" by the conservation community containing these elements was passed this year by the Senate (Senate Bill 507). But it is a different story over in the House where the Subcommittee on Public Lands of the House Interior Committee reported out, in early April, House Bill 5224 which McComb called "a Christmas tree full of little gifts for the special interests". McComb feels that HR. 5224 must be killed unless (and this is not a likely event) it is completely overhauled. The following is a compilation of the serious problems with HR 5224.

## Harms Forest Service Administration

The bill has language which would extend the effect of the legislation to Forest Service lands (The Forest Service already has an Organic Act). The unnecessary extension is simply an attempt to extend the "Christmas tree full of little gifts" to the special interests who utilize Forest Service domain.

## Mining Industry Gets Top Priority

HR 5224 restricts the Interior Department's authority to close BLM lands and National Forests to mining (as in primitive areas, natural areas and scenic areas) and it mandates a review of all existing withdrawals that closed the land to mining, revoking these by 1986 unless they have been renewed under a cumbersome new procedure. The new procedure requires that any withdrawal (new or renewed) over 5000 acres on National Forests or BLM lands be submitted to the House and Senate, where it could be blocked by a resolution of either body. *Even if such a withdrawal took effect, it would expire after 5 years and would again have to run the gauntlet.* This means that mining corporations, with the help of their powerful allies in Congress, would have repeated chances to abolish these conservation areas.

This is intolerable favoritism to the mining industry. The 1872 Mining Law already gives the industry free access to public lands and a right to exploit them

that is enjoyed by no other users. But HR 5224 makes it worse. Mining companies could stake claims and obtain title without restriction, while the Interior Department, BLM and the Forest Service could protect lands with high scenic or wildlife values only by going to Congress.

Conservationists urge that the present withdrawal authority be retained. Only when the 1872 Mining Law has been repealed or drastically reformed can we consider any change in the withdrawal procedure because it is now the only practical defense against abuses in mining.

## Inadequate Law Enforcement

The Public Lands Subcommittee has gutted one of the most-needed provisions of the original BLM Organic Act -- one that provided authority to enforce laws and regulations governing BLM land. At present, BLM is unable to enforce regulations against abuse of the land by off-road vehicles, miners, stockmen and loggers because BLM employees have no authority to enforce laws or arrest violators. Only county sheriffs or state police can do that, but they seldom do. The Subcommittee version of HR 5224 leaves enforcement in the hands of county sheriffs and state police, granting them federal funds to police BLM lands. However, these agencies have no expertise or real in-

terest in natural resources and are subject to pressure from local grazing and ORV interests. If they fail to enforce BLM regulations properly, there is nothing BLM could do about it because HR 5224 requires use of the local police agencies so long as they agree to take the money. Only if these local agencies turn down the money would BLM receive enforcement authority.

The Subcommittee bill incredibly prohibits any fine or imprisonment of violators unless they have violated a state or local law. They could violate a mere BLM regulation with impunity. And to top it off, miners and grazers (anyone who has "specific rights and privileges" granted by an act of Congress) is exempt from fine or imprisonment. You could go to jail for chopping up a BLM picnic table, but a rancher who pastured twice as many cattle as his permit allowed would go scott-free. Conservationists believe BLM must be given the same law

enforcement authority that the Forest Service now has. BLM should have the authority to arrest anyone who violates natural resource laws and regulations on BLM lands, and all violators should be liable to fine or imprisonment, without favoritism to special interests.

## No Enlargement of Wildlife Refuges

The Subcommittee version of HR 5224 prohibits the Interior Department from enlarging any unit of the National Wildlife Refuge System by setting aside public lands. This would keep the livestock and mining industries in control of vital wildlife habitat in the West and in Alaska that should be added to existing wildlife refuges and ranges in order to give wildlife values first priority. Under the Subcommittee version, such additions could be made only by act of Congress. In addition, it is conceivable that the bill may be aimed at

**The Rio Grande Sierran**

Published monthly by the Rio Grande Chapter of the Sierra Club. Subscription rate for non-members is \$2 per year.

Editorial material and letters may be sent to the editor at: 558 East DeVargas St., Santa Fe, N.M. 87501.

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Circulation: Michele & Michael Pukey

Address changes for Sierra Club members should be sent to: Sierra Club, 530 Bush Street, San Francisco, Calif. 94108, Attention: Membership Services.  
Volume XIII, No. 4

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# 'ORGANIC ACT'...

restricting the BLM and the Forest Service from carrying out the mandate of the Endangered Species Act. Conservationists urge retention of the Interior Secretary's present authority to enlarge wildlife refuges by withdrawal of public lands.

## Stockmen Get New Privileges

HR 5224 would subsidize the grazing fees permanently below fair market value. This provision abolishes the present ten year program of raising fees to what ranchers pay for equivalent private-land grazing. Instead, it substitutes a formula based on the profit margin -- the difference between prices and costs of production. Conservationists advocate strict adherence to fair market value because this will decrease the intense pressure for grazing on public lands and put public-land grazing on an equal footing with private-land grazing.

