

Announcing: "PROPOSAL" to "Safeguard" PLACITAS, NM (Really?)

We do need to show-up!

Sandoval County, et al., Buffalo-Tract plans - Bureau of Land Management Lands (BLM) in Placitas, NM.

The BLM is hosting one public meeting on Nov 14, 2023, and a 90-day **public comment period** from 9/20 to 12/19 2023. **See details at bottom.**

By Patience O'Dowd President of Wild Horse Observers Association (WFOA) 9/22/2023 On NextDoor



PHOTO: (From left) Sandoval County Commissioner Joshua Jones, Santa Ana Pueblo Governor Nathan K. Garcia, U.S. Senator Martin Heinrich, U.S. Representative Melanie Stansbury, and Placitas resident Mary Rose de Valladares at community event to protect the Buffalo Tract, March 17, 2023.

The Buffalo Tract has been temporarily "SAFE" from: Mining, Development, and the **I-25 to RT. 14/I-40 Highway** through the Buffalo Tract due to the Buffalo Tract's DRAFT Environmental Impact Statement (EIS) having been effectively and officially **paused or on hold since 2012**. See: <https://eplanning.blm.gov/eplanning-ui/project/64954/510>

BUT WHY WAS THE EIS PAUSED?

Answer: No Due Process, which is illegal. **Over 2000 Placitan's written comments** were deemed "Out of Scope." These public comments were submitted to the BLM in 2008 regarding the EIS by approximately 1900 Placitan households. These comments were Despotically Deemed "out of scope" because the BLM chose to illegally ignore our legally Wild Horses. The BLM also joined Sandoval County in illegally denying the existence of the **Sandoval County Right of Way Request (ROW)** to them for an eventual 20,000 trip/day Highway through the BLM Buffalo Tract.

Both entities denied sending and receiving this official ROW when asked **at a public meeting on 9/17/08** in front of **about 200 Placitans**. Comments regarding the Wild Horses and the Highway went effectively to the circular file.

HOWEVER, the federal government and Sandoval County, like it or not, must both follow State laws. Our State's Wild Horses in Placitas are legally wild wherever they roam, even on BLM lands, and the federal government has no jurisdiction over them.

WHOA BELIEVES:

To be able to move forward with the DRAFT EIS plans for Mining and a Highway, these illegal acts needed to be resolved or made MOOT. **In order to MOOT these 2000 plus Placitan comments regarding Wild Horses, Sandoval County, et al., has recently worked furiously to get rid of our Wild Horses**, as has NM Legislature, repeatedly, although unsuccessfully.

They are also hoping to use the 1992 BLM Management Plan that they are updating with the EIS to justify not publicly including the ROW for the Highway. In that case, the ROW would not have been hidden and lied about.

However, Wayne Johnson's staff member John Garcia admitted to the Highway in the last Placitas public meeting on 8/1/2023 regarding Ordinance No. 5-24-23.1. See: https://www.youtube.com/watch?v=ruEO_JbM-tU

Wayne Johnson is the Sandoval County Manager and has had John Garcia be the face of this Ordinance fiasco to attempt to Moot our Wild Horses, against the overwhelming majority in every poll for over 20 years.

Importantly, the Sandoval County Ordinance No. 5-24-23.1 does not apply to "Wild Horses." Wild Horses have a legal definition pursuant to NMSA 77-18-5, which "Free Roaming Horses" of the Ordinance do not meet.

Note: If this Ordinance No. 5-24-23.1 as written did apply to Wild Horses rather than Free Roaming Horses, it would be both statutorily preempted and also ultra vires under the NM Constitution.

The new BLM Proposal to disallow mining (for up to a 50-year term) can be seen without the media spin in the Federal Register. See:

https://eplanning.blm.gov/public_projects/2026585/200564167/20086034/250092216/20230920_%20Federal%20Register%20Notice.pdf

ALARMING LACK OF TRANSPARANCY & DUE PROCESS

1. Here is the First Issue with this new proposal: Although claiming a 50-year withdrawal in the media and in Senator Heinrich's press releases, the Federal Register states "up to" 50-years. **"Up to 50 years" per the Federal Register does not equal a 50-year withdrawal. In fact, it could mean zero (0) years.**

2. Second Issue: During this (up to) two-year-period public process **other non-existing uses that could not be initiated otherwise, can now be initiated at the discretion of the BLM!** Including rights of way! Especially Highway Precursor ATV Trails! Oh, but only "temporarily" -- but also without public approval or visibility.

