

Spring 2018

NSIDE



Tranquility on the Gila

Photo: Mike Fugagli

Vol. 21 No. 1

2 The Heat Is On—and You Can Help Turn It Down
4 Who's Who in UGWA
4 F-16s Over the Gila
6 Springtime Santa: Apply Here
6 The More Things Change, the More They Stay the Same
7 Gila Forest Plan Revision
8 Restoring the River
10 Trust Our Children
13 Earth Day 2018
14 Thank You!
15 Who Are All These Groups with "Gila" in Their Names?!
15 UGWA Membership Form
16 UGWA Statement of Philosophy

The Heat Is On—and You Can Help Turn It Down

by Donna Stevens

Last fall, the local community learned that Holloman Air Force Base in Alamogordo is proposing to train F-16 pilots over the Gila Wilderness, Gila National Forest, and nearby rural towns. The opposition was swift and furious, and hasn't abated yet.

The Gila Conservation Coalition, of which UGWA is a partner (with Gila Resources Information Project and Center for Biological Diversity), is organizing a response to this unprecedented threat to the unique rural character of southwest New Mexico. Because much of our work takes place behind the scenes, you may not have a clear sense of what we're doing. Here's a list.

The Gila Conservation Coalition is:

- meeting almost weekly to strategize as new information comes to light;
- reviewing thousands of pages of relevant military documents obtained through the Freedom of Information Act (FOIA);
- partnering with concerned residents and nonprofits to maximize our effectiveness;
- compiling a database of current military flight infractions, such as low flights and other disturbances (see peacefulgilaskies.com to report an incident);
- retaining an attorney to fight this proposal and file a lawsuit, if necessary;
- creating maps that accurately depict the overlap of proposed military operations areas (MOAs, in military jargon) with wilderness areas, critical habitat for threatened & endangered species, and other places that deserve special protection;
- compiling information on how the military flights will affect humans: tourist economy, property values, quality of life, health, stress levels, and hunting opportunities, to say nothing of peace and quiet;
- researching the effects of military training on wildlife, T&E species, domestic animals, water quality, wilderness areas (we are especially concerned about the effects of "chaff," aluminum-coated fibers that will be dropped by the millions, and

flares, which have potential to ignite forest fires);

- collaborating with Air Force veterans to learn the most effective ways to fight this proposal;
- organizing a cadre of volunteers to distribute information, collect petition signatures, talk to business owners about the Air Force proposal, attend rallies, and more;
- writing informational articles in various national publications, such as Wilderness Watch and Sierra Club newsletters;
- soliciting letters to the editor;
- meeting with elected officials (local, state, and national) to educate them on the issues and persuade them to protect their constituents by joining the opposition;
- hosting public meetings to inform residents and solicit their participation;
- educating ourselves on military issues and jargon;
- contributing to an informational website, peace-fulgilaskies.com;
- coordinating with groups around the country who are faced with similar military activities in their areas;
- developing fact sheets to help educate the public;
- recording radio programs on this issue (see the Earth Matters page on Gila/Mimbres Community Radio's website for archived shows);
- listening to community members about their concerns and suggestions. Please share yours—contact info below.

Latest Installment in Saga

Since fall of 2017, when we learned of the military flight threat, Lieutenant Governor John Sanchez has attempted to sell southwest New Mexico residents on the merits of the Air Force's proposed action. In an op-ed, he said that Alamogordo, Otero County, and the state of New Mexico would benefit economically from the influx of pilots to Holloman. While Alamogordo may experience economic growth, Silver City and nearby small towns will inevitably lose income, as tourists no longer flock to the formerly peaceful Gila and Aldo Leopold Wilderness Areas.

When Sanchez tried to organize a closed-door meeting with local elected officials to persuade them to negotiate with the Air Force, the public responded with outrage and were invited to a meeting hosted by a staffer with the Lieutenant Governor's office. With less than two days' advance notice about the meeting, the Gila Conservation Coalition spread the word so effectively that more than 400 people showed up for the meeting and pre-meeting protest rally. The atmosphere was volatile, with not one person speaking in support of the proposed military training over the Gila.

Supporters of the F-16 training over the Gila have tried to paint opponents as anti-military or unpatriotic. Let's be clear: the F-16 training is going to happen. But how Holloman will optimize its airspace to accommodate the training has yet to be determined. We oppose one of the proposed training locations, and are adamant that the nation's first wilderness area is a thoroughly unsuitable place for this mission. Zoning laws and policies across the nation mandate where activities are appropriate, and where they are not. This is no different. Many veterans of the Air Force and other branches of the military stand united with conservationists in opposition to flights over the Gila.

