

The Board of County Commissioners, in and for the County of Otero, State of New Mexico, met in a Regular Meeting at the Otero County Courthouse in Alamogordo, County and State aforesaid. Meeting called to order by the Chairman at 6:00 p.m., August 16, 2007; and he announced that reasonable notice for this meeting was given to the Alamogordo Daily News and to Radio Stations, KPSA, KINN and KYEE.

Present:

Doug Moore	Chairman
Clarissa McGinn	Vice-Chairperson
Michael Nivison	Absent
Dr. Martin Moore	County Manager
Ray Backstrom	Assistant County Manager
Dan Bryant	County Attorney
Pamela Heltner	Commission Liaison
Bill Lee Parker	Public Works Director
Lynn Estrada	Deputy Clerk

DRAFT

G.B. Oliver gave the invocation. Commissioner Moore led the Pledge of Allegiance and the Salute to the Flag of the State of New Mexico.

1. Consent Agenda:

Commissioner Moore stated that items 1-42 can be approved by one motion and vote.

Commissioner McGinn made a motion to accept all items listed under the consent agenda, with the

exception of #4, #12 and #43. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

a. Item #4, consider the reclassification of Stephan Dutil, Chief of Mapping/GIS, to GIS Supervisor and System Analyst. The new salary of \$42,576.97 is in the County Assessor's budget.

Commissioner McGinn made a motion to approve the reclassification of Stephan Dutil to GIS Supervisor and System Analyst for discussion. The motion was seconded by Commissioner Moore. Commissioner McGinn called on Dr. Moore to explain the background of the request and how it fits within the budget of the Assessor's Office. Dr. Moore stated that he had a meeting with Mr. Palkki and he indicated that he has had an employee retire. A new employee was hired at a lower salary rate, so there is money in their budget for this increase. Mr. Dutil's duties have increased and his work is excellent. A vote was taken and the motion passed unanimously. See pages

b. Item #12, consider approval of Resolution No. 08-16-07/95-09 to adopt an Infrastructural Capital Improvement Plan (ICIP). This is an annual process undertaken by the Board of County Commissioners to select projects for inclusion in the Otero County ICIP.

Commissioner McGinn made a motion to approve Resolution No. 08-16-07/95-09 to adopt an Infrastructural Capital Improvement Plan for discussion. The motion was seconded by Commissioner Moore.

Commissioner McGinn stated that in reviewing the ICIP List that was created last year and proceeds from 2008 thru 2012, her recommendation is to prioritize the same list for the 2008 requests. This would include items that relate to waste water, flood water management and anything that is related to health, safety and welfare, as the first priorities. Commissioner Moore stated that this list has had a cascading effect. We

asked for money for projects in 07, 08 and 09. Some of the money that we asked for in 07 wasn't fully funded. We need to take the projects that have been partially funded and make them first priority to receive the remainder of the funding to complete the project. The list needs to be in Santa Fe by August 31, 2007. The Board discussed the projects that have been funded and the amounts needed to finish the projects. Dan Bryant announced that it is 6:30 p.m. and the Chairman needs to open and recess the Public Hearing.

2. Public Hearing:

The Chairman opened the Public Hearing to name a driveway. The proposed name is Gililand Mountain Road. The Chairman recessed the Public Hearing to name a driveway and opened the Public Hearing to consider the preliminary plat approval for Elk Springs Estates Subdivision.

Dan Bryant stated at the request of staff we are asking you to table item 45, Elk Springs Estate Subdivision, until the next County Commission Meeting. An issue arose concerning notice of the consideration of this matter before the Planners. We had to postpone the planning meeting, so we don't have any recommendations from the Planners for the Board to consider at this time.

Commissioner McGinn made a motion to table item #45 to consider the preliminary plat approval for Elk Springs Estates Subdivision to our following Commission Meeting, which is September 20th. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

The Chairman reconvened the Public Hearing for a proposed name of Gililand Mountain Road for a driveway located in High Rolls.

Steve Duttill, GIS Director, stated that the owner is having problems with her mail and getting packages delivered to her, so this is the reason to name the road. The Gilillands have written letters to the adjacent property owners and have had no opposition.

Commissioner McGinn made a motion to approve the proposed name of Gililand Mountain Road. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

See pages

The Chairman closed the Public Hearing and returned to Regular Session.

The Board returned to the discussion on item #12, the ICIP List. After discussion the Board prioritized the ICIP List as follows: 1. Twin Forks Water System, 2. Chaparral Medical Clinic, 3. Nogal Canyon Flood Plain/map, plans, 4. State Offices for the District Attorney, 5. Storm Drainage improvements, 6. La Luz Fire Station, 7. Bio Mass, 8. Otero County PSAP, 9. Rio Penasco Flood Plain, 10. Alamo Canyon Flood Plain/maps, plan.

