

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Special Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 8:30 a.m., September 8, 2000; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News. Mountain Monthly, and to Radio Stations, KPSA, KINN and KYEE.

Present:

Richard Zierlein	Chairman
Timothy McGinn	Vice-Chairman
Ronny Rardin	Member
Ruth Hooser	County Administrator
Virginia Fletcher	Assistant County Administrator
Dan Bryant	County Attorney
Kim Chavez	Deputy Clerk

Commissioner Rardin gave the invocation, Commissioner McGinn led those assembled in the Pledge of Allegiance and Commissioner Zierlein led the salute to the flag of New Mexico.

I. Commissioner Zierlein stated that at the Commission Meeting on Friday, September 1, 2000 the Commission allowed the public to give their input regarding the Federal Land Issues, at this time the Commission will continue hearing input from the public, however if you spoke last Friday and don't have anything different to state, please let someone else have the opportunity to talk. The Commission will accept any written input that anyone wants to give.

Commissioner Zierlein stated that the Commission wants input with regards to the management of the Lincoln National Forest.

1. Faye Lee approached the Board and stated that all she knows about this is what she has read in the newspaper. Ms. Lee stated she does not always depend on the information she reads. Ms. Lee stated from what she has investigated it seems to her that our community is being torn apart and she is concerned that perhaps some people are being manipulated by interest groups from outside our Community. These groups seem to be furnishing a lot of money for a lot of lawyers. Ms. Lee stated she elected the Commission and gave them certain powers authorized by our laws and government. Ms. Lee stated she has read the constitution and she can't find anywhere it gives the Commission the power to take over the management of the public lands. Ms. Lee stated she wants experts and people with a lot of knowledge to manage these lands and she does believe that the three Commissioners could do that. Ms. Lee wants the Commission to make sure that they will not make fools of themselves by acting as though they have the authority that the Government has not given to them. Ms. Lee wants this to be treated according to the laws and rules that the Commission has sworn to support. Ms. Lee stated that she is also concerned about her friends being manipulated by interest other than the welfare of our Community. Ms. Lee stated she is also concerned about the people losing their jobs, but what about all family businesses that were run out by Wal-Mart moving in. Ms. Lee wants the Commission to be sure that they are staying within the laws of the land. Commissioner Zierlein stated that it is the goal of this Commission to stay within the laws. Ms. Lee does not feel that the Commission has the authority or the expertise to manage the land. We are extended beyond our means to take care of the County land.

2. R.L. Posey read the following prepared statement:

I am a resident of Mayhill, which is approximately 40 miles east of Alamogordo.

I am a **second** generation native of Otero County and spent the majority of my childhood years on the property southwest of Mayhill that my wife and me now own.

I have had three sets of grandparents that came to the Sacramento Mountains from Texas in the 1880's. One of the main reasons that they came was for better grazing conditions for their cattle.

In the Late 1890's Mrs. Wooten had a boarding house approximately six miles west of Cloudcroft at a location that is now called Old Wooten. My maternal grandmother was a teenager in the late 1890's and worked for Mrs. Wooten. The majority of Mrs. Wooten's boarders were loggers.

From the stories that my grandparents have told me, I know that cattle have been in the Sacramento Mountains since the 1880's and logging has been occurring since the late 1890's.

Why give some history about my ancestors? To show that ranching and logging have been very active enterprises in Otero County for over 100 years and were not detrimental to the forest. Now all of a sudden cattle and regulated logging are harming the forest!

Anyone with any knowledge of the Lincoln National Forest knows that the forest is in extremely poor health. Forest Service personnel continually state that they do not have funding to clear the forest. They don't need funding to accomplish this task. Private enterprise will do a faster and better job **than** the Forest Service. In addition, private enterprise will contribute much needed tax revenues **for the schools, the counties and the states** instead of using our Washington doled out tax dollars.

One lame excuse that the Forest Service uses for inaction is that they are being sued. Instead of using "sound science" to prove that healthy forest are most ideal for all concerned, the Forest

Service apparently capitulates without a whimper. As a result everyone except the environmental extremist loose. The loss is readily apparent in the 16,000 plus acres where now there are no trees and no ground habitat because of the recent Scott Able Fire. The extent and seriousness of this fire is directly related to the extremely poor forest health, which is a direct consequence of very poor management by the Forest Service.

I was not directly affected by the Forest Service's mismanagement that resulted in the Scott Able fire or ensuing floods.

However, I want to document and report on the damage that the Sacramento Methodist Assembly has sustained and the resulting cost to the Assembly that is a direct result of the Scott Able fire and ensuing floods.

I am the Chair of the Board of Directors for the Sacramento Methodist Assembly. We are fortunate that we only lost one storage building at the Assembly as a result of the ensuing floods.

As a result of the fire and floods, we had to cancel confirmed reservations and lost over \$105,000.00 in revenue, which are approximately 16% of our total income based on last year's statistics. The number of summer guests is down from last year, which also has had a detrimental effect to our income. The only logical conclusion is the fear of fire and floods.

We have estimated that the flood damage is in excess of \$350,000.00. However, when the threat of heavy rains decrease we plan on obtaining a professional engineer to make a more accurate evaluation.

The permanent staff and the temporary summer staff worked many long and hard hours removing mud and debris and performing extra clean up just to keep the assembly open. All except emergency or critical maintenance functions had to be delayed due to the lack of personnel and

funds. The cost of these necessary actions is estimated to exceed \$25,000.00.

The total estimated cost to the Assembly due to the Scott Able Fire and the ensuing floods is estimated to exceed \$480,000.00. At present we are struggling to determine how we will fund this loss.

The Assembly is a non-profit organization that is available to anyone on a first come first serve basis. We have been hosts to many different religious organizations, family reunions and short courses. Our guests have come from many different states and several different countries, including Mexico, Germany, France, Argentina, Venezuela, Costa Rica and Guatemala. We strive to keep our operating expenses at a minimum, so more individuals may be able to take advantage of the serenity and beauty of the mountains. Last year we had over 9,300 guests at the Assembly and they stayed for an accumulated 23,400 days.

