

Wild and Scenic bill opponents out in force at meeting

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As New Mexico's two U.S. senators prepare to introduce legislation in Washington, D.C., proposing to designate up to 400 miles of the Gila River system within the Gila National Forest as protected from future development under the federal Wild and Scenic Rivers Act, some folks who live and work in and around the forest are far from sold on the idea.

The "M.H. Dutch Salmon Greater Gila Wild and Scenic River Act" would amend the original 1968 Wild and Scenic Rivers Act to include dozens of segments of waterways within the Gila in the National Wild and Scenic Rivers System. Supporters promote the legislation as not only a way to preserve the area's unique natural resources, but also as a cornerstone in building the outdoor economy that many businesses and governments want to see developed in southwestern New Mexico.

Others, however, are worried that the wild and scenic designation will introduce another layer of federal government controls, and negatively impact existing industry along waterways.

"Leave it the way it is," they say — exactly what Catron County resident Rose Bailey said during a June 18 San Francisco Soil and Water Conservation District work session discussion on Wild and Scenic Rivers designation last year.

"I support our ranchers and our farming community," she said. "We want to keep it the way it is."

The San Francisco Soil and Water Conservation District had already passed a resolution opposing the proposed designation at the time of the June meeting, which was also attended by representatives from the offices of U.S. Sens. Martin Heinrich and Tom Udall, who are sponsoring the legislation, and by Grant County commissioner and rancher Billy Billings.

During a Grant County Commission meeting last September, Billings cast the lone vote against the county's resolution to support designation, a move for which he drew criticism from some of his constituents. Silver City, Bayard and Hurley all passed similar resolutions supporting the designation last year, but Billings noted at the time that the Grant County Soil and Water Conservation District, which largely represents the interests of ranchers and farmers, came out against the move. Hidalgo and Catron counties also passed resolutions opposing wild and scenic designation for the Gila.

"I'm concerned that with this, our current, existing economics would be taken over by another layer of bureaucracy," Billings said during the Sept. 12 meeting. "What are you trying to protect from? A [N.M. CAP Entity] dam has been put down — I don't see that ever happening. Some future uses might be impinged, though."

"We've been trying to diversify our economy for 20 years, and drawing tourists who come here for our natural resources makes a lot of sense," said Grant County Commissioner Harry Browne, who, along with three of four other commissioners, voted to pass the resolution supporting the designation in the Gila. "Wild and scenic designation will put this area on more people's maps — people are attracted to that."

Copper mining currently makes up a significant portion of Grant County's economy, but "the mines aren't going to last forever," Browne said. "And even if they were going to last forever, it's still valuable to diversify. Why have all our eggs in one basket? Especially if that basket is subject to international economic swings."

In voting “no” on the resolution, Billings aligned himself with fellow ranchers and farmers in Grant County, as well as members of the same agricultural community in neighboring Catron County, where some officials and elected representatives have been very active in arguing against the proposed wild and scenic designation.

Members of the agricultural community at large applauded Billings’ “no” vote during this week’s meeting of the New Mexico Entity of the Central Arizona Project held March 3, where the “M.H. Dutch Salmon Greater Gila Wild and Scenic River Act” consumed fully two-thirds of the meeting’s discussion.

The diversion group, which ultimately seeks to divert up to 14,000 acre-feet of water from the Gila and San Francisco rivers under the terms of the 2004 federal Arizona Water Settlements Act, is in the process of formulating a formal comment on the proposed legislation to submit to Udall and Heinrich.

Comments made by some of the members of the N.M. CAP Entity during that meeting, however, reflected a relatively conciliatory dialogue that has been going on between the diversion group and field representatives from Udall’s and Heinrich’s offices. Bucky Allred, who represents Catron County on the Entity board, specifically lauded Melanie Goodman from Udall’s office and Dara Parker from Heinrich’s office for visiting Catron County. The two have also been holding public information meetings to gather input on the legislation, a draft of which is set to be introduced soon — likely within the next month, according to Parker.

Billings asked Parker and Goodman if the waterways under consideration for protected status were truly free-flowing, and if existing dams would be allowed to remain if the legislation is passed.

“There’s already a significant number of diversions on the Gila River and on the San Francisco. Is it true they are grandfathered in?” Billings asked.

Parker said they “are grandfathered in by our language,” and added that the mandate that wild and scenic rivers be “free from impoundments,” as Billings quoted from the original 1968 legislation, applies only to the segments under consideration, not “the entire length” of the Gila River, for example.

“From a legal perspective, what the word ‘river’ means is actually a river segment,” she said. “That segment is what is generally free from that infrastructure.”