The Bill also requires BLM to issue 10 year permits to ranchers, instead of the one year permits now in use. This eliminates a powerful incentive for ranchers to abide by BLM regulations -- the fear of non-renewal. (Remember, BLM has no authority to enforce permit conditions.) Conservationists advocate use of one-year to three-year permits, coinciding with the management cycle used in a given case.

Livestock interests would also get special access to BLM and Forest Service decision-making through local "grazing advisory boards" loaded with twice as many livestock representatives as wildlife representatives, and without any representation of recreation, wilderness, archeology, watershed values, or the general public. Through these official boards, ranchers would pressure BLM and the Forest Service on all phases of grazing and wildlife habitat management. Conservationists and BLM officials oppose this provision. BLM's existing multiple-use advisory boards can handle all the functions of the proposed grazing boards.

## Counties Get Special Influence Over Public Lands

HR 5224 puts local special interests in the driver's seat by requiring BLM and For-

est Service land-use plans to "be consistent with state and local plans to the maximum extent feasible." Thus, if a county land use plan projected a network of roads crossing a proposed wilderness area, BLM could be forced to go along with the road plan and destroy the wilderness. Present land-use planning procedures allow for ample local input without forcing the agency to cave in to local pressures and abandon sound land-use planning conclusions because the law forces them to.

## Loophole in Wilderness Clause

The Bill has a wilderness clause, but with a glaring loophole. Instead of having to study all roadless units of over 5000 acres (which was the mandate to the National Park Service and the Fish and Wildlife Service in the Wilderness Act of 1964) the bill would require BLM to study only those areas which BLM personnel judge to have "wilderness qualities". Implications for New Mexico: Wes Leonard was recently told by a BLM official that he felt that New Mexico had no lands of "wilderness quality".

The full House Interior Committee is wrestling with the bill at the present time. Both Harold Runnels and Manuel Lujan are on the Interior Committee so writing to them on this issue is of special importance. Tell them to reject HR. 5224 as totally unacceptable. The address for members of the House is: House of Representatives, Washington, D.C. 20215.

\* \* \* \* \*  
**PRESIDENT CALKIN!**

At its organizational meeting in San Francisco on May 1st, the Sierra Club's national Board of Directors selected Brant Calkin as president of the 160,000 member organization.

It is the second time in the Club's 84 year history that a non-Californian has been elected to this position. Calkin, who resides in El Rancho about 20 miles north of Santa Fe, and has lived in New Mexico for 33 years, is Executive Director of the Frontera del Norte Fund, a branch of the Sierra Club Foundation which raises funds for environmental and humanitarian purposes throughout the Southwest.

Mr. Brant Calkin, President  
The Sierra Club  
338 East De Vargas  
Santa Fe, NM 87501

Dear Brant,  
Heartiest congratulations on your election as president of the Sierra Club. We're glad to see a local boy making good.

We are very pleased the Sierra Club recognizes your dedication, expertise, and leadership qualities, and want you to know how proud all New Mexico is of you.

Best wishes for a most successful term as president. Sincerely,

Jerry Apodaca, Governor

(Mailgram received at the Clearing House on May 4th.)

Calkin's lifelong interest in the natural environment led to his affiliation with the Sierra Club in 1966, and he has been a full-time activist in the environmental movement ever since. He is a member of the Wilderness Society, the New Mexico Citizens for Clean Air and Water, the National Wildlife Federation and other environmental groups, and has served three terms as chairman of the Rio Grande Chapter from 1968 to 1970. He has also served on many New Mexico environmental advisory committees and commissions, including legislative advisory committees on land use and stripmining, and the state advisory council to the Bureau of Land Management. Currently he is chairman of the New Mexico Wilderness Commission.


## WILLIAMS HONORED

Dr. Mike Williams, a familiar figure to active environmentalists in New Mexico, was singled out for a "special achievement award" at the national organizational meeting of the Sierra Club held over the weekend of May 2 and 3 in San Francisco. The award was "for his outstanding service to the Sierra Club and the public's efforts to protect and improve the air quality of our country."

Mike lives in Pojoaque north of Santa Fe, and has been working primarily on air quality problems for the John Muir Institute

for the past six years. Mike says he is "constructively unemployed" the rest of the time, meaning that he keeps himself busy with consulting work in the same field. He has been a consultant on air quality problems to the Environmental Protection Agency and the states of Arkansas and Montana.


Mike has been specializing in the polluting effects of the massive power projects on the Colorado plateau -- Four Corners, Navajo and, of course, Kaiparowits. He was responsible for important input into the Park Service study which was so critical of the effects that Kaiparowits would have created in the park units nearby.



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Leader - John Colburn 772-4994

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Each adult and older child should be willing to share in overseeing the younger ones so that everyone can have some time to enjoy the wilderness in his own way.

The location of this trip will be revealed to the families that are accepted, but it will be in a wilderness area complete with tress, wildlife, flowers, and water. It will be a short (1-1/2 mile) hike from the roadhead over an easy trail.

Only five families will be accepted for this trip with preference being given to those who have not been on the past two trips. Call John for info and reservations.

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June 5-6, 1976

Leader - Nick Nicolaus (505) 268-2040

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8 RESERVATIONS REQUIRED.