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Enviros Blame Rep. Pearce for Inciting N.M. County to Bulldoze River

BY PAUL QUINLAN of Greenwire

An environmental group accused Republican Rep. Steve Pearce of New Mexico of inciting a county in his district to flout federal environmental laws by bulldozing 47 road crossings through a stretch of the San Francisco River in the Gila National Forest.

County leaders have argued they were maintaining National Forest System roads. The environmental group Center for Biological Diversity disagreed, giving notice (pdf) yesterday to Catron County of its intent to sue for what the group alleges were repeated violations of the Clean Water Act. The notice says the county improperly dumped fill -- and possibly feces from cattle -- in the water.

The group is seeking a full environmental restoration of the disturbed areas and the maximum, \$37,500-per-day fine for each violation. At that rate, Catron County, home to 3,400 residents, could face a maximum penalty of tens of millions of dollars, because the bulldozing took place in early-to-mid August.

Environmentalists say the incidents occurred just days after Pearce issued a news release declaring roads in the Gila National Forest to be open for use, based on answers he elicited from a U.S. Department of Agriculture official during a House Natural Resources subcommittee hearing to questions concerning forest road policies.

“The Forest Service has bullied the people of New Mexico into believing that they can close our roads -- roads that allow families, the elderly, and the disabled to enjoy nature like everyone else,” Pearce said in a statement included in the news release. The release goes on to say that a “survey of local law enforcement agencies and departments” showed that there “will be no effort to enforce” U.S. Forest Service rules concerning forest roads.

Cyndi Tuell, the attorney for the Center for Biological Diversity handling the case, said there was an obvious causal relationship between the bulldozing and Pearce’s news release, which she called another example of the congressman’s increasingly anti-environmental rhetoric.

“Within a week, or so, the county’s out there bulldozing,” Tuell said. “The coarse way to put it is they were giving the bird to the federal government, saying ‘We’re the county. We can do what we want.’ They are both legally and factually incorrect on that one.”

Pearce, in a statement this morning, chalked the problem up to “miscommunication” between the federal and local governments: Catron County considers these county roads, while the feds consider them forest roads. This confusion, he said, has now been “expanded by an unnecessary lawsuit.”

“Regardless of who ‘owns’ the road, the fact remains that the road is listed as open,” Pearce said. “Additionally, the road was bulldozed to increase accessibility for those who live in the area, and the maintenance did not disturb the river -- except in areas where the road crosses the river. This is another example of county governments attempting to locally manage their resources and better the lives of their citizens.”

Tuell said county officials seemed to be aware that the road work could get them into troubled legal waters. She said the commission met in a closed-door session to discuss potential litigation involving the roads.

“When the county went out with a bulldozer on the road, the sheriff was along for the ride,” she said. “There absolutely was violation of private property rights and trespassing on private land.”

Although county officials alleged that they had received calls from three landowners requesting road maintenance, Tuell said, “we can’t find one who says they wanted it maintained.”

A Catron County official directed all questions concerning the potential lawsuit to County Commission Chairman Hugh McKeen, who could not be reached yesterday despite repeated attempts.

In an Aug. 25 letter to McKeen addressing the damage, USDA Forest Supervisor Kelly Russell wrote, “you caused damage to National Forest System lands when you maintained the road without Forest Service authorization” and said that the work was “under investigation.”

“Based on the results of that investigation, I will take appropriate actions to hold Catron County accountable for damages or violations of law,” Russell wrote.