

The Rio Grande SIERRAN



THE RIO GRANDE CHAPTER OF THE SIERRA CLUB

NOV 1983

CLARK CONFIRMED (UNDER PROTEST)

SENATE CONFIRMS CLARK

from Sierra Club National News Rpt.

As the First Session of the 98th Congress drew to a close, the attention of environmentalists was focused on the Senate, where the vote to confirm Judge William P. Clark as Secretary of the Interior was delayed by the introduction of a Sense of the Senate Resolution calling for the repudiation of James Watt's policies at the Interior Department...By November 17, the resolution, introduced by senators Bennett Johnston (D-LA) and Bob Packwood (R-OR), had 42 cosponsors, and supporters were able to bring the measure to the floor prior to the confirmation vote.

Republicans argued that the non-binding resolution would "tie the new secretary's hands," but resolution proponents rebutted by stating that Clark's lack of knowledge and his unwillingness to make any commitments at the confirmation hearings indicated the need for policy guidance. The Reagan administration brought intense pressure to bear on Republican senators, and the resolution was defeated, 42 to 48 on a motion to table. The vote was almost along party lines, with only three Republicans supporting it; one Republican cosponsor, Sen. David Durenberger (R-MN) voted against it.

Although the resolution was defeated, environmentalists consider it to be of major importance. In a *Wall Street Journal* article before the vote, White House sources were quoted as saying that even a close vote on the resolution would be interpreted as a refutation of the administration's environmental policies, a judgment with which environmental observers agreed. "This vote proves that it was Secretary Watt's policies, and not merely his mouth, that caused his downfall," said Doug Scott, Deputy Conservation Director. "The resolution embodies the 'advice' of the Senate in a procedural device that may set an important precedent." (Continued Page 6)

BISTI HEARING

BISTI HEARING HELD IN WASHINGTON

by David Glowka

A hearing that may significantly affect the outcome of the struggle to preserve the Bisti Badlands of northwest New Mexico was held in Washington on October 21 by the U.S. House Interior Committee. The purpose of the hearing was to gather information relevant to two bills currently before Congress that would preserve at least part of the unique landscape and fossils found in the Bisti.

One of these bills, The San Juan Wilderness Protection Act (HR 3766 and S 1740) has been introduced by Rep. Bill Richardson (D-NM) and Sen. Jeff Bingaman (D-NM). This bill would designate 35,033 acres of land in the Badlands as Wilderness (currently the Bisti, De-na-zin, and Ah-shi-sle-pah Wilderness Study Areas with expanded boundaries); it would also preserve 2,720 acres of the Fossil Forest as a scientific preserve.

The second bill, The Bisti Wilderness Act (HR 1575 and S 285), has been introduced by Rep. Manuel Lujan (D-NM) and Sen. Pete Domenici (R-NM). This bill would designate only the 3,968-acre Bisti WSA as Wilderness and would release the De-na-zin WSA to multiple use (i.e., coal mining) after March 1, 1985. It contains no provisions for the Ah-Shi-sle-pah WSA or the Fossil Forest. (Continued Page 7)

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CHAIRMAN'S CORNER

As you read this, 1983 will be winding down, and George Orwell's 1984 will be just a turn of the Sierra Club calendar's page away. Let's hope his writings were not too prophetic.

I am finishing my year as chairman, and it has been an exciting, hectic, and awe-inspiring experience. Now I can really appreciate what my predecessors have gone through and the work they put in to keep the chapter running smoothly. Why didn't somebody warn me?

Some of the more memorable events of 1983 were:

The San Juan Basin Coal hearing in May. Congressman Bill Richardson deserves our gratitude for arranging to hold the hearing in Santa Fe, and Congressman Jim Weaver of Oregon certainly conducted the hearing in a manner that was more than fair to "our" side--and that was some change from the usual hearing. Thanks go to all of the people who worked very hard to get a good turn out at the hearing.

The new Southwest Sierra Club Representative. When Brant Calkin was picked to be the Assistant Secretary of Natural Resources by Gov. Anaya, Maggie Fox was chosen as his replacement. An unknown to most of us in the Chapter, she quickly stepped into Brant's shoes and took off on a dead run to do all of the things necessary in the four chapter area. Her work on resolving many of the conflicts involved in the San Juan Basin helped make the Bingaman-Richardson wilderness bill possible.

Closing the Chapter Office. When the Southwest Rep's office was moved to Boulder, CO, [Maggie wanted to stay with her husband.] the chapter was unable to maintain the office in Santa Fe. The only solution was to close the office and help the groups establish offices if they desired to do so. The net result of the office closing was to increase my mail by about 300%.

The Sierra Club International Assembly at Snowmass. It was one of the greatest events in my life, and I'm sure that everyone who attended will agree. From the sing-along with John Denver the night before the opening to the final moments there was something doing all of the time. With nearly a thousand Sierrans from all over the world, you could find someone--or many someones who had common interests and experiences--or uncommon ones. When the Club holds the next Assembly, don't miss it.