The Sacramento Methodist Assembly is the major employer in the Sacramento/Weed area, and in the past year contributed over \$650,000.00 to the economy of Otero County. This does not include indirect contributions made by the guests as they traveled throughout the area.

The losses and problems we have experienced at the Assembly this past summer, and will continue to endure for an unknown period of time, and the financial setbacks that we have incurred are the direct result of essentially "no management" of the forest by the United States Forest Service.

Wake up everyone, or smell the smoke and look at the charred remains. When that happens, everything and everyone loses.

3. Rudy Clarke, a resident of Alamogordo and businessman in the Community for over 20 years, stated he has done research over the fires in Otero County. In 1951 - 1957 the Allen Canyon Fire consumed 15,820 acres. In 1953 the Circle Cross Fire consumed 25,874 acres.

In 1956 the Pendelton Fire consumed 5,825 acres. In 1967 the Danley Fire consumed 2,400 acres. In 1974 the Spring fire consumed 15,364 acres. In 1993 the Burgett Fire consumed 4277 acres. In 1994 the Bridge fire consumed 4948 acres. In 2000 there were the Scott Able and Cree Fires. That makes nine larger fires over 50 years, or one every five or six years. So if the Forest Service is doing a bad job this is an indicator. Before there was a Forest Service, there were fires, believe it or not.

In 1876, 1879, 1886, 1890, 1901 and 1904 there were fires. This would make six fires in 28 years or one fire every five years. This concludes that fires come to the forest. You and I are not going to stop them and neither is the Forest Service. There is a danger to residents as a result of a fire, however when you build a house or community in a forest you are surrounded by fuel for a fire. This is true for Cloudcroft also and one must ask the village:

Have they cut the trees in its area of control to mitigate the potential possibility of a disastrous fire?

Has the village passed building codes designed to lessen the risk of complete structural destruction. If it cost \$1000.00 an acre to prevent damage who is responsible for this. Is the Village water system adequate to meet its real fire suppression needs?

Should the county be looking into local solutions such as a dedicated tax to assist in the development of effective solutions for the village, and award it the tourist and economic status it needs? We make more money off tourist than ranchers. The County makes more money off tourist than any other single source except the Federal Government. The ranchers are upset because they are in the process of potentially losing some of their land. Not their land but our land under grazing entitlements. What are we really dealing with here. Take the largest allotment that is in the forest, it is a 110,000 acres and there are 500 animal units on it, the grazing fees are around \$700.00 a

month, that is an annual income of \$9,400.00. Do you really think that paying less than \$700.00 a month to rent 110,000 acres is a fair payment. Assuming the land is worth a minimum of \$50.00 an acre that equals \$5,500,000 in interest only at 6% equals \$330,000.00 as against the real payment paid to us of \$9,400.00. Mr. Clarke stated that he paid \$8,400.00 to rent his last storefront, which was 2,000 square feet. When Wal-Mart came in, his business fell apart. Mr. Clarke stated he did not come down to the Commission and complain that he was losing his way of life, which he did after 20 years. No he moved on and looked for another way of making a living. That is true for everyone. No one should be living on corporate welfare. If this is what this Country stands for in free enterprise then let it be. Do we really need to be engaged in this action of biting the hand that feeds us? What effect will this proposed action have on our long-term relationship with the Federal Government who employs over 8,151 people in Otero County? When was the last time you sued your employer and walked out of it unharmed? What's going to happen in the end, you are going to pay for it one way or another. Who is responsible for the legal expenses to litigate this action and how long a battle do you anticipate and at what cost?

If successful how do you anticipate funding the operational expenses to manage the forest when you would be required to adhere to the same environmental laws?

Knowing full well that there will still be fire in the forest world how do you intend to cover the costs of a fire like the Scott Able fire which was \$8.2 million and the Cree fire at \$7.5 million. Does the County have \$16 million dollars set aside. There will be fires every five years, trees generate fires and drought is part of our Eco system. Mr. Clarke suggested that the Commission resolve these issues before they go any further.

4. Dr. Richard Sherman a resident of Alamogordo, stated he has been

in Otero County since 1956. Mr. Sherman stated he does not derive his income from timber or cattle raising, however, he does derive income from those people who come to see him. Mr. Sherman stated he has a place on the Penasco and during the Scot Able fire this canyon was evacuated. Mr. Sherman is also greatly concerned with the endangered species act, which permits the white spotted owl to have preference over the people. Mr. Sherman feels that the environmentalists are doing great harm to this country. Mr. Sherman has great concern for the people who are raising cattle and harvesting timber. Recently at a Rotary meeting, in Alamogordo Mr. Sherman asked Mr. Carr what the Chamber has done to keep these ranchers and loggers in our Community compared to what the Chamber has done to keep other people and business in the Community? Mr. Carr answered in a negative fashion. Mr. Sherman thinks that keeping the employees of the White Sands Forest Products is exceedingly important. They should have been dealt with differently. By losing the White Sands Forest Products this will effect the grocery stores, schools, gas stations and doctors. Mr. Sherman stated he is also concerned about the purpose for which the forest was designed. It was primarily designed to harvest timber and to raise cattle, look at the way it has changed. The taking away of roads in the forest is also going to be a great concern to everyone.

5. Don Cooper, Alamogordo City Commissioner stated that whatever affects Lincoln National Forest also affects the City of Alamogordo and surrounding areas. When there is a fire threat the City has to go according to what decisions are made in regards to closing down the area in and around the forest. The majority of the people here know that the City of Alamogordo owns Bonito Lake and whenever there is a threat of fire the lake has to be closed and the City loses revenue. The City does everything it possibly can to keep Bonito Lake and the surrounding forest clear. The most important thing people need to realize is the watershed. There are old growth trees

in the Lincoln National Forest that is consuming about 100 gallons of water a day per tree. The new growth is fighting for the same water and the saplings that are fighting for survival. When logging was done the loggers did not do clear-cut, they select cut, but by doing that they were saving water which is very precious to our survival, not only to the residents of the mountains, but also for the City of Alamogordo who relies very heavily on that water. We need to make sure that the watershed is maintained and get rid of some of those trees that are using up millions of gallons of water a year. If we lose our water supply the whole basin will dry up. People need to be aware that we need to protect our watershed, if not the entire Tularosa Basin is going to dry up and blow away.

