



January 23<sup>rd</sup>, 2018

Dear New Mexico Members,

Currently, four major policy issues are underway in New Mexico. This letter distills these important issues in the New Mexico paddling community, and presents an opportunity to engage and connect with other New Mexico members leading the way. As always, the ACA appreciates your support as we pursue policy issues that are important to the heart of the paddling community.

### **River and Monument Protections**

In April of 2017, President Trump issued an executive order instructing Interior Secretary Ryan Zinke to conduct a “review” of all national monuments greater than 100,000 acres designated since 1996 or where there was “(in)adequate public outreach and coordination with relevant stakeholders” and to make recommendations about whether to rescind their designations or make other alterations to their boundaries or management. New Mexico’s Rio Grande del Norte (RGDN), designated in 2013, was among twenty-seven national monuments reviewed.

Secretary Zinke held a 90-day public comment period. Unsurprisingly, RGDN enjoyed widespread support. New Mexico had the most comments submitted per capita of any state (97,000) and for those comments related to RGDN, nearly ninety eight percent opposed the executive order. Secretary Zinke did not visit Rio Grande del Norte during his review.

On December 5, 2017, Secretary Zinke released his recommendations to the President. While Secretary Zinke did not recommend shrinking Rio Grande del Norte National Monument, he did recommend amending the Monuments’ proclamations. The ACA is cautiously satisfied to see no changes to the boundaries recommended, and our position remains that this review should never have been ordered by President Trump. Similarly, we believe any changes to the presidential proclamations creating these monuments are unwarranted, unwelcome, and illegal.

The justifications cited for recommending changes to the proclamations of RGDN – to preserve public access, grazing, tribal cultural use, hunting and fishing rights, as examples, are not only already allowed, but were specifically highlighted in the Presidential Proclamation that created the monument. Indeed, preserving public access



and traditional uses for current and future generations was a primary reason for protecting these public lands in the first place. It is unclear what types of proclamation changes will be recommended.

New Mexico members are working to ensure that sections of the Rio Grande river located within the RGDN remain protected. The RGDN contains the classic Lower Taos Box, a popular class IV river trip, in addition to more challenging sections of whitewater upstream.

### **Gila River Water Development**

Over the past decade, proponents of water development on the Gila River spent fifteen million dollars to identify a viable concept for Gila River diversion and off-stream reservoir. This is known as the New Mexico Unit of the Central Arizona Project, and so far, there is still no viable plan. Currently, diversion proponents are focused on an idea, intended to benefit less than 100 irrigators with a small amount of very expensive water. The diversion and storage facilities would be located downstream of the Gila River Wilderness run, and threaten endangered riparian species. [Click here for the full story.](#)

The New Mexico State Legislature may stop or reallocate project funding, under recommendation from the state budget office. Senate Bill 72 and companion House Bill 127 would reallocate diversion and storage project funds toward the construction of drinking water infrastructure to serve the majority of residents of southwestern New Mexico. Please visit [gilaconservation.org](http://gilaconservation.org) for more information.

The wild Gila River deserves permanent protection after being set aside due to the efforts of Aldo Leopold over 100 years ago. This current proposed diversion is just the latest in a long line of threats to the Gila River dating back to the 1930's. While previous proposals were ultimately defeated, they underscore the chronically threatened status of the Gila River. Even if the current attempts to dam and divert the Gila River fail, it is certain that without permanent protection, defensive actions will continue to be necessary again and again. Proponents of developments, dams and diversions only need to be successful once to destroy the river's essential character, while advocates of keeping the Gila River wild and free need to be successful every time in order to preserve it. The ACA supports granting permanent protections to the Gila River through Wild and Scenic status.