There were many other events that could be mentioned, but I'll just say it was an interesting year.

I'd like to thank Ed Burns and Phyllenore Howard for their work on the Executive Committee these past years. Both have decided not to seek re-election and are taking a well-deserved sabbatical. I know that we will miss both of them.

There are many other people who have helped to make the Rio Grande Chapter the important environmental force in New Mexico, but rather than miss naming anyone, I'd just like to say "Thank you" to each of you who did so much.

Congratulations go to Bob Howard who was named to replace a Sierra Club director who resigned this fall. Bob has long been active in the national and international aspects of the Sierra Club and certainly deserved the honor. His appointment to the Board of Directors gives the Rio Grande Chapter two directors out of the fifteen on the board. [Betsy Barnett of Los Alamos is serving her second term as a director.]

Here's hoping 1984 will be a better year for everyone.

--John Colburn--

CHAPTER EXCOM ELECTIONS

Ballots for the Chapter Executive Committee election are in the mail, and you should receive yours soon. Be sure to exercise your right and vote for the three candidates who you think will best conduct the business of the chapter for the next three years.

Candidates for the three vacancies are Dan Jones of Socorro, John Colburn of Albuquerque (incumbent), Bruce Martin of Alamogordo, Carol Cochran of Albuquerque, Diane Paolozzi of Farmington, and Kay Grotbeck of Albuquerque.

Biographical data and statements by the candidates have been sent with the ballots. A self-addressed envelope has been provided for the return of the ballots.

Ballots must be received by the Secretary not later than December 20, 1983.

BE sure to vote! If you don't vote, you don't count, and if you don't count, it's time you did.



Bob Howard, the newest member of the Sierra Club's Board of Directors, was appointed by President Denny Shaffer in September to fill the vacancy created by Nicholas Robinson's resignation.

FARMINGTON GROUP UNDERWAY

Sierra Club members in San Juan County have taken the first steps in establishing a group in the Four Corners area.

On October 29, Chapter Chairman John Colburn and Secretary Phyllenore Howard met with a dozen Sierrans at Farmington to discuss the ways and means of getting the new group started. A second meeting was scheduled for November 16.

With more than 60 members in the Farmington-Shiprock-Bloomfield vicinity, a Sierra Club group can be a powerful force for the environment in Four Corners-San Juan Basin area.

Sierra Club members and other interested persons in San Juan County should contact Diane Paolozzi (326-3789) or Katheryn Gallagher (327-0727) for additional information.

THINK SNOW

Autumn aspen leaves
Down by river bosque
Yellow green
Rocky mountain maple red
Scrub oak burnt brown
Crisp sunny days
Cold clear nights
Harvest moon comes and goes

First north clouds
Chimney curls pinon smoke
Southbound sandhills

Tittup
My friends
Time to tune skis
Mend mittens
Think snow

(Unpublished poem by Jim Fish. All rights reserved.)

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Articles, clippings, letters to the editor, cartoons, drawings, photographs, outings information, personals, etc. may be sent to the editor: Barbara Davis, P. O. Box 739, Sandia Park, NM, 87047 (505-281-1248).

GROUP NEWS

SANTA FE GROUP

by Jack Kenney

A group task force is engaged in evaluating the Final Santa Fe National Forest Plan and Final EIS, which were approved and published on 31 Oct. 1983. The task force mission is to determine our next step, or steps, now that the plan is final. This is a 50-year plan for the management of the 1,587,550 acres of the Santa Fe National Forest, and is to be reviewed each ten (or maybe 15) years. Plans for the Carson, Cibola, Gila, and Lincoln National Forests are in various stages of preparation, but it is expected that they will reflect the guidance published in the August "Regional Guide for the Southwestern Region," and that attempts to influence them will be about as fruitful as were ours.

The Santa Fe Group experience during the plan development (summarized) was: (1) Forest Service individuals were very open and helpful during the various stages of the plan development. But plan changes were minimal once the Draft was issued.

(2) Group comments and individual comments (over 146) were encouraged, but after synthesis and analysis, resulted in almost no changes between the Draft and Final Plans.

(3) Plans for public hearings (by the Save the Jemez Group) were denied.

A lengthy joint comment submitted in May 1982 by the Sierra Club and the New Mexico Wilderness Study Committee addressed (among other subjects) those listed below, but resulted in no major changes to the draft plan:

(1) Rejected the timber resources production objectives foisted upon the Southwest Region and the Santa Fe National Forest by the national RPA program. (RPA and final plan target increases from 46 million board feet in 1983 to 95 million board feet in 2011.) Also opposed the cable logging of steep slopes and clear cutting of spruce-fir.

(2) Emphasized priority on water quality and quantity when it is jeopardized by increased timber yield; grazing use; or relaxed regulations for recreational or ORV use.

(3) Recommended emphasis on the economic and tourist impact of recreational use of the Forest as opposed to the other economic uses considered (timber, grazing, mining, etc.)

