



San Marcos Association Newsletter

October
November
2000

WAP is an insult to our community

There is a scenic place just west of the Town of Cerrillos and just southwest of the still new Cerrillos Hills Historic Park. It is called Buffalo Mountain. It resembles the head and body of a buffalo facing south, and sits just north of County Road 57 and is seen from State Hwy. 14.

This small mountain is made up of a type of hard rock much liked for road gravel. That this is true of a good part of the hills between Cerrillos and the south end of the county does not keep a scenic area from being targeted.

The proposal by Waldo Aggregate Products (WAP) and J. R. Hale Contracting of Albuquerque is to zone 105 acres of a 185 acre parcel as industrial, and to mine 54.8 acres of it. The differences in the various land areas are not well explained, and lead some to suspect that, if allowed, the operation will spread

It is proposed to operate six days a week from 7:00 AM until 4:30 PM. 320 large diesel trucks a day would haul out gravel from 8:00 AM 'til 4:30 PM. That's one truck every one and a half minutes.

There would be more heavy diesel equipment at the site including rock crushers, very large loaders, and in a year or so: the probability of an asphalt plant and a full fledged railroad siding. The operation would continue for at least 14 years. Most of the scenic Buffalo Mountain would be blasted away. That's right: dynamited! This is hard rock mining!

Cerrillos is one of the most quiet towns in this part of the state. It is, increasingly, a bedroom community. You can hear the rock crusher from the Rt. 25 gravel mining operation 6 miles away. Just imagine what it would sound like if the noise factory outlined above were permitted. The noise would fill Cerrillos, Madrid, and a good part of the entire area. It would probably be noticeable along Rt. 14 well past Lone Butte and would certainly impact the quiet beauty of the new park whose western boundary is only 180 yards away. This would have the effect of putting the park 'on hold' for 14 years.

The economic planning associated with the park included greater tourism and business activity for the Cerrillos area. A restaurant could reopen and B&B's would be more active. The proposed zoning change would not only spoil these plans, but would cause the failure of three or more existing businesses.

Then there is the dust and dirt. On most days, this should be a problem only for the nearby towns (and, of course, the park). But there are those many very windy days....

If you live, or own land, south of Santa Fe, you know the problems caused by the much smaller CGP gravel mining (now stopped) in the Cerrillos Hills. This would be much worse. Your property values would drop, and time to sell would extend to great lengths.



Upper right is a mountain in the BLM portion of the Park. The Village of Cerrillos is in the lower right. The Galisteo River flows from lower right to center left.

Did I mention that maintenance would be done at night, so that in addition to noise and dust pollution there would be light pollution? Maintenance probably also produces its own noise.

Then there is water. The blasting operation threatens the Cerrillos water system. Any runoff from the occasionally heavy rain will go toward the (very nearby) Galisteo River. The water used (along with magnesium chloride) to "control" dust will be sewage effluent purchased from Santa Fe. Some 20,000 gallons per day would be sprayed onto the area. Have I mentioned odor pollution? An asphalt plant, and 16,000 gallons per day of sewage effluent. People will know where you live when you go into town! It is my guess that this is effluent now allowed to go back into the ground and help recharge our aquifers. If so, evaporating it will be the same as taking 20,000 gallons a day out of the ground.

Cerrillos and Madrid are on the Turquoise Trail. This is a State and National Scenic Byway. It is also an area relying on tourism for the health of the economy. Changing from: "look at the scenic Buffalo Mountain" to: "roll up the windows, we are nearing the gravel/asphalt operation" will do the area great harm.

There will be a number of hearings about this application. There will most probably be a hearing before the County Commissioners. A hearing date of Nov.30 before the County Development Review Committee (CDRC) is possible, but Dec, 21 is more probable. In any case the Commissioners' hearing would be six weeks later.

You must be there! All your neighbors must be there! We will try to keep you up-to-date on the times and places of all pertinent happenings. Check with our web site: <www.sanmarcosassociation.org>. If you want direct email, send your email address to mailme@sanmarcosassociation.org and we will inform you directly.

The county would lose more in real estate and tourist taxes than they would gain in gross receipts tax from the operation; and we would lose more jobs in tourism than the very few gained by such an operation. The Commissioners must be made to understand that.