The Air Force should use lands already impacted by military exercises, such as White Sands Missile Range (3200 square miles), Fort Bliss Army Base (1700 square miles) and other existing MOAs.

What You Can Do

- 1. Submit comments on the Holloman Air Force Base's website. Although the comment period closed in September 2017, the Air Force is still accepting and reviewing public comments. Tell the authors of the draft Environmental Impact Statement, many of whom have never visited southwest New Mexico, why the Gila Wilderness, Gila National Forest, and surrounding rural communities are so special, what we stand to lose, and why you oppose the military flights. http://www.hollomanafbairspaceeis.com
- 2. When the draft Environmental Impact Statement is released in fall 2018, there will be a public comment period during which residents can make their views known. When you submit your comments to the Holloman website, you will be notified when the draft EIS is released.
- 3. Sign the petition on peacefulgilaskies.com. You can get information there, too.
- 4. Please consider making a donation. See page 6.
- 5. Volunteer your time to spread the word to your friends and neighbors and/or collect petition signatures. Please contact Donna Stevens at 575-590-5698 or director@ugwa.org for more info or for fact sheets and petitions.

Please Visit . . .

Peaceful Gila Skies website: peacefulgilaskies.com

- Sign the petition opposing military training over the Gila
- Get more info

HAFB website—make comments: http://www.hollomanafbairspaceeis.com

Submit comments on the Holloman Air Force Base's website. Although the comment period closed in September 2017, the Air Force is still accepting and reviewing public comments. Tell the authors of the draft Environmental Impact Statement why the Gila Wilderness, Gila National Forest, and surrounding rural communities are so special, what we stand to lose, and why you oppose the military flights.

Upper Gila Watershed Alliance

Office

PO Box 383 • Gila, NM 88038 575-590-5698 • admin@ugwa.org **www.ugwa.org**

Mission Statement



The Upper Gila Watershed Alliance is a non-profit watershed protection and conservation organization working to promote the long-term health of the Upper Gila Watershed and its communities of life. Through advocacy, education, research and restoration projects, we are striving to build communities of stewards in more locally based economies.

UGWA Staff

Donna Stevens

Executive Director

Carol Ann Fugagli

Administrative Assistant & Education and Outreach Director

Board of Directors

April Crosby (Development Chair) Gila, NM & Fairbanks, AK

Sarah Johnson

Gila, NM

Tom Krohley (*Treasurer*) Silver City, NM

Ron Parry Silver City, NM & Houston, TX

Sharman Apt Russell (Chair) Silver City & Gila, NM

Dennis Weller Silver City, NM

Carapace is published by the Upper Gila Watershed Alliance. It is sent free to all UGWA members.

UGWA is a 501(c)(3) organization incorporated in New Mexico. All contributions are tax-deductible.

F-16s Over the Gila

by Peter Russell

Holloman Air Force Base is planning to train more pilots of F-16 fighter jets. An official study is now underway that will determine whether to reconfigure or expand special use airspace already designated for that training, or to create a new Military Operations Area (MOA) over nearly all of the Gila River watershed. Called the Lobo MOA, this new area would cover more than 2,000,000 acres, mostly in Grant County, including many sections of wilderness, national forest, and other protected public lands, as well as significant tracts of private property that include ranches, farms, and small, quiet, rural communities.

Designation of the proposed Lobo MOA will harm the economy of Grant County and the well-being of residents and visitors as a result of the negative effects that accompany intensive low-altitude jet flights, supersonic military jet flights, and the frequent release of flares and chaff.

Consider the details.

- The Lobo MOA would annually accommodate 10,000 training sorties of F-16 fighter aircraft that would fly as low as 500 feet above ground level. They would also release 15,000 burning flares and 15,000 bundles of chaff every year at modestly higher altitudes (at least 2,000 feet above ground level).
- One thousand of the sorties would occur at night.
- One thousand would generate sonic booms.
- The F-16 can fly 1,500 miles per hour. At 500 feet above the ground, flying 500 miles per hour, the F-16 generates 103 decibels of sound pressure—a noise level roughly equivalent to a fire alarm. That would happen 30 times every day on average all year long—3 times each night.

• Sonic booms are louder.

