

OUTDOOR REPORTER

Spring 2009

Energy development comes at cost: wildlife and opportunity

By Joel Gay
New Mexico Wildlife Federation

Jerry Goff brought his 89-year-old father from Mississippi to Farmington last year to hunt the San Juan Basin's fabled mule deer. "This was kind of his last hurrah," Goff says of his father, Sherwood. "He can't move around too well. His knees are bad and his hearing's shot."

But instead of finding trophy animals and having a memorable final hunt together, father and son spent three days among the well pads, pump jacks and truck traffic in the nation's second-largest natural gas field.

It was not the San Juan he had expected to share with his father, says Goff, a former heavyweight boxer who now hosts a sportsman's show on cable TV. In three days, they saw only a dozen deer, he says. His father never fired a shot.

"If we'd been hunting oil rigs," Goff laughs, "we would've tagged out the first day."

Hunters from New Mexico to Montana have been telling similar stories in recent years, thanks to an unprecedented boom in oil and gas development on public lands in the West. Since 1999, drilling on federal public lands has increased 260 percent. The San Juan Basin has seen an average of 500 new wells a year in recent years, and nearly 1,000 in 2006 alone.

Sportsmen feel the impacts of energy development more than most Americans. New roads and well pads on the sagebrush prairie have driven down mule deer and antelope numbers. Erosion and sedimentation have affected drinking water quality and trout streams. The drone of compressors and truck traffic fill the air where there used to be silence.

U.S. Bureau of Land Management and U.S. Forest Service lands in the West host a jaw-dropping range of wildlife habitats and opportunity for sportsmen. But hunt-

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The San Juan Basin is home to trophy mule deer and world-class rainbow trout, along with some 26,000 oil and gas wells and 6,000 miles of service roads. (New Mexico Department of Game and Fish)



David Sanchez of Greeley, Colo., plays a rainbow trout during a trip to the San Juan River in March. First-time fishermen are often wowed by the San Juan's fishing and its beauty, but some veteran anglers say the river is suffering because of increased sedimentation and diminished water flows, and are asking state and federal agencies to do more to protect the river from decline. (Joel Gay)

San Juan a jewel that deserves protection

By Andreas Novak

On a cold December day shortly after I moved to Durango in 1983, my thoughts turned to the warmer months ahead and chasing the elusive trout of southwest Colorado. Gary, my fishing buddy, sat across the

table struggling to tie a woolly bugger and talked about a river we should try just south of us, the San Juan.

I remembered a magazine article I had read before about "fur-bearing trout," but that December day I put the pieces together: the author had been talking about the same

San Juan River – and winter fishing! We soon were heading toward Aztec, not knowing what to expect or even how to get there, but going just the same.

So began a close relationship with a river that has been my second home for more

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Father, son go two-for-two on magical hunt

By Yancey Ranspot

The May evenings were getting longer and the pull of scouting for Merriam's wild turkey had come across my mind during lunch, so I went home, packed a snack, grabbed my son and some gear and out the door we went.

It was a typical drive from our home near Taos, across the Rio Grande Gorge on U.S. 64 to beautiful Tres Piedras. Entering Carson National Forest, which New Mexico Wildlife Federation founder Aldo Leopold once managed, we turned off the highway onto an old road that's not shown on the maps any more. Highway 712 took us west, to the turnoff to Forest Road 91-B and an area I've hunted a lot over the years south of Hopewell Lake, an area long designated as Game Management Unit 52.

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...Spring turkey hunt pays off more ways than one

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Deer and cow elk on both sides of the road are always a welcome sight in the spring. They seem to wonder how we made it back to their winter sanctuary with snowdrifts still covering the road.

We came to 91-B and headed toward Turkey Lake, then kept going, past Burned Mountain. When the sun begins to set during spring turkey season in the mountains of northern New Mexico, you can feel the temperature change almost instantly. Brandon and I looked at each other, rolled up the windows a little and turned on the heater.

I was wondering if we would have enough time to get to our spot, and I pondered stopping just up the road to look at an area where a friend was successful last year. But a plan is a plan so we continued on to our destination and arrived at our secret spot near Moeller Springs.

We pulled off the main road, then drove down a little farther to park. We quietly got out of the truck, intending to walk to a meadow just below us. But once we stepped over to the top of the hill, to our amazement we saw two toms strutting with six hens in a clearing. Needless to say, there were grins all around.

We watched for a while and heard them roost for the evening, and decided to come back the next day. First, however, we stacked rocks on the side of the road to mark our location – we would be coming in from a different direction the next day in the dark.

The drive home was full of hope, laughter and expectations of a great day of hunting ahead of us. Back home we packed up our gear with anticipation of the 3:30 a.m. wake-up call. I got out my old 12-gauge pump, but

Brandon, who had just turned 12, had a brand new Winchester 12-gauge that he had won two weeks earlier at our local National Wild Turkey Federation banquet.

Now it's morning. We leave the house in pitch dark and head back toward Unit 52. After parking the truck, we set out quietly on the 15-minute walk to our spot on top of the hill.

Walking silently through the forest we hear a faint gobble. We stop to check the location of the tom, and when we hear him gobble two more times we quickly close the distance between us and the roost.

The gobbles continue, so we close enough to set up on the birds. It is still dusk and the horizon has begun to let the sun peek through. My son is a little nervous and tells me to go ahead and take this one.

I no sooner sit down than we hear the birds fly down off the roost. One little purr from our slate call and the morning silence is broken by a continuous gobble from the toms and the wings of the turkeys in flight.

To my amazement, the turkeys come down upon me, and the tom lands 20 feet away, instantly going into full strut. I cannot believe he has pinpointed my location so accurately.

I watch him for a minute and then pick my spot behind a huge log to my left. I know he will pass in front of me, and am hoping he will pass and lift his head.

The sounds around us seem to come into focus. I hear my heart beating faster. The practice of patterning the gun, the scouting, all the precious time spent with my son are about to pay off.

Just as I hoped, the tom clears the log and lifts his head. I squeeze the trigger and before the tom hits the ground I am greeted



Taos hunter Yancey Ranspot and his son, Brandon, show off one of Merriam's the wild turkeys they shot during a hunt two years ago in Carson National Forest. (Yancey Ranspot)

by my son's praises. Hugs and high-fives quickly follow.

I briefly take in the moment, but just as I reach over to pick up my prize Merriam's turkey, Brandon says, "Dad, I just heard a gobble."

I look up to see him pointing. We quickly stash my bird under some brush and walk toward the sound. From the edge of the meadow we see the other tom and six hens at the far side. We cover ourselves with limbs and call out a few putts, which get the tom's attention. He looks right at us and begins to come in our direction.

The hens catch up with him as he quickly covers 100 yards. He stops about 30 yards away, then goes into full strut. I give Brandon the go-ahead and the next thing you see, the tom is flopping on the ground.

I could not have scripted such a grand day. We hugged and gave each other high-fives, and huge grins covered both of our faces. As we headed to the truck, each of us had a prize turkey over his back – a picture of father, son and nature in all its perfection.

There is talk of oil and gas development in this part of northern New Mexico, extending eastward from the San Juan Basin. In the meantime, the magical, undeveloped paradise we call Tres Piedras Unit 52, in all of its grandeur, is a treasure we should cherish and protect for all to enjoy for a lifetime. Forever.

Yancey Ranspot is lifelong Taos-area resident and hunter and the father of four.

Rio Arriba County off-limits to oil/gas companies, for now

Rio Arriba County has a legacy of oil and gas development that goes back decades, but the future of new development isn't quite so clear.

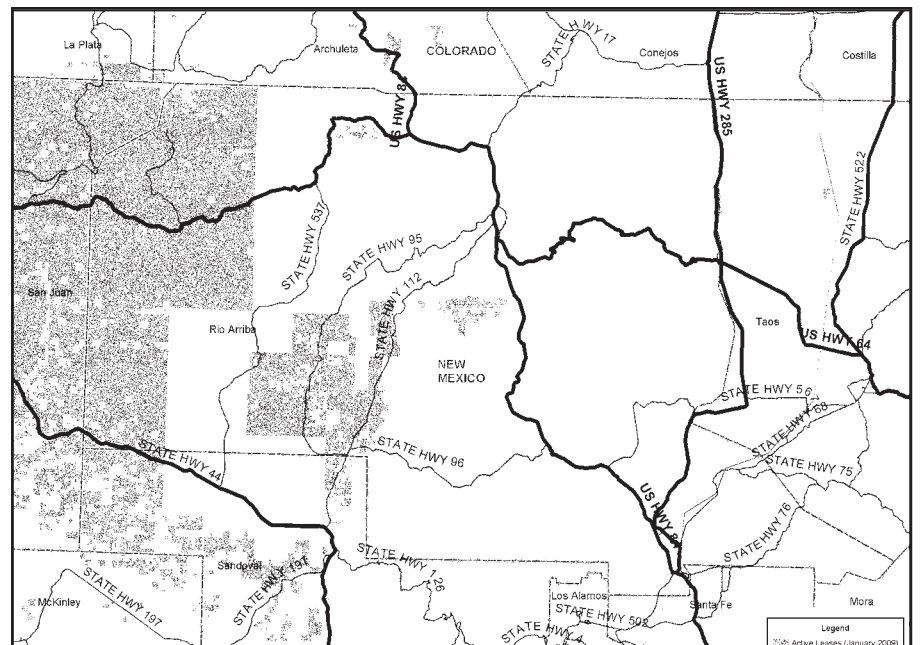
Last year the Rio Arriba County Commission approved a moratorium on new energy development until it gets assurances that land, water, fish and wildlife will be protected.

The county already has more than 11,000 wells, mostly in the western portion, said county Planning Director Gabriel Boyle. When a Texas company applied to drill in a sensitive area farther east, the county realized it couldn't rely on state and federal agencies to protect water quality and sensitive habitat crucial for hunting and fishing, he said.

"We have some of the best recreation in the country," with trout streams and elk herds, Boyle said. "It had become more and more apparent there weren't adequate protections." Over the last year the county has been writing its own ordinance to help manage oil and gas development. The county can't set aside vast tracts of land where development is banned, he said, but it can keep a close eye on how development occurs.

"It's to get another set of eyes out there on the industry that we hadn't had before," Boyle said.

- Joel Gay



Rio Arriba County is writing its own ordinance to help protect natural resources during oil and gas development. The dark portions on the map have been leased already. (Map courtesy of Environmental Working Group)

Gould's wild turkeys: Comeback kids of NM Bootheel

By **Scott P. Lerich**
National Wild Turkey Federation

The gobble came from over the ridge and it came as a pleasant surprise since it was early December in southwest New Mexico. When I made my way over to get a look at the birds with my binoculars it was a magnificent sight: a dozen Gould's wild turkeys – eight gobblers and four jakes – feeding through the canyon bottom.

A couple of the jakes were making all the commotion, but the gobblers paid no heed to the youngsters. This was the largest group of Gould's I had seen, and even from this distance they were stunning. The sky had cleared from an earlier storm and the sun shone vibrantly. The extensive white markings on the birds' tails were lit up like strobe lights.

This encounter occurred during one of the recent surveys conducted by the New Mexico Department of Game and Fish and the New Mexico chapter of the National Wild Turkey Federation. Gould's wild turkeys are the least common of three subspecies found in New Mexico, and some say the

visited by outsiders. Given the restricted range of Madrean woodland in New Mexico, the Gould's wild turkey is also limited in range and numbers.

From the early 1980s through 1992, New Mexico State University conducted no fewer than five research projects to document the range, habitat, ecology and population of Gould's wild turkeys in New Mexico. The NMSU studies represent nearly the extent of our knowledge of these birds. But in an effort to expand that knowledge, the Department of Game and Fish and the National Wild Turkey Federation have conducted biannual surveys in the Gould's primary habitat in recent years. These surveys have provided important data to use in the management of this special population.

As a result of our surveys, the State Game Commission authorized two special enhancement tags for the spring 2009 turkey season – the first legal hunting opportunity for Gould's wild turkeys in New Mexico. The National Wild Turkey Federation auctioned one of the tags for more than \$4,000, and raffled the other. Proceeds from the tags will be used to continue restoration efforts,



Gould's wild turkeys are the largest wild turkey subspecies in North America, found in the "sky islands" of New Mexico, Arizona and Mexico. Thanks to successful reintroduction efforts to build the population, New Mexico offered its first Gould's wild turkey hunt this year, and more are expected in the future. (Jeff Fell)

and private landowners, the Gould's wild turkey will remain an important member of New Mexico's avifauna. These agencies and individuals are working together to identify habitat projects and management actions that benefit not only Gould's but other wildlife species. Revenue from the state Habitat Stamp program, Forest Service habitat fund and NWTf Hunting Heritage fund is combined to get the most out of every project.

I always look forward to my trips to the Bootheel and the opportunity to see and hear Gould's wild turkeys, a unique mem-

ber of our wildlife community. The opportunity to hunt these birds legally demonstrates the outstanding job accomplished by those charged with the management of our wildlife resources – all of which is made possible through the support of the hunters of New Mexico.

Scott P. Lerich is the Southwest regional biologist for the National Wild Turkey Federation, based in La Luz, N.M., and a member of New Mexico Wildlife Federation. Contact him at lerichnwtf@q.com.

Gould's wild turkey hunting opportunities

New Mexico: two tags for spring 2009

Arizona: 20 tags available for spring 2009 draw

Mexico: guided hunts at \$1,800 to \$2,500 or more

most beautiful.

The Gould's is the largest of America's five wild turkey subspecies. Longer legs give the birds a height advantage over other turkeys. Gould's also have larger feet and central tail feathers than other subspecies, as well as more extensive white markings on their tail tips and tail coverts. Other color differences include copper and greenish-golden reflections of their lower back and rump feathers, which differ from the faintly iridescent, velvety-black coloration of the Merriam's.

Gould's wild turkeys are found in Madrean woodland – named for the evergreen woodland country of Mexico's high Sierra Madre Occidental. These are the so-called "sky islands" of the American Southwest, where the higher elevation creates milder temperatures and wetter conditions than in the surrounding desert floor.

Madrean woodland is in short supply in New Mexico, found only in the extreme southwest portion of the state known as the Bootheel. There is far more in southeastern Arizona and its host of sky islands. Common elements of Madrean woodland include large oaks and junipers, as well as Apache pine, a species not found in other parts of New Mexico.

The Bootheel is magnificent country dominated by large ranches, and not often

and hopefully will lead to future hunting opportunities for New Mexico hunters.

The history of Gould's wild turkeys in the United States is little known but interesting. The birds were found mainly in Mexico, with smaller populations believed to inhabit the sky islands of Arizona and New Mexico. A subspecies thought to be the Gould's was wiped out in Arizona about a century ago.

In her 1928 book "Birds of New Mexico," Florence Merriam Bailey did not differentiate between the subspecies of turkeys, but noted the presence of wild turkeys in the Bootheel. It was not until years later that Gould's was recognized as being found naturally in New Mexico. Scientists now believe earlier references to wild turkeys in the Madrean woodlands of New Mexico and Arizona were, in fact, Gould's.

New Mexico has the only native population of Gould's wild turkeys in the United States, estimated at around 150. It has taken a major restoration effort to re-establish the Gould's in Arizona, but the work has paid off. Because Arizona has far more Madrean woodland than New Mexico, the population there is now estimated at around 1,000.

With the help of the New Mexico Department of Game and Fish, the National Wild Turkey Federation, the U.S. Forest Service

Grilled Cajun Wild Turkey

Clean and prepare wild turkey breasts. Slice breasts into strips about an inch wide. Wrap turkey strips with bacon, using toothpicks to hold together. Season with Tony Chachere's Original Creole Seasoning. Grill to perfection, remove toothpicks and enjoy!

