

San Juan County Faces Legal Challenges About Chaco Road

The Environmental Assessment (EA) for CR 7950, the road into Chaco Culture National Historical Park, has begun, and letters written by the State Historic Preservation Officer (SHPO), Katherine Slick, and by the Hopi Tribe raise serious questions about the legality of the ongoing project. The August 20, 2007 letter from the SHPO to the New Mexico Department of Transportation (NMDOT), and the August 27, 2007 letter from the Hopi Tribe to the Federal Highway Administration contain charges and questions that must be answered as San Juan County presses forward in its attempt to pave the Chaco road.

The many issues raised by the actions of San Juan County and the NMDOT can seem daunting. In her letter to the NMDOT, the SHPO herself admits to finding herself “confused and asking questions.” The letter from the SHPO seeks to clarify who owns the land in the projects, whether the County has right of way, whether the initial projects were federal undertakings, why San Juan County did not obtain SHPO clearance as required by state law, why adequate tribal consultation did not take place, whether the initial work was for three or four miles, and whether San Juan County intended to chip seal all 16 miles from the beginning.

The Hopi Tribe’s letter mirrors the concerns of the

SHPO, but with the added importance of a Pueblo people who have long held Chaco sacred. The Hopi Tribe consider Chaco to be the “Place Beyond the Horizon,” and they claim Chaco as a Traditional Cultural Property. Central to the Hopi charges is the fact that tribal consultation as required by state and perhaps federal law did not take place, that the project from the beginning may be a federal undertaking and therefore non-compliant with the National Environmental Policy Act, the National Historic Preservation Act, and the Native American Graves Protection and Repatriation Act, and that lack of consultation with the SHPO makes it “clear that this ongoing project is non-compliant with state law.” The Hopi Tribe also express concern about the effects of increased visitation on Chaco, saying, “it must be determined if the infrastructure at Chaco can support any increased visitation, much less international bus tours from Albuquerque International Airport.” They add, “we believe an Environmental Impact Statement is required,” and they voice support for a buffer zone around Chaco.

Recent newspaper articles continue to cite safety and the Navajo who live near the canyon as reasons for the road paving. San Juan County has yet to provide any safety statistics to support their contention. Scrutiny of the initial request for funding for the

road indicates that far from being a Navajo request, it came from San Juan County in an effort to promote tourism and to make access to the region easier for oil and natural gas exploration. The Cimarex Corporation has scheduled seismic exploration for natural gas reserves on a 36-square-mile plot three miles from Chaco Culture National Historical Park.

Public input is being solicited as part of the EA process. Please write John Taschek, Taschek Environmental (taschek@aol.com), or Greg Heitmann, Federal Highway (greg.heitmann@fhwa.dot.gov), and tell them to address the SHPO and Hopi concerns. Urge them not to pave and to instead support improvements like good fencing, good signs, and good maintenance. In addition, this project warrants a full Environmental Impact Statement and complete evaluations of all energy development projects currently proposed for the immediate Chaco area.

For information about the upcoming November public meeting, visit the Chaco Alliance website at <http://dont-pave-chaco.com>, the San Juan Citizens Alliance site at <http://sanjuancitizens.org>, or the new blog at <http://protect-chacocanyon-blog.com>. Thank you for your support in protecting this pristine World Heritage Site.

—Anson Wright
Coordinator, the Chaco Alliance

The Para Sol Dairy – A Bad Idea for Sierra County

The billboard shows a black-and-white Guernsey cow in a verdant green grassy field. It is advertising milk by showing a “happy cow.” But the picture couldn’t be further from the truth when it comes to the proposed Para Sol Dairy in Percha Creek in Sierra County.

This concentrated animal feeding operation (CAFO) is slated to be only a few thousand feet from Caballo Lake State Park and Percha Dam State Park and there won’t be a blade of grass there. Instead, 2,000 cows will be standing in their own manure producing 8,000 gallons of toxin-containing effluent every day, pathogen-laden dust, flies, and noxious air pollution.

The population of Sierra County is only about 13,000 people, but according to the Environmental Protection Agency, a dairy cow produces the same amount of waste as 23 people. This proposed feedlot dairy will be the same in terms of waste as adding 46,000 people to the county with no sewage treatment plant for them. The effluent is to be stored in synthetic membrane-lined waste ponds or lagoons. These will be around 50 feet above precious groundwater. Studies in southern NM have shown that even lined with this material, leakage into groundwater will occur. The contaminants will include nitrates, which pose a serious health hazard to humans and, once escaped into the environment, can migrate well away from the dairy. The direction of groundwater flow under the dairy is straight to the Rio Grande and the state parks, which are jewels in the region for recreation, fishing, and birding. The manure itself will be on site and removed only twice a year.

The proposed dairy is in a floodplain and even the best mitigations will not be enough to keep contaminated effluent from spilling out during an extreme flood event. We have seen such events in recent years and with climate change we are more likely to see even more frequent and more extreme flooding in the future. This type of flooding will spread not only noxious chemicals but pathogens as well. Lagoons in this type of operation contain bacteria such as cryptosporidium, *E. coli*, and giardia in addition to pfiesteria, which is deadly to fish. Chemically, the nitrates and

ammonia will encourage algal blooms, which can be toxic to fish and other aquatic life plus the algae consumes the nutrients these creatures need. Once leaked or spilled, these agents can persist in the environment for weeks or even months.

Besides the hazards that the wastewater poses, there are additional hazards in the air. The odor of the waste lagoons can contain over 170 different chemical substances. Anyone who has driven near Anthony in Southern NM on I-10 can attest to the stench a concentrated animal dairy emits. Many of these chemicals such as ammonia and hydrogen sulfide are toxic even at low concentrations when the exposure is constant. Studies of these dairies have shown that the rural population surrounding them suffers health problems directly related to the quality of the air. In addition to the volatile chemicals from the waste lagoons, there are also health concerns from flies and dust. Flies can disperse 1 to 2 miles from the dairy and can spread salmonella, amoebic dysentery, *E. coli*, cryptosporidium, and conjunctivitis. Some of these disease-causing organisms will be resistant to antibiotics due to their near-constant use at the dairy itself. Flies can also cause nearby crops intended for human consumption to become vectors for these diseases. Flies around this type of operation are nearly impossible to control. Dairy dust from the action of hooves and equipment on cattle feces contains microbes, endotoxins, and aerosolized allergens. Children living near dairies in Southern NM suffer higher rates of diarrhea and asthma.

Placing a concentrated animal dairy so close to groundwater, to the Rio Grande, in a floodplain, and so near to the state parks – one of them among



This view looks north at the location of the proposed concentrated animal feeding operation dairy. Note that it is in a floodplain only a short distance from Caballo Lake State Park and Percha Dam State Park at the south ends of Caballo Lake. Elephant Butte Lake can be seen further up the Rio Grande Valley. (Aerial image from Google)

the top five birding sites in New Mexico – makes no sense. There is too much at stake for local residents, the local economy, and the environment.

Please write to the Sierra County Commission and ask them to stop the dairy. This is important if you live in Sierra County but it is also important to let the Commissioners know that NM state parks are popular tourist destinations, which are specifically mentioned in the county plan and are very important to the economy of Sierra County. The address is Sierra County Commission, 100 Date Street, Truth or Consequences, NM 87901. Please send a copy of your letter to Secretary Ron Curry, NM Environment Department, PO Box 26110, 1190 St. Francis Drive N4050, Santa Fe, NM 87505, and to the Governor.

For more information, contact Mary Katherine Ray (575/772-5655, mkscriam@kitcarson.net).

—Mary Katherine Ray