Extremely loud aircraft noise will harm our economy. In Grant County the best and most current economic strategies to stabilize and grow the economy now focus on high quality-of-life amenities that will keep and attract new jobs, investments, professional workers, tourists, and retirees. Distance from loud intrusive urban disturbances; quiet rural lifeways; proximity to wilderness and other nearly pristine landscapes; remarkable outdoor recreational opportunities, including hunting, camping, and wildlife viewing; and the cultural vitality denoted by the 120-year-old university and the many working galleries in the area—these are all part of the local brand of excellence that is widely recognized throughout the region and in national media.

Who will come to an area where there are 10,000 sorties of F-16s every year, flying as low as 500 feet above the ground, generating 103 decibels at that altitude, loud as a fire alarm, 30 times a day—3 times at night? Who will stay? The frequent intensive use by military jets will generate no revenue in Grant County and plenty of harms. Perhaps communities near Holloman Air Force Base will benefit. No one here will.

Extremely loud aircraft noise harms our health. It disturbs our sleep. It startles people repeatedly with its sudden onset and irregular timing, and over time can impair hearing, cause hypertension, and trigger neurological disorders. Even low levels of aircraft noise can cause distraction, fatigue, irritability, headache, and impair concentration and memory.

Extremely loud aircraft noise harms property values. It is a detrimental condition that factors into the total value of a residence just as poor structural condition or location in a high-crime area does. Typically, an increase of 10 decibels in the average level of neighborhood sound will cause a 10% decline in property value—a \$10,000 loss for a \$100,000 residence, for example. And as people move away, the economic effect of a declining market will be amplified.

Then there is the problem of flares and chaff.

F-16 pilots in training will release 15,000 burning flares every year over the Lobo MOA. An ignited flare is very hot. It has to be in order to distract heat-seeking missiles from finding the jet engine.

Sometimes burning flares dropped from military aircraft start wildfires. Not often, but even a single flare ignition could be catastrophic in a landscape as rugged and remote as the Gila, which supports complex and varied plant communities, many of which burn readily. In 2013, it took only two lightning strikes to ignite fires that burned nearly 300,000 acres in the Mogollons and cost \$23,000,000 to suppress. Will the Air Force really pay the suppression costs if a flare starts a fire? What about damage to private property?

Recently a military flare dropped from a C-140 is reported to have started a grassfire on the mesa near Buckhorn. Last year, a string of seven fires on an MOA in southeast Oregon was attributed to military flare use during National Guard F-15 training exercises. Those were mostly small fires, the largest 1,800 acres. Ten years ago, a flare dropped by an F-16 started a fire that burned 22 square miles in New Jersey. Six thousand people were evacuated.

In fact, every military training range surveyed as part of an Air Force study entitled "Environmental Effects of Self-Protection Chaff and Flares" reported flare-caused fires.

F-16 pilots in training will also drop 15,000 bundles of chaff every year. Chaff contains fine fibers of aluminum and glass that in small bursts will distract radar-guided missiles from the aircraft. Of course, it accumulates on the ground. The Air Force study on the effects of flares and chaff observed that it was probably inappropriate to drop chaff in wilderness, national parks, and other pristine areas.

Designation of the Lobo MOA would be bad news for people who live here. The good news is that Holloman AFB has other options. It can meet its training needs without coming to Grant County.

An Environmental Impact Statement is currently in progress to assess the alternative training proposals that Holloman is contemplating. Add your comments to the record. Tell the planning analysts about your concerns. Tell them about the quiet beautiful things that are at risk here. They don't know very much about Grant County.

- To submit a comment, go to: www.hollomanafbairspaceeis.com
- To learn more about the Holloman proposal and ways to oppose the Lobo MOA, go to: www.peacefulgilaskies.com
- Call or write your state elected officials to express your concerns. For their contact information, go to: www.peacefulgilaskies.com
- To volunteer your time working on this issue, contact Donna Stevens: director@ugwa.org

Springtime Santa: Apply Here

by Donna Stevens

Altruist. Angel. Benefactor/Benefactress (for those fond of gender-specific words). Bestower. Philanthropist. Savior. A quick Google search for "donor" synonyms reveals these and many more. Santa Claus even made the list.

Saviors might be too much to ask for, but I'm willing to bet there are readers who harbor secret ambitions to be altruists or bestowers. There may even be a closet Santa Claus or two among our dear readers. You know who you are.

One of the foundations that has funded UGWA for many years recently restructured its investments, resulting in, at least for the short term, less funding to distribute to worthy nonprofits. Some other sources of income have dried up recently, too, as things are tough all over. Under normal circumstances, UGWA may have been able to absorb the loss, but as you are all too keenly aware, these are anything *but* normal times. Last fall, Holloman Air Force Base's proposal to conduct training missions over southwest New Mexico caught everyone by surprise. Because we live here and care deeply about protecting the Gila region, we instantly swung into action, despite our already full plates.