Scott P. Lerich



Turkey Tres Piedras

1 wild turkey, cleaned and washed
(Yancey's Secret Marinade – soak in buttermilk for 1 day)

1 tbsp. salt
1/2 tsp. pepper
5 stalks celery
1/3 cup melted butter
6 bacon slices
1 large onion, sliced
6 baby carrots
8 baby red potatoes
1 cup virgin olive oil
2 cloves fresh garlic, minced
1 can mushrooms
1 cup sherry
1 cup heavy cream

Rub turkey with olive oil, sprinkle with salt and pepper. Put onion, mushrooms, carrots, minced garlic and celery in bird's cavity. Place breast-side down on a rack in the roasting pan. Dribble melted butter over breast and place bacon strips on top.

Bake at 350 degrees for 20 minutes per pound. Turn bird breast-side up 20 minutes before done and cover breast with bacon slices. Bake until tender.

When done, pour off the fat and deglaze pan. Remove vegetables from cavity to blender, blend with deglazed pan juices. Add sherry and heavy cream. Serve with wild rice.

Yancey Ranspot

Sportsmen win many key legislative battles in 2009

By Jeremy Vesbach

New Mexico Wildlife Federation

The 2009 New Mexico Legislature ended on a mixed note for hunters, anglers and outdoors enthusiasts. The good news was that sportsmen played a key role in several legislative battles and their voices were clearly heard, setting a good precedent for the future.

On the other hand, our high-priority effort to reform the state's depredation law ran out of time and was never brought up for its final vote. Sportsmen should take consolation that Senate Bill 391 made it farther than any previous efforts, passing the Senate by a wide margin.

Here are some session highlights, including several bills that would have negatively affected wildlife and outdoor opportunity but were stopped by a flood of letters, e-mails and phone calls from sportsmen. For a full review of the session or to sign up for our "Sportsman's Action Alert," go to www.nmwildlife.org.

Victories for sportsmen

House Bill 11, an effort to sell Valles Caldera elk tags to the highest bidder, was defeated in its final committee. Strong opposition from sportsmen helped thwart the effort to prop up a failing management system at Valles Caldera National Preserve. A better solution is for Congress to revise the management

plan so Valles Caldera can be managed by a natural resource agency.

On a related matter, the state Senate approved a memorial sponsored by Sen. Tim Eichenberg urging Congress to hold hearings on the Valles Caldera management strategy.

House Bill 163, to reduce trespass posting requirements, was voted down in its first committee. It would have made it harder to determine land boundaries and thus directed poaching penalties at the majority of public land users.

House Bill 604, to elect members of the State Game Commission, was stopped in committee. It would have taken away the governor's power to appoint commission members, perhaps

leading to the election of anti-hunting game commissioners.

House Bill 40, limiting the use of eminent domain to condemn water rights, was approved. This legislation will help ensure wildlife habitat, agriculture and open space are considered in long-term planning for urban growth, and that cities cannot condemn agricultural water rights to grow.

House Joint Memorial 4 will protect wildlife corridors in New Mexico and sets up an effort to identify and protect important wildlife corridors. This bill was an effort of "Wild Friends," a youth group sponsored by the University of New Mexico Law Center.

Senate Bill 379 amends off-highway vehicle regulations to give the Department of Game and Fish authority over a fund generated by ATV user fees.

River Ecosystem Restoration Initiative: The Legislature appropriated \$1.5 million for habitat restoration work on New Mexico's rivers and streams.

Outdoor Classroom Program: The Legislature appropriated \$200,000 to give students an opportunity to learn about the natural world through their schools.

A few disappointments

House Joint Memorial 3, identifying streams at risk of hydrologic alteration, ran out of time before it was approved. It would have required a statewide assessment of minimum stream flows to keep our rivers healthy. The measure passed the House unanimously, but never came to the Senate for a vote.

Senate Bill 361, to expand state oversight in oil and gas development, never made it out of its first committee. It would have updated state oil and gas regulations, many unchanged since 1935.

Perhaps the hardest loss of the legislative session was **Senate Bill 391**, the long-sought reform of the depredation law that has allowed unscrupulous landowners to slaughter wildlife without consequence. The bill, written by the Department of Game and Fish and sponsored by Senate Majority Leader Michael Sanchez, cleared the Senate and was on its way to approval. But it was reported out of its final hearing, House Judiciary, too late for a full House vote before the Legislature adjourned.

Despite the delay, Judiciary Committee Chairman Al Park told NMWF he supports the depredation reform effort, and that the delay was an accident in the final hectic days of the session.

Advocates of the measure have made it clear they will not give up trying to reform the depredation law. Said Gov. Bill Richardson, "I am not done with this issue."

Legislators stand up for sportsmen, wildlife, natural resources



Sen. Tim Eichenberg

Sen. Tim Eichenberg of Albuquerque sponsored a successful memorial calling on Congress to change the management system at Valles Caldera National Preserve so it would be operated by a natural resource agency, leading to better hunting opportunity and more access for the public to responsibly enjoy the preserve. A new management system would also end the persistent attempts to charge thousands of dollars for public lands hunting and ensure that Valles Caldera is not commercialized with luxury lodges and other developments out of financial reach for most people.



Sen. Phil Griego

Senators Phil Griego of San Jose and Dede Feldman of Albuquerque co-sponsored SB 379, the successful effort to move authority over an off-highway vehicle fund from the Department of Tourism to the state Department of Game and Fish, ensuring that the fund will be better spent for enforcement and habitat. The bill also reduced the 26-member advisory board to seven.



Sen. Dede Feldman



Rep. Mimi Stewart

Rep. Mimi Stewart of Albuquerque sponsored House Joint Memorial 3, a broadly supported effort to identify waterways at risk in New Mexico and instream flow levels necessary to keep those streams healthy. The measure ultimately ran out of time before its final vote on the Senate floor, but the state agencies that form the Water Cabinet have expressed interest in moving forward with the issues laid out in Stewart's memorial.



Sen. Cynthia Nava

Sen. Cynthia Nava of Las Cruces, as chairwoman of the Senate Education Committee, provided key support to ensure that New Mexico's Outdoor Classroom Program continued to receive funding in difficult economic times. Nava has championed the outdoor education program since its inception as an original sponsor of the effort.



Sen. Michael Sanchez

Sen. Michael Sanchez of Belen sponsored Senate Bill 391, reforming the state depredation law that allowed a landowner last year to legally kill and wound some 40 pronghorn antelope with a shotgun. Sanchez guided the bill through compromise measures, winning the support of the New Mexico Cattle Growers' Association and fending off poison-pill amendments on the Senate floor. It passed the Senate and cleared two House committees but ran out of time before a final vote. Sanchez has said he does not intend to give up until the problem is fixed.



Rep. Gail Chasey

Rep. Gail Chasey of Albuquerque, chairwoman of the House Consumer and Public Affairs Committee, told backers of HB 163 that they needed to work and cooperate with sportsmen and other public land users if they expected efforts to change the state's trespass laws to succeed. The misguided bill was voted down unanimously in the committee she chairs.

NMWF Sportsman Survey

How best to ensure public input, transparency in Game Commission decisions

New Mexico has a long and colorful history of political corruption and fraud, but a steady stream of headlines in recent months has brought calls for greater transparency and stronger ethics rules in government to a fever pitch.

Sportsmen are among those calling for change. Not in recent memory has NMWF heard such widespread demand from its members for the need for transparency and accountability

from the State Game Commission and Department of Game and Fish. Some recent decisions have been made by the commission with little public input, or with input gathered only after strong public outcry.

The commission and department have a history of leading the way to better government, and current Game and Fish Director Tod Stevenson has expressed a desire for additional transparency and openness.

NMWF aims to work with the department to approach this issue head-on and make sure the State Game Commission is doing all it can to be transparent in its decision-making, to use the best available science and to gather public input in a timely fashion — particularly from the hunting and fishing license buyers who fund the department.

But first we want to hear from you. Answers from the survey below

could help the commission become more responsive to the public, particularly to hunters and anglers who foot the bills. Please take a moment to complete the survey and mail it to us. All your comments are appreciated. We will report the results in the summer issue of the Outdoor Reporter.

If you're not already a NMWF member, consider filling out the membership form on the back of this survey and joining.



NMWF Sportsman Survey

Please fill out and return to: **New Mexico Wildlife Federation, 2610 San Mateo Blvd. N.E. Suite 100, Albuquerque, NM 87110**

Background: By statute, the New Mexico State Game Commission has seven members. Five commissioners represent the hunters and anglers in their respective regions who fund the state Department of Game and Fish through license fees and taxes. Another at-large commissioner is designated to represent landowners who have game or other protected wildlife species on their property, while the final at-large member represents environmental concerns.

Commissioners are appointed by the governor, confirmed by the Senate and serve four-

year terms. No more than four commissioners can belong to the same political party.

The commission was created to keep politics out of wildlife management. One of its major functions is to hire the director and deputy director of the Department of Game and Fish. It also sets policy for the department at open public meetings. Any work to improve operations of the Department of Game and Fish must start with improving and de-politicizing the State Game Commission.

1. Do you believe the State Game Commission and Department of Game and Fish do an adequate job of providing information and collecting input from sportsmen before making key decisions?

Yes, citizen input, particularly from hunters and anglers, is taken into account and no changes are necessary in the way decisions are made or input is gathered.

Yes, input collected from the public is adequate, but improvements are still needed.

No, the commission and department do not do an adequate job of providing information and collecting input from sportsmen on key decisions.

Comments: _____

2. Would you be more likely to attend State Game Commission meetings if they were held on weekends? (Currently all commission meetings, at which major decisions affecting hunters and anglers are made, are held during the week.)

Yes No Comments: _____

3. Do you believe State Game Commission meetings should be videotaped or Webcast live so citizens could watch commission meetings even if they cannot attend?

Yes No Comments: _____

4. Should limits be placed on gifts State Game Commission members can receive from fellow commissioners, commission-regulated industries or individuals? (Gifts may include such things as meals, transportation, private lands hunting permits, etc.)

A commission member should be able to receive any gifts without restriction.

A commission member should be able to receive any gift, but should be required to disclose those gifts.

A commission member should not be able to receive gifts that may be construed as influencing their decisions on the commission.

Comments: _____

5. Last year the State Game Commission made several changes to the big game draw system with little public input prior to the decision. To reduce the number of applicants, the commission instituted a "pay upfront" system for bighorn sheep, ibex, antelope and other species for online applicants. This change also required a small increase in the nonrefundable application fee to administer the additional work to manage the system. Please check all that apply:

I am in favor of upfront payment for all species.

This system should be evaluated on what effect it has had on the number of applicants and the department should request my input before further changes are made.

Youth applicants should be exempt from upfront payment.

I am opposed to upfront payment for any species.

Comments: _____

6. The State Game Commission recently instituted a system in which applicants who draw a quality or high-demand hunt for elk or deer cannot apply for a Q/HD hunt the next year. Please check all that apply

I support this change.

I believe this system should be modified.

I do not support this change.

The department should analyze the impacts of this system and seek public input before deciding whether to continue, modify or discontinue the program.

Comments: _____

Public land or private? It's not always easy to tell

By Michelle Briscoe
New Mexico Wildlife Federation

When the New Mexico Department of Game and Fish began taking public comment regarding proposed changes to the state's trespass rule last fall, people on all sides took advantage of the opportunity to be heard. Sportsmen and landowners overwhelmingly supported stiffer penalties for anyone who knowingly trespasses on private land.

The sticking point, however, was what happens to an individual who unknowingly crosses an unmarked, unfenced boundary onto private land.

At a public hearing on the issue in January, a handful of landowners said that even if a boundary is not posted an unintentional trespasser should be penalized the same as someone who climbed over a clearly marked fence.

What many landowners and bureaucrats might not realize is how difficult it can be to establish the ownership status of land in New Mexico. Land trades occur so frequently that maps cannot keep up with the changes. Add to that the occasional unscrupulous landowner who illegally blocks and locks public access to public land and the difficulty is compounded.

Even when a sportsman goes to great effort to do the right thing and establish ownership, it can be tough to get good information. One such hunter is New Mexico Wildlife Federation member David Blair. He has hunted GMU 32 for deer in an area about 45 miles southwest of Roswell over the last 20 years without issue—until last year.

According to the most current Bureau of Land Management map, his favorite hunt-

ing spot contains about 8,000 acres of state and BLM land. When Blair and some friends tried to get to the area last year, however, they found a locked gate on the only road.

They immediately called the BLM ranger, who came out with maps, Blair said. According to the ranger's map, the gate was on state land, which would seem like sufficient notice that the land was public.

The ranger advised the hunters to contact the New Mexico Department of Game and Fish, and Blair and his friends made the call. But Game and Fish instructed them to call the State Land Office district field office in Roswell.

The field office representative told the group that the gate in question actually is on a 40-acre tract of private land that includes the road, but which is surrounded by state land. He said the tract, as well as another 40 acres farther south on the road have been private for the last 15 to 20 years, even though the most current map available from BLM, dated 2003, clearly shows the area as state land.

Blair said the property isn't posted as private. Had his group not gone beyond the first phone call, and had they trusted the BLM ranger's map, they could have been in serious trouble, and perhaps cited for trespass.

Instead, they spent about half the first day of their hunt discovering that they will need to walk a couple miles into the area – or until a two-track road or OHV trail around the 40 acres of private land is created.

That could be a substantial undertaking itself. It would require permission from the State Land Office to put in a new road, along with funds to build it, and it will require another road cut through wildlife habitat.



Sometimes it takes a bit of detective work for sportsmen to find out whether a road is on public or private property.

After additional discussions with area Game and Fish personnel, Blair said he learned the previous owner of a ranch farther south who also owned the two 40-acre in-holdings used to allow hunters to drive on the road. He sold the land, however, and the new owner changed the open-gate policy. Now the ranch is again for sale so it's also possible the next owner could reopen the gates before a new road is built.

Regardless of the outcome, the lesson of Blair's experience is clear: Establishing ownership of land in New Mexico is not as simple as checking a map or making a single phone call. Maps may be wrong, government agencies may have different information, and that information itself may be outdated.

The good news is that both the Department of Game and Fish and the New Mexico Legislature agreed this year to uphold current trespass law, which sets out minimum

posting guidelines before anyone can be presumed guilty of intentional trespass. At the department's request, the State Game Commission approved new regulations that raise the penalties against hunters, anglers and trappers who intentionally trespass, but that provide protection for sportsmen who have no way of knowing they're crossing an unmarked boundary. And the Legislature nixed a proposal that would have reduced the trespass posting requirements.

While such measures don't help Blair get to the public land on which he likes to hunt, at least the regulations are fair to sportsmen like him who do the right thing.

If you find a locked gate on land you know or believe is public, please contact New Mexico Wildlife Federation at (505) 299-5404 or nmwildlife@nmwildlife.org. If possible, get GPS coordinates and take photos.

Join today! NMWF members help protect New Mexico's outdoor way of life!

Sign up online at nmwildlife.org or complete and mail in this form. And don't forget to fill out the Sportsman Survey on Page 5.

YES! I want to support New Mexico Wildlife Federation's continued work to protect the rights and traditions of New Mexico's hunters, anglers and outdoor enthusiasts. Enclosed is my membership contribution of:

\$25: Basic \$50: Supporting \$100: Sponsoring Other \$ _____

NAME _____

COMPANY _____

STREET _____

CITY _____ STATE _____ ZIP CODE _____

PHONE _____ EMAIL _____

Questions? Contact Michelle Briscoe (michelle@nmwildlife.org).