6. Jean Vallance, a resident of Otero County read the following statement she prepared:

The assault on individuals and groups by Government agencies, Environmental entities, and the Judiciary system is not only an assault on people, but on our Bill of Rights and Liberties or Freedoms!

Our rights are spelled out quite well in the U.S. Constitution and it's Amendments:

Amendment #1:

- a. Freedom of Speech and to peaceful assemblies.
- b. Freedom to petition the Government for a redress of grievances.
  1. That includes reasonable hearings and response, not a kangaroo court approach.
  2. It does not include blatant disregard of the will of the people.

Amendment #4:

- a. Freedom from unreasonable search and seizure.

Example: Demanding disposal of livestock for which there is a valid agreement or they will be removed and disposed of at the owner's expense.

**Amendment #5:**

a. Due process of law: a Government agency wielding their own rules and regulations to intimidate citizens is not due process.

b. No taking of private property without just compensation.

1. Just compensation is fair market value - - not how some bureaucrat feels at a given moment!

**Amendment #9:**

a. That our Constitutional rights as expressed, will not be trampled on.

1. There must be valid reasons and laws, not just whims, vindictiveness, and punitive actions.

**Amendment #10:**

a. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, OR TO THE PEOPLE."

1. What has happened to the powers of the States and the people in the last 200 and some years?

(a) Usurpation, regulation, deliberately overridden or ignored, or subverted to the point of being unrecognizable!

Oh incidentally, can anyone cite in the Constitution where it authorizes the Federal Government to own and control forests, bio-preserves, wilderness areas, parks, or monuments? Article I, Section 8 of the Constitution mentions erection of forts, magazines, arsenals, dockyards, and other needful

buildings but no open space that needs to be protected from human beings.

Thomas Sowell's Liberty:

"Freedom is the exception, not the rule, in this world. The definition of freedom includes not only constitutional guarantees, but also traditions and standards which punish those who violate the norms that enable those constitutional guarantees to work. With so much of the media and the public more concerned with showing how non-judgmental they can be than with protecting the norms that make our freedom possible, this administration has put us on the road to becoming just another corrupt country run at the whim of those in power."

7. Wayne Bennett, County Assessor gave the Commission the following estimates of the damage due to the Scott Able fire: \$1,061,904.00 improvements were damaged. The land value was \$828,714.00, next year when this is reevaluated it will be about 50% of this. The basic total assessment before the fire was \$2,043,583.00. Mr. Bennett also gave the Commission the present value of White Sands Forest Products which is \$655,357.00 and stated that next year it will also be about 50% lower since the saw mill closed.

8. Leslie Hays, stated that he has no ties with ranching, ranchers or with the forest in particular. Mr. Hays stated that apparently Mr. Clark knew the conclusions he wanted to arrive at so he arranged his theses argument at that point. The one thing he did not address at all is the amount of devastation these earlier fires caused. We are having fires that are destroying everything, the fires prior to the 1930's were only brush fires. The other thing Mr. Clark pointed out is that he refers to our Federal Government as our employer. Mr. Hays stated he is not a sir on the Federal Plantation. Mr. Hays stated that Mr. Clarke must not have any regards for property rights. Property rights are fundamental to our nation. Mr. Hays stated that there are no public lands, the

Forest Service was originally set up as a land office and was supposed to go out of business around 1905, after all the property had been disposed of to all the people. If the County follows Mr. Clark's injunction all we have left to do is draw a line in the sand and back up because the government will keep on pushing us back. If the County does not take an aggressive stand it is going to get worse. The ranchers have a right to graze land up there, when that goes who is going to be next. They will pick on the next weakest group. One of these days we will be those people.

9. Margaret E. Merritt a resident of Pinon, stated she was born and raised in New Mexico. Mrs. Merritt has been in Otero and Chaves County for 60 years. Mrs. Merritt stated she has seen fires and people come and go. Mrs. Merritt stated that she drove 65 miles to attend this meeting, most of the drive was the forestland, and all of the things that Mrs. Merritt saw were fences or gates keeping people off of the forestland. For over 50 years there used to be hunting spots all over the forest where there are now new fences and only one place left to camp. Mrs. Merritt asked who is the forest going to belong to if people can't even get off the road, which is a national highway and is presumed that it can't be closed. Mrs. Merritt stated this is a great concern to her.

10. Leo Comallie stated that he is a landowner in Seek Canyon. Mr. Comallie stated that this was one of the Canyons hit hard by the fire. Mr. Comallie stated he has attempted to call the local Forest Service to get some seedlings or grass for his property and was informed that they don't have anything and he may want to contact the office in Ruidoso. Mr. Comallie then proceeded to contact the Otero County Soil and Water Conservation District and found them to be very helpful. Mr. Comallie stated they gave him free grass seed and he purchased some additional seed. Mr. Comallie stated he was pleased to find out that the Soil and Water Conservation District reimbursed him for the additional seed. Mr. Comallie stated he asked the Conservation District and they were

very knowledgeable and helpful. Mr. Comallie feels that the flood that came down the canyon after the fire was devastating. The dams were poorly conceived and torn up. Mr. Comallie stated that behind his property there is a ditch that is about 21 feet deep and 31 feet across and was only about 1/3 full. The bottom line is that in the worst condition the dams were creating a man made flash flood. If the Forest Service would have done nothing the house would still be there. Mr. Comallie stated he has a lot of concern of the mismanagement by the Forest Service. Mr. Comallie thanked the County for their help.

11. Cliff Hall stated that he has been in and out of Otero County since he was six years old. Mr. Hall stated that there is a strong anti-government sentiment here and unfortunately is rooted in selfishness. We have a great country and are founded by some very wise men. Mr. Hall asked that each one of us examine ourselves for selfishness.