I'm not going to downplay the fact that this unexpected work strained UGWA's resources—both time and money—and we're in a bit of a financial bind. In the last six months, UGWA has spent more than \$3,500—mostly in staff time—to prevent the flyovers. We're committed to the campaign to stop the militarization of the Gila. But, as Fred Astaire sang sixty years ago, "Something's Gotta Give."

Or maybe it's "SomeONE's Gotta Give." Any Santa Clauses out there? We'll supply the milk and cookies.

The More Things Change, the More They Stay the Same

by Donna Stevens

In November 2014 the Interstate Stream Commission decided to proceed with plans to construct a diversion on the Gila River, using the federal funds allocated under the Arizona Water Settlements Act (AWSA).

Since then, the diversion project has morphed from a several hundred million dollar project to one costing over a billion dollars—ten times more than the allocated funding. When public opposition and New Mexico legislators' objections forced the NM CAP Entity (Central Arizona Project) to scale back their proposed project, they settled on components that include a diversion, a reservoir in Winn Canyon, and aquifer storage and recovery wells somewhere in the Cliff-Gila Valley.

In recent months, as some NM CAP Entity mem-

bers realize there's little benefit in this proposal for their respective constituents, the Entity has added piecemeal parts: a Virden storage pond here, a San Francisco reservoir there. As these various parts are added, the total cost is inching back up to an unaffordable project, but there is no comprehensive component list with cost estimates. The basic question—"Who's going to pay for this water?"—remains unanswered.

Two consulting firms, AECOM and Occam Engineers, Inc., are racking up hours modeling water yield; mapping soils and groundwater; analyzing different diversion types and locations; evaluating conveyance facilities, storage basins, pumping facilities at Winn Canyon, aquifer storage, and recovery wells; inves-*Continued next page*

Spring 2018 CARAPACE 7

tigating land ownership and right-of-way needs; and more. The NM CAP Entity's engineers are making at least \$325,000 per year.

Attorneys' fees are also mounting, at \$200,000 annually. The Entity's Executive Director's salary and benefits add up to about \$150,000 per year. This profligate spending could perhaps be justified if it had resulted in a viable, affordable project. Alas, that's not the case. The NM CAP Entity appears to be in a time warp, stuck at square one in developing a project.

If there's any movement at all, the majority of it occurs in the bank account, as the available AWSA funding continues to plummet. As is often the case, the federal funding benefits a few people at the expense of the many. The Grant County Regional Water Supply project, which would improve and tie together the water supply infrastructure of Silver City and the Mining District, would benefit 26,000 residents of Grant County. The Interstate Stream Commission, which controls the AWSA purse strings, has refused to fully fund this worthy project, while moving forward with an expensive diversion project to benefit a handful of farmers.

With minor differences in project details and dollar estimates, this article could be from 2015, 2016, or 2017. It's most unfortunate that time travel remains an intriguing fiction. Were it possible to go back in time, perhaps this time we'd choose to spend the AWSA funding wisely, for projects that benefit the majority and don't harm the Gila River.

Gila Forest Plan Revision

by Donna Stevens

The Gila National Forest's management plan revision process continues to move ahead, and UGWA remains involved. The Forest Plan is important because it guides the Forest Service's policies and projects for the next ten to fifteen years. In fact, the "current" plan has been in place since 1986, and contains nary a word about climate change, which few recognized as a threat thirty years ago.

This time around, the Gila's forest planning team is required by the 2012 Planning Rule to design a plan that allows them to adapt to changing conditions, including climate change; to use the best available scientific information; and to promote ecological integrity and sustainability. A tall order, to be sure.

That's why UGWA and other conservation groups are coordinating our efforts to provide input to the Forest Service on a range of topics, including streams and riparian areas, species of conservation concern, threatened and endangered species, invasive species, livestock grazing, wildlife, roads and trails, and more.

Of particular interest to many conservation groups—notably, our partners in the Wilderness Society and New Mexico Wilderness Alliance—is the opportunity to provide input on areas that qualify for wilderness designation or other special management. We're also submitting our recommendations for rivers and streams that meet the requirements for Wild and Scenic River status. This is especially timely because 2018 marks the 50th anniversary of the Wild and Scenic Rivers Act, and the Gila River is long overdue for this protective designation.

It's important to stress that while the public and the Forest Service can recommend designation of wilderness areas and Wild and Scenic Rivers, this decision lies with Congress alone.