Please make your check payable to New Mexico Wildlife Federation and return it along with this form to:

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A young Aldo Leopold with his wife, Estella

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Passion for hunting becomes force for conservation

By **Jeremy Vesbach**

New Mexico Wildlife Federation

In 1919 the U.S. Forest Service hired its first full-time architect, an avid young sportsman named Arthur Carhart. One of Carhart's first assignments was to design a road and plot home sites around Trapper's Lake on national forest land in Colorado.

Carhart completed the assignment but came back with an unusual recommendation to his supervisor: forget the project and just leave the place like it was, roadless and undeveloped. To Carhart's surprise, his supervisor accepted the recommendation and Trapper's Lake to this day remains as Carhart first saw it, without houses or roads but as a wilderness experience. This was the first application of the wilderness concept in Forest Service history.

It is sometimes forgotten that it was avid, dyed-in-the-wool hunters who laid the foundation for conservation in America. Carhart in Colorado and a kindred spirit in New Mexico, Aldo Leopold, were originators of the idea of keeping some lands wild. Both men are celebrated for this legacy, but rarely do you read mention of their passions for hunting and fishing, and almost never will you read anything that credits their passion for hunting and fishing as a key reason why they were such motivated conservationists.

This was brought home to me recently while browsing for deals at Ron Peterson Guns in Albuquerque. For \$8 I picked up a hardback book called "Hunting North American Deer." To my surprise, the author was Arthur H. Carhart.

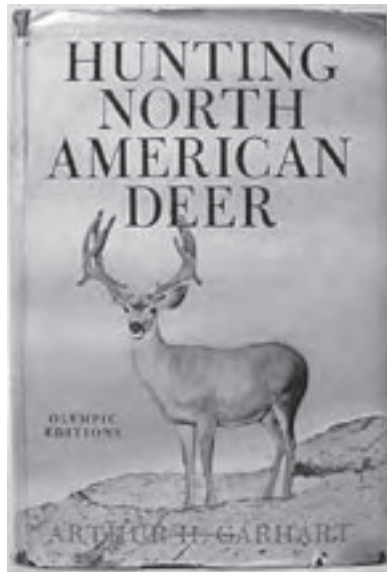
I'd known about Art Carhart from his early role with Leopold as an advocate of wilderness designation. And I knew, from reading Leopold's own writings, that Leopold was a dedicated hunter. But I'd never heard anything about Carhart also being a hunter.

Sure enough, it turns out the author of "Hunting North American Deer" was the same Art Carhart who wrote a now-famous memo to Leopold in 1919 explaining his recommendation not to build houses around Trapper's Lake:

"There is a limit to the number of lands of shoreline on the lakes; there is a limit to the number of lakes in existence; ... there are portions of scenic beauty which are God-made, and ... which of a right should be the property of all people," Carhart wrote.

Encouraged and inspired by Carhart's kindred spirit, Leopold went on to champion the creation of the Gila Wilderness Reserve (the first designated wilderness in the world) with writings such as his 1924 article for *Outdoor Life* entitled "A Plea for Wilderness Hunting Grounds."

Today, only 3.6 percent of the land in Colorado and 1.5 percent of the land in New Mexico is more than two miles from a road (see map). It's due to these two men buck-



"Hunting North American Deer"
by Arthur H. Carhart
MacMillan, New York, 1946

ing the tide at the right time in history that we have even this small but critical amount of backcountry left to experience and to pass on to our children.

It takes a special kind of person in the right circumstances to buck the status quo. As Carhart said later in life, "I sometimes wonder how I had the nerve as a young punk to get my superiors turned around on some of these things."

Recently I was lucky enough to fish for a day on the Pecos River with Gary Fonay, the former president of the New Mexico Oil and Gas Association who had the nerve to buck the status quo in his own industry and say that the Valle Vidal should be spared from oil and gas development.

Fonay, like Carhart or Leopold, has a passion for the outdoors built substantially through a connection built with hunting and fishing.

Most of Carhart's book on deer hunting is straight up how-to advice with chapters like "Guns," "Equipment," "Sweet Meat," and "Deer Diets." However, Carhart leads off the book with an assessment of threats to the future of hunting and a call to action. In his passion for passing on the hunt, you can see that wilderness protection is just one component. In the book's first chapter he lists "two movements that might rob us" of our hunting tradition: restrictions on gun rights and pricing average people out of hunting opportunity—something the New Mexico Wildlife Federation continues to work on today. Carhart's solution was to defend public ownership of wildlife and protect and expand our public lands.

From "Hunting North American Deer" by Arthur H. Carhart:

One [threat to the future of hunting] is the recurrent attempt of factions proposing restrictive "gun laws" that class all sportsmen as potential criminals. ... The other encroachment on this hunting right of the average citizen lies in the extension of private preserves where only those who belong may go afield.

Let it be a well-known and established fact that you, with all others, own the wildlife of the nation. ...

State ownership of game persists even though such wildlife is on private lands. Suits taken to the Supreme Court have well fixed that fact. The landholder has no more right to the game on private land than any other citizen holds. But there is another angle that must be recognized. Privately owned land cannot be trespassed without breaking the law. This property right is used when private shooting clubs are set up to make their hunting right exclusive on club property; no ownership in game results, but ownership in the land on which it then may be found excludes the freelance hunter. Invasion of any property against the owner's wishes makes a hunter a lawbreaker.

There are vast areas of public lands, however, where much of our deer hunting takes place and you have the right to enter without trespassing. The national forests represent the largest group of the citizen-owned lands. ... Teddy Roosevelt powered the movement creating these forests. Gifford Pinchot was his field general. Long before he was president, while he still was ranching on the Little Missouri, Teddy contemplated the future, particularly the growth of hunting "clubs," and wrote: "Shooting in a private game preserve is but a dismal parody; the manliest and healthiest features of the sport are lost with the change of conditions. We need

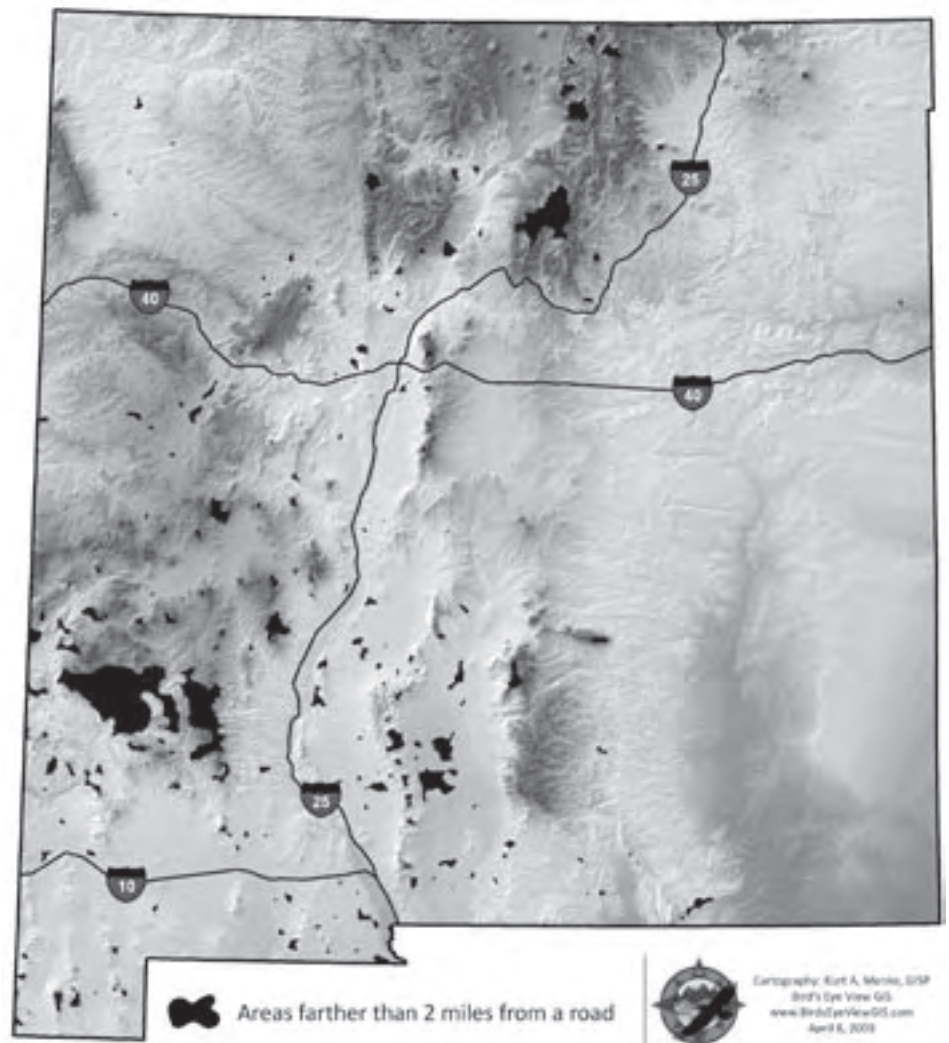
in the interest of the community at large, a rigid system of game laws rigidly enforced, and it is not only admissible, but one may say almost necessary, to establish, under the control of the state, great national forest reserves, which shall also be breeding grounds and nurseries for wild game." ...

Definitely, this great sportsman gazed into today and tomorrow and saw these lands as the assured hunting ground of John Q. Citizen. He envisioned their value as sources of future timber supplies and as protection of headwaters. But coincident with these values, he saw them as game areas and hunting grounds.

... The deer family in North America is our big game to supply the average hunter. It has value that is incalculable. Let's guard it and protect it. ...

That concern for the ability of John Q. Citizen to have a hunting ground in the future was a driving concern of Carhart, Leopold, Roosevelt and others who gave us the public land and wildlife legacy we have today. It needs to continue to be a driving concern, because the same threats of pricing the average person out of hunting, of loss of habitat to development all still exist.

Jeremy Vesbach is a lifelong hunter and executive director of the New Mexico Wildlife Federation.



Only 1.5 percent of all land in New Mexico is more than two miles from the nearest road. Without the work of wilderness advocates like Arthur Carhart and Aldo Leopold, the amount of wild public land available to hunters and anglers would be even smaller. (Map produced by Kurt Menke, www.birdseyeviewgis.com)

... Work needed to preserve, protect fishery

Continued from Page 1

than 25 years. I spend an average of two or three days a week walking along its banks, fishing and taking in the beauty of this high desert oasis created by Navajo Dam.

Back then the San Juan was different. I vividly remember walking down the steep embankment from the road and hitting a number of small creeks before reaching the river. To my amazement they were loaded with trout – really large trout!

When I reached the San Juan I thought, “Wow, look at these great riffles and runs,” then saw the incredible numbers of dark shapes that occasionally moved. Even more trout, and larger yet! Had I somehow missed the fact that I had died and gone to heaven? I knew this was going to be a place I would haunt for a long, long time . . . little did I know!

I wasn't the only one to discover the San Juan. The river is known worldwide for its trout fishing. The New Mexico Department of Game and Fish estimates that anglers spend 45,000 days a year on the river, bringing as much as \$30 million a year to the Four Corners economy.

I still walk along the banks as often as I can, continually contrasting the present condition of the river with the past. That's what we do, those of us who have become intimate with places such as these – remarkable places that represent some of the finest, most incredible resources our land has to offer from “sea to shining sea.”

But my walks started revealing disturbing – in fact alarming – conditions a few years back and these are now the subject of my concerns. The number and size of trout began to decrease dramatically in many areas of the Special Trout Water – the first 4 miles below the dam. The river bed seemed to be gasping for life, choked

by a blanket of silt up to several feet thick in some places.

Gone were the large, prolific hatches of mayflies and caddis flies from the lower end of the quality waters up and even beyond Simon Canyon. The gravel in the riffles where these insects once hatched was covered with brown goo that erupts into clouds of muck when walked through. This was not the same river I had seen a few short years back.

What happened? What changed so dramatically to alter the ecosystem? Some said it was the “natural life cycle of a tail-water fishery,” but that seems unlikely because those changes happen gradually, and what I was looking at occurred in a year or so.

I began talking to other anglers, checking my observations against theirs and to a one was met with identical accounts. Many were guests from afar, saying they had been fishing the river for years and had seen the decline in habitat. They talked about how their favorite stretches were now “wastelands” due to the silt, forcing them toward the dam where conditions are better but draw larger crowds of anglers.

As I considered the changing San Juan, I was struck by two major influences on the river in recent years. First, the U.S. Bureau of Reclamation had sharply cut releases from Navajo Dam around 2002. Second, oil and gas development on the mesas adjacent to the river was being conducted at steadily increasing levels. The near-constant drone of drilling equipment had replaced the quiet serenity that San Juan anglers were accustomed to. Drives to and from the river revealed bogs of mud on the highway where trucks from the drilling sites entered after major storms.

But not until I flew over the San Juan



Sediment from Rex Smith Wash has been pouring into the San Juan River near Navajo Dam after the state Division of Parks built the berm on the right to protect a parking lot. Many anglers are hoping the state and federal agencies that control development along the San Juan will do more in the future to reduce sedimentation from both natural and man-made sources, such as oil and gas development. (Joel Gay)

and its three main drainages did I realize the extent of the natural gas development. New roads looked like a maze of spaghetti. The area was dotted with hundreds of well pads, some at the edges of canyons. We could see little erosion control effort, and surmised that oil and gas development must be playing a role in the increased siltation problem.

The additional erosion and sedimentation, combined with lower flows from the dam, have resulted in the riverbed becoming the final resting place for sediment washed free of the adjacent hillsides, roads and well pads

The San Juan, like many rivers in the West, already faces a host of intractable problems, from changing precipitation patterns because of climate change to the growing demand for its water for irrigation and other purposes. If you add the effects of oil and gas develop-

ment when not performed responsibly – from erosion and sedimentation to toxic runoff from leaky waste pits – these precious waters and those who cherish them could suffer substantially.

I have taken it upon myself to organize the Concerned Citizens for the San Juan River Quality Waters Trout Fishery, an informal group consisting of anglers who know and love the river. After nearly three years of letter-writing campaigns to the agencies involved, we are finally seeing some acknowledgment that there are serious problems threatening this great resource, including a statement recently by Gov. Bill Richardson that there would

be efforts to fix things.

The New Mexico Department of Game and Fish said in a white paper published November, 2008, that it can't confirm many of the problems cited by anglers and others concerned about the San Juan. In March, 2009, however, the department announced plans to dig deeper into those concerns by conducting public meetings. I am cautiously encouraged – cautiously because to me and to many others the problems are plain: we've lost over half of the length of the Quality Waters due to habitat degradation. There is no time to lose!

Concerned Citizens and the newly formed San Juan Quality Waters Coalition, which consists of individuals and organizations such as the New Mexico Wildlife Federation, several New Mexico and Colorado chapters of Trout Unlimited and others, continue to request that San Juan River flows be raised to healthier levels and that federal and state agencies act to stem sedimentation.

Others are calling for federal leaders to rein in the runaway oil and gas development we have experienced in the San Juan Basin and elsewhere in the West in recent years.

Most important, the various agencies must conduct an in-depth study to consider the future of the San Juan Special Trout Waters and determine exactly what steps are needed to maintain the river's long-term health.

We hope that such measures become a reality before the irreplaceable “crown jewel of the Four Corners and the state of New Mexico,” as Richardson said, is lost to this and generations of sportsmen in the future.

Andreas Novak is a psychotherapist in private practice in Farmington, as well as an avid fly fisherman and citizen activist.



Andreas Novak is part of a group of longtime San Juan River fishermen calling for an in-depth study of the river, which they say is suffering from habitat loss from excessive siltation and low water flows. (Joel Gay)

Comprehensive study sought for San Juan River

By Joel Gay
New Mexico Wildlife Federation

The San Juan River in northwest New Mexico amazes most first-time anglers with its trophy-size trout and scenic beauty. That rosy picture is underscored in a recent white paper by the state Department of Game and Fish that says the world-famous fishery is generally healthy and that fishermen are happy with it.