The headwaters of the Gila River are in the world's first protected Wilderness and it remains one of the largest wilderness complexes in the Americas south of the boreal forest and north of the Amazon rainforest. The Gila headwaters are the most ecologically diverse wilderness complex in North America and is home to one of the largest undammed headwater watersheds left in temperate North America. While New Mexico was proud to have one of the first rivers designated as Wild and Scenic after the 1968 Act, (sections of the Rio Grande), the Gila River was unfortunately not among them. In fact, 50 years later, of the approximately 108,014 miles of rivers in New Mexico, a scant 124.3 miles of them are designated as Wild & Scenic—or approximately 1/10th of 1% of the state's river miles.

A growing coalition of conservation organizations, businesses, sportsman groups, faith leaders, recreationists and others are imploring New Mexico's federal delegation to finally and forever permanently protect the Gila and San Francisco Rivers and their tributaries through Wild and Scenic designation. Efforts are underway to have legislation introduced by Senator Udall this year, the 50<sup>th</sup> anniversary of the Wild and Scenic Rivers Act. For more information go to [www.nmwild.org](http://www.nmwild.org) or soon [www.wildgilariver.org](http://www.wildgilariver.org).

### **Military Training Exercises Over Our Nation's Largest, and Oldest, Wilderness Area**

The ACA recently learned that Holloman Air Force Base is planning military training exercises in the area on a scale that would be calamitous to the peace, quiet and solitude that make our state's largest and oldest Wilderness Area so special. The Gila River flows through this Wilderness Area. The Air Force plans to conduct *10,000 exercises annually* above the Gila and Aldo Leopold Wilderness Areas, including low altitude overflights, roaring above the ground at 500 feet above the National Forest and 2,000 feet above Wilderness. In addition, they propose to drop 30,000 magnesium flares and "defensive chaff" each year while doing so. The proposal would essentially mean that all of the wilderness areas, wilderness study areas and the entire Gila National Forest could look and sound like a war zone.

The U.S. Air Force is obligated to comply with the National Environmental Policy Act (NEPA) process, which requires public involvement. They are preparing an Environmental Impact Statement (EIS) to assess the potential environmental effects of "optimizing the training airspace at Holloman AFB, New Mexico." The draft EIS is



expected in the Spring of 2018. We expect there will be opportunities for meeting and comment.

Opposition to the proposal is overwhelming and includes veterans, businesses, local elected officials, sportsman's groups and conservation organizations. While many recognize the role Holloman AFB plays to our national defense and the need for military readiness, this type of activity is entirely inappropriate in this area. For more information, go to [www.nmwild.org](http://www.nmwild.org) or soon [www.peacefulgillaskies.com](http://www.peacefulgillaskies.com).

### **New Mexico Stream Access**

Recently, the New Mexico Department of Game and Fish called a last-minute emergency meeting to push through a new rule that limits access to New Mexico's public streams and rivers. The passed rule infringes upon the constitutional rights of New Mexico citizens and tourists to utilize publicly accessible streams and their streambeds, including those flowing through or adjacent to private property, for fishing, boating, or other recreational purposes. The rule also holds out a false promise to landowners, who would be required to undergo an arduous process to have a stream certified as non-navigable and subject to the new rule and trespass statute.

The New Mexico Constitution and the New Mexico Supreme Court are abundantly clear: the state's waters are for all New Mexico citizens, they have a constitutional right to fish and float any section of stream they can reach without crossing public land. In other words, New Mexico citizens cannot cross private property to access a stream, but they do have a right to access the stream via public lands.

The Game and Fish Commission called a last minute, "emergency" meeting in Albuquerque to hear about the rule, right before the end of the year. The "emergency" meeting limited the time for public comment to two weeks. Thirty days is the norm. This rule makes it illegal for New Mexico residents to fish and float sections of streams and rivers within the boundaries of private property.

[Click here to read the State Attorney General's opinion on stream access.](#)

The ACA appreciates your engagement in these issues. Please stay tuned for opportunity to comment on specific legislation or provide public comment as situations develop. In the meantime, please reach out to New Mexico State Director, Robert Levin,



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