The Gila National Forest released a preliminary draft plan in March and is soliciting comments until April 23. In late 2018 or early 2019, the forest planning team expects to release its draft plan, which will kick off an official public comment period.

To read and comment on the preliminary draft plan, go to the Gila National Forest's website and click on "Forest Plan Revision." Please let the Forest Service know that managing the Gila National Forest for resiliency in the face of climate change is the single most important factor to include in the revised forest plan.

Restoring the River

by Martha S. Cooper, The Nature Conservancy, Southwest NM Program

This spring, it is exciting to witness three projects in the Gila watershed as they transition from the planning phase to implementation.

The Nature Conservancy is expanding the wetland at the Gila River Farm to include a shallow winter wetland for waterfowl. This habitat will be built in what is now a solid stand of weeds (*Kochia* sp.) and will be adjacent to the river, mimicking an off-channel oxbow in shape. Soil pits were dug to assess the porosity of the substrate; engineer Bill Miller determined that the basin will not need to be lined. We are purchasing water rights that will be dedicated to the wetland restoration area. The Conservancy received funding for this project through the New Mexico Office of the Natural Resources Trustee and the U.S. Fish & Wildlife Service.



While much of the Gila River is free of non-native trees, there is an opportunity to reduce invasive trees in the Cliff-Gila Valley, including Siberian elm, tree of heaven, Russian olive, and salt cedar, some of which are present in relatively large numbers. The River Stewards Program provided funding to the Grant Soil & Water Conservation District (SWCD) to remove Russian olive and salt cedar trees on Freeport McMoRan and Nature Conservancy land in the valley. Through a competitive bid process, the thinning crew run by the Navajo Alamo School Board was selected to cut and treat the trees. Re-treatment will occur in 2019. The Nature Conservancy's role as a contractor in the project was to map the trees, conduct effectiveness monitoring after treatment, and assist with project management. The crew is treating approximately 20 acres of Russian olive and over 200 salt cedars in the Cliff-Gila Valley.



Collaborative forest restoration is underway on the Wilderness District of the Gila National Forest in the Sapillo drainage, a watershed within the Gila basin. A Collaborative Forest Restoration Program project was awarded to the Grant SWCD in late 2017. The project will build the capacity of partners to work together to fund and implement forest and watershed projects, as well as treat 237 acres in the wildland urban interface (WUI) around Gatton's Park (in the non-wilderness portion of the Wilderness District). Two contractors, Joseph Franklin-Owens, with Southwest Tree Solutions, and Gabriel Jimenez, with Gila Wood Products, are each thinning a unit in the WUI over the next three years. Gila National Forest staff are excited by Southwest Tree Solutions' first phase of thinning.



The Conservancy is excited to be learning more about the restoration economy and appreciates the opportunity to strengthen our relationships with partners, organizations, and agencies while undertaking these projects. Cutting trees and spending time outside along the river or in the forest is a great antidote to the ill effects of meetings and excessive screen time, all to contribute towards stewardship of the Gila watershed.

If anyone would like to learn more about these projects, please contact me: mschumann@tnc.org.

Save the Date!

September 20–23, 2018

14th Annual Gila River Festival

~50 Years of Wild & Scenic Rivers~

Keynote speaker~

Senator Tom Udall (invited) on the 1968 passage of the Wild & Scenic Rivers Act

Presentations~

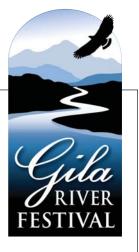
Tim Palmer, author of *Wild and Scenic Rivers: An American Legacy*, on Wild & Scenic Rivers in the U.S.

Philip Connors reads from A *Song For the River*, his new book on the Gila **Steve Harris**, Rio Grande Restoration, on the history of Wild & Scenic Rivers in NM **Tony Estrada**, Navajo filmmaker, shows his water protector documentaries

Melissa Sevigny, author of *Mythical River*, on the eternal quest for "new" water in the West **Adrian Oglesby**, water law attorney, on New Mexico's convoluted water law

Guided field trips, Monsoon Puppet Theater parade, Local Foods Brunch, and more

gilariverfestival.org or 575.538.8078



Trust Our Children

Exercising my 'reasoned judgment,' I have no doubt that the right to a climate system capable of sustaining human life is fundamental to a free and ordered society. ~U.S. District Judge Ann Aiken

by Carol Ann Fugagli

Climate change is the universal threat of our time. Scientists overwhelmingly agree that burning fossil fuels emits greenhouse gases into our warming atmosphere and accelerates the deterioration of our environment. Impacts of climate change range from floods, droughts, and storms, to socioeconomic instability and political unrest, to disruptions of ecological systems and a host of negative public health effects.