Some veteran San Juan fly-fishermen, on the other hand, are ringing alarm bells about their beloved river. They say it has suffered from reduced stream flows out of Navajo Dam since 2002, and that a thick layer of silt has built up on the river bottom that jeopardizes the fishery. They say action is needed soon to protect and preserve the San Juan.

To sort out the discrepancies between their own studies and what some longtime fishermen have observed, the department has been talking with San Juan anglers and guides in recent months. Depending on what they find, the staff eventually could propose management changes to the State Game Commission.

But the most vocal of the San Juan anglers are asking for a major, comprehensive review of the river, which they say would ensure money is not directed at Band-Aid approaches but at long-term solutions to protect and preserve the river and keep habitat from degrading further.

Fishermen like Andreas Novak of Farmington and Laddie Mills of Albuquerque say excess silt has been building up on the river bottom since about 2002, when the U.S. Bureau of Reclamation reduced the post-springtime flow out of Navajo Dam. The thick layer of silt has reduced the once-prolific hatches of caddis flies and other insects that trout love, they say.

In the past, there was good fishing along the entire four-mile-long Special Trout Water, according to Novak, Mills and others. Now, as a result of habitat loss from sedi-

ment, fish and fishermen are concentrating in the upper mile, they say.

Department Director Tod Stevenson and other state fisheries officials met recently with Novak, Mills and other concerned San Juan fishermen in Albuquerque and acknowledged their concern. "We're not disputing the San Juan has changed," he said. "There's been sedimentation over time."

His agency doesn't monitor sedimentation on the San Juan, however, and it doesn't appear that any agency has studied either the amount or source of silt deposition in the river since the stream flow was reduced in 2002. The concerned San Juan fishermen say a comprehensive study could help determine whether sedimentation is increasing and if so, why.

The department's San Juan white paper, released last November, cites a 2004 study that found that aquatic life was not impaired by sediment. The U.S. Department of Agriculture's National Sedimentation Laboratory only measured sediment depths in October and November of 2003, while anglers say the sedimentation can change month to month, depending on flow levels.

In spite of the study results, department staff announced at the Albuquerque meeting that they will soon begin a regular series of insect studies on the river. Similar studies conducted from 1994-96 should provide evidence of whether insect hatches have declined, Stevenson said.

Anglers at the meeting applauded the plan, but also asked the department to monitor sediment levels as it checks for insect populations.

Although it's clear the San Juan has a sediment issue, the source of the sediment is a question. Some fishermen believe the explosive growth of oil and gas development in the San Juan Basin in recent years has exacerbated the flow of silt, but the department white paper says well pads and roads are only a minor contributor.

Citing a U.S. Geological Survey study, the state says 87 percent of the sediment is from "natural erosive processes," and that only 13 percent is attributed to oil and gas development.

The author of that study, however, says the actual amount of sedimentation from oil and gas is probably higher, and perhaps much higher.

USGS hydrologist Anne Marie Matherne set out to compare naturally occur-

ing erosion with soil loss below well pads and roads in Largo Canyon. Much of the data was to come from runoff sediment collected in fabric dams.

But 2001, the first year of the two-year study, was dryer than usual. In 2002, heavy runoff from monsoon rains tore out 17 of her 43 dams, leaving her with no data from the periods of heaviest precipitation.

Consequently, she wrote, "... the results of this study are biased toward the lower end of the range of erosion rates."

The study leaves many questions about erosion and sedimentation unanswered. It does not take into account how different land management practices, such as grazing, affect erosion. And while the Department of Game and Fish uses her paper to estimate the potential sediment load into the river, it ignores the 2005 federal law change that exempts many new well pads from complying with sediment control under the Clean Water Act.

Matherne said in a recent interview that she could only speculate on how much sedimentation in the San Juan Basin actually comes from oil and gas development, but agreed her study has flaws. To get a true picture of sedimentation in the area, she said, "I'd want to start all over again."

The state's white paper notes that fishermen are generally quite happy on the San Juan, catching slightly more than one fish per hour, on average. About 5 percent of the fish are over 20 inches.

The department says its own catch rates, using electroshocking equipment, declined slightly from 2002 to 2007, but averaged about 380 brown and rainbow trout per hour. During that same period, however, the department increased its rainbow trout fingerling stocking rates substantially – from zero in 2000 to more than 100,000 in 2007 – in the Special Trout Water.

Department fishery biologist Marc Wethington said it can take a year or two for fingerlings to grow to the 12- to 15-inch size, which could explain why the electroshock catch surveys don't reflect the increased stocking rates.

Although the surveys show overall trout numbers nearly flat in recent years, brown trout numbers have skyrocketed, Wethington said. That could mean the browns are eating the rainbow fingerlings, or that increased stocking is having no measurable



Some San Juan River fishermen fear runoff from oil and gas development is contributing to natural sediment build-up in the river. This road is between natural gas wells in the Rosa Road area above Navajo Dam. (Joel Gay)

effect – questions anglers say they would like answered.

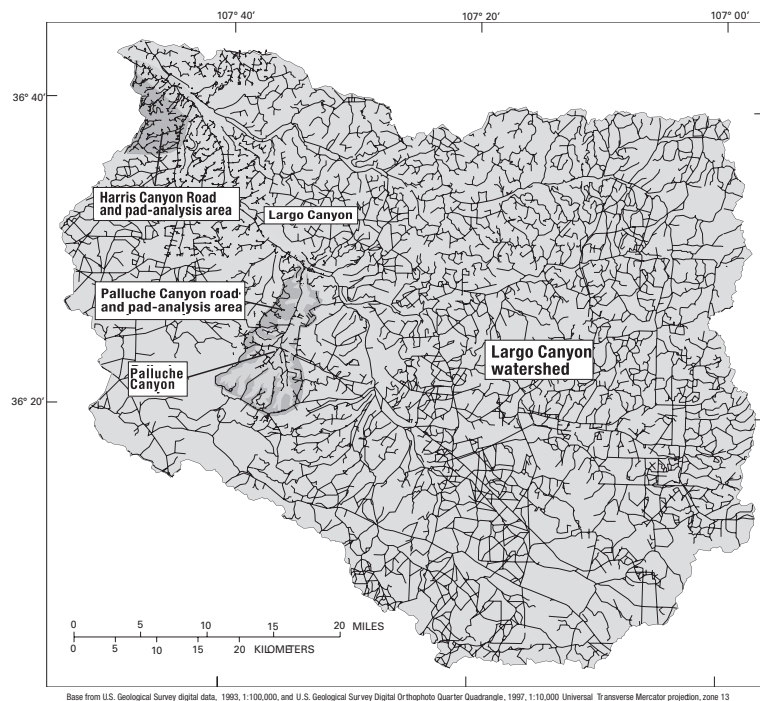
The anglers voicing concern about the San Juan contend the trout fishery would benefit by higher water flows, but Wethington said the department has made that request before with no success.

The Bureau of Reclamation and the U.S. Fish and Wildlife Service revised the dam release schedule to more closely mimic the natural flow and provide adequate water downstream for endangered species, as well as to ensure downstream users get their legally allotted shares.

But anglers like Laddie Mills, a former U.S. Fish and Wildlife Service engineer, say there is enough water to satisfy the endangered species and other requirements and to boost the flow for the benefit of trout. They say the Bureau of Reclamation should have taken the trout fishery into consideration when it revised the river's flow rates, but didn't, and they point to federal laws they say requires additional study of the San Juan problems to help determine how best to mitigate them.

The Department of Game and Fish was planning to meet with the federal agencies soon about the San Juan River to discuss a range of issues, from water flow rates to mitigation funding.

In the meantime, Gov. Bill Richardson included \$240,000 in the state capital budget this year for work on the San Juan. Department officials say it cannot be used for the major study anglers have requested, but it could be used for projects such as reducing the sediment flow from Rex Smith Wash into the river, in-stream measures to increase sediment transport or mechanical sediment removal.



This graphic shows the extent of oil and gas development in Largo Canyon, which flows into the San Juan River. (U.S. Geological Survey)

Push on to reduce water pollution risk from oil, gas drilling

By Joel Gay
New Mexico Wildlife Federation

Sportsmen know that protecting water quality for wildlife and humans is one of the core requirements for responsible oil and gas development. We also have seen the oil and gas industry receive substantial leeway and special exemptions from important laws meant to minimize impacts to our water over the past few years from politicians and the previous administration in Washington, D.C.

Some of that leeway may be disappearing—which is good news for our water. Loopholes and exemptions in laws meant to protect water and other natural resources have come under fire by sportsmen and others. At the same time, technology is becoming available that can dramatically reduce the threats that oil and gas drilling can pose to clean water supplies.

Sportsmen for Responsible Energy Development (SFRED), which represents more than 200 sportsman's groups, businesses and agencies from New Mexico to Montana, has called for Congress and the Obama administration to "end the special treatment and exemptions" that oil and gas companies have won.

One such exemption is for the process known as "fracking," used in about 90 percent of all wells drilled in the West in the last 30 years. Shorthand for hydraulic fracturing, it involves injecting a mixture of water and chemicals – some of them toxic – into a well at high pressure to fracture the gas- or oil-bearing rock for hundreds of yards in every direction.

The fractured rock makes it easier to extract the oil or gas. But it can also allow toxic chemicals used in the fracturing process to pollute underground drinking water supplies, perhaps far into the future.

It can take up to 5 million gallons of water to fracture a well, and some wells are fractured more than once. Each time, drillers mix in thousands of pounds of chemical agents to enhance the process. Some of the agents may be food-grade substances like guar gum, used as a thickener. Others are toxic chemicals or known or suspected carcinogens, such as diesel fuel. Many fall under the federal category of hazardous substances.

But which chemicals go into any given well remains a mystery to the public. In 2005, Congress exempted fracking from federal Safe Drinking Water Act standards, saying that oil and gas wells are typically below groundwater supplies. The exemption means the industry doesn't have to reveal what it pumps into a well.

"It is much like asking Coca-Cola to disclose the formula of Coke," one oil services industry executive told the Colorado Oil and Gas Conservation Commission last year.

That's not exactly true. Every can of Coke says exactly what's inside.

And what is known about fracking chemicals isn't assuring. Ammonia, diesel fuel, hydrochloric acid and cancer-causing acrylamide are among the hundreds of chemicals sometimes used in the process.

Although Congress said fracking didn't pose a threat to drinking water supplies, others disagree. In 2005, the Durango, Colo.-based Oil and Gas Accountability Project reported that individuals in New Mexico and other states reported changes in their household water wells after fracking was done nearby.

Complaints included "murky or cloudy water, black or gray sediments, iron precipitates, soaps, black jelly-like grease, floating particles, diesel fuel or petroleum odors, increased methane in water, rashes from showering, gassy taste and decrease or complete loss of water flow."

The same report notes that 10 of 11 coal-bed methane basins in the United States are federally designated Underground Sources of Drinking Water, and that fracking chemicals could be injected directly into these potential future water supplies. "Some contamination may not show up for decades," the report said.

While most oil and gas wells are, in fact, deeper than most groundwater supplies, there are exceptions. In New Mexico, some oil wells are as shallow as 800 feet, according to Mark Fesmire, director of the state Oil Conservation Division. Water wells can be 1,000 feet deep or more, and some New Mexico communities are banking on using water in the future from aquifers more than 2,500 feet deep.

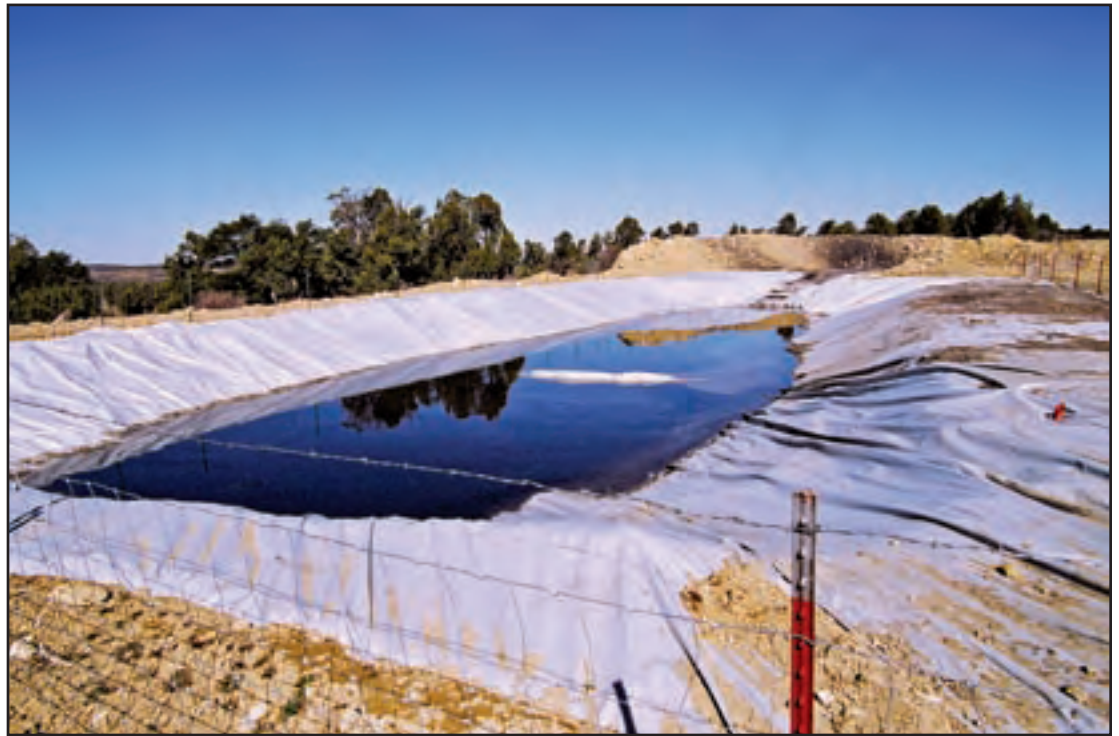
Fesmire said companies monitor their fracking operations as they occur, and can shut down an operation quickly, he said. "They don't want to fracture beyond what is necessary," mainly because of the expense, he said.

But there are cases in which fracturing has gone farther than expected, reaching into adjacent geological formations, he said. "It's happened in the past."

To Fesmire, a bigger threat to water quality is when fracking fluids and other materials used in the initial drilling process are pumped to the surface.

Drilling waste is typically permanently stored in deep wells. "As long as it stays in the well it's not a threat," he said. But once the waste comes to the surface, he said, it has more potential to pollute water supplies.

Historically, fracking fluids and other drilling wastes were pumped out of a well



A mixture of water, chemicals and coal dust evaporates in a lined pit on BLM land in the San Juan Basin. Once the water evaporates, the liner will be folded over, covered with dirt and revegetated. (Joel Gay)

and held in unlined pits at the site. A single pit could contain 1 million gallons, Fesmire said. The liquids either leached into the ground or evaporated, and the remaining solids were simply covered with dirt.

A 2007 study of oil waste pits by the Oil Conservation Division found 17 substances, including arsenic, benzene, cadmium and mercury, that violated water quality standards.

New Mexico had guidelines for managing oil and gas drilling waste in the 1990s, but there proved to be too many loopholes, Fesmire said. In 2008, citing more than 400 cases in which pit waste had leached into groundwater, the state adopted new rules spelling out how pits must be designed, built and operated to prevent groundwater contamination.

Oil and gas officials opposed the new disposal regulations, saying the additional costs would drive the industry out of New Mexico. That hasn't appeared to be the case, said Joanne Prukop, secretary of the state Energy, Minerals and Natural Resources Department. In early April, New Mexico picked up three drilling rigs while Texas lost 58 and other oil-producing states such as Oklahoma, Louisiana and Wyoming lost two or more.