(4) Opposed increased grazing. (Plan increases grazing about 9% during the next 17 years.)

(5) Recommended (as does the final plan) additional developed and dispersed recreational opportunities.

(6) Opposed use of herbicides to control deciduous growth, and supported selective integrated pest management emphasizing the use of chemical pesticides.

The Santa Fe Group is eager to assist other groups in reviewing draft plans which will be submitted on the national for

SOUTHERN NEW MEXICO GROUP

by Jim Graham

The big news on the environmental front in our area lately has been the Air Force's Draft Environmental Impact Statement (DEIS) on training flights near the Gila Wilderness. This is a reincarnation of a situation that came up three years ago there. The Air Force wants to fly 300 supersonic dogfight training flights a month over an area abutting the Wilderness. They will create sonic booms at much lower than customary altitudes and at unprecedented high pressure (noise) levels. The military currently controls 19% of New Mexico, but wants to hold these flights in an area where it will impact humans, wildlife, and wilderness values.

The comment period for the DEIS ended November 4 and there is no date set for the release of the EIS. Keep an eye open for developments on this. Please ask your legislators to request the Air Force to hold their training flights elsewhere.

TULAROSA BASIN GROUP REPORT

The Tularosa Basin Group is still concerned with saving the virgin timber areas in the Lincoln National Forest. Our efforts are being coordinated by Hal Reynolds. More areas of these large trees have been ferreted out by Hal than were previously known about. On November 12 the group held an outing to a resource area of big trees containing some 600 acres near the head of Haynes Canyon. The purpose of the outing was to look at all these areas and see which ones deserve a sustained effort to preserve.

The group has also decided to become involved in the "water wars" of Otero County. Dr. Larry November is heading a committee to delve into the legality of various water claims, including those of the City of Alamogordo. These have to do with water rights on area streams flowing from the Sacramento Mountains.

Group elections were held the evening of October 31, and three new executive committee members were elected. These were Scott Pearson (re-elected), Harold Reynolds (re-elected) and Cheryl Brown Hill, newly elected.

Give A Gift That Supports The Sierra Club!



1984 CALENDARS

Treat yourself! Treat your friends and family to the Sierra Club Calendars! Your purchase from the local club support our ongoing conservation work.

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The natural glory of the North American continent is presented through full-color photographs monthly, in this perennially best-selling wall calendar. 14 pages. 10 1/2 x 10 1/4.

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All calendars are spiralbound and come in self-shipping cartons.

WILDLIFE REPORT

by Carol Cochran

Newsletter: The Wildlife Committee has just published a newsletter which contains information about our activities and outings and updates on various issues, such as the Minnesota wolf, trapping, livestock guarding dogs, and many more. If you would like to receive a newsletter, phone or write Carol Cochran, 1415 Phoenix NW, Albuquerque, 87107 (345-1412).

1080: On October 31, 1983, Lee Thomas, Assistant Administrator for Solid Waste and Emergency Response at EPA, issued a final decision on the 1080 case. (Ruckelshaus had removed himself from the decision since he had made the original decision to ban the poison in 1972.) Essentially, Thomas affirmed Administrative Law Judge Spencer Nissen's initial decision of a year ago to register the poison for use in single lethal dose baits and toxic collars to be worn by sheep. This is the first time ever that EPA has reregistered a once-banned pesticide. Members of the coalition opposing 1080, which includes the Sierra Club, immediately filed an appeal.

There has been virtually no research on single lethal dose baits in this country; thus there is no data showing they will reduce livestock losses. Furthermore the baits will poison non-target species, will be difficult and expensive to monitor, and dose levels are largely speculative. New Mexico has experimented with 1080 collars with disastrous results (see Nov. 1982 Sierran): 1080 was siphoned from collars; collars were punctured and lost; they were improperly stored; non-target species were killed by the 1080; and the collars proved ineffective. New Mexico State Agriculture Department has not renewed its application for experimental use permits for the collars.

Mountain Lion: In response to a Memorial passed by the Legislature last spring, the New Mexico Department of Game and Fish (NMDGF) has prepared an analysis of the situation of the mountain lion in this state, including recommendations for its management.

This document will be discussed in public hearings throughout the state during January and the State Game Commission will consider it in mid-February. (Call Carol Cochran for the time and place of the hearings.)

In considering the study, the Commission will open for examination the entire issue of the mountain lion. It will hear all the myths and misinformation which have been so harmful to the lion in the past. But Commissioners should also hear from those of us who want to protect the lion and who think present management practices do not go far enough in that direction.

We must encourage the Commissioners to adopt a strong and positive policy which would manage the lion to its benefit. Please try to attend the hearings in February and write a letter stressing some or all of the following points:

- (1) The first responsibility of the Department of Game and Fish (NMDGF), according to its own Comprehensive Plan, is to "the wildlife resources and their habitats." That means the NMDGF is an advocate for wildlife--all wildlife.
- (2) Because the NMDGF's mission is to preserve and protect the mountain lion, it should seek to minimize conflicts between lions and humans where they exist, rather than simply to kill "problem" lions.
- (3) Very little is known about the mountain lion in New Mexico. And so, very little is known about the effects of human interference on lion population dynamics. Faced with such ignorance, the best management would be that which leaves the mountain lion alone.