In an unprecedented lawsuit that is being called the "case of the century," 21 youth, now aged 10–22, along with the environmental advocacy organization Earth Guardians and Dr. James Hansen of Columbia University, filed a constitutional lawsuit called *Juliana v. United States*. Their complaint alleges that the defendants "deliberately allow[ed] atmospheric CO_2 concentrations to escalate to levels unprecedented in human history." The defendants' actions will severely alter the earth's climate and vital natural resources on which human survival depends.

Meet the Plaintiffs

This lawsuit is being organized by Our Children's Trust, which has organized several lawsuits against governments on behalf of youth. Twenty-one young people from all over the country initiated this suit in 2015 under the Obama administration. These plaintiffs are already experiencing injuries from the climate change crisis that will escalate over time as they grow up. Using their voices to fight for the change they need and desire, these youth have been leaders in advocating for policies to protect their future.

Levi is 10 years old and lives on a barrier island off the eastern coast of Florida, just three feet above sea level. Since sea levels are rising all over the world, Levi is experiencing the severe consequences of violent storms, including Hurricane Irma. His family has had to evacuate several times, which prevented him from attending school. Levi is suffering emotional and physical consequences of climate change and lives in fear of being inundated by the sea if governments don't act swiftly to reduce emissions. According to government projections, his home will be unlivable in the next 20 years due to sea level rise and storm surges.

Jacob is 18 years old and a farmer in Oregon. Due to excessive heat and extremely poor air quality, he now farms wearing a facemask. Drought conditions threaten his farm and wildfires rage nearby, creating fear and uncertainty for the future of his farm.

Kelsey Juliana, 22 years old, is the lead plaintiff in this case. A passionate environmental activist since the age of eight, she, too, lives in Oregon, where this case originated.

Jayden is 14 years old. One day in August 2016, as torrential rains pounded Louisiana, Jayden woke up, stepped onto her bedroom floor, and found herself ankle-deep in water. "They called it a thousand-year flood, meaning it should only happen every thousand years or so," she says. "But in my state-Louisianawe have had that 1,000-year flood and eight 500-year floods in less than two years. A few weeks ago I literally stepped out of bed and was up to my ankles in climate change." Most of Jayden's family home was destroyed in that flood, which was followed by another in spring 2017. The air and water pollution from the development of fossil fuels in southern Louisiana also threatens the health of Jayden and her family. They used to enjoy visiting the beach frequently, swimming in the Gulf of Mexico, crabbing, and eating seafood, but have avoided these activities since the BP oil spill.

The plaintiffs are seeking neither money nor damages; rather, what they want is a comprehensive plan for the U.S. government to transition from dirty fossil fuels to a clean energy system by mid-century.

Meet the Defendants (partial list due to limited space)

- The United States of America
- Donald Trump, President of the United States
- Chair of the Council on Environmental Quality
- United States Department of Energy
- United States Secretary of Energy
- United States Department of the Interior
- United States Secretary of the Interior
- United States Department of Transportation
- United States Department of Agriculture
- United States Department of Defense
- United States Secretary of State
- United States Environmental Protection Agency

Legal Principles for Suing Government

There are two legal principles in this case, both based on the Fifth Amendment. To understand this, we need to look back in history. Once the United States won independence from the tyranny of Britain, the framers of the Constitution did not trust a large centralized government. They wrote the Bill of Rights, the first ten amendments of our Constitution, to protect individual freedoms from the government. The Fifth Amendment secures the right to life, liberty, and property to all citizens. This suit alleges that the U.S. government is jeopardizing and endangering future generations by burning fossil fuels, an energy system that causes temperature changes that harm people and the environment. It has been known for over half a century that we need to transition to renewable energy and that it's feasible to do so; yet the U.S. government actively chooses against it. Today, 80% of the nation's energy still comes from fossil fuels.

The second claim is based on the Public Trust Doctrine rooted within the Fifth Amendment, a principle stating that governments are trustees over essential and vital natural resources and that they act as ultimate protectors of these resources for the use, enjoyment, and benefit of current and future generations. When the trustee doesn't care for those resources and allows them to be degraded, citizen beneficiaries can come forward and sue the trustee in order to protect the resources, not just for this generation, but for all future generations. This is known as intergenerational justice.