“I appreciate that you all did come to Catron County,” Allred told Goodman and Parker, who also made a brief presentation on the proposed Wild and Scenic legislation at the Entity meeting. “I would be scared to death to come to Catron County on this issue — but as long as I am commissioner, I’ve got your back.

“But I want it on the record today that our county passed a resolution opposing this,” Allred continued. “In this act, ladies, I don’t see how this changes or protects the river. What I see is an attack on people’s personal private property.”

Most of the audience of about 60 people visibly supported what Allred said next.

“I want these two senators to come to Catron County and sit down with our people and face the real stakeholders of the river — the people that are going to lose the most.”

Allred also had words about Mark Allison, the executive director of the New Mexico Wilderness Alliance, whose organization helped craft the legislation but who wasn’t in attendance at the meeting.

“Shame on him for trying to do this to good, hardworking people,” Allred said.

The Daily Press asked the offices of Udall and Heinrich to respond to Allred’s demand that the senators personally visit Catron County. Staffers from both offices responded in a joint email, saying the two senators have been hard at work soliciting input from everyone with a stake in the issue.

“The senators have met with stakeholders on all sides of the issue, and look forward to hearing directly from others,” the staff members wrote.

About an hour’s worth of public comment at the CAP Entity meeting was entirely focused on wild and scenic designation, and in response to concerns voiced by members of the audience about how the legislation might impact existing agricultural industries that rely on the Gila’s waterways, the staff members wrote, “The bill already incorporates protections for the [existing] uses. Members of the public have shared various ideas for additional language, which will all be considered carefully.”

Allen Campbell, who represents the Gila Hot Springs Irrigation Association on the Entity board, suggested that the legislation could adopt specific language to protect existing uses and give them “safe harbor” by enumerating them in the act itself. That suggestion seems unlikely to be incorporated, as the senators say the bill already protects existing uses, and figuring out every single use or user of the waterways and land could prove difficult to do in practice.

Parker and Goodman also emphasized that wild and scenic designation will not result in condemnation or the forced sale of people’s property, and won’t impact existing water rights. The agricultural community, however, wasn’t convinced.

Many of the dozens of comments reflected the talking points found in the anti-wild and scenic talks given by San Francisco Soil and Water Conservation District Supervisor Haydn Forward, whose multiple presentations in communities all around the Gila National Forest have stoked concern and promoted the “slippery slope” dangers to freedom and citizens’ rights that he says designation will pose.

“I believe this act will begin kicking ranchers, farmers and miners off the river corridors, despite promises to the contrary,” said Candy Luhrsen, who identified herself as a private citizen before speaking to the Entity board. “Property owners will not be able to stay in business because use of their property and water rights will be severely restricted. Private land is no barrier to enforcing this act, and property above and below segments will not be protected.”

Tom Shelley, a “fifth-generation rancher” who said he owns a grazing lot alongside of which is a proposed segment of wild and scenic river, said he “was blindsided by the legislation and our commission in Grant County supporting it.”

“If I were a representative of the people in this area, I would first have met with people who could be most impacted by it — the economic impacts,” Shelley added. “That’s starting to happen, but we’re behind the power curve. An environmental group was given the reins on this.”

“The proposed ‘M.H. Dutch Salmon Greater Gila Wild and Scenic River Act’ is not acceptable in any form,” said Topper Thorpe, a rancher and former member of the New Mexico Interstate Stream Commission. “It’s an additional attempt by the federal government to limit and restrict the property rights of landowners along the Gila River which is neither warranted or needed. It will have an adverse impact on irrigation and water rights, and set the stage for numerous lawsuits from the same activist groups that have utilized the Endangered Species Act to do the same. This is a joint effort between these activists and these legislators to gain control and to preclude securing the 14,000 acre-feet of water and funding authorized by the Arizona Water Settlements Act.”

Staffers speaking on behalf of Udall and Heinrich said that’s not true.

“The proposed designation would not preclude the development of AWSA water and infrastructure as outlined in the CAP Entity’s original — and largest — proposed action. It would not preclude the construction of storage ponds in Virden,” they said in the statement.

“There are very few places left like the headwaters of the Gila,” the statement continued. “This is a place that holds deep meaning to so many New Mexicans. Conservation efforts like this one that is driven by the community is an ongoing, collaborative effort and the senators are pleased with the support to permanently protect the Gila for future generations, attract more visitors to southwestern New Mexico, and grow our outdoor recreation industry. The senators will continue taking feedback and consulting with stakeholders on all sides of the issue as the process moves forward. This dialogue will continue to be an important part of the legislative process.”

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