12. Pete Grisak a resident of High Rolls, stated that he was born in the mountains and he appreciates the individual concerns the people here are speaking about. Mr. Grisak stated that his basic concern is this County Commission willing to push this whole episode to a viable limit or do we have in front of us a proposal that is nothing more than a political move that is a twin brother to Congressman Skeen's little proposal. How far is the County Commission willing to push the envelope? Are they willing to go and declare a state of emergency knowing full well that shortly down the road there is going to be a court order, then what. Mr. Grisak stated he doubts that there is a single Commissioner sitting here that is willing to defy a court order. If they are not then we have an act of futility on our hands and these people might as well go home and eat lunch. Mr. Grisak wants to know from the Commission where they will push this issue?

13. Tony Alvillar stated that we don't learn from history or we tend to forget. Our Forest

Service and Environmentalists are interfering with the natural growth of thing. People are part of the natural growth of things. We need to thin out the forest the trees are going to fall over and be fuel for fires. Lets thin out the forest and use the wood where we can. Mr. Alvillar stated that the spotted owls are more adaptable to humans than we are to the wildlife. We need to allow the natural order to happen. The Federal Government does not have the right to own these lands; they are for the people and should be controlled regionally. Since we pay taxes the Federal Government should assist us with the funds us to run the forest the way we want it. Mr. Alvillar stated we need less government interference.

14. Bill English, a resident of Otero County and a business owner in Cloudcroft, stated that he has listened to the concerns expressed. Mr. English asked if the residents of this County and this Commission are aware that there are no laws on the books which allows for the kind of activity that has been taking place on the Lincoln National Forest and causing all these problems. There are a lot of regulations but there are no laws yet these regulations are being enforced as though they are laws with criminal penalties. According to the Constitution of the United States that is illegal. Over the last five years Mr. English has watched the environmentalist and conservationist within this region resort to Mafia tactics such as extortion, threats, with the use of lawsuits, to prevent ranchers from doing what they have been doing for hundreds of years. Environmentalists and Conservationists have either ignored or failed to realize that ranchers are the best assets they have in order to create a well-managed forest. Mr. English stated he does not understand why we are letting these people take money from the government in forms of grants and then turn around and sue the government to prevent ranchers from doing what they need to do to conserve the property. We have become a nation of regulations not laws. Mr. English asked if the Commission is going

to show the courage to defy these people, is this Commission willing to put themselves on the line for Otero County

13. Theone Oliver read the following statement on behalf of John Hakanson.

The National Forest was established under the Organic Administration Act of June 4, 1897 to furnish a continuous supply of timber for the use and necessities of the citizens of the United States. When the owl becomes more important singularly then the health of the forest and more important then the reason for establishing the National Forest, then the civilization and standard of living that we now have in New Mexico has become an endangered species. Mrs. Oliver stated that in reference to the County's ability to manage and the County's resources I believe that we have seen that the Forest Service and the United States Government has been unable to do that. In the field of psychology, the definition of insanity is "for a person to continue to do things the way they have always done them, and think that the results will be different." I believe that's the reason for this meeting today and our concerns because we can't allow things to continue to be done the way that they have been. Mrs. Oliver believes that the Commission can do it.

14. Jerry Carroll, a resident of Lincoln County, stated that the supreme law of the land is the Constitution of the United States of America. The constitution also requires that whenever the government acquires property, that it has to have the legislative approval of the State in which it acquires it from. As a matter of conflict of management style, which in my observation you have no management style, you have a political agenda that's being administered from the top and most people that work for the Forest Service are just doing what they are told to do. In Lincoln County, we have a slightly different situation, we don't have problems with people fabricating reports or misinformation from the management of the Forest Service or BLM. Mr. Carroll gave as reference

for the Commission, the US Department of Agriculture Forest Resource Report #14 dated January 1958. This tells about the timber resource for America's future, cattle grazing, fire prevention and proper management of it.

15. James Tooke, resident of Otero County, stated that he is neither a rancher, or a cattle grower, or a logger and does not derive his income in any way from these issues that we are talking about; however, I do have a lot of friends that do. Mr. Tooke first came to Otero County in 1951 and over the last 49 years has spent most of his life here. Mr. Tooke has seen the degradation and the fences that have been put up along the roads to keep the people who supposedly own the forest out. Mr. Tooke stated that Mrs. Lee came up and spoke about outside sources causing the problems here.

Mr. Tooke stated that the big problems he can see are the outside sources such as the Environmental groups like the Forest Guardians and the Sierra Club. Mr. Tooke stated that most of these environmental organizations are receiving their funding from the big foundations such as, the Ford Foundation, Rockefeller Foundation and the Dupont Foundation. This all comes under the umbrella of the Gorbachev Foundation, the Green Cross which is based in San Francisco. We see the Government taking over more and more and giving less and less. A very small group of people is running our Government.

16. Dub Cox, a life long resident, stated that the bottom line is this is a property issue rights. Mr. Cox stated that he had four forest allotments and put them together to make a viable unit and when the spotted owl showed he became discourage and sold them. Over the years these allotments have been bought and sold and they are rights. Mr. Cox supports the Commission 100% and asked that they don't fold up.

17. Brenna Goss, one of the allotment owners, stated there is nothing selfish in

purchasing an allotment and grazing cattle where there is enough property for each animal to have 100 acres each in the winter and the summer to graze. Mrs. Goss stated that there is plenty of grass for the grazing. Mrs. Goss stated she is also a Realtor, and enjoys taking customers up the mountain and showing them around. When Mrs. Goss tells people that there is an environmental movement that states that the cattle are detrimental to the forest they can't believe it. The environmental radicals are a minority in this County. Mrs. Goss stated she is glad that everyone is taking a stand here today.

18. Junior L. Stoots, stated he has been a permanent resident of Otero County for the last 12 years. When you have a County that the Federal Government owns over 2 million acres, the private individual only has a little over 400,000 acres of that land that makes every resident of this county a welfare recipient. Why, because they are relaying on PILT Funds, which the Government has never fully funded. The biggest thing that the County Commission can do is go into this and represent the County. The Federal Government is not interested in the citizens of Otero County. The Federal Government has one agenda, to make their program look good on paper. Mr. Stoots appreciates the effort the County Commission is putting forth.

19. Frances Goss, a resident and allotment owner, stated that she has no regard whether the County can manage the forest or not. Mrs. Goss stated that the US Forest Service was established in 1905 and they have had 95 years to show us what they can do, it is time we show them.