3. Third Issue: Just like the failed "Buffalo Tract Protection Act," this proposal, if passed, will "Maintain the authority of the BLM to sell, lease, or exchange the surface rights to the parcels."

4. Fourth Issue: Egregiously, DEB HAALAND's Bureau of Land Management (BLM) supports Sandoval County's works against our NM State's Placitas Wild Horses and the Pro-Wild Horse Pueblo.

To this date she denies (1) NMSA 77-18-5, the NM State Law preserving the Wild Horses of NM including the Wild Horses living in Placitas, and (2) the 1902 Executive Order of President Teddy Roosevelt. See:

https://whoanm.org/wordpress/wp-content/uploads/2016/06/Newsletter_2016_pg3.pdf

BACKGROUND

Recall that the previous "Buffalo Tract Protection Act" was introduced to protect Placitans from Gravel MINING on the Buffalo Tract, was repeatedly not passed out of Congress (2016 to 2023)!

This new "PROPOSAL," like the Congressional "Buffalo Tract Protection Act," would: **"Maintain the authority of the BLM to sell, lease, or exchange the surface rights to the parcels."** See:

<https://www.grantcountybeat.com/news/non-local-news-releases/30553-heinrich-udall-introduce-buffalo-tract-protection-act>

This CURRENT PROPOSAL **protects only the subsurface** for "up to" 50 years:

1) Up to 50 years does not mean any particular number of years. It means some number of years equal to or less than 50 years.

2) It does NOT protect the Wildlife Corridor of the Sandia Mountain on the surface lands.

3) It does not respect the Teddy Roosevelt EXECUTIVE ORDER of 1902. See:

https://whoanm.org/wordpress/wpcontent/uploads/2016/06/Newsletter_2016_pg3.pdf

The Pro-Wild Horse, anti-highway, and anti-mining Pueblo of San Felipe believes the Wild Horses should be allowed on the BLM and has long sought protections for the Placitas Buffalo Tract, which they consider ancestral and sacred lands pursuant to the filing of their Aboriginal claims.

BLM PUBLIC MEETING: Nov. 14, 2023, from 5:30 p.m. to 7:30 p.m. at the Placitas Library.

PUBLIC COMMENT: The comment period closes Dec. 19, 2023. The 90-day public comment period on the proposal started 9/20/2023.

All comments should be mailed to: Bureau of Land Management Rio Puerco Field Office, Attn: Placitas Withdrawal, 100 Sun Avenue, Suite 330, Albuquerque, NM 87109.

For questions contact: Laura Gray 505-761-8700 or email lgray@blm.gov

WHOA SUGGESTS:

1) **Shut down gravel mining permanently near all communities in New Mexico**, once for all!! Gravel Mining near communities is a serious pollutant and health threat and is therefore **unconstitutional pursuant to NM Article XX, Section 21**.

Stop the yearly LOOK GOOD MOVES. End the constant threat of Buffalo Tract GRAVEL MINING and the concurrent threat of INCURABLE LUNG DISEASE it causes called Silicosis (already 2 times higher in NM than other states).

2) **End the Right of Way threat of a HIGHWAY (20,000 trips/day) through Placitas and its Wildlife Corridor in line with our community values** as documented in the Placitas Area Plan. See pages 26, 38, 40, and 66 at:

<https://www.sandovalcountynm.gov/wp-content/uploads/2017/06/papfinal.pdf>

3) **Follow the law -- President Teddy Roosevelt's Executive Order.** See:

https://whoanm.org/wordpress/wpcontent/uploads/2016/06/Newsletter_2016_pg3.pdf

To wit: These BLM lands were put up for disposal in 2008.

4) **Placitans cannot legally be denied DUE PROCESS.** This action may be a mechanism to allow a right of way for a Highway precursor or a Highway during the "segregation" period of up to 2 years. **Placitans pay taxes and our comments from the first EIS STILL COUNT toward this Highway or its Precursor. Stop disrespecting Placitan comments with which you disagree as "OUT OF SCOPE" by Despotic Determination.**

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