-Hunting regulations should be conservative: lower bag limits, shorter seasons, higher license fees, fewer licenses, deadlines on purchase of licenses, hunting by units.

-Restrictions on the taking of depredated lions should be tightened. Ranchers should modify their practices so that depredation becomes less of a problem. Lethal means of predator control should be a last resort, used only after all other measures have failed. Lions should be taken only by authorized personnel, only after kills have been verified.

-Lion control in connection with desert bighorn sheep should be stopped. Such control has not proven effective in saving bighorn, which must be able to live within an existing environment. The mountain lion, a predator, has its place in the state's ecology. It has an intrinsic right to exist as a species. And it is useful. Among other contributions, the lion keeps its population fit by culling weak or unproductive members, by dampening extreme population oscillations, and by moving the animals so they browse. Because we do not know how many lions are in New Mexico or in any part of it, and the data we do have suggest that the population is declining, we can't be complacent about the future of our mountain lions, and we certainly can't take any action, and inaction would be maintaining the status quo would be management.

Letters should be sent to:

Mr. Harold Olson
Director, NMDGF
State Capitol
Santa Fe, NM 87503.

MEXICAN WOLF RECOVERY TEAM VISITED
by Gill Woodall

Members of the Sierra Club Wildlife Committee recently visited Norma Ames in Santa Fe, who is the leader of the Mexican Wolf Recovery Team. Norma has been actively involved in the issues surrounding the Mexican Wolf for several years, and her deep personal dedication and devotion was evident as she described the history of this animal in the southwest and its prospects for the future. Like many other top-of-the-foodchain predators, the Mexican Wolf has been a prime candidate for human-animal conflicts. As a result, the species is now quite close to extinction - there may be less than 25 animals left in the wild in Mexico. Hopefully, the Mexican Wolf Recovery Plan will be enacted so that we do not lose these magnificent animals once and for all. (A copy of the Recovery Plan can be obtained from U.S. Fish and Wildlife Service, Endangered Species Office, P.O. Box 1306, Albuquerque, NM 87103.)

The focal point of the trip was, of course, the wolves themselves. Through an interesting set of circumstances, Norma has been caretaker for several Mexican Wolves for a number of years. Their howls as we arrived, and their beautiful physical appearance was enough to convince almost anybody that the survival of these animals is a top priority that deserves all possible human effort. It was sad to realize that there are so few of these animals left. It was even sadder to realize that the wolves Norma has taken care of have not been allowed to breed, thus dooming their particular lineage and possibly lessening the probability of species survival. The reasons for this decision are difficult to understand and explain, although it should be made clear that this decision was not made by Norma Ames and is in fact contrary to her own wishes. The above-mentioned Wolf Recovery Plan

should be examined for an insight into this decision and the issues that surround it. Certainly, some of the reasons for not letting these particular wolves breed have to do with the political issues that are involved in the Wolf Recovery Plan, issues that the Sierra Club Wildlife Committee should be and will be concerned with. The amount of time left to enact a viable Wolf Recovery Plan is slowly but surely getting smaller, and Norma and others who wish to see the Mexican Wolf survive are acutely aware of this. It appears that the Mexican Wolf Recovery Plan may be reaching a critical breakpoint in terms of its possible success or failure. The Sierra Club wildlife Committee and all others concerned for wildlife should be ready to aid and support the Mexican Wolf Recovery Team in their efforts. We should monitor the situation and let you know when and how your help can

CLEAN WATER & ACID RAIN

NO CLEARING IN SIGHT FOR EPA ACID RAIN PROPOSAL

from Sierra Club National News Rept.

At a meeting of Canadian and U.S. officials in Nova Scotia in mid-October, Environmental Protection Agency Administrator William Ruckelshaus informed disappointed Canadian officials that the Reagan administration's announcement of its proposal for the control of acid rain has been postponed indefinitely.

Though Ruckelshaus had promised to present an acid rain program at this meeting, he has been unable to gain support for any sulfur dioxide reductions program from other Cabinet officials, who are sticking to their "research only" position. Even the three to four million ton reduction program that Ruckelshaus is reportedly advocating falls far short of the National Academy of Sciences recommendation of a 50% reduction in sulfur dioxide emissions.

Environmentalists lay the blame for the lack of a program squarely on the shoulders of President Reagan. In a letter to Reagan from the National Clean Air Coalition, environmental leaders wrote, "The nation needs your leadership to pass effective acid rain control legislation. In your first public statement about the mandate of the EPA under Mr. Ruckelshaus, you put acid rain at the top of the priority list. Now it is time for positive action and your personal involvement."