20. Hans Steinhoff stated that he is here because we supposedly have a Government of the people by the people and for the people. We have a Federal Government over which we have very little influence. It seems that they are only in the business to raise funds for the next election.

We have a State Government over which we also have very little influence. We have a County Government over which I hope we do have some influence. Mr. Steinhoff stated that it seems that the environmentalist keep bringing up more and more new things. In Wednesday's paper the environmentalist have filed another lawsuit, they are now trying to protect the Goshawk or they are sending a hawk after the Goss's. Mr. Steinhoff looked at the constitution because it seems to him that there is a religious influence on the Government. Mr. Steinhoff was trying to see if there was anything on undue religious influencing on the Government and there was nothing. It does see that this is a religious matter because the environmentalists are pantheist trying to push their agenda on the rest of us. What those of us that do not believe in pantheism but believe in God need to do, is get on our knees and pray to God, because what we are about to handle here is bigger then what the County by itself can handle.

21. Bryan Prather, resident of Pinon, stated that this is not a selfish thing that has been going on, we will be the first to stand for their constitutional rights when they are violated.

22. Bill Mershon, a resident of Mayhill, and manager of the Otero County Electric Coop., stated that the condition of the forest is of great concern to him. Mr. Mershon was born and still lives in Mayhill today. Mr. Mershon stated he is concerned because of the impact of the operation of the Electric Company for one. The Scott Able fire began when a dead Aspen tree fell across a power line. If the Commission reads the reports in the paper the Electric Coop was blamed for the fire, when in reality the tree that caused the fire was some distance back out of the Electric Company's right of way. The tree fell across the power line and the power line did not fail, it operated, it stood up mechanically and electrically like it was suppose to. The tree was very dead and there was no path for the fall current to go to earth so it laid and smoldered for a while. The

power companies devices are unable to sense a small current like that so the power line stayed energized. The facts are that the Forest Service sent a letter to the Electric Coop in 1995 to stop cutting any trees along the power lines. This was based on a court decision in Arizona that alleged that the Forest Service was mismanaging the forest in conjunction with the spotted owl. Subsequently the Power Company has had a number of phone calls not to cut any more trees. The most recent phone call occurred when the Electric Company had a contractor trimming the power lines right of ways along the Sacramento River, a few miles away from where the dead aspen fell on the power line. The electric company would have cut that tree if they had not been stopped. Mr. Mershon stated that the Otero County Electric Coop, can document that. Mr. Mershon stated that a few days after the fire, the United States Forest Service stated that the electric company had the authority to cut any trees any time they wanted to. Mr. Mershon stated this is absolutely false, and he can produce the documentation that required the electric company to cease and desist. Mr. Mershon stated that is the style of management that is being used around here, as soon as the Forest Service gets in a bind they are very flexible and they make another statement and do something else. Mr. Mershon encouraged the Commission to do whatever it takes to gain some local control in the operation of this vast amount of public lands that are here in Otero County that we get very little benefits from. Mr. Mershon stated he has an application for a special use permit to build a power line at Cloudcroft that is absolutely necessary for the proper operation of our electrical system. The Electric Coop **has a great number** of consumers in and beyond the forest that rely on this power line and that application has been with the Forest Service for over four years. The Forest Service is indirectly controlling the operation of the electric system which directly affects the welfare and well being of the people east of Cloudcroft all the way over into Chaves County. Mr. Mershon stated that

the gentleman that spoke about the fires being a fact of life as far back as there are records is correct, the difference that was experienced at the Scott Able Fire from the past fires is the intensity of the fire. Mr. Mershon has a copy of the Forest Services infrared photograph taken of the Scot Able Fire four hours after it began, in the four hours it burned the footprint you see today in the photograph. That photograph gives an indication of the tempature in that fire, the temperatures in that fire were in the range of 2000 degrees, ordinary wood burns at 450 degrees. There is no way to control those kind of things. The heat is what sets the fires, the heat precedes the fire. The reason that fire was so hot and so intense was the inordinate amount of fuel that was available. The fuel came from two categories, the first is the undergrowth, and the condition of the old trees. The old trees are dying and dead and are a tremendous amount of fuel. These are all the reason Mr. Mershon feels that we need to have some kind of local control and different management of what goes on in the forest. While we are doing that, we will hopefully improve the water shed. Mr. Mershon lives on the banks of the Penasco River and in the 50 years he has lived around there, he has never seen the river dry until the last two years. It is in the worse condition it has ever been in. Mr. Mershon stated that there has been a significant drought, however, in the 1950's there was the same type of drought and the river didn't go dry. Mr. Mershon encouraged the Commission to proceed in helping get some kind of local control over the forest.

23. Charles Walker, a life long rancher of Sixteen Springs Canyon, stated that his granddad and father were also ranchers before there was a Forest Service. In 1905 the Forest Service issued individual grazing allotments. In 1934 the BLM did the same thing. Mr. Walker stated he has an allotment with the BLM for grazing the cattle in the winter and in the summer he grazes them on the Forest Service allotment. Mr. Walker stated as he looks at the sign that is hanging in the

County Commission Chambers with the years 1899 - 1999 his mind goes back to 1776 and a lot of things have happened in these hundreds of years. Mr. Walker thinks that some of the things that have happened tell us that we are welfare ranchers because we do contribute to the welfare of Otero County, and the State and Nation. Mr. Walker is president of the Allotment Owners Association of which there is about 100 members in several Counties on the Lincoln National Forest and we recognize that we have made some mistakes. Mr. Walker commended the Commission for taking this emergency measure they have taken and the Grazing Allotment Owners back them in their effort and they want to work with the County in the multiple use concept of managing the federal lands. Mr. Walker thinks that we can do a better job of managing the forest. Mr. Walker stated that the endangered species are being used as a tool to try and gain control of something that we are trying to make a living out of.