"Rig counts go up and down for a lot of reasons, but it is clear regulations, such as the revised Pit Rule, are not driving oil and gas out of New Mexico," she said in a news release.

Earlier this year, the Colorado Legislature also approved strict new regulations for the oil and gas industry to provide more protection for water quality, wildlife and public and private lands.

Technology is also changing the way oil and gas development occurs. Some companies have turned to so-called "closed-loop drilling," in which the drilling fluids are contained within an above-ground tank system and reused. It's the same drill rig,

"just different plumbing," Fesmire said.

Closed-loop drilling is slightly more expensive than regular drilling, Fesmire said, though estimates vary about the additional cost. On a typical \$2 million well, the state says the added expense is \$90,000 or less; an industry group put it closer to \$150,000. And some independent studies have said switching to closed-loop and reusing drilling muds is actually cheaper.

Although the equipment may be more costly, there are savings in waste disposal. Cimarex Energy Co. says its closed-loop system eliminated the need to build and then dismantle waste pits, reducing its overall drilling waste by about 80 percent. The state Energy and Natural Resources Department gave Cimarex its 2007 Environmental Merit Award for its efforts.

Because most companies still produce enormous volumes of polluted water from each well, conservation and sportsmen's groups like SFRED are pushing Congress and the Obama administration to do more to protect water quality and habitat on public lands.

They want the Environmental Protection Agency to protect water quality nationwide by establishing more stringent limits on all oil and gas waste and restricting the most harmful waste disposal practices of the oil and gas industry.

Congress could reverse past actions that exempted the energy industry from certain environmental laws. Late last year, Colorado Reps. Diane DeGette and John Salazar, along with New York Rep. Maurice Finchey, introduced a bill that would reverse the 2005 decision exempting fracking from federal Safe Drinking Water Act standards.

"There is little reason to continue the exemption," DeGette told the Christian Science Monitor in February. "Communities have a right to know what is potentially threatening their water."

... Sportsmen call for responsible energy development

Continued from Page 1

ers and anglers have to wonder about the future of those public lands when the BLM, reflecting orders from Washington, D.C., said in 2007: “Wildlife habitat would generally only be protected if a mineral commodity is not present for extraction.”

Such statements spurred the formation of Sportsmen for Responsible Energy Development. Consisting of nearly 200 hunting and fishing organizations and businesses throughout the West, including the New Mexico Wildlife Federation, Trout Unlimited, the Theodore Roosevelt Conservation Partnership and others, the coalition says the federal government should give resource managers the tools and authority they need to do a better job managing public lands for multiple uses.

“The production of fossil fuels, while important, must not occur at the expense of the productive capacity of the lands, waters and fish and wildlife that sustain us,” the group says in its “Recommendations for Responsible Oil and Gas Development.”

It wants Congress and President Obama to devise a new national energy policy, “one that develops domestic energy responsibly, considers all the uses of our lands and keeps our Western hunting and fishing heritage alive.” (See below for a list of the coalition’s recommendations.)

The New Mexico Wildlife Federation will be working closely with the state’s congressional delegation to ensure that Congress rolls back policies that have taken a toll on the nation’s natural resources.

Said NMWF President Ed Olona, “We cannot afford to let the demand for energy take precedence over our need for healthy public lands, clean water and our heritage of hunting and fishing.”

Where past and present collide

Some of the first oil and gas wells drilled in New Mexico were sunk in the San Juan Basin in the 1920s. The field started developing in the late 1940s, and it has been the state’s top gas-producing region ever since.

The basin also is home to trophy mule deer hunting and world-class trout fishing (see accompanying story). Thousands of hunters and anglers flock to the San Juan every year, contributing to the \$150 million a year that sportsmen spend in New Mexico.

Art Martinez knows both aspects of the San Juan Basin. He grew up in Farmington and



Compressor stations like this one off the Rosa Road in the San Juan Basin run 24 hours a day, seven days a week, filling the air with noise and diesel exhaust. (Joel Gay)

watched the oil industry slowly expand in areas he has been hunting and fishing since the early 1960s. Now he operates ARCOM Fishing and Hunting, a Farmington guide service. The region still offers good opportunity for sportsmen, he says, with rainbow trout in the 20-inch range and mule deer with 30-inch spreads.

“But it’s getting destroyed more and more” by the incessant growth of the energy industry and the laissez-faire attitude of agencies that are supposed to protect the environment, Martinez says. “Those guys working on the oil and gas rigs have a right to make a living. But it can’t come at the expense of our fish and game and natural resources.”

The 4,500-square-mile San Juan Basin covers five counties in northwest New Mexico and southwest Colorado. It contains private ranches, American Indian reservations, Carson National Forest and a smattering of state holdings. In the New Mexico portion, the BLM controls about 1.2 million surface acres but is the primary manager for subsurface mineral rights – some 3.5 million acres.

And the BLM office in Farmington, at the behest of Washington, D.C., has kept busy. Sixty years of oil and gas development, including an explosion of activity in the last decade, have left the basin dotted by more than 25,000 wells and crisscrossed by 6,000 miles of roads. Energy development throughout the West

kicked into high gear around 2001 when newly elected President George W. Bush issued an executive order to expedite and accelerate energy projects on public lands. BLM officials were told to make oil and gas leases their No. 1 priority. Congress also got involved, exempting certain oil and gas activities, such as hydraulic fracturing from federal environmental laws and review, such as the Clean Water Act and Safe Drinking Water Act (see Pages 10 and 13).

The BLM says its job is to “strike a balance between competing uses of our public lands,” but many sportsmen believe the balance has been skewed toward oil and gas interests to the point that multiple use principles have been thrown out the window.

“No question about it, recreational opportunity has not been seen as a high use of federal land,” says Terry Riley, a Tijeras hunter, biologist and vice president of policy for the Theodore Roosevelt Conservation Partnership. In New Mexico and throughout the West, Riley said, “Sportsmen as a whole have been treated poorly, as has wildlife.”

Doing it right?

State and federal officials maintain that wildlife in the San Juan Basin are being

protected as the basin develops. But sportsmen have their doubts, particularly about the long-term health of the region and its wildlife. They don’t want a repeat of what occurred around Pinedale, Wyo., which saw a 30 percent drop in mule deer over seven years.

And they definitely don’t want the next big oil and gas development – whether it’s at Otero Mesa in southern New Mexico or the Rio Grande drainage in the north – to end up looking like the San Juan Basin.

Says Riley, “We have a chance to do great things, to protect these areas before we lease them. If we don’t, it’s very likely we could lose a lot of the wildness on these public lands for the next 50 years.”

Studies have shown that oil and gas development can negatively affect wildlife, but the damage isn’t always immediately noticeable, says Rachel Jankowitz of the New Mexico Department of Game and Fish.

Fragmentation – the loss of contiguous habitat – by roads and permanent structures can drive animals away from the best cover, food and water. Human activity can interfere with migratory routes and increase winter mortality. Animals dis-

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The San Juan Basin is the nation’s second largest natural gas field. (U.S. Geological Survey)

Recommendations to protect natural resources, public lands

Sportsmen for Responsible Energy Development offers the following common-sense, science-based recommendations to help ensure the future of our public lands and responsibly provide for our energy needs:

1. Reaffirm multiple-use management of federal lands to sustain fish, wildlife and water resources.
2. Strengthen the process used to lease public lands and issue permits for oil and gas development to ensure the protection of fish, wildlife and water resources.
3. Implement new measures to monitor the effects of oil and gas development.
4. Make comprehensive and thorough

mitigation and reclamation of fish, wildlife and water resources a fixture in all leasing and development decisions.

5. Remove exemptions from the Clean Water Act and Safe Drinking Water Act for oil and gas development and strengthen other laws to protect key fish, wildlife and water resources.

6. Use current scientific information as the basis for all decisions in energy development that affect our fish, wildlife and water resources.

7. Make industry accountable for the costs of oil and gas development on our public lands.

For a list of specific recommendations, go to www.sportsmen4responsibleenergy.org.

... San Juan scarred by 60 years of development

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turbed during winter when they should be conserving energy can reproduce less and cause their average size to decline.

“Although there hasn’t been enough data to monitor the effects (of development) in the San Juan Basin, there’s plenty of literature that shows those things do have effects,” Jankowitz says.

It’s hard to generalize about an area the size of Massachusetts, but a recent trip into the heart of the gas field on BLM land in the San Juan suggests why so many sportsmen are concerned about the future of the area. Since 2000, more than 8,000 wells were drilled in San Juan and Rio Arriba counties alone.

Driving east of Navajo Dam on the Rosa Road, Art Martinez points out the activity that has occurred in recent years. Some wells are side by side or across the road from each other, others no more than a quarter-mile apart. But you can’t look anywhere without seeing well pads. And BLM expects to see 10 new wells drilled in the basin every week for the next 15 years. “It’s hard to imagine where they’re all going to go,” Martinez says.

Near some of the wells are fabric-lined pits perhaps 20 yards long and 5 yards wide, containing dark liquids that smell like petroleum. They’re the disposal sites for drilling muds or fracturing agents (see Page 10). Each pit is surrounded by a 4-foot-high wire fence, creating little resistance for a curious deer or elk. BLM officials say that after the liquids dry, the liner is folded over, covered with dirt and seeded with grass.

Narrow dirt roads connect the well pads. Some of the roads are graded and ditched, but others are little more than muddy tracks with no culverts and no erosion control. Similarly, some well pads are contoured and planted, while others are surrounded by bare soil. Runoff from rain and



Well pads must be reclaimed with vegetation once they are capped and abandoned, but while still producing they can remain bare and prone to erosion. This well is in the Rosa Road area of the San Juan Basin. (Joel Gay)

snowmelt carries the brown soil into ditches, rivulets and creeks that eventually feed Navajo Lake just a few miles away. Farther west, sediment is carried directly into the San Juan River.

Standing outside, the sounds of compressors come from all quarters. Pumpjack wells emit a steady “putt-putt-putt” as they pull water out of the coal bed deep below. The natural gas wells are quiet, but several large compressor plants consist of a dozen or more diesel generators. Together they sound like a jet preparing for takeoff.

Sportsmen might be surprised, but most everything that occurs in the field is done with government approval. The problem, says Steve Henke, the BLM’s Farmington

Field Office manager, is that some of those government approvals came 20, 40, even 60 years ago.

“If we were starting out with a clean slate, with what we know now, our leasing decisions in 2009 would look quite different than they did in 1950,” he says. “But we have to manage the best we can given the limitations we have.”

For example, there are no large tracts within the basin where drilling is prohibited because most San Juan leases were sold decades ago, Henke says. In 2003 the agency doubled the amount of land listed as special management areas for wildlife, to 500,000 acres. But the move was largely symbolic because the new protections don’t

apply to existing leases.

Similarly, new roads must be crowned, ditched and have culverts, while the “legacy roads” do not, Henke says.

Over time, the BLM has boosted protections for wildlife, Henke says. Pipelines now must be buried in the roadbed; truck traffic to individual wells has been reined in, especially during winter; research is being done to improve the habitat reclamation; companies are encouraged to use directional drilling to reduce the footprint of well pads.

But asked whether wildlife and sportsmen are getting short shrift on BLM land, Henke is careful with his words. “We’ve tried to achieve a balance, and I think we’ve been reasonably successful,” he says. “But there is no question that energy development in many cases does become the dominant use of the land.”

It’s because the nation demands domestic energy, and Congress has told the BLM to fill it, Henke says. The San Juan Basin alone supplies 20 percent of the nation’s natural gas. It pumps billions of dollars a year into state and national coffers.

“What’s the appropriate balance?” between energy and wildlife, he asks. “That’s a legitimate public policy question.”

Watching out for wildlife

So how are big game in the San Juan Basin faring after 60 years of development? The answer is mixed.

Elk numbers are growing, according to Henke and Kathy McKim, the state De-

Sportsmen’s Bill of Rights

Sportsmen for Responsible Energy Development is a coalition of businesses, organizations and individuals working to change how oil and gas development occurs in the West. The group has set its sights on reforming the laws, regulations and policies that affect energy development and the western way of life. The group has adopted the following Bill of Rights as guidelines:

1. The public lands that hunters and anglers depend upon shall remain in the public’s hands for the use of future generations.
2. Hunters and anglers shall have a voice in decisions affecting oil and gas development on public lands.
3. Public lands shall be managed for many uses, including hunting and fishing.
4. Our hunting and fishing heritage shall not be jeopardized by oil and gas development that fails to account for the future, long-term impacts to fish, wildlife and water resources.
5. Oil and gas drilling shall not harm water resources that are priceless to people and vital to wildlife.
6. Hunters and anglers shall not be forced to pay for the costs associated with poorly planned oil and gas development on public lands.
7. Oil and gas development shall comply with common-sense regulations put in place to minimize the impact of oil and gas drilling on fish, wildlife and people.
8. Vital fish and wildlife habitat on public lands shall be protected. Sage grouse habitat, fragile trout streams, deer and elk winter range and irreplaceable riparian habitat must not be sacrificed.
9. The oil and gas industry shall pay its fair share of the cost for permitting and habitat restoration on public lands that are drilled for oil and gas.
10. State and federal fish and wildlife agencies shall have adequate funding to ensure the long-term health of fish, wildlife and water resources on our public lands.

For more information, go to www.sportsmen4responsibleenergy.org.

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... Responsible

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partment of Game and Fish district wildlife supervisor in Farmington. That's true all over New Mexico, but the San Juan elk may be benefiting because grass, rather than native brush such as mountain mahogany, has been used to reseed thousands of drill sites.

On the other hand, mule deer appear to be declining, according to Barry Hale, the deer program manager for Game and Fish. Despite the area's history of producing trophy-size animals, the department doesn't have comprehensive numbers on them, Hale said. Population surveys have been sporadic, the survey methodology has changed, the survey areas are inconsistent and the winter population contains both a resident herd and animals that migrate from Colorado or the Jicarilla Apache Reservation, he said.

Despite the survey inconsistencies, Hale said fawn-to-doe ratios show a downward trend over the last 15 years. He attributes the drop to habitat loss, "Not only in quantity, but in quality." Drought has taken a toll, but so has fragmentation of the landscape from oil and gas development, he said.

But the state doesn't call the shots when it comes to protecting wildlife and habitat from the effects of development, Hale said. The Department of Game and Fish can bring up concerns, "But we don't have any authority over what the BLM and Forest Service do. All we can do is make our concerns known."

McKim said she works closely with the local BLM, Forest Service and the industry to improve habitat, protect migratory corridors and winter range and reduce poaching. "It's a good working relationship between all the agencies to deal with what we've got and to work to make it better," she says.

For example, one company wanted to build a 1,500-foot road to a well. The state talked them into rerouting and shortening it, she says. When it became clear that planting grass around well pads wasn't providing mule deer with adequate browse,

the agencies and industry started researching ways to grow the vegetation that mule deer require, such as mountain mahogany.

Hunters would like to see even more done to ensure that mule deer populations don't decline further, said Jacob Tolk, president of the northern New Mexico chapter of the Mule Deer Foundation. "We know there have been impacts to the herd because of oil and gas development, but we just don't know what it is because they don't keep track of it."

It's a vicious cycle, according to Tolk. "The lack of evidence allows the oil and gas industry to continue saying they have no impact." And without evidence of impact, "they certainly have no motivation to do (research)," he says.

Art Martinez thinks the state and federal governments could do more to protect wildlife and water quality in the San Juan Basin. They could require directional drilling rather than suggest it, and put multiple wells on a single pad, he says. Ban activity all winter and at nighttime, too, to give the animals a chance to browse in peace.