Non-Action on an Assault

The following Letter was sent to the Commissioner of Public Lands of New Mexico:

On Thursday, May 18th, the San Marcos Neighborhood Association conducted its regularly scheduled monthly Board meeting. At that meeting a group of area residents addressed the board with their growing concerns over the use of AIVs on a parcel of public land, now surrounded by homes. This 640 acre parcel borders South Fork and is just South of County Road 44 in Santa Fe County. After hearing our neighbors concerns we asked one member of the group to provide us with a written account of an incident that occurred on May 6th, 2000 (see attached). While this example may represent an extreme case, it does illustrate a growing problem.

It would appear that AIV use in the State owned Section has become a considerable problem for the neighborhood, and is putting not only the riders at risk, but the public and land at large. There has already been one AIV related death in the area and the State section appears to have become a magnet for AIV and off road use.

Currently the section is unfenced and use is unregulated by the lease holder. We believe that in the interest of public safety, the State Land Office should require the lessee to fence and control access to this property.

The property has traditionally been used by area walkers, horsemen, and picnickers and the leaseholder has always permitted such activities. The Neighborhood Association applauds the lessee for permitting such use and would like to see such use continue. He has not permitted motorized vehicles on the property. However, with the absence of adequate fencing and the continuous cutting of existing fences by off road vehicle users, the property has become an attractive nuisance.

Does the State Land Office have a policy concerning AIV use on public Lands? If not, might you consider developing such a policy? Can this neighborhood do anything to limit or better still eliminate AIV use in this area? Is there signage available advising the public as to land-use limitations? Could our neighborhood Association assist the lessee in posting the property?

?

These issues are very important to the area's residences, and the San Marcos Neighborhood Association Board would appreciate your response to this inquiry. We would consider publishing any general response in our newsletter and on our internet site.

The handwritten note in response read:

Thank you very much for your letter regarding AIV use in state trust land. I have passed your letters on to Mr. Bob Jenks, Asst Comm. for our surface division. I have asked him to communicate directly with you on this issue. He we will be out of the office the week of July 24 so he may have one of his staff contact you before he returns.

I greatly appreciate your concerns and the opportunity to protect our trust land. Unauthorized use of trust land is a trespass and can greatly damage the land.

Please let me know if we can be of further help.

Best wishes, Ray Powell

Repeated attempts to reach any of those mentioned in the response letter met with no success. Calls were not returned.

Letters were sent to the Sheriff, to the County Commissioners and to the District Attorney. These asked what could and should be done, and why nothing was done. No answers to these letters were received. Calls to the Sheriff's Department resulted in comments to the effect that they

were trying to deal with the individual who was involved - not with us - and that that individual was non-communicative. This last, we tend to doubt.

Following is the statement we requested from the man who was assaulted:

We live on Pine West which is a private road at the end of the South Fork of County Road 44. Our property is on the southern end of a square mile of mostly unfenced land owned by the state (T15N,R8E,S36). AIVs, motorcycles and pickup trucks have escalated their use of this land over the last 8 months. In the last 2 months some of these vehicles have begun to use our road to access the state section. Pine West is not maintained by the county, but only by the residents.

About noon on Saturday, May 6 I saw an AIV idling at the top of my driveway. I went up to the rider and told him that this was a private road and I didn't want him coming down here any more. He had a young child on his lap or on the seat in front of him. He told me that he lived right on the corner, which I took to mean the corner of South Fork and Pine West. This property is not on Pine West. I said again that I don't want him driving down our road. His response was to wheel the AIV around and very deliberately drive out over my property. As you may imagine this pissed me off, so I grabbed a stick off the ground and threw it at his retreating back. I don't know if I hit him or not since a tree was in the way, but it certainly angered him. He started tearing up the land and shouting that he'd 'be back'. Then he left. I went inside and called the sheriff's department and told them that I'd been threatened. They offered to send a sheriff out to take my statement. I said that wasn't necessary and that I would come in to the sheriff's office to save them a trip.

About fifteen minutes later I was outside cleaning up the damage that his AIV had done on my land when he and another man drove their AIVs right onto my property and up to where I was standing. Before they began their assault the one that I had never seen before identified himself as the first man's brother. They beat me up. I suffered contusions about the face and head, bruises on my chest, a black and swollen shut eye and a split in my temple above the eye. The whole thing probably only took about 1 minute and they left.