"Environmental leaders urged Reagan to move beyond not only the "research only" position, but also the inadequate three to four million, four to six state reduction plan. The coalition letter stated, "Embracing the deficient alternatives which your cabinet council is considering would be a giant step backward...We have the knowledge and capability to control acid rain now. We cannot afford to wait another generation...Further delay means further damage to our natural heritage."

Conservationists fear that the administration may defer its acid rain proposal until after the 1984 election. While Ruckelshaus said he hopes that Reagan will decide on a U.S. plan before that time, he would make no further predictions about when such a decision might be made.



COSPONSORS GATHER UNDER H.R.3400

from Sierra Club National News Rept.

As the Reagan administration is getting drenched in its own acid rain storm (see previous story), Congress is moving ahead, albeit slowly, on its acid rain initiatives.

The leading acid rain legislation in the House is H.R. 3400, sponsored by representatives Henry Waxman (D-CA), Gerry Sikorsky (D-MN), and Judd Gregg (R-NH). The bill mandates a 10 million ton reduction in sulfur dioxide emissions in the lower 48 states. Because it would allow a two to three million ton increase in future emissions, however, the measure actually reduces sulfur dioxide emissions by only seven to eight million tons.

To achieve most of these emissions reductions, the bill requires the installation of scrubbers on the 50 dirtiest power plants in the Midwest, and establishes a fund to help pay for the cost of this equipment. The fund would be supported by a fee of about \$.60 on the average monthly utility bill of consumers nationwide.

Although environmentalists would like to see a program that would reduce sulfur dioxide emissions by 12 million tons, they support H.R. 3400 as a crucial first step toward solving the problem. The greatest danger is that nothing will be done at all, and H.R. 3400 can create the needed momentum.

MEANWHILE IN NM...

EID Reorganization Strains Bureaus

The State Environmental Improvement Division (EID) recently divided the former Water Pollution Bureau into two areas. The new Groundwater Quality & Hazardous Waste Bureau, under acting Chief Anthony Drypocher will be responsible for liquid waste, hazardous waste and groundwater surveillance and groundwater permits. The Surface Water Quality Bureau headed by Charles Nylander contains the surface water surveillance construction grants and water quality planning section.

Although the new bureau will allow for better coordination of groundwater and hazardous waste activities in the EID, there are numerous types of groundwater pollution problems not handled under the hazardous waste programs, such as groundwater contamination by radioactivity, sewage, agricultural activities, brine salts, oil and gas, and PCBs. Increasing instances of hydrocarbon contamination and groundwater pollution, such as the drinking water pollution problem in the South Valley near Albuquerque, along with continuing responsibilities for processing new and existing permits are straining the capacities of the Division.

EID plans to ask for added personnel at the next session of the legislature. Club members can assist by talking to their legislators about the importance of protecting water quality in water-short New Mexico.

GOOD NEWS FOR CLEAN WATER

from Sierra Club National News Rpt.

Responding to overwhelming public and congressional opposition to the Environmental Protection Agency's 1982 proposed changes in water quality regulations, EPA Administrator William Ruckelshaus has approved final regulations that restore clear limits on the states' ability to weaken water quality standards. James Banks, Senior Attorney for the Natural Resources Defense Council, called the action, "the most important water quality regulation issued by the Reagan Administration...and while it certainly is not as strong as it could be, it is about 179 degrees away from the ill-conceived proposal of last fall."

The 1982 proposal, in part instigated by the federal Office of Management & Budget (OMB), would have drastically weakened longstanding regulations governing how states must establish their standards under the Clean Water Act and would have made achievement of the act's goals --including fishable, swimmable waters-- difficult, if not impossible to meet. Amidst an outpouring of public comments opposing the proposed rules, House and Senate leaders introduced legislation to prevent EPA from adopting the weakening regulations.

The much-improved final water quality regulations approved by Ruckelshaus require states to:

- establish limits on toxics allowed in their waters and incorporate the limits into their water quality standards;

- maintain adequate margins of safety when allowing the degradation of high quality waters by requiring that the waters remain clean enough to protect "existing uses fully;" and
- refrain from using waters solely for waste assimilation or transportation.

Despite these positive changes, conservationists are concerned about several parts of the final regulations. Under the rules, a state could still:

- weaken stream standards if dams or similar structures cause pollution problems;
- issue variances to individual dischargers whose additional pollution treatment is needed to achieve water quality; and
- allow "outstanding national resource waters," such as those in parks and wildlife refuges, to suffer some limited degradation.

A particularly weak provision allows state water quality standards that are found inadequate by the EPA to remain in effect until the states revise them or EPA issues new standards to replace them. This presents the possibility that standards inconsistent with the Clean Water Act may remain in effect for long periods of time.

Clark Confirmation (Contd.)

Clark's confirmation vote followed the resolution vote, and after a spirited debate the Senate gave its approval by a vote of 71 to 18 (in January 1981, the Senate confirmed James Watt by a vote of 83-12).