In 1909, President Theodore Roosevelt addressed Congress, stating:

It is high time to realize that our responsibility to the coming millions is like that of parents to their children, and that in wasting our resources we are wronging our descendants.... The function of our Government is to insure to all its citizens, now and hereafter, their rights to life, liberty and the pursuit of happiness. If we of this generation destroy the resources from which our children would otherwise derive their

Continued page 8



Trust Our Children (continued from p. 11)

livelihood, we reduce the capacity of our land to support a population, and so either degrade the standard of living or deprive the coming generations of their right to life on this continent. If we allow great industrial organizations to exercise unregulated control of the means of production and the necessaries of life, we deprive the Americans of today and of the future of industrial liberty, a right no less precious and vital than political freedom.

Xiuhtezcatl Martinez, a 15-year-old plaintiff in the case, states it best: "What better time to be alive than now? Because we are the generation that will get to change everything; we are the generation who will rewrite history. The pen is in our hands and we are writing history today. . . . We will stand up to the industry, we will stand up to our government and remind them that our future matters more than profits. Young people have power, our voices are powerful."

Current Status

On March 21, 2018, after *Juliana v. United States* had been in the court system for three years, the U.S. Court of Appeals ruled that the case proceed to trial. The trial date is set for October 29, 2018. President Trump's Justice Department is expected to ask the Supreme Court to shut it down.

For more information, please visit ourchildrenstrust.org.



Please support our conservation work!

Give Grandly, May 5, 8:30 a.m.–2:30 p.m. Farmers' Market, Silver City

or give online at https://givegrandly.civicore.com search for Upper Gila Watershed Alliance

UGWA means: Advocacy:

- Free-flowing, undiverted Gila River
- Non-diversion projects funded by allocated federal monies
- Gila National Forest's management plan revision—ensure robust protection for streams, watersheds, wildlife
- Air Force trainings in appropriate areas, not over the Gila National Forest & Gila Wilderness

Restoration along Gila River in Gila Wilderness Area:

- Removing invasive salt cedar
- Cleaning up manmade debris washed into river during large flood

Education:

- Children's Water Festival for 5th graders in Silver City, Cobre, & Lordsburg schools
- Educational forums on topics such as bees, snakes, and more

Earth Day 2018

by Carol Ann Fugagli

Silver City's annual Earth Day celebration will be on *Saturday, April 21, 10 a.m.–2 p.m., at Gough Park.* More than 30 organizations and businesses will show-case their mission, services, and green products. The event will feature live entertainment throughout the day in the gazebo, as well as food and kids' activities.

This year's national Earth Day theme, End Plastic Pollution, focuses on the global plastic problem and ways to address it. Plastics litter our landscape, clog waterways, and pollute our oceans, and growing evidence shows how they contribute to health problems in humans and animals. By 2050, there will be more

plastic than fish in the world's oceans! In our area, plastic can kill animals when they become entangled in it or ingest it. This is a problem we can help solve by cleaning up plastic trash and by drastically reducing the amount of plastic used and recycling 100% of the rest.

The Town of Silver City's Recycling Advisory Committee will be offering free e-waste collection as part of the Earth Day celebration, as well as a large-scale document shredder, so documents containing private information can be quickly and securely readied for recycling. Both of these services will be set up in the parking lot just south of Gough Park, across 12th Street, and there will be volunteers directing people to drive through and drop off the materials.

The term *e-waste* is loosely applied to electronic equipment that is at the end of its useful life. Certain electronics contain materials that render them hazardous, depending on their condition and density. For instance, nonfunctioning CRTs (cathode ray tubes) from televisions and computer monitors are considered hazardous and should not be put in the landfill. Depleted rechargeable batteries should also be kept out of the landfill, and will be collected as e-waste. "Much of the e-waste is actually recycled, and not just disposed of. Salvaging steel and many precious metals such as gold, silver, and copper, as well as plastics, is not only a benefit to our environment, but a benefit to our economy as well," says advisory committee chairperson Dave Krisch.

Silver City's 2018 Earth Day Celebration is coordinated this year by the Gila Resources Information Project and sponsored by the Town of Silver City Recycling Advisory Committee, Lone Mountain Natives, Binary Circuits, and Freeport-McMoRan.



Thank You!