I went inside and immediately called 911. This goes directly to the sheriff's department. They sent out an EMT as well as a sergeant in the sheriff's department named Vince Crespin. I'd bled profusely and my shirt was covered with blood. Sgt. Crespin (I only later found out his name) spent no more than three or four minutes here and never got out of his car. This may or may not be relevant but goes to a pattern of behavior. He was quite clearly supremely disinterested in my situation. He asked for my name, social security number, age, address.

Then he asked me what happened. I said that a man came down the road on an AIV, I told him not to, he drove his machine over my property, I threw a stick at him, he came back with his brother onto my land and beat me up. The Sgt. asked me if I knew who these men were. I said no but they told me they live on the corner. He asked me how old they were and I said early 20s. He started to turn his car around and I said, "What happens now?" He sighed and said he was going to go see if he could find them, and that is the last I ever heard from Sgt. Crespin.

Though this brevity seemed more than a little strange at the time, I just figured the Sgt. was having a bad day.

My wife called the sheriff's dept. on Sunday, May 7th and found out the case number (20060115) and the Sgt.'s name. At that time they told her that he had knocked on a door at the corner but no one

answered.

I gave it 48 hours and then called the sheriff's dept. on Tuesday, May 9. I was relayed by the receptionist to the Investigations Dept. where I was told that there was no active investigation because Sgt. Crespin had not filed one with them. The investigations department passed me over to the records department where I was also told that nothing had been filed. I asked what this means and they said that I would have to talk to Sgt. Crespin. So I left a message for Crespin to please call me back. I never got a call. Later that week I spoke with a neighbor who happens to be with the sheriff's department and he told me off the record that what happened to me is a Misdemeanor and so the department most likely wouldn't pursue it any further. I later confirmed this with the District Attorney's office.

I called again on Friday, May 19th, gave the case Number to someone in Investigations who told me that the case "was never assigned to a detective". I then spoke to someone in the Records dept. who said the case had been filed with them and that the file said "no suspects". They said if I want to know more I have to talk with Sgt. Vince Crespin. Starting to sound familiar? I left a message for Sgt. Crespin with my name, phone number, case number, etc. He never called me back. Tuesday, May 23, I again left a message asking Sgt. Crespin to return my call. I still haven't heard from him.

I find it odd that Sgt. Crespin never asked me for a description of my assailants beyond their age. It's pretty obvious that Sgt. Crespin made no effort to find these men. I'm pretty much at an impasse here.

The Association is reluctant to openly publish such a history of disgraceful non-response on the part of virtually all officials involved. After more than five months of trying to elicit a reasonable response, and getting none, we have no other path. Unofficial community response (vigilante justice) is never a good alternative; unfortunately, a total lack of official action tempts people in this direction.

An Official Nonprofit

Your Association has always been organized as a legal New Mexico nonprofit organization. We came to realize that our application for federal recognition was never acted on. We reapplied and recently received our federal nonprofit status. We are a 501-(c)4 organization. This means that, while we are an educational organization, we are free to speak on political issues and even to endorse candidates for office. It also means that your contributions to the Association are not tax-deductible. Most of us would gladly trade that for more political clout. We can direct you to 501-(c)3 - tax-deductible - organizations which are involved with local issues in our area.

Galisteo Basin Act Sunk

The Galisteo Basin Archeological Protection Act (HR 1970) was presented to House and Senate by Udall and Bingaman; it was shot down by Senator Domenici. Why the bill, which required no specific action by any landowner, was seen as a threat is unclear.

Our letter to Bingaman said, in small part: **We understand your desire to protect the rights of land owners, however, in this instance, we feel that landowner rights were more than adequately protected. We feel that you were wrong in killing the bill, and that you embarrassed the rest of the New Mexico delegation which sponsored the Bill in doing so.**

We urged him to reconsider the idea and hope he will do so to the benefit of all of the people of New Mexico.