Spearheading the debate against Clark Sen. Dale Bumpers (D-AR) implored his fellow senators to remember the "unmitigated diaster" of James Watt, and President Reagan's staunch support of the former secretary. "I want you to think about that," said Bumpers. "Neither Judge Clark nor the President could think of a single thing about James Watt to criticize -- not one policy they would reverse...If my colleagues vote for Judge Clark, I am going to remind them time and time again, as I have about James Watt, that they asked for it."

In concluding his remarks in opposition to Clark's confirmation, Sen. Paul Tsongas (D-MA) stated, "I oppose this particular nomination as a matter of principle. Mr. Clark's nomination does not come at the beginning of this President's term. We know what his policies are, and what they will look like in the future. Against this background, I believe the discretionary authority of a President to appoint friends and close advisers must yield to our need to establish a balanced approach to our beautiful, and, in many instances, irreplaceable natural resources."

(Editor's note: New Mexico Senator Jeff Bingaman supported the Johnston-Packwood resolution; members may want to thank him for his support. New Mexico Senator Pete Domenici did not want to tell him how they feel about that, also.)

PARAQUAT SPRAYING HALTED

by Phyllenore Howard

As the result of a lawsuit filed by the Sierra Club Legal Defense Funds (SCLDF) on September 1, a federal court has issued a temporary restraining order halting the federal Drug Enforcement Administration's (DEA) spraying of the highly poisonous herbicide paraquat on national forest lands. The suit was filed by SCLDF in U.S. District Court in Washington, DC, on behalf of the Sierra Club, the National Coalition Against the Misuse of Pesticides, and Friends of the Earth. With the temporary ban in effect, the plaintiffs will continue to argue for a permanent injunction against the spraying program.

The DEA, pursuing a \$2.4 million program to spray paraquat in 40 states, has already sprayed in parts of the Chatahoochee National Forest in Georgia and the Daniel Boone National Forest in Kentucky.

The lawsuit alleges violations of the National Environmental Policy Act and the Federal Insecticide, Fungicide, & Rodenticide Act, the law which governs the use of pesticides and herbicides. The suit does not address the effects on marijuana smokers. "The federal government has a right to eradicate marijuana, but there is no reason to spray toxic chemicals in the forests. The government can and does remove these plants by hand, which is the most effective and least expensive means of removal," said Rick Middleton, SCLDF attorney in charge of the case.

(National News Report, 15 Sept. 1983)

BLM SUIT WON

BLM Wildlands Win in Court

from Sierra Club National News Rpt.

In what Sierra Club President Denny Shaffer called "a tremendous victory for wilderness and for the protection of natural resources," a federal judge on September 9 ordered a temporary halt to (former) Interior Secretary James Watt's plans to open to development some 1.5 million acres of Bureau of Land Management (BLM) wilderness study areas. The wilderness characteristics of the lands must be preserved, the court ruled, until a final decision on the legality of Watt's action is made.

Last December, Watt deleted 800,000 acres from the BLM wilderness inventory, and he has dropped an additional 735,000 acres since then. Watt based his withdrawals on the supposition that the areas were not eligible for designation as wilderness either because they were smaller than 5,000 acres, because the government did not own the subsurface mineral rights, or because they were being included in the review solely because they were contiguous to existing wilderness areas or parks. Although his actions opened these supposedly protected public lands to oil and gas leasing, geothermal development, and other activities that could permanently impair their wilderness values, Watt prepared no environmental impact statement on the deletions, and there was no opportunity

for public comment. Represented by lawyers of the Sierra Club Legal Defense Fund (SCLDF), the Club and five other environmental organizations filed suit in January, arguing that Watt's action violated the Federal Land Policy & Management Act and the National Environmental Policy Act. Ruling that the organizations had made a substantial case, Judge Lawrence K. Karlton of the U.S. District Court in Sacramento issued a preliminary injunction effectively setting aside Watt's order.

"This decision is one more step in development of the law of due process for natural resources," said Larry Silver, a SCLDF attorney. "Congress has said that no administration has a right to eliminate these wild areas until the public and Congress has had an adequate opportunity to consider them for permanent preservation. It is unfortunate that it takes a court order to make the administration understand that."

Echoing that sentiment, Club President Shaffer noted that, "The Sierra Club has brought 25 lawsuits against Secretary Watt and the Reagan administration's environmental policies since January 1980. It is depressing that we can talk to this administration only through judges' orders."

The other groups involved in the suit against Watt were the Environmental Defense Fund, the National Audubon Society, the National Wildlife Federation, the Natural Resources Defense Council, and The Wilderness Society. Watt was joined in defending the withdrawal by the Mountain States Legal Foundation, the organization he headed before his appointment as Interior Secretary.

GREENHOUSE EFFECT

THE WHOLE WORLD'S A HOTSPOT

from Sierra Club National News Rept.

Two recently released reports on the warming of the earth from a build-up of carbon dioxide in the atmosphere agree that the phenomenon, known as the greenhouse effect, could begin sooner than expected, perhaps before the turn of the century. The two studies, conducted by the Environmental Protection Agency and the National Academy of Sciences, differ somewhat in their sense of urgency but are similar in their predictions about the effects of the rise in global temperature, which has, according to the NAS, "few or no precedents in the earth's recent history."