New Members [November 29, 2017–April 9, 2018]

Constanti Herzburg • Edward Michael • Joe Riley • Melissa Amarello Susie Siedentop • Wildlands Ecological Services

Returning Members [November 29, 2017–April 9, 2018]

Adrian Slade • Anne Beckett • Barrett Brewer • Bob Garrett & Mary Hotvedt Carolyn Meinel & Michael Bertin • Carolyn Morrison & Larry McLaud • Ceil Murray and David Rose Chris Jepson & Harry Browne • David Gierke • Dennis Weller • Gail & Emanuel Stamler Gwen & Andy Payne • Jackie & James Blurton • Jeff Goin • Joan Bacon • Joanne Allen & Jim Brainard John Egbert • Kathleen Wigley & Robert Pittman • Linda Moore & Hong Lee • Lisa Fields & John Conway Lyle Dethlefsen • Marcia & James Bowden • Marguerite Bellringer & Bill Schum • Mary Burton-Riseley Meyoni Geougé • Nathaniel Priest • Pam & Don Lichty • Patricia Taber • Ron Parry • Shelby Hallmark Shelton Holland • Sue Mullen & Oscar Davis • Sunny Yates Kellerman & Harry Kellerman Valerie McCaffrey & Stephen Daniels • Vicki Allen & Neal Apple

Thank You to Our Funders

Altman Foundation Ella Jaz Kirk Watershed Project Lineberry Foundation McCune Charitable Foundation Native Plant Society of New Mexico New Mexico Land Conservancy New Venture Fund Resources Legacy Fund The Wilderness Society

Special Thanks

Ann Lowe, for donating her time to revise and colorize the UGWA logo

All the volunteers organizing to oppose the Holloman Air Force Base F-16 flights over the Gila National Forest

Jan Alexander, for donating use of his sound system for the March 8 flyover protest rally

Patricia Taber, for donating graphics work







Who Are All These Groups with "Gila" in Their Names?!

Upper Gila Watershed Alliance (UGWA)

- Non-profit watershed protection group, established in 1996
- Combination of advocacy (Gila River & Gila National Forest protection), restoration projects (Gila River cleanup & tamarisk removal), and education (Children's Water Festival)
- Read all about our programs and projects in this issue of Carapace
- Partner in the Gila Conservation Coalition
- Staff: Donna Stevens & Carol Fugagli
- www.ugwa.org

Gila Resources Information Project (GRIP)

- Promotes environmental health for local communities
- Mining watchdog group overseeing Freeport McMoRan
- Partner in Gila Conservation Coalition
- Director: Allyson Siwik
- www.gilaresources.info

Gila Conservation Coalition (GCC)

- Established in 1984 to thwart dams on the Gila River, went dormant after defeating Hooker and Conner Dams
- Revived to prevent a Gila River diversion proposed under the 2004 Arizona Water Settlements Act
- Composed of two local groups, GRIP & UGWA, and one national group, Center for Biological Diversity
- Organizes the annual Gila River Festival and other outreach activities
- Director: Allyson Siwik
- www.gilaconservation.org

UGWA Membership Application

Your membership and additional financial support sustain UGWA and are critical to the organization's ongoing health. Share in the protection and conservation of our watershed and become an UGWA member today.

Name(s)			
Address			
City	State	Zip	

Telephone

E-Mail

Membership Categories—Annual Dues:

Chiricahua Leopard Frog	\$ 20
Gila Trout	30
Mexican Gray Wolf	50
Beaver	100
River Otter	250
Other Amount	



Make your check payable to UGWA and send to PO Box 383. Gila NM 88038

□ I don't wish to join at this time, but please notify me of upcoming events:

Name

E-Mail

UGWA's Statement of Philosophy



The members of the UGWA recognize a vital and necessary connection between our individual and collective rights and

responsibilities as landowners and community members and the long-term stewardship of the Upper Gila River Valley and Watershed.

The members of the UGWA share a love and concern for our community which is an integral part of our lives and, therefore, seek to harmonize our presence and activities within the watershed for the health and integrity of the entire "community," which includes the soil, the air, the water, the people, the plants, and animals. The members of the UGWA share the conviction that men and women work best together in a spirit of cooperation, conflict resolution, and consensual agreement that builds upon a common ground that benefits from the views and concerns of each individual acting as uncoerced free agents.

To realize our vision for the common benefit of the entire community served by the Upper Gila Watershed, and for the sake of future generations, the UGWA seeks ways and means to bring people and organizations together in constructive dialogue and activities aimed at clear communication, education, land restoration, research, and local economic health.

UGWA Meeting Schedule

Monthly board meetings are *usually* the second Monday of the month, from 9–11 a.m. All are welcome to attend.

For meeting location, please e-mail director@ugwa.org or call 575-590-5698.

Upper Gila Watershed Alliance PO Box 383 Gila, New Mexico 88038

FIRST CLASS MAIL