24. Bill Hornback, resident of Otero County approached the Commission and invited Tom Moore to also come up. Mr. Hornback stated that his concern is mostly property rights which was discussed in the last meeting. Mr. Hornback stated that he is going to ask Mr. Moore some questions regarding a loss of revenue to the county. Mr. Hornback asked Mr. Moore about a thinning contract that he used to have? Mr. Moore stated that he has had numerous thinning contracts as well as working for logging operations for half his life and now it is all gone because of the environmentalist. Mr. Moore stated that something has to go if an owl gets in the way he will find someplace else to live. Mr. Moore stated that he used to have twenty men working a crew handling the brush clean up and then burn it when it was the right season. Mr. Moore stated that the Forest Service has so many agendas and problems that they can't handle it the way it used to be done. The Forest Service used to come out and work with the loggers. Mr. Hornback asked Mr.

Moore what kind of financial support did it provide? Mr. Moore stated that in the beginning (approximately 1975) he made about \$300,000.00 a year. In 1989, it started hurting financially because the Forest Service would shut down the operation for two months at a time. Mr. Moore stated that he had to sell all his equipment and lay off people. The Forest Service was willing to work with the loggers at one time. It use to be if there was a fire the loggers could go to the fire and would be put to work to put out the fire. Today, you can't even get through the bureaucratic paper work to get to the fire. Mr. Moore's crew was finally hired for the fires this year and his crews sat in camp for three days and never were able to do any work. Mr. Moore's crew were instructed to stay where they were at. Mr. Moore stated it is a waste of resources. Mr. Hornback emphasized to the Commission that there has been a loss of revenue through loss of jobs and taxes that were paid. Mr. Hornback thanked the Commission and stated he would like to see the Commission draw a line in the sand and stand up to it because you have people out there who will stand beside you.

25. Naomi Wheeler, a fifth generation resident of Alamogordo and Otero County, stated she has been here taking notes this morning of this hearing because the entire United States is watching the Commission. The Commission is taking a bold and strong move and is showing support for the people of this County. Mrs. Wheeler stated that there are a lot of people who come and go from this County but these are the people that built this county. When we turn our backs on them and on the industries they represent, we spit in the faces of the people who made us, and Mrs. Wheeler stated **she is against that**. Mrs. Wheeler stated that you can point this out by saying if you have a community meeting in Weed, New Mexico you will fill the house and have them standing in the door ways, three times as many as if you have a Chamber of Commerce banquet in Alamogordo, New Mexico. Mrs. Wheeler asked could you put a dollar amount on the quality of

these people. They are the backbone of this county, they volunteer in this County, and they work tireless hours in this County. They are the movers and shakers of this County. Mrs. Wheeler stated that when you go up and meet these people, these people that walk the walk and talk the talk and live and work on this land, you see that there is a vast difference in them and the ones that file injunctions that stop the work for being done on the land. Mrs. Wheeler stated that because of the endangered species act and the injunctions that were filed, we piled the brush together for them and knocked the tree over that lit the fire. Even a ten year old knows that a thirty-five year old diseased old growth tree is going to fall on a power line that only cleared fifteen feet on either side. It does not take a rocket scientist to figure that out, that is mismanagement and who is going to be held accountable for this fire. Mrs. Wheeler stated she is not an expert on forest health, but she can drive up through the mountains and see the difference between the Mescalero Forest and the Lincoln National Forest. Mrs. Wheeler stated that she has experienced some of the paperwork that has gone back and forth between the Forest Service and some of the people who have tried to go through the administrative procedure to gain some help in this mismanagement of the Forest Service. All Mrs. Wheeler can say to the Forest Service is liar, liar pants on fire. It seems like it would be possible for the County to log the trees that were burned. Mrs. Wheeler stated she lives in Alamogordo and is only allowed to water her grass, plants and trees in her yard three days a week, when she waters at that time she can barely get a trickle because that is what everyone else is doing, when an old dead tree in the Forest is getting 100 gallons of water a day, there is something wrong with that picture. Mrs. Wheeler stated she deserves more consideration than the spotted owl, spotted butterfly, or the goshawk, we are human and part of the natural order. Mrs. Wheeler is very proud of the action the Commission is taking.

26. Kendra Goss, a resident of Weed, asked the Commission to stay focused with the majority and not the minority. Ms. Goss stated that she has sat back and listened to everyone's opinions of what they want the Commission to do and there has been about two people who don't want the County to take control. Ms. Goss stated that there is a lot of media that has stated that the ranchers are the minority. Step back and take a look here at who is the majority. Ms. Goss encouraged the Commission to remember that this is one nation under God. As elected officials you may be the last ones to stand for the Country under God. The under God part is being cast aside. Ms. Goss asked the Commission to keep us one nation under God.

27. Chuck Komraus, a resident of Mayhill, stated that you as a County had no control over how the Scott Able Fire was to be fought. Some bureaucrat from someplace decided that a strike team from California should come in and fight this fire. Mr. Komraus stated that on the first Friday night and Saturday night that the fire started there were six Cat Bulldozers that sat around all night and there was no wind nor was there anyone who would put them to work. When Mr. Komraus objected he was told to collect his money and shut his mouth. Mr. Komraus stated that on Sunday he looked to see who he was working for and was unable to find that out. Mr. Komraus finally ran across a man from California and the man informed Mr. Komraus that on Monday morning all cat operators would have a meeting at 6:00 a.m. on Highway 82. That is shutting down 35 Cat Dozers for a minimum of three hours. Mr. Komraus stated he did not attend the meeting and was relieved of my duties on Sunday night. Mr. Komraus stated that the waste of time fighting fires is ridiculous. Due to the bureaucracy and the lack of any coordination is the reason the fires were so costly to fight.