"Temperature increases are likely to be accompanied by dramatic changes in precipitation and storm patterns and a rise in global average sea level," the EPA study stated. "As a result, agricultural conditions will be significantly altered, environmental and economic systems potentially disrupted and political institutions stressed."

The EPA report concluded that no strategy for mitigating the problem could do more than delay the warming effect for a few years. Even a total ban on the burning of fossil fuels by the year 2000 would delay by only 15 years a 3.6-degree increase in average worldwide temperatures, the study said. The NAS, which used much of the same data for its study, concurred, stating that, "Viewed in terms of energy, global pollution, and worldwide environmental damage, the 'CO₂ problem' appears intractable."²

While the NAS report advocated further study before making plans to mitigate the impacts of a warmer earth, the EPA report said "innovative thinking and strategy-building"--in addition to further study--are "sorely needed...Our findings support the conclusion that a global greenhouse warming is neither trivial nor just a long-range problem...a soberness and sense of urgency should underlie our response to a greenhouse warming" the report concluded.

Not surprisingly, the Reagan administration found the NAS report, with its call for further study rather than action, more palatable than the EPA report. The president's science advisor, George Keyworth, called the EPA's report "unwarranted and unnecessarily alarmist," and said that, "There is no evidence to indicate that the gradual rise in carbon dioxide in the air would have environmental effects pronounced enough to require near-term corrective action."



SAN JUAN BASIN BILL PENDING

Conservationists support only the best of these bills. It alone recognizes the outstanding scenic, scientific, and wilderness resources found throughout the Bisti Badlands and would permanently protect over half of this unique treasure. The second bill would serve less than 10 percent of the Bisti Badlands and would, in a little more than a year, remove the interim protection currently afforded the largest federally-owned roadless area in the Bisti, the De-na-zin WSA.

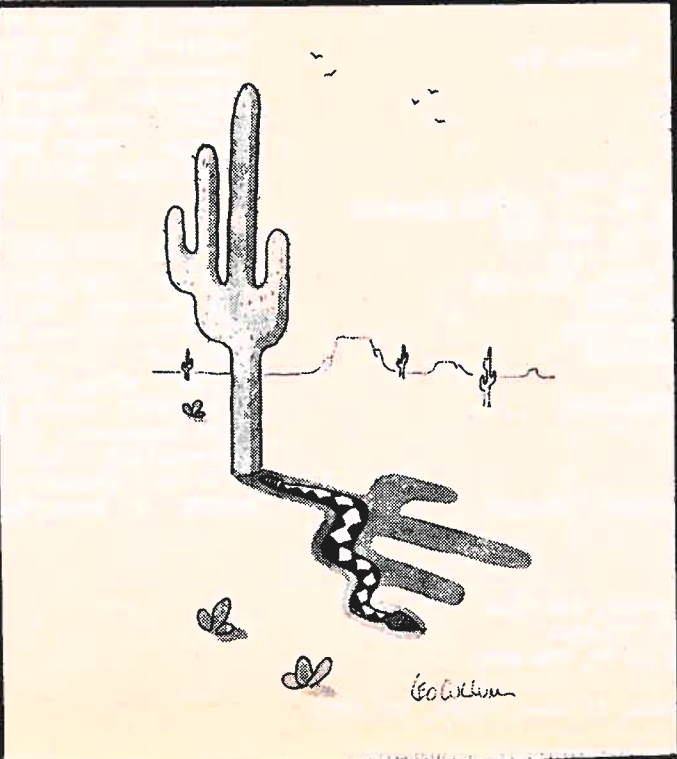
The hearing began with testimony from Manuel Lujan, who stated that his intentions in introducing the weaker of two bills were for the bill to act as a beginning--to start the discussions necessary for Congress to ultimately decide how much of the Bisti would be preserved. (Recall that the introduction of this limited bill did, indeed, get things moving. Rep. Bill Richardson arranged a public hearing in Santa Fe in May of this year. The overwhelming consensus of that hearing was that more of the Bisti should be spared from the draglines, and Rep. Richardson and Sen. Bingaman subsequently introduced their bill, which would do exactly that.) Mr. Lujan described the attributes of the Bisti WSA that make it worthy of Wilderness designation. In surprise (and most welcome) move, he then went on to state that he also supports Wilderness designation for the De-na-zin WSA and preservation of the Asil Forest as a scientific preserve. He did, however, express reservations toward the designation of the Ah-shi-sle-pah WSA as a Wilderness, based on his concerns. First, he felt that the existing Preference Right Lease Applications (PRLA's) in the Ah-shi-sle-pah could prevent its ultimate preservation if those PRLA's were successfully converted to coal leases. Second, Lujan felt that the proximity of Interstate Highway 57, a gravel road, could impair the wilderness characteristics of Ah-shi-sle-pah if the traffic of heavy equipment related to proposed mining in the vicinity ever materializes. Both of these concerns were never addressed by other witnesses, as reported below.