"They operate 24 hours a day. There are times when that whole area is one big dust cloud," he says. "The animals have no sanctuary, no place to hide or rest. This is their wintering ground."

Martinez acknowledges the need for domestic energy, but not at any cost. "If you have to drill, fine," he says. "But there's more to it than just drilling. You also have to protect the wildlife. You have to protect the people."

Finding the right balance

Oil and natural gas – or for that matter solar, wind and geothermal energy, too – can be produced in ways that protect wildlife habitat and, by extension, the interests of sportsmen, says Terry Riley of the Theodore Roosevelt Conservation Partnership.

For example, the BLM could manage oil and gas fields according to their effect on wildlife. That might mean allowing one well per 640 acres rather than four, eight or more. If one well doesn't reduce the population of a key species, such as mule deer or lesser prairie chicken, additional wells

could be approved, Riley says.

Perhaps the most important thing the agencies could do is to plan better, he says. The next large oil and gas developments should leave large, unbroken tracts where no activity is allowed. Phase the development so one section is tapped out and reclaimed before another section is started. And before any development begins, get a handle on the natural resources that are bound to be affected by the development.

"We probably don't know what the wildlife resources are in a lease sale area," says Riley. "We have no clue what the impacts will be."

But protecting natural resources will be an uphill battle, said Mark Fesmire, head of the New Mexico Oil Conservation Division.

"We can produce oil and gas in environmentally sensitive manner," he said in a recent interview, "but we haven't because the oil and gas industry is powerful and has largely been exempted from regulation at the federal level. That leaves it to the states."

His agency could and should do more to protect the environment and wildlife, Fesmire said, but added, "We're hamstrung in the things we can do."

New Mexico's oil and gas industry is essentially working under a regulatory framework that hasn't changed since 1935, Fesmire said. His agency could conceivably require oil and gas operators to protect winter wildlife habitat, avoid migratory corridors and drill diagonally to reduce fragmentation. But, he said, "We can't do it with the regulations we have."

A measure in the state Legislature this year, Senate Bill 361, aimed to change that. Among other things, it would have authorized the division to protect the state's natural resources during oil and gas development. The bill never made it out of its first committee.

That shouldn't come as a surprise, given that oil and gas revenues provide a big chunk of state spending – 90 percent of public school capital expenditures and nearly 20 percent of all state general funds. The industry is also the state's largest civilian employer as well as the largest campaign contributor.

"When you're dealing with the oil and

gas industry," Fesmire said, "you have to be prepared to deal with a Legislature that's hostile to making any changes."

Federal changes ahead

The Obama administration has already signaled that it's taking a new approach to energy development. Interior Secretary Ken Salazar has withdrawn oil leases in Utah and promised to fast-track renewable energy programs such as solar, wind and geothermal. The Environmental Protection Agency has asked for authority to regulate greenhouse-gas emissions as a public health threat.

But congressional action will be needed to overturn past decisions, strengthen federal oversight such as the Safe Drinking Water Act and Clean Water Act, and to set federal public lands agencies on a new course. The New Mexico Wildlife Federation and its coalition partners in Sportsmen for Responsible Energy Development will make a concerted effort this year to encourage Congress to take action.

New Mexico's contribution to the reform effort is likely to be substantial. Sen. Jeff Bingaman, as chairman of the Senate Energy Committee, will be in a key role to help shape the future of energy development on public lands in the United States. His committee will write the bill that spells out federal energy policy and projects.

Rep. Martin Heinrich, as a member of the House Natural Resources Committee, also oversees energy programs of the BLM and Forest Service. Rep. Harry Teague is a longtime oilman from southern New Mexico, but he has already introduced a bill promoting the production of green and renewable energy.

"Our hunting and fishing traditions here in New Mexico and the West are already under great pressure," says NMWF President Olona. "It just isn't right to expect sportsmen to watch our heritage needlessly taken away for oil and gas development. We need energy. We just need to make sure it's developed responsibly, protecting our fish and game and other natural resources so they can be enjoyed by our children and our grandchildren."

Oil, gas industry exemptions from resource protection laws

Congress and the Environmental Protection Agency have given the oil and gas industry several special exemptions from laws meant to protect air and water quality.

Safe Drinking Water Act: Most of the nearly 270,000 oil and natural gas wells drilled in the West since 1980 have employed hydraulic fracturing, which pumps water and chemicals – some toxic or known carcinogens – into wells. In 2005, Congress exempted most hydraulic fracturing from the Safe Drinking Water Act but said the act would apply to fracturing with diesel fuel.

Resource Conservation and Recovery Act: This act, passed in 1976, established a cradle-to-grave hazardous waste management program. The law sets standards for disclosure and safety in handling hazardous waste, for reducing such waste and for developing non-toxic alternatives. In 1988, the EPA and Congress agreed not to apply the RCRA to oil and gas wastes.

Emergency Planning and Community Right to Know Act: Neighbors of energy development have been kept in the dark after the oil and gas industry was exempted from the federal law that requires companies to report the release of significant levels of toxic substances to the EPA.

Clean Water Act: Oil and gas companies have drilled thousands of wells under an exemption from the

Clean Water Act, which sets standards for stormwater discharge. Rivers like the San Juan in northwest New Mexico would be protected if the industry were required to control stormwater discharge better.

Clean Air Act: Since 1980, thousands of wells have been exempt from this act, which limits emissions of nearly 190 toxic air pollutants. Major air polluters must have the maximum level of pollution control, while smaller sources of emissions are grouped together and generally covered by the act. Drilling sites are not treated as an aggregated unit under this program.

Comprehensive Environmental Response, Compensation, and Liability Act: Since 1980, thousands of wells have been exempt from the federal law that holds most industries accountable for cleaning up their hazardous waste. Congress has since abolished the taxes on the chemical and petroleum industry that funded cleanups and pays for the fund through general revenues.

National Environmental Policy Act: Congress amended this act in 2005 to exempt certain oil and gas drilling activities from the need for environmental impact statements. The exemption shifts the burden of proof to the public to prove that such activities would be unsafe. In 2006 and 2007, the BLM granted this exemption to about 25 percent of all wells approved on public land in the West.

(Environmental Working Group)

Better ways exist to develop oil and natural gas fields

By Joel Gay
New Mexico Wildlife Federation

There is no way to get oil and gas out of the ground without affecting the surrounding habitat and wildlife, but there are ways to reduce the impact of energy development on water quality, habitat and wildlife.

“Think big and plan early” seems to sum up the best advice to date about how to protect large, wild areas such as Otero Mesa or the San Juan Mountain Ecosystem in Rio Arriba County. Increasingly, natural resource agencies are calling for landscape-scale planning before leases are sold.

The Western Governors Association, for example, has created the Wildlife Corridors Initiative, a regional plan to protect crucial migratory corridors and habitat in a 19-state area. The plan will be used to guide development of all sorts, including the crucial planning period before oil and gas leases are sold.

“Care in early stages of planning oil and gas development is important to avoid damage that can take decades to overcome,” the association said in 2008.

One major wildlife corridor already has been designated on a combination of state, federal and private lands in the northern Rockies. The Path of the Pronghorn, a 75-mile path in Wyoming, is one of the longest remaining land-based wildlife migrations in North America. No new projects or activities can impede the migratory path on the U.S. Forest Service portion of the path; advocates are hoping the Bureau of Land Management and private landowners will follow suit.

New Mexico is working on its own corridor plan now, said Bruce Thompson of the Department of Energy, Minerals and Natural Resources. But the New Mexico Legislature underscored the importance of the effort when it approved House Joint Memorial 4, which calls for a state-wide workshop by Sept. 1 for various groups and agencies to share information on wildlife corridors and crucial habitats and to identify funding needs.

The state plan will do more than identify the well-known migratory routes of herd animals such as mule deer in the San Juan Basin, he said. “Think of connectivity and linkages,” Thompson said. A corridor could be up and down a mountain, or a year-round meander through the Galisteo Basin.

The corridor initiative eventually could help reduce habitat fragmentation, which is one of the most damaging aspects of any type of development.

Otero Mesa: a better model

Another key way to reduce the overall impact of oil and gas production is to make core tracts of high quality wildlife habitat off-limits to drilling. The state plan for Otero Mesa, for example, would prohibit leasing and drilling on more than 600,000 acres.

An additional 900,000 acres can be leased under the state’s Otero Mesa plan, but with stipulations. Those stipulations haven’t been determined yet, but could include a variety of protections, such as a requirement to use closed-loop drilling (see Page 10), or directional drilling from a single pad, or simply limiting the number of well pads at one per 640 acres. (In some gas fields, 16



Simple erosion barriers, like this one below a natural gas well in on U.S. Forest Service land in the San Juan Basin, can help reduce the impact of energy development on habitat and wildlife by trapping sediment from stormwater runoff. (Joel Gay)

or more wells are allowed on 640 acres.)

Steve Belinda, a former Bureau of Land Management biologist who now works for the Theodore Roosevelt Conservation Partnership, said protecting wildlife habitat and water quality must be accomplished before a lease is issued. Afterward, he said, it’s almost impossible to tell a company what it can and can’t do.

Belinda said an area should be surveyed to determine wildlife populations, ground and surface water and areas of critical habitat, as well as recreational uses. The leasing agency should consider siting requirements to limit the density of roads, wells and infrastructure such as compressor stations, pipelines and power lines. Companies can be required to use existing roads or bury pipelines, he said.

On rare occasions improvements can be made to a plan after leases are sold, however. Belinda said he worked with an oil company on a 6,100-acre lease in the Permian Basin near Carlsbad that showed how smooth the relationship can be between a profit-driven corporation and an environment-protecting agency.

It boiled down to the company, CBS Operating of Midland, Texas, simply being concerned about reducing the impact, Belinda said. The owner worked around critical wildlife habitat for the sand dune lizard and lesser prairie chicken, closed nine miles of abandoned roads, consolidated oil storage tanks to reduce truck traffic, removed unused power lines and buried the rest.

“We just worked around an open discussion between the biologist and the operator,” he said.

State and federal agencies also need to work together, but often don’t, according to Joanna

Prukop, secretary of the Energy, Minerals and Natural Resources Department.

“Currently we make decisions about these public land resources in a somewhat haphazard or disjointed manner,” Prukop recently told Senate Energy and Natural Resources Committee Chairman Sen. Jeff Bingaman and other members of the panel. “Decision-making would work better if there was an integrated, system-wide process in which state and federal agencies worked together to address natural resource and stakeholder needs.”

As an example, she pointed to the state’s experience with Otero Mesa, which contains the last remnants of the ecologically fragile Chihuahuan Desert. The BLM included some environmental protections in a plan to allow oil and gas development there, but the administration of Gov. Bill Richardson felt the proposed protections weren’t strong enough.

“The matter went to court,” Prukop told the senators. “The state did not get everything it wanted, but one issue the federal district judge addressed was the need for additional environmental review before leasing takes place in the area, an outcome we fully support.”

New Mexico’s congressional delegation has also worked to get ahead of potential impacts at Otero Mesa by asking the BLM for a drilling moratorium until a comprehensive water study of the Salt Basin Aquifer (the largest remaining untapped freshwater aquifer in New Mexico) is completed.

If the state and federal agencies work together from the beginning, Prukop said, “... it will make public lands work better for all of us.”



The U.S. Forest Service and Bureau of Land Management now require culverts, ditches and well-maintained roads leading to gas wells, as shown here in the Carson National Forest, but the BLM exempts existing roads from the new standards. (Joel Gay)

Alternatives must also be developed responsibly

As the nation comes to grips with the long-term costs of fossil-fuel energy – from greenhouse gas emissions to the footprint of oil and gas development – sportsmen and conservationists are working to ensure the next generation of energy has less impact on wildlife and the health of public lands.

“Each resource has its own complications,” Joanna Prukop, secretary of the New Mexico Energy, Mineral and Natural Resources Department recently told members of Congress. Large-scale solar power plants, she noted as one example, can cover thousands of acres, removing that land from recreational and agricultural use and potentially impacting wildlife.

She urged Congress to consider public lands as part of the nation’s energy infrastructure, and an essential part of the energy delivery process, “whether through pipelines or overwires.”

Planning ahead should be a crucial part of the next generation of energy in the West, Prukop said, and corridors will be key.

Last year, the Western Governors’ Association and the U.S. Department of Energy launched the Western Renewable Energy Zones Project (WREZ) to identify areas in the region with high quality and developable renewable energy resources.

Specifically, the WREZ hopes to delineate

areas with high potential for renewable energy generation and low potential for conflicts with other resources, including wildlife.

The WREZ is working with the Western Governors’ Wildlife Council, a group of state fish and wildlife agency representatives responsible for leading a regionwide mapping effort to identify important wildlife habitats and sensitive ecosystems. Once suitable Renewable Energy Zones have been identified, the WREZ will help map the new transmission lines needed to deliver renewable energy from wind farms, concentrated solar facilities and geothermal wells to markets.

The ultimate goal of the WREZ is to expedite the development and delivery of clean and renewable energy. The Western Governors Association is expected to act on final recommendations for Renewable Energy Zones during its annual meeting in June. The WREZ will then begin mapping potential transmission corridors.

Sportsmen for Responsible Energy Development is monitoring the WREZ process carefully. Renewable energy development must also be responsible energy development, particularly in sensitive wildlife habitats. For more information about the WREZ, go to www.westgov.org/wga/initiatives/wrez/.



Sportsmen are watching to ensure renewable energy development does not negatively affect wildlife and habitat on public land.

Oil, gas major source of NM greenhouse-gas pollution

By Felice Stadler

National Wildlife Federation

Energy-producing industries are the dominant feature of New Mexico’s greenhouse-gas pollution profile, accounting for about 27 percent of the state’s emissions in 2005, according to the Western Climate Initiative (WCI), a coalition of 11 western states and Canadian provinces working together to cap greenhouse-gas emissions.

When compared to other states in the region, New Mexico stands out as a high emitter, the WCI report shows. For example, Montana can attribute 13 percent of its greenhouse-gas emissions to the oil and gas sector while in Washington the sector accounts for 1 percent, according to the WCI.

New Mexico has an important role to play in reducing global warming pollution in the western United States. A 2006 study by Gov. Bill Richardson’s Climate Change Advisory Group found that on a per capita basis, New Mexico produces nearly twice the greenhouse-gas emissions as the national average (45 vs. 25 tons of CO₂-equivalent per person). The state’s high per capita emissions are largely the result of its gas, oil and electricity production industries, the advisory group found.

Although no two facilities are the same, oil and gas operations typically create greenhouse-gas pollutants during exploration, drilling and production. The construc-

tion and preparation involved in preparing a drill site requires using diesel-powered trucks and other equipment. Powerful engines also run the drill rigs that bore deep wells to find pockets of oil and gas. In some cases, drillers flare or vent excess gas before production begins.

Once a well is in operation, compressor engines and pumps running on diesel or natural gas continuously produce more greenhouse gases, as do the frequent visits by maintenance and operations crews. Leaks and accidental releases can lead to much larger amounts of pollution being re-

leased into the atmosphere.

When discussing how to confront climate change in the West, emissions from the oil and gas sector cannot be ignored. The New Mexico Wildlife Federation, along with the National Wildlife Federation and many other sportsmen’s groups, have been pushing for oil and gas production pollution to be included in the final version of the Western Climate Initiative, which calls for a regional strategy to address climate change. The partnership completed its work plan earlier this year; implementation could begin as early as 2012. (For more

information, go to www.westernclimateinitiative.org.)