28. G.B. Oliver II, a resident and rancher of Otero County, stated that the reason the

Oliver's are so involved in this is because they fought the take over the ranches on White Sands Missile Range and the injustice that was done. Mr. Oliver informed the Commission the way fires used to be fought in the forest. There use to be fireboxes all over the County and all over the forest. There use to be fire towers in the forests, and when they would spot a fire they would notify the local officials, the local officials would go up and down the road to each firebox and pick up the local people and they would stop the fires. Mr. Oliver reminded the Commission that the Lodge in Timberon was built out of local burnt timber. When that fire happened, Mr. Moss brought in a sawmill to saw the burnt timber. Mr. Oliver stated that his heart is not as good as it use to be and when he was a County Commissioner something pretty critical happened and that was El Paso was trying to take New Mexico's water. Mr. Oliver stated he did not know what to do if the County should get involved or not because the only place in Otero County that was involved was a little community located next to El Paso. Mr. Oliver stated that he went out and talked with local people and businesses to try to make a decision and most said not to get involved because it would cost the County a lot of money and the County won't win. Mr. Oliver stated that he spoke with Dan Bryant, County Attorney and Mr. Bryant informed Mr. Oliver that it was a part of Otero County and he had to represent them like he would represent anyone else. Mr. Bryant informed Mr. Oliver that it is his decision and his decision needs to be that he would fight that case. Mr. Oliver was convinced that he did need to fight the case. Mr. Oliver was then approached by Dan Bryant and was informed that he would need to go to Austin, Texas to take a deposition from the lead attorney that El Paso had hired to fight that case. Mr. Oliver stated he believes El Paso had set aside six or eight million dollars to fight the case to take New Mexico water. Mr. Oliver stated that when Mr. Bryant came back he told him something that he has never forgotten, he said that when he walked into that

Attorney's office in Austin and described it as half as big as this room and there was one picture on the wall and it was a picture of an ox cart and sitting in that ox cart was the State of New Mexico with bullet holes in it, with water squirting out every hole. That told Mr. Oliver something right there. Mr. Oliver stated today he sees an ox cart with Otero County sitting in it with bullet holes and our Constitutional Rights, State Rights and Civil Rights, and if we don't stand up for our rights this Country is going to collapse. Mr. Oliver thinks that every fire is started by a spark and the spark to start this movement and turn this thing around is sitting right here. Mr. Oliver stated he totally supports the Commission. Mr. Bryant stated that the rest of the story of the fight against El Paso is that it took from Halloween day in 1984 until November 18, 1987 but we whipped the City of El Paso and it cost the tax payers of Otero County over \$400,000.00 and a big part of Mr. Bryant's life, but they didn't take our water.

29. Kara Goss, stated that her parents and grandparents own the Sacramento allotment, and that her family's heritage came from ranching and she would not like to see the Forest Service take over her family's heritage. Ms. Goss stated that she is part of the future of Otero County and she can't image Otero County without ranching. Ms. Goss feels that we should put a stop to what the Forest Service is doing.

30. George Ezell, a resident of Russia Canyon, Otero County, stated he is not for the County Commission taking over the Forest Service, however, he does believe that the County Commission **should put pressure** on the people that the orders come from to the Forest Service employees. Mr. Ezell believes that the lumber mills and the ranchers have rights to the Forest and that is the way it should be. Mr. Ezell thinks this might be a good place to start on working on a law so when these environmentalist file a lawsuit that puts people out of work and takes away their

grazing rights, they should have the money in place to compensate these people before they can file a lawsuit.

31. Odie Prather, a resident of Pinon, stated that he is 100% behind the Commission. Mr. Prather is a fifth generation Otero County resident and he does not plan on leaving.

32. Pansey Northrip, a resident of Weed, stated that she worked for the Forest Service from 1962 to the early 70's and she stated how times have changed. Ms. Northrip stated that back when we worked, we had logging, grazing and all the five aspects of the multiple use plan. Ms. Northrip stated that the Forest Service use to make money from logging. Ms. Northrip stated that the Forest Service needs better management. There are so many large and over matured trees that need to be taken care of in the forest. Ms. Northrip stated that she supports the County Commission and that she would like to see the Forest Service managed like it used to be.

33. Bob Jones, a fourth generation resident of Otero County, thinks the Commission has a choice to make here today and it's a very important one. This is the time when someone needs to ascertain themselves and put this County back to where it started because we have got off track with the Federal Agencies out here. The future is at stake here today. There are a lot of other states that are looking at what the Commission is doing here today because they are having the same problems. Mr. Jones stated that the loggers are gone and the ranchers are totally dependent on what decision the Commission will make here today. Mr. Jones stated not many people will come to your aid and fight your battles like the ranchers have done for the last 100 years.

34. Ed Cole, a resident of Otero County, stated that he would like to put his individual strength and input in this fight, and he hopes that the Commission will support all the people here today.

35. John (Punk) Cooper, stated that for the sake of time and because words written are often more powerful than words spoken he chose to give the Commission documentation that will be helpful to them. Mr. Cooper believes that what the Commission is undertaking will have a much further reaching impact than just Otero County. Mr. Cooper stated he supports and encourages the Commission to fight the battle.

36. Tom Cooper, stated he is a fourth generation New Mexico Rancher and a CPA, and has done a lot of work for the ranchers in the area and he knows the impact being contemplated against these ranchers. Mr. Cooper gave his personal thanks to the Commission and stated he admires the courage and efforts. Mr. Cooper also gave the Commission a statement in writing.

37. Marcia Stirman, a lifelong resident of Otero County, stated that years ago there was a tea party back east and that was their time in history, and this is now our time in history and it's time for a tree party.

38. Mike Nivison, County Commissioner Elect, informed the Commission that Mayor Venable was unable to attend the meeting today because of other commitments. Mr. Nivison stated the Village of Cloudcroft has testified before Congress three times in the last month or two regarding this matter. Mr. Nivison stated the Village will be submitted a package from that testimony. Mr. Nivison submitted the GAO report on a Cohesive Strategy is needed to address Catastrophic Wildfire Threats, there are three things that interest Mr. Nivison, one is that there is 191 million acres of forest, we have 51 million acres of forest in catastrophic fire danger, and we are treating only 1.3 million acres which is down from last year. Some of the money being used for treating the forest is going into the roadless areas. This is going to destroy logging as we know it in the Southwest, the Forest Service admitted this. The money has also been put into our land legacy