Arden Schugg, Timberon Fire Chief, stated that they have asked for their Timberon Sub Station to be placed on the ICIP List and he doesn't see it on the list. We were not placed on the list last year because of the confusion with the Legislators. We have our engineer drawings and estimates. Commissioner Moore stated that we will place the Timberon Sub Station to the County ICIP List.

Commissioner McGinn amended her motion to instruct staff to advertise a Special Meeting next week to review and adopt an Infrastructural Capital Improvement Plan with the same resolution number. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

3. Item #42, request review and comments on a draft resolution opposing the designation of White Sands National Monument as a World Heritage Site.

Commissioner McGinn stated that since we have this item here tonight to review comments on the draft resolution, I would move that we start with public comment. Commissioner Moore stated that we will start by taking comment of whoever is in favor of the designation first.

Cliff Spencer, Superintendent of White Sands National Monument, approached the Board. Mr. Spencer was surprised at the comments from Otero County since his letter to the Commission back in September. Mr. Spencer asked why Otero County is in opposition to something the state of New Mexico is in favor of.? There are 3 world heritage sites currently in the State of New Mexico. Carlsbad Caverns is one, the Taos Pueblo and The Chapo Culture, National Park Service site outside of Farmington. The State of New Mexico is embracing their World Heritage sites, they are using them as a vehicle for tourism. One of the complaints that he has received about White Sands is the declining tourism over the years. Mr. Spencer saw an opportunity to get us listed on a fairly prestigious list and this list is only a listing of areas that have a special connection to the world's heritage. It's not a vehicle for jurisdiction under the United Nations or a vehicle to pay collateral on the world debt. It confers no jurisdiction whatsoever. The report he had sent to the Commission yesterday states that very clearly. The issue with Yellowstone in the resolution tends to not address some of the specifics of what those congressional research service reports describe. I found them on the web and they are fairly detailed. I put more stock in them than what I have heard from some folks in the community regarding this issue. They don't have a dog in this fight, they don't have an opinion one way or the other, their job is to provide non-partisan reports for the members of Congress. I think if it's good enough for members of Congress, than its good enough for us too. The World Heritage list was developed by the World Heritage Convention, the Treaty. The Treaty was developed by the United States. In October of 1972, the Nixon Administration drafted this document in conjunction with the United Nations. In March of 1973, Richard Nixon sent a statement to the Senate urging ratification of this list. In October of 1973, the Senate ratified the Treaty. In November of 1973, President Nixon signed the Treaty. The United States was the first country to sign the Treaty. We wrote it, we ratified it, we signed

it. If what I have heard in the last few weeks is to be believed, that we had a Republican President and a Democratic Senate, somehow conspiring to write a document to give away United States sovereignty to a world body. Commissioner Moore stated that he has heard a lot about this issue. He understands that Mr. Spencer is a supporter and he is the one who nominated us. Commissioner Moore stated that the World Heritage was started with the best of intentions. If you look at part of the original language there are sites on this planet that could certainly use this designation. Impoverished Third World Countries that have unique treasures and are without the resources to protect them from vandalism, need this designation. Commissioner Moore doesn't see White Sands as being unique. There is that kind of sand formation across all continents. Part of the Heritage Program is to provide international ability to help countries that can't help themselves. I believe you guys are doing a great job at White Sands and we don't need any help. These types of dunes occur in other locations that aren't strategically located between a missile range proving ground and an Air Force Base. They are paramount to the economics in Otero County and the defense of this country. Where buffer zones could become an issue, they are an important component of a heritage site, especially once it's been designated as being endangered. I think that is non conducive to the environment that exists in this given location. The World Heritage is appropriate in a given set of circumstances, but I don't believe these circumstances warrant that. Local input, especially in Otero County, is very important. None was had on this issue. Some how our name was included as a list of supporters as where other names that were not supporters. We have three or four issues to deal with here tonight. One of them is consideration of this resolution and to get input from all the parties. We intend to pursue language with the nominating committee to have your petition withdrawn, because you listed supporters that were in fact not supporters. That in our eyes will take it off the table for 2 years, because it's