Sportsmen and conservationists are working together to protect against the destruction of our prized public lands and vital wildlife habitat by fighting uncontrolled oil and gas drilling in New Mexico and throughout the Rockies. The Valle Vidal is a prime example where our collective efforts made a difference – we got legislation passed that prevented oil and gas or mineral development in one of New Mexico’s majestic places.

If we are going to have any measured success on a regional or landscape scale, the oil and gas industry must be held accountable and required to prevent or minimize the impacts and degradation to our air, water, land and wildlife resources. This will require federal- and state-level reform that must include funding for wildlife and restoration of our public lands.

The oil and gas industry claims it can develop and produce oil and gas in an environmentally responsible manner. But companies that want to be responsible and minimize impacts can only do so if all in the industry are held to the same high standards.

Felice Stadler is director of operations for National Wildlife Federation’s Global Warming Solutions campaign.



America's Wildlife Heritage Act

Legislation will benefit sportsmen, heritage for future generations

By Oscar Simpson
New Mexico Wildlife Federation

Congress will soon consider a landmark bill that, for the first time, would require a uniform wildlife management system and standards to sustain healthy fish and wildlife populations on public lands administered by the U.S. Forest Service and Bureau Land Management.

The America's Wildlife Heritage Act also would require the Forest Service and BLM to coordinate with other federal and state agencies, such as the New Mexico Department of Game and Fish.

The act is expected to be introduced in the U.S. House this spring by Rep. Ron Kind of Wisconsin, a member of the Congressional Sportsman's Caucus.

For more information about this campaign and about the collection of outdoor recreation-related businesses, sportsman organizations and other conservation groups that have come together to form the "Your Lands, Your Wildlife" coalition, visit www.YourLandsYourWildlife.org.

Why it matters

Public lands administered by the Forest Service and BLM are supposed to be managed for "multiple uses." The goal of that mandate is to meet the nation's needs for timber, energy, mineral development and livestock grazing, but at the same time ensuring that fish and wildlife resources are protected, recreational opportunities are guaranteed, watersheds are safeguarded and historical, cultural and scientific values are preserved.

In recent years, however, sportsmen and conservationists have seen the principle of management for multiple uses ignored and skewed in favor of development activities with little regard to impacts on other public land resources such as water, wildlife, habi-

tat and recreation.

In New Mexico, 95 percent of resident sportsmen hunt on public land (according to survey data by the U.S. Fish and Wildlife Service). A majority of sportsmen (52 percent) feel that hunting and fishing in New Mexico have declined over the past few years, according to polling by New Mexico Wildlife Federation. America's Wildlife Heritage Act would help to ensure that the values of New Mexico hunters, anglers and outdoor enthusiasts are not being ignored.

In addition to being an important part of our way of life in New Mexico, hunting, fishing and other wildlife-associated recreation generates nearly \$1 billion in economic activity for the state each year – a renewable resource that many rural communities depend on.

Sportsmen understand that poor or unhealthy habitat does not sustain healthy or abundant fish and wildlife populations. Major factors affecting habitat on New Mexico's public lands include invasive and noxious weeds, fire suppression, road den-

sity, off-road vehicle use, extractive industries such as oil and gas, logging and mining, urban sprawl, overgrazing and climate change. Approximately 33 percent of New Mexico is public land; 23 percent, or 18 million acres, is managed by the Forest Service and the BLM.

Since 1914, the New Mexico Wildlife Federation has worked to ensure that the New Mexico Department of Game and Fish has had the resources and authority to manage the state's game and fish and other wildlife. But without adequate habitat – and without cooperation from the Forest Service and BLM, which manage or control habitat – the department's hands are tied. The America's Wildlife Heritage Act would provide an opportunity to ensure that the federal lands managers and the state Department of Game and Fish work collectively to manage our public's wildlife and habitat.

Oscar Simpson is conservation policy chairman for the New Mexico Wildlife Federation.

Sportsmen's push will lead to new energy future

By Oscar Simpson
National Wildlife Federation

We don't have to sacrifice our water, fish, and wildlife and threaten public health to get more oil or gas. The solution is to change the rules: require current and future drilling and development to be done responsibly, ensuring that we develop an energy policy that does not sacrifice our public lands, wildlife and water resources.

For more than 30 years, Congress and every presidential administration have known that the United States only had 3 percent of the world's oil and gas reserves, and that production for both peaked in the mid-1970s. Ignoring these basic facts and heavily influenced by money and lobbyists, the United States has been going down a one-way road: a failed energy policy that relies on more drilling and importation of oil.

Over the last eight years, oil and gas drilling on America's public lands has increased by 260 percent, but has had virtually no effect on the price of oil and or natural gas. Gasoline and diesel, respectively, doubled and tripled, and natural gas and propane quadrupled in price until they were toppled by the worldwide economic crisis of recent months.

The federal government's own data and reports contradict the political rhetoric from last year that suggested more drilling would lower gas and diesel prices. According to the U.S. Energy Information Agency, the additional oil that could be brought into production from drilling in the Arctic Na-

tional Wildlife Refuge, the Outer Continental Shelf and the Rocky Mountains states is estimated at about 1.2 million barrels a day at peak production. Even with this increased production, the agency estimates that prices would drop by only three to five cents a gallon, and would not for 10 years or more.

Profit is the primary reason the oil and gas industry continues the push to open more of America's iconic western public lands to development. Presently, vast tracts of public land are leased with minimal restrictions or reclamation requirements. It costs more money and therefore less profit is realized if measures are required to protect water, habitat and wildlife, so industry fights or opposes every effort to require stricter regulations or requirements.

The solution to our need for both energy and healthy public lands requires a two-pronged approach.

Sportsmen need to come together in a national campaign to protect their western heritage and outdoor traditions. Hunters, anglers and outdoor enthusiasts have united as Sportsmen for Responsible Energy Development in order to change how oil and gas development occurs on public land. The coalition wants to make sure oil and gas development is done responsibly while sustaining fish, wildlife and water resources.

Sportsmen also realize that major reforms are needed for federal and state laws, regulations and policies. The national coalition developed seven major reforms (view the list at www.Sportsmen4ResponsibleEnergy.org)

The New Mexico Wildlife Federation and many other organizations, businesses and individuals across the nation have joined. We are jointly working on oil and gas development issues and legislation in New Mexico and other Rocky Mountains states. Log on to the NMWF Web site (www.nm-wildlife.org) for information on how you can help or share your expertise. We encourage you to sign up for the Sportsman's Action Alert system. The alert allows you to get monthly newsletters and take action on important issues that affect sportsmen.

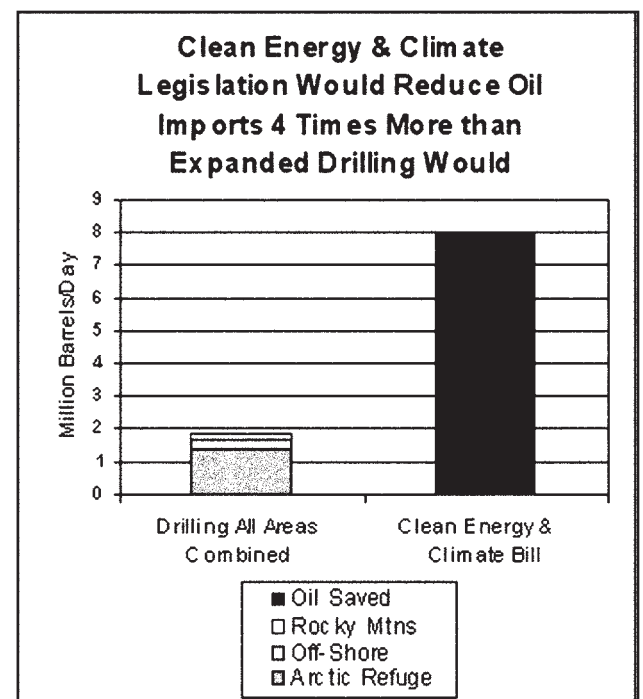
Americans need a new energy future, beginning with federal legislation that helps break our addiction to fossil fuels while reducing the greenhouse gases that contribute to climate change. Federal legislation that promotes clean, alternative energy and cuts greenhouse gas pollution will reduce our oil imports four times more than the oil available from drilling in the pristine wildlife habitat of the Arctic National Wildlife Refuge, off our beaches and in the Rocky Mountains combined.

A study by the Massachusetts Institute of Technology found that under the Climate Security Act, U.S. petroleum consumption would drop by nearly

half by 2030 — saving far in excess of the amount of oil we could ever pull from Alaska or the coasts. That's why we need federal legislation that firmly puts us on the path to a new energy future.

Legislation to promote clean energy and reduce global warming pollution would reduce our oil imports by more than 8 million barrels a day by 2025.

Oscar Simpson is a former New Mexico State Game Commission member and conservation policy chairman of the New Mexico Wildlife Federation.



Bill would overhaul antiquated federal Mining Law

By John Cornell

New Mexico Wildlife Federation

At the behest of New Mexico's senior senator, Jeff Bingaman, Congress will consider the first substantive changes in the federal law that governs hard-rock mining since Ulysses S. Grant was president.

The measure would, for the first time ever, require royalty payments to the federal treasury for the extraction of gold, silver and other minerals on federal public lands. It also would establish a fund to reclaim abandoned mines and eliminates the sale of federal lands to mining companies for as little as \$2.50 an acre.

Bingaman introduced S. 796, the Hardrock Mining and Reclamation Act of 2009, in response to calls from sportsmen and others who wanted a major overhaul of the Mining Law of 1872.

As chairman of the Senate Energy and Natural Resources Committee, Bingaman's office has been working on legislation to reform the mining law for the past year and a half, but the work began far earlier, Bingaman said in a news release.

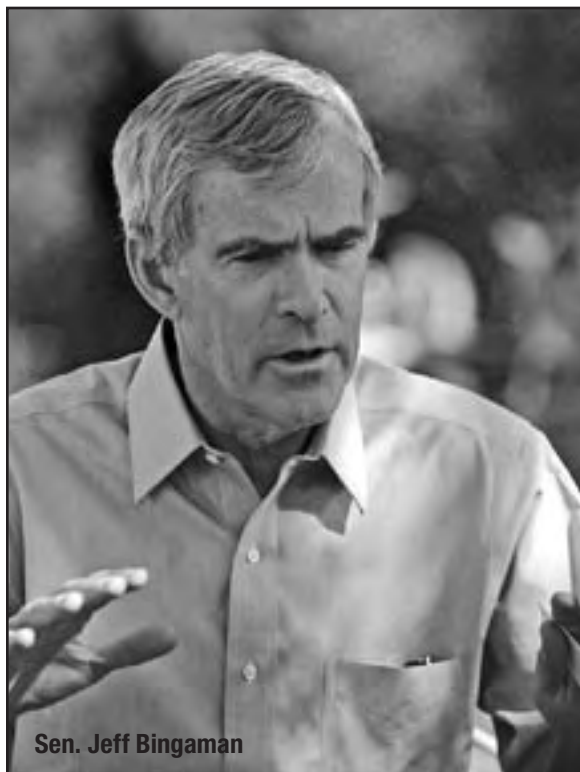
"Efforts to comprehensively reform the Mining Law have been ongoing literally for decades, but results have thus far been elusive. There is renewed interest on the part of many in the industry and in the environmental community in trying to update this law," Bingaman said.

"The mining industry plays an important role in our part of the country," he continued. "It fuels local economies. And it contributes to our national security. At the same time, the industry has been criticized on both fiscal and environmental grounds. The Hardrock Mining and Reclamation Act of 2009 will make responsible changes to this

outmoded law."

To encourage settlement of the West at a time when the nation's population was growing, Congress passed and President Grant signed the Mining Law of 1872. Following the gold rush, the law offered free minerals to those willing to "go West" and mine. Public lands were offered for sale through the patenting process for as little as \$2.50 an acre.

Incredibly, the same law remains on the books and governs mining on public lands



Sen. Jeff Bingaman

today. As a result, mining still has automatic priority status over all other uses of federal public lands. In 1995, a private company spent \$1,745 on mining rights estimated at the time to be worth \$2.9 billion, according to the Associated Press.

Another legacy of the 1872 law is the number of abandoned hard-rock mine sites – as many as 500,000 nationwide, most of which are in the West. Abandoned mines pose public health and safety risks and degrade the environment, particularly affecting water.

Sportsmen's groups applauded the Bingaman measure.

"In today's tough economic climate, responsibly managing our public lands makes good sense," said Tom St. Hilaire of the Theodore Roosevelt Conservation Partnership. "The 1872 Mining Law not only fails to safeguard these lands, it also jeopardizes fish and wildlife populations that depend on them – consequently diminishing hunting and fishing opportunities and hurting the economic boost provided by sportsmen."

Said Jim Lyon of the National Wildlife Federation, "This bill is a strong step forward in instituting some long-overdue, common-sense reforms of the 1872 Mining Law that will better protect and assure the health of our fish and wildlife populations and public lands."

Trout Unlimited offers its "unequivocal support" for the effort, said Chris Wood. "Sportsmen commend Senator Bingaman's willingness to introduce this crucial legislation."

The state also supports the reform measure, especially its funding for abandoned hard-rock mines, said Bill Brancard, director of the state Division of Mining and Minerals. "New Mexico's long history of mining has left a legacy of thousands of abandoned mine features that pose a threat

to public health and safety. This bill would provide a funding source to mitigate many of these hazards."

The legislation has received wide support from New Mexicans, including sportsmen's organizations, tribes and conservation groups. The counties of Lincoln, Sierra, Bernalillo, Mora and Santa Fe, along with the cities of Albuquerque and Las Cruces, the villages of Cimarron and Wagon Mound, and the New Mexico State Game Commission have all voiced support to reform the Mining Law of 1872.

The U.S. House of Representatives signaled its support of mining law reform last year when it passed a similar measure by a wide margin and with bipartisan support. The Senate Energy Committee is expected to take up Bingaman's bill this summer.

Provisions of the Hardrock Mining and Reclamation Act of 2009 include:

- Elimination of patenting on federal lands.
- Sensible royalties for minerals extracted during the mining process.
- Funding for reclamation of abandoned mines.
- Environmental statutes and funding requirements to maintain water-quality standards.
- Reviews of lands to determine whether future mining claims may be located in a certain area, allowing the governor of a state, chairman of an Indian tribe or appropriate local official to petition the secretary of interior for a review.
- Regulations to prevent unnecessary or undue degradation of national forest system lands by mineral activities.
- Grant programs for states, public entities and nonprofit organizations for restoration projects to improve fish and wildlife habitat affected by past mining activities.

Bingaman measure protects hunting, fishing lands

New Mexico's congressional delegation helped pave the way for approval in late March of a wide-ranging public lands bill that helps protect the hunting and fishing heritage of the West.

Sen. Jeff Bingaman sponsored the Omnibus Public Land Management Act of 2009, which consists of dozens of individual bills approved by Congress in recent years. Sen. Tom Udall contributed a key bill for New Mexico sportsmen that creates the Sabinoso Wilderness, while Representatives Martin Heinrich, Harry Teague and Ben Ray Lujan helped get the bill through the House by a wide margin. All five members were at the White House when President Obama signed the bill into law on March 30.

New Mexico sportsmen also played a role in the bill's passage, making phone calls and writing letters and e-mails to the delegation in support of S. 22. Clearly, the del-

egation was listening.

The package contains more than 160 separate provisions that protect public lands and forests, preserve historic places and invest in water infrastructure. Among them is Bingaman's Forest Landscape Restoration Act, which provides funding for landscape-scale forest restoration projects. "Restoration projects help keep our forested areas healthy and fire-safe, while also creating jobs in nearby communities," Bingaman said.

Also in the package is a bill Udall sponsored when he was in the House. It designates more than 16,000 acres in San Miguel County as the Sabinoso Wilderness, a key step toward reopening public access for hunting, fishing and other recreational use. "The preservation of this incredible landscape will now remain for the permanent benefit and enjoyment of current and future generations," Udall said

at the signing ceremony.