issues. At treating only 1.3 million acres a year, even if you are only looking at the 51 million in catastrophic fire danger, you are talking about a long time to try and get this in order. In Mescalero, there are seven people running that forest and they are not in a catastrophic fire danger. Mr. Nivison also submitted to the Commission some of the testimony before Congress that the leading scientist Dr. Garret and his colleague Dr. Covenington have testified on the spotted owl to the Fish and Wildlife and if we go back to pre-settlement times which is where we should be, there would not be any spotted owls in that forest which he is suggesting that there was probably never any spotted owls in that forest to begin with. We are creating an artificial forest to treat one species. Mr. Nivison stated that the Sierra Club and the Southwest Center for Biodiversity have a lawsuit for the goshawk for no logging in Arizona and New Mexico. The Goshawk has two different habitats and what we are doing is chasing the rabbit. Mr. Nivison stated that we are not treating poor endangered species. Mr. Nivison stated there has been a lot of controversies over the elk and cattle. The issue is fighting between two symptoms it not the elk or the cattle, Dr. Garret will tell you that if the forest is cleaned up we will have 2000% more forage. What that will do, is when the problem is relieved the symptom will go away. It cost 16 million dollars to fight the fire in Otero County, it destroyed 660 thousand acres in our part of the Lincoln. This is about \$700.00 per acre. Mr. Nivison stated he will submit a plan to treat the whole forest and make it whole again for that amount of money. Mr. Nivison stated that none of the fire victims throughout the west (with the exception of Los Alamos) are ever going to be whole again. Mr. Nivison stated he has been working on the BLM EIS for the last five years and our creditability and the State's creditability in that document are building the human environment, NEPA which is an act and has a higher threshold than a law says that we are to take care of the biosphere and the health and welfare of mankind. We built that human dimension,

and that document was done about eight months ago and as of this day it has not been signed, I think they don't want the human dimension in there. Mr. Nivison stated that this build up of fuel in the forest started happening in 1988 when the spotted owl came in. Mr. Nivison submitted his testimony to Congressmen Skeen, and an article for Forbes Magazine. Mr. Nivison stated that we do have laws of God and we have to hold them in front of any mans law. Mr. Nivison asked what happened to common sense and what happened to the quality of life, what happened to ideal and integrity. The biggest thing people are looking for here today is hope.

39. Commissioner Rardin made a motion to go into Executive Session to discuss the Federal Land Issues. Commissioner McGinn seconded the motion. Roll call was taken as follows:

Commissioner Zierlein      yes

Commissioner McGinn      yes

Commissioner Rardin      yes

Commissioner Rardin made a motion to return to Regular Session and stated all that was discussed was the Federal Land Issues . Commissioner McGinn seconded the motion.

Commissioner McGinn      yes

Commissioner Zierlein      yes

Commissioner Rardin      yes

40. Commissioner Zierlein read the following letter from Representative Gloria Vaughn:

I would like to say thank you to you for your stand on our rights as American Citizens. I know that you will do the right thing for the citizens of Otero County. Please know that you have my support. If I can help in any way please do call on me.

Again thank you for all you do for all of us in Otero County.

41. Enis Lewis stated that fires are a natural part of the whole world but grazing is also as natural as fire. You can have grazing, logging, tourism one does not exclude the other. Mr. Lewis hopes what the Commission is going to do today will safe guard all of that.

42. Dan Bryant submitted written comments from the following individuals and business that are to be a part of the record: Perry Pruiett, the first written comment, a copy of the complaint and allegations that was filed by the Sacramento Grazing Association against the Forest Service, comments from White Sands Forest Products, a letter from Representative Dub Williams to the U.S. Forest Service, testimony provided to the US House of Representatives Natural Resource Committee on New Mexico's fire situation, prepared and presented by Richard Frost. Mr. Bryant was asked to read the following purpose clause from the Environmental Policy Act, Section 2 of NEPA: **The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.**

43. Commissioner McGinn stated that Otero County's economic future is being threatened. Through many years of Federal Government Regulation, environmental lawsuits and mismanagement, the citizens of Otero County have seen well-intentioned federal bureaucrats violated their **right and liberties**. The lack of logging revenues, damaged water shed, dead tree over population and **decreased grazing activity** is in my opinion a very real threat to our counties future. If we do not act now we are going to continue to be at the mercy of the radical environmentalist that would rather stare at a tree then reap the benefits of a strong economy which will provide jobs,

increase the tax base and improve services. We have spoken with other western communities and by declaring a state of emergency in our forest we will lead the charge to force the Federal Government to back off and let us live in, work in and enjoy the forest that we love. Understand that we as a Commission do not agree with the current management, and philosophy of the Lincoln National Forest, we want a solution to the problem of a dying forest, based on fairness, common sense and freedom. Remember a healthy forest means a healthy economy. For example, White Sands Forest Products closing has cost the economy 12 million dollars not to mention the losses sustained by individual families that now have to look for work. In a recent letter from the Forest Service, they describe 6 to 12 million board feet of commercial timber that they planned to contract out. Why wasn't this contract made available to the White Sands Forest Products in a timely fashion. Why did we have to loose 150 jobs. Is there any question that the Forest Service does not understand local economics. The Federal Government did not give us the forests, God did. We need to be good stewards of our natural resources. How better than the people who live there. Those who live in the forest and work in the mountains are the people that know what is best for them and for the forest. We will work together to make sure the forest is protected for the use of all. Commissioner McGinn stated he appreciates hearing from the public here today and your comments are always valuable to the Commission. Commissioner McGinn stated he appreciates the confidence that you the public have placed in us and trust that we will do the right thing and that is protecting the human species.

44. Commissioner Rardin stated that the talk is over its time to take action. Figures don't lie but liars use figures. Commissioner Rardin stated he hopes that we can honestly go up and protect our resource while enjoying it and using it, not abusing it. Commissioner Rardin stated let's

take care of it, there is only one sky, one forest and one river and when we pollute it or misuse it, it is gone.

45. Commissioner Zierlein stated that one thing that is very important is that the Resolution that's before the Commission today didn't just happen because of the County Commission, this resolution was the work of a lot of people over the last three weeks. Commissioner Zierlein thanked everyone for their help. Commissioner Rardin made a motion to approve Resolution 09-08-00/89-07. Commissioner McGinn seconded the motion. A vote was taken and the motion passed unanimously. See pages\_\_\_\_\_.

There being no further business before the Commission, the Chairman adjourned the meeting at 1:03 p.m.

**Regular Meeting September 8, 2000**

**APPROVED:**

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**Chairman**

**ATTEST:**

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**Mary D. Quintana  
Otero County Clerk**