The San Marcos Newsletter is published by The San Marcos Association, P. O. Box 722, Cerrillos NM 87010. Contributors articles are signed; those by the editor are not. Meetings of the Association are announced on the web site. The next meeting is Nov.16 at The Whispering Dove. Directors, Officers and editors are listed below:

Donna Herring - President	Helen Boyce
Walter Wait - Vice President	Alexis Higgenbotham
Virginia Eldridge- Secretary	Reneé Ingold
Hugh Nazor - Treasurer - Editor	Bill Rodriguez
Linda Murnik - Copy Editor	Archie Tew

On the Web

Our internet ability is growing. In addition to the public web site <www.sanmarcosassociation.org>, we have a mail-list for the directors and are starting one for members and area residents interested in being kept up-to-date on important issues and events by email. Just send your email address to <mailme@sanmarcosassociation.org> and we will add you to the information mail-list.

On the site you can find not only information about the Association, but details of current issues, a list of events not to be missed and community areas to grow as interest in them grows.

We need your Help and Support

Your organization does truly need your involvement: both in time and money. We are now mailing this newsletter, and that costs over \$500 each time. The dues have been \$10 per person for many years now. We will discuss possible changes to this at the annual meeting in February. If you have not yet sent in your 2000 dues, please do so with the form on the last page.

The Association writes letters and speaks out at hearings and other meetings on your behalf. We telephone officials, learn of and notify you of important hearings and meetings which will have real effects on your quality of life and or property values and cost of living. You are needed to attend these hearings and meetings. It is you, in your numbers, who can greatly increase the political impact of our collective efforts by showing your face at important meetings.

These newsletters are not able to be published frequently enough to provide all notifications of meetings. Please look at the web site and/ or send us your email address (see above) for email notification. For many issues, such as that on the front page, there are likely to be telephone trees notifying concerned citizens. Please be sure you get your name on such a list.

Good fences

In the last Newsletter, your editor noticed the rush to build many thousands of yards of fence where there had been none. There was a very short piece partly quoting a poem: Good Fences Make Good Neighbors, by Robert Frost. The point was to question the desirability of all of the new fences.

There were more letters of response to these short comments than to all of the important issues in the letter. The sum of most responses (which we would gladly print if we could afford the space) took two forms. Some said they had to build the fences because new neighbors who did not understand the proper ways of the area, wanted all dogs kept from their property. Thus, it was necessary to fence the dogs in.

The other form of the responses was to state that there were new neighbors (that should ring a bell) who did not understand the proper ways of the area and would not respect open private land. Thus, it was necessary to fence the new neighbors out.

All respondents seemed to want to know who the jerk was who wrote the piece: I was.

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Membership is open to any resident/property owner in the San Marcos area.

Please know that all the funds of The San Marcos Association come from your annual dues. 2000 dues are \$10 per person. There are no family or other special memberships. The mailing of the newsletter is a considerable added expense, and the Association does need your dues as well as your involvement.

If your year 2000 dues are owing, please send a check to **The San Marcos Association, P. O. Box 722, Cerrillos, NM 87010-0722**. Please fill in and include this form.

Name: _____

Address: _____

Telephone: _____

email: _____

Particular concerns: _____

Thank you, your support adds to the "clout" of the organization as well as to its ability to fund its activities.

Just when you thought it was safe.....

The CGP gravel operation which had operated far beyond its permits in the Cerrillos Hills, and which has been forced to suspend operations for various violations, is rumored to be trying to start up again. The word is that they may have succeeded in leasing or buying water rights.

One of their violations had to do with the lack of water and the need to use water to meet various operating requirements. One would imagine there is to be a review of water rights transfer as well as a review of how they will restore something approaching nine acres of land they have mined - for which they did not have a permit. One would hope reclamation of that land would have to be completed prior to the consideration of any permit to begin operating again.

It looks as though the Historic Village of Cerrillos has a double threat: on the one hand there is WAP; and on the other there is the possibility of renewed noise, dust and disturbance from CGP.

SR 14, All American Road

The Turquoise Trail Association, made up of businesses along the Turquoise Trail from I 25 in the north to I 40 in the south, applied for federal grants to protect and appropriately develop trade, tourism information and recreational possibilities for the highway.

The federal government received 24 applications for funding from New Mexico, and granted only 9. Of these, 3 were awarded to the Turquoise Trail Association totaling \$240,000. It is quite an accomplishment for the group. If you would like to know more, a copy of the plans is available at the Santa Fe Library.

H.B.