a 2 year cycle on nominations. We intend to send those letters to our congressional delegation airing our feelings. Part of the big reservation that I have is, "How can this happen in our backyard and not having any say in it"? With this World Heritage, there is no place for public hearings and democracy, and that is a government that I embrace. The people need to have a say, and within this process there's not a mechanism for the local folks to have a say. I believe that issue becomes more clouded once the site receives the designation. The monument is a great place and wouldn't ever want to lose it. If I have to give up the monument or the defense of my country, you can lock the gates on the monument while we look to the interests of our country. Mr. Spencer stated that there is a mechanism for public comment, but it hasn't come up yet. The initial letters of support were submitted along with an application as to why we feel the park was deserving of this honor to our regional office. That one page statement was approved by the regional director and sent to the office of international affairs. Once it got there, they reviewed it and invited us to submit a nomination. That's the nomination that I supplied to you and made the mistake of listing Otero County and Steve Pearce as supporters. Mr. Spencer wrote an apology to Steve Pearce and he apologizes to the Board tonight for this mistake. Commissioner Moore stated that he appreciates Mr. Spencer owning up to his mistake and providing it in writing. Commissioner McGinn stated that in that request for support, which we as Commissioner's did not receive until several weeks ago. Within that request for support that came from you, in the application it also asked for any opposition. We are going to submit, in the letter that that we have drafted, is that opposition. Mr. Spencer asked if you are referring to the nomination itself? Commissioner McGinn stated that this is correct. Mr. Spencer stated that the 3rd paragraph on the resolution says that a letter of invitation was sent to the Board in mid December of 2006 to issue a letter of support. Commissioner McGinn stated that this letter was forwarded to the Board recently,

we did not receive it in December. Commissioner McGinn stated that on a personal level after reading some of the information, I think that to promote and preserve the White Sands National Monument can be done by many skilled American citizens and the resources that we have in this country. I have real difficulty signing on to participate in World Heritage nomination designation. With countries who's intentions or interests may differ significantly from ours. That is why any of the information beyond that, what I perceive to be negative impacts and there are several with land use resources, military operations and economic impact. I believe this United Nations designation would not benefit Otero County. I will oppose tonight in a letter and with this resolution. Mr. Spencer stated that they have submitted their nomination. It is peer reviewed by a group of scientists that look at it in a very technical way. They review the resources, the animals and plants. After it is reviewed, later this fall the Board will make a recommendation to the Office of International Affairs. At that point, they will decide whether we even make the draft tentative list. We are not even close to where it's going to go to the United Nations. This is the first time in 25 years for areas in the United States to via for listing. There are 36 sites, including White Sands that submitted nominations. Not all of them are federal government sites. Some of them are private held and some are held by states and counties and cities. After the public comment period ends, then other areas can fall off the list. It is then forwarded to the state department. The earliest a site can be handed to the United Nations for consideration is 2010. It's a long way from even getting close. Commissioner Moore stated we have ordinances and rules that have not been recognized through this nomination process, regardless of how far it's traveled. We have Land Use Plans and a Comprehensive Plan that requires our involvement from the beginning on anything like this, but no one paid attention to those. So our intention is to oppose the nomination as it is written and then begin a public process to entertain the idea of the potential of this site.

My opinion of this is to get the nomination stopped or appealed immediately, so this site is no longer under consideration, because the initial nomination was incorrect.

Mr. Spencer would like to address buffer zones. The popular example of buffer zones is Yellowstone National Park. The facts are, there are no buffer zones around Yellowstone National Park. I would never propose something that would negatively effect either Holloman or White Sands Missile Range. We enjoy a very special relationship with both of the facilities. We have an inter agency agreement with White Sands Missile Range that is renewed every five years. In that document we have a mechanism for a quarterly meeting, where I and my division chiefs sit down with the leadership over at the Missile Range and discuss issues that are going on. We enjoy a special relationship with Holloman as well. The fact that White Sands Missile Range supports the nomination, that speaks to the fact that there is a mutual trust between the agencies. There is no desire or intent to expand the influence of White Sands National Monument to effect the operations of the Missile Range or the base. Commissioner McGinn asked Mr. Spencer what he perceives as any reason or potential benefit to go outside this country to help promote or preserve White Sands National Monument? Mr. Spencer stated that the World Heritage Site list is only a list. There is no jurisdiction, no influence. The only United Nations presence within areas that have been designated as World Heritage Sites, at Carlsbad Caverns there is a plaque in front of the visitors center. The superintendent at Carlsbad Caverns was very surprised at what was happening here in Otero County. Commissioner Moore stated that when Mr. Spencer made the statement that the United Nations has no influence, I have downloaded more information that you have provided for me, and I don't think that is a fair statement. If you look at Yellowstone incident, and how that all evolved, whether it was right or wrong, certainly the World Heritage monitor group that went in there had an influence. It was requested by our

federal government, certainly they had an influence in that NEPA process and that environmental assessment that was ongoing at the time. When you get this, it's more than a brass plaque, there's a lot more to it than that. If you believe that's all it amounts to, I will give you a brass plaque to withdraw your nomination. There are potential consequences not only today, but in the future. That is what concerns me. I am more worried about the influence that could happen in the future that today are unknown. Commissioner Moore thanked Mr. Spencer for coming and defending his position and nomination. Mr. Spencer stated that he would like to host a meeting with the Forest Service, the Commission, Holloman and the BLM to build a foundation of mutual understanding. Commissioner Moore stated that this was a very good idea and they would be more than happy to come.