Rep. Bill Richardson was the second witness. He testified that he had explored the Bisti Badlands after the May hearing, that he was greatly impressed with its beauty, and that all four areas identified in his bill should be preserved. He pointed out that these four areas combined contain less than 1 percent of the recoverable federal coal reserves in the San Juan Basin and that it is neither appropriate nor necessary to mine these areas for such a small supply of coal. Mr. Richardson further entered into the record a letter from Governor Toney Anaya's administration which stated unqualified support for Mr. Richardson's bill.

During the questioning of Rep. Richardson by members of the Interior Committee, a lively discussion developed among committee chairman John Chafee (D-OH), committee member Barry Craig (R-ID), and Rep. Richardson. Upon the discussion began to address the philosophical issues of wilderness preservation versus energy development.

When a comment was made that Wilderness areas are preserved for the enjoyment of future generations, Rep. Craig replied, "I don't care about the future. I care about what is happening now! Fortunately this view is not held by the majority of Congress or the American people."

This is, however, apparently the viewpoint of the Reagan Administration. Interior Department Deputy Assistant Secretary Steven Griles testified that the administration opposes at this time the preservation of any areas in the



Bisti other than the Bisti WSA. He claimed that the coal value of the other areas is still under study and that it would be premature to permanently prevent development of these areas until those studies are complete. This is substantially incorrect, however, since the BLM accelerated the study of all three WSA's, and the BLM already has all the coal data it needs to determine the coal potential in all three areas. Indeed, the BLM has been saying for over two years that Ah-shi-sle-pah should be designated nonwilderness because it contains 200 million tons of recoverable reserves. Chairman Seiberling warned Mr. Griles that if the Interior Department has further information on these areas, it had better release it because his committee is going to act!

Attorney Paul Frye, representing the Navajo Nation, next took the stand and conveyed the unqualified support of the Tribe for Rep. Richardson's bill. He stated that the Tribe recognizes the importance of these areas and believes they should be preserved. Mr. Frye also addressed Rep. Lujan's concern over the PRLA's in Ah-shi-sle-pah by stating that his legal research shows them to be invalid. As it turns out, the same individuals who applied for the coal prospecting permits that eventually led to these PRLA's, had previously drilled and cored the vicinity for oil and gas. Thus the coal potential of the area was known before the prospecting permits were issued, a violation of conditions that must be met for a preference right least to be issued.

Frank Sandoval testified as a representative of the Huerfano Chapter of the Navajo Nation, which covers the Bisti area. Mr. Sandoval talked about traditional Navajo concepts of the land and declared that the members of his Chapter want very much for the Bisti lands to be preserved. Parts of the Bisti have long served as burial sites and sacred areas for the Navajos living nearby.

The final panel to testify during the hearing consisted of representatives from various environmental groups. Alison Monroe testified for Southwest Research and Information Center, Jonathan Teague for the Southwest Office of the Sierra Club and the Wilderness Society, David Glowka for the Rio Grande Chapter of the Sierra Club, Debbie Sease for the Washington office of the Sierra Club, Michael Scott for the Southwest Office of the Wilderness Society, and Terry Sopher for the Washington office of the Wilderness Society. There was unanimous agreement among the environmental panel that the more comprehensive protection afforded the Bisti by Rep. Richardson's bill is urgently needed. A variety of related topics was addressed, including Rep. Lujan's second concern about the Ah-shi-sle-pah WSA. It was pointed out that Highway 57 can neither be seen nor heard from inside the Ah-shi-sle-pah because of the rugged topography and that, in fact, this would hold true for any proposed mining of the surrounding arid grasslands.

Following the presentation by the environmental panel, it appeared that most of Mr. Lujan's concerns had been addressed. Mr. Lujan proposed that all four areas in the Bisti be preserved as outlined in Rep. Richardson's bill, with the addition of language stating that no other areas in the vicinity would be designated Wilderness. The environmental panel pointed out, however, that there are no other federally owned, roadless areas in the vicinity, so release language was not needed. Furthermore, the inclusion of release language on the broad scale proposed would set a dangerous precedent that could have significant effects in other parts of the country. Nevertheless, there was a general agreement that some language could be inserted into the bill which would have the desired effects without setting a precedent. We, therefore, are hopeful that Mr. Lujan will soon officially endorse the more comprehensive preservation legislation for the Bisti Badlands.

We urgently need your help (once again)! Please write Rep. Lujan thanking him for his endorsement in concept of more comprehensive legislation (HR 3766) and urging him to make it official soon. Please write Sen. Jeff Bingaman, thanking him for introducing S 1740 and urging him to push for hearings in the Senate. Finally, please write Sen. Pete Domenici and ask him to support S 1740. Mr. Domenici has publicly stated that he has an open mind with respect to the more comprehensive legislation. We need to show him that the people of New Mexico really do care about this part of our natural heritage.

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