Another part of the bill funds a comprehensive study of New Mexico aquifers, including one beneath Otero Mesa that is the largest remaining untapped source of fresh groundwater in the state. Studying the aquifer is part of a plan to ensure any oil and gas drilling in the area is conducted responsibly and protects this important water source as well as core wildlife habitat.

Also in the bill are protection of the Snowy River Cave in Lincoln County and creation of the Prehistoric Trackways National Monument near Las Cruces.

Across the West the omnibus bill protects iconic hunting and fishing areas such as the Wyoming Range in western Wyoming and the Copper Salmon drainage of southwestern Oregon.

Lujan said the measure will have an enduring legacy. "By protecting and enhanc-

ing the natural and cultural resources which are integral to the identity of New Mexico and America, this bill ensures the prolonged existence and availability of forest lands and natural resources for future generations."

Teague noted that the package of bills provides important protections for some of New Mexico's natural treasures. "These protections will ensure that sportsmen can enjoy the beautiful resources we have throughout our state for years to come," he said.

Heinrich, a sportsman himself who hunts and fishes on public lands, said the act will help preserve and maintain not only public lands but the culture of hunting, fishing and outdoor recreation. "The proud tradition of conserving our most precious natural resources, championed by Teddy Roosevelt more than 100 years ago, has been secured for another generation of Americans," he said.

Elusive prey keeps coming back, like a bad penny

By Ashley Twitty

The middle Rio Grande valley flew past me in a blur of brownish-green and country songs as my pickup truck flew north on I-25. One hundred miles ahead lay the mountains of my birth, a .308 Remington and an elk tag. Only two things were on my mind: Mom's cooking, and a bull elk that had been wandering around in my backyard for a decade.

The bull was like a bad penny. Every year he turned up, but always smarter and sneakier than before. He bedded in the dark canyon south of our house near Taos, and hunkered down until the echoes of rifles fell silent in December. His canyon was a smart choice. There was only one way to approach it, and the escape route was so hairy that pursuit was treacherous at best. To the west, the canyon opened up into a vast tangle of sage flats and tight arroyos, and eventually fell off into the Rio Grande Gorge.

It was country hardly suited for such a large, awkward creature, but he waltzed through the boulders like a ballerina in slippers.

We knew where he preferred to jump off into oblivion; we knew the large piñon he bedded under in the canyon. We knew he'd head west under pressure — we knew his route by heart. But he snuck through the open pockets of sage like a ghost, with nary a sighting. And when he dropped off into the river country, we knew we wouldn't see him again until the season was over.

We knew every intimate detail of his existence, but we knew nothing that gave us the

upper hand.

Dad had a cow tag a few years ago and stumbled, quite literally, onto a dead bull. Not one to let any opportunity for a hunting lesson pass, he piled my brother Jackson and me into the truck to go have a look.

"See these points right here, above his eye guards? They're called devil points, kids. Another year, these would have been a good one and a half, two inches. Don't see those much around here," Dad said. "You know who gored this one, don't ya? It was our guy. He must be bigger than we figured, to whup this bull."

Jackson had the tag last year. We pursued the bull wholeheartedly, but to no avail. He knew when we were coming, and didn't crash off noisily into the trees like most bulls. Instead, he rose silently from his bed and tiptoed away, leaving only his tracks — huge indentations in the New Mexico earth, as wide as they were long. His stride was long and confident, as if his path through the piñon was predetermined, but those tracks were an aggravating sight for the three of us. Like always, they were fresh.

He had outwitted us so many times that I'd come to sense when he truly is lost to the gorge. The tension in the air eased slightly, like the sage flats had been holding their breath during our tango. The air smelled a little crisper, and my heartbeat slowed as if on cue. This may have been our last shot at him. I feared his death would come in the winter months, and our long crusade would end in stalemate.

Worse, I feared someone else would kill him out of pure luck. I kicked the soft dirt

and pine needles in his bed, and turned for home. He was long gone, anyway.

Back at the house, Mom stood at the stove, patiently listening to our lamentations as she made dinner — as if she hadn't heard the same story of defeat for 10 years. She'd smile sympathetically, and ask what we would do next year. Dad shook his head. "He's just too smart, that bull."

The winter passed, slow and cold. We still talked about him, but like always, our discontent eased with time. We debated whether he would survive the hard months, old as he was. April came quickly, and that mystery bull was on our minds as we filled out applications for the coming fall. Was he even alive? Would he return to his dark canyon? I figured he would. He had become such a part of us over the years that I think one of us could surely sense his absence.

But none of us could decide whether to file for the hunt. Should we give up? Should we battle out another year? Dad and Jackson decided to concentrate their efforts elsewhere. I considered following their lead, but that would mean accepting defeat.

There was a lot riding on my decision, it seemed, but it was not my decision alone. It



Hunter Ashley Twitty in the mountains near Taos. Sportsmen are pushing for federal legislation to protect the Rio Grande Gorge area. (Jackson Twitty)

was a decision stained with years of sweat and blood; it was a decision that included the whole family, Mom too. Should we fail again, she would endure our gripes for another year; and later, our grievances when he did not return. Or, come fall, he could be in the back of someone else's pickup; he could hang from someone else's skinning pole, on someone else's wall, and it would be their empty casing that marked his passing, not mine.

I put my name in for the rifle hunt. . . .

To read the rest of the story and find out whether Ashley gets her bull, go to www.nm-wildlife.org.

Ashley Twitty is a lifelong Taos-area resident and hunter and a student at the University of New Mexico.

Fishing, hunting and learning with 'The Kid'

By Dutch Salmon

It all happened in less than a year. The previous summer on our wilderness campout he was 12 years old, still a kid of just middling size, and he acted like he knew he still had a lot to learn.

Then he turned 13, sprouted to 5-foot-10 and now literally looks me in the eye. And there's hardly a thing he doesn't know. Some kid! Only in the realm of hunting and fishing does he readily defer to me. Maybe he's just being nice.

Last summer I thought he'd enjoy a stretch of the Gila River where earlier I had found good numbers of trout. But the heat had reduced the flow by half, the water had warmed, and I'm sure others were catching, and maybe keeping, some of the same fish I had caught and released a week earlier. We still caught five fish, but I was pleased The Kid caught one more than I. He never complained the action was slow. And he got the biggest one.

In a deep run of fast water, I told him to

stand upstream and strip out line. "Strip fast," I said, "so your fly drifts down through that chute on a slack line."

He did it right and at the bottom of the chute his nymph got a terrific whack. He giggered the fish and fought him up through the fast water, then beached a 14-inch rainbow that made our day. The trout was hooked deep so we wrapped him in a wet bandana and the next night at supper I said, "No, you eat him all yourself; you out-fished your old man."

A year earlier he probably would have tried to horse the rainbow in that fast water and lost him to a broken tippet. Since then he had worn down and landed a 28-inch flathead catfish. And now a fast rainbow on a 4-lb. tippet. The Kid was learning some of the subtleties of hooking and playing fish.

Another week of heat and drought and the Gila was down to 12 cfs, but I knew a few deep, green pools would remain. After an early start I caught one small rainbow on a fly in the first hour but that was it. The Kid didn't even get a hit. So we changed rigs, us-

ing fly rods baited up with worms. Things picked up, at least for me.

I hooked a powerful fish that made some nice runs and spun the handle on the reel, but in the end the carp I was expecting turned out to be a 17-inch Sonora sucker. Once again I had forgotten about and underestimated this Gila native.

I caught some hellgrammites, rigged one for The Kid and told him, "One of these will change your luck." We fished them without sinkers, like live flies, and The Kid fished his well, letting it rest on the bottom in the slow catfish/carp/sucker pools and drifting it like a fly in current where one might expect a bass or trout. But again it only worked for me as I caught a 15-inch rainbow. Then the heat and drought shut the fishing down.

We were tired hikers when we finally trooped back to the truck. We'd only caught three fish, but The Kid didn't seem discouraged the luck this time was all mine. And he really perked up when we stopped on the way home for a Coke float, enough that he would ask: "Dad, when are we going rabbit

hunting?"

It gets hot near Deming in mid-June, but I knew an area of yucca, mesquite and some grassland openings just hopping with big hares. In an hour and a half we had six; The Kid rolled five of them, using a 20-gauge Remington pump I'd given him for his birthday. I showed him how to filet the meat off the back legs for jackrabbit posole.

The Kid is learning: to cast, to catch, to release the catch most but not all of the time, and to shoot. He knows how to take the good days with those when the game is unaccountably elusive. He's gracious when he wins and philosophical when the luck goes another's way. And if he's not taller than his father's plebian 5-foot-10 right now, he will be by the time this story makes the press. Some kid!

Dutch Salmon is a longtime Silver City angler, writer, bookseller and member of the State Game Commission. He can be reached at dutch@high-lonesomebooks.com.

President's message: Sportsmen seek energy solutions

By Ed Olona, President
New Mexico Wildlife Federation



This issue of the Outdoor Reporter is dedicated to making sure future energy development takes place more responsibly on our public lands and that sportsmen's voices are heard amid the rush for more energy development.

I'm among the 95 percent of resident hunters who rely on public land in New Mexico, and my traditional hunting ground, White's Peak, where I learned to hunt from my father and where my grandkids are learning today, is among the many places being looked at for oil and gas drilling. A maze of new roads, wells and pipelines would change White's Peak dramatically. Like so many sportsmen in the West, this issue is not theoretical for me.

In the past eight years, oil and gas drilling on public land in the West has increased by more than 260 percent. In New Mexico, almost 500 new oil and gas wells per year were drilled in big game habitat from 2001

to 2006 – an increase of more than 65 percent over the previous eight years. Although sportsmen have led the way to a few high-profile victories to protect places like the Valle Vidal, we also need to recognize that 99 percent of public land drilling requests are approved and much more can be done to minimize impacts where drilling occurs. Even renewable energy development on public lands, such as wind and solar and the transmission lines needed to conduct it, could have significant impacts on our hunting and fishing grounds if not properly

planned and sited.

Fortunately, we are part of a national effort called Sportsmen for Responsible Energy Development that was organized by Trout Unlimited, the Theodore Roosevelt Conservation Partnership and National Wildlife Federation. Sportsmen for Responsible Energy Development also represents scores of individuals and outdoor businesses who rely on public lands and hunting and fishing for our long-term economic health and western way of life. Sportsmen for Responsible Energy Development is bringing us together in a unified voice for policy that can reduce the impacts of oil and gas and alternative energy development on public land so that our outdoor way of life can continue. I encourage you to visit www.sportsmen4responsibleenergy.org and get involved to help give sportsmen the voice we deserve.

Sportsmen for Responsible Energy Development recognizes that oil and gas drilling and renewable energy development will increase on our public lands. But we need to

do all we can to ensure it is done with open eyes and up-front planning. We simply cannot protect our outdoor way of life in New Mexico without tackling the issue of public lands energy development head-on.

Our state Game and Fish Department, funded by sportsman dollars to protect our wildlife, needs be consulted when new development projects are planned. New oil and gas wells drilled should comply with the Clean Water Act to make sure our rivers and cold-water fisheries like the San Juan River are not affected negatively. Planning to minimize impacts should happen before the lands are leased, not after. And, most importantly, some core habitats and corridors need to remain undeveloped as drilling occurs around them. The list goes on, and I am pleased we have Sportsmen for Responsible Energy Development to help lead the way.

Ed Olona is a lifelong resident of Springer, N.M., a deacon at St. Joseph's Catholic Church in Springer, and president of the New Mexico Wildlife Federation.

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OUTDOOR REPORTER

Spring 2009

New Mexico Wildlife Federation
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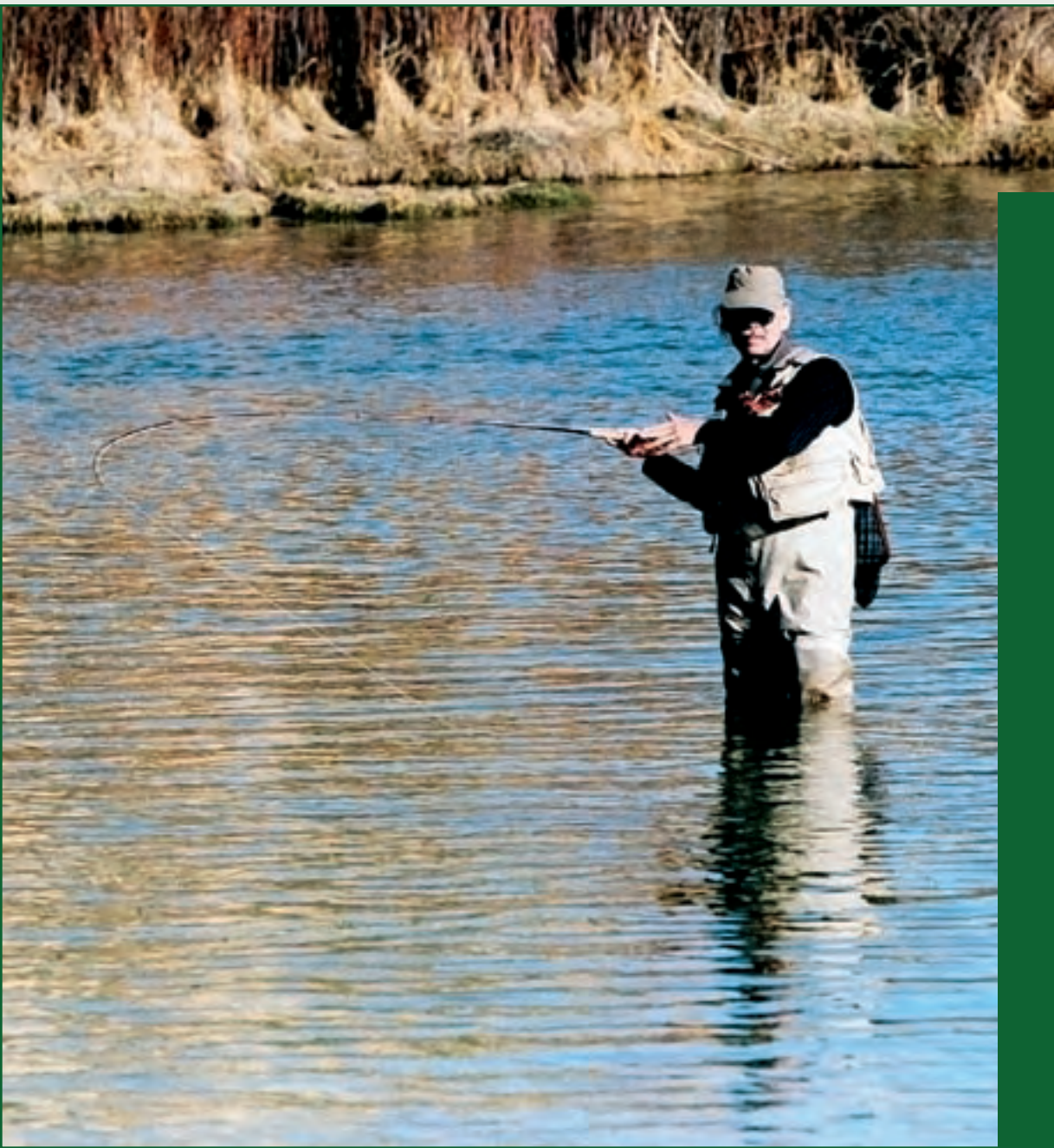
INSIDE:

Sportsmen from New Mexico to Montana are seeking ways to reduce the impact of oil, gas and renewable energy development on public lands in the West and our hunting and fishing tradition.

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