Maude Rathgeber approached the Board with a petition against this proposal from the Eagle Forum. Mrs. Rathgeber read the petition to be entered into the records, with 1,150 names that have signed against this proposal.

Ray Backstrom, Assistant County Manager, reached Commissioner Nivison and put him on speaker phone for this discussion.

Ken Nicholson stated that he would like to touch on something that hasn't been brought up yet. What would happen if our National Park doesn't comply? What they do is list the parks. They also make recommendations on sites that are not in compliance. If there is no reaction, they strongly urge that they comply. If push comes to shove, they remove you from that list. It's a very benign thing, and I believe this meeting was a done deal and that it's a farce. I don't see the point in it.

Thomas McKean, stated that he agrees with the Chairman about the Heritage Commission. Now that you pass this resolution disagreeing with this, will this stop it from going on? Commissioner McGinn

stated that what she had asked Mr. Spencer is about submitting a letter to us earlier on asking for support. The application for the nomination of a World Heritage Site also requests that any stakeholders being local governments that are opposed to that nomination also submit that opposition. I believe that our opposition will have significance in removing the designation. Mr. McKean stated that I hope it does. Commissioner McGinn stated that she will pass this resolution based on what I think we should do as Otero County.

Denise Lang, stated that what she hasn't heard tonight is what I had been told when I was asked to sign the petition. I was told that the designation would allow the park to be used as collateral for some kinds of loans that the United States has. I looked this up and this is not true. A foreign nation having control of this site is also not true. Some of the people who signed the petition might have been given bad information. My late husband volunteered out at White Sands, he was incredibly impressed with the uniqueness of the White Sands. I was unaware that there are other parks like White Sands in the World. You said Commissioner Moore that the White Sands isn't unique, could you please tell me where there are other parks like the White Sands. Commissioner Moore stated that there are other sand dunes that are national parks in the United States. I don't know if they are gypsum, but there are red sand dunes in California. Ms. Lang stated that that is part of my point, is that the gypsum sand dunes are unique, not just here but in the United States. I am hoping that you will work with Mr. Spencer. There is apparently information that you aren't getting. Commissioner Moore stated that he had heard about the collateral and while the staff and personnel from the World Bank do sit on the Board within the World Heritage, and while the World Bank has done appraisals on some of these World Heritage Sites to find out the value that they have. As it exists today, I can't make a direct connection that would say that these sites would be considered as collateral. The people from the World Bank are the same people running this organization. I

have seen documentation of where some of these sites have been appraised for monetary value. Ms. Lang believes the collateral just isn't true. Commissioner Moore is satisfied with the information that he as collected from the staff and the internet.

John Turney submitted a few quotes from Gene Jay Kirpatrick and also chapter 7 from the United Nations guide book about the strategies to solutions to tourism problems for the records. Mr. Turney encourages the Commission to sign the resolution and to have the nomination withdrawn.

Dan Bryant, County Attorney, stated that he would like to address a comment that was made in the record about this meeting being a shame. Under New Mexico's Open Meetings Act, decisions by public bodies are made at a public forum in a public meeting like today with a motion and a second and a vote. That motion and that vote expresses the collective will of the members. Tonight, all 3 of you Commissioners have expressed your individual thoughts, concerns and commitments with respect to the subject matter that is being discussed. You are entitled to do that under the Open Meetings Act. I would even challenge you and say, the reason that we elect diverse members to a governed body like this is because we want you to bring your individual commitment, judgment, passion and decision making to the table for the governing body. So there is nothing improper or inappropriate, in fact I find it courageous and specifically appropriate for the members of the governing body not to hide behind the public sentiment, but to step up to the plate and say this is what we think. I want to say this, that maybe not very many of us remember from day to day that in Otero County we eke out a living, a subsistence and an economy. We've created families, a culture and a community and we do that on scarcely 12 % of the land mass that is available in this County. Stop and think about that, 88% of Otero County belongs to the Federal government, State government, the Department of Defense, to public entities. They don't pay taxes they

don't contribute to the economy except by the management actions that are accomplished on those lands. In 1993 the Board of County Commissioners of Otero County passed three ordinances. Mr. Spencer, please come to the County Courthouse, please get those three ordinances, which are 1993-01, 02, and 03. If you'll read them with a fair and open mind, what you will see is the Board of County Commissioners saying to the state and federal land agencies that own and control 88% of our land mass, we are here, we are community, we have customs, history, family and we have cultures. We have invested our economic and our spiritual and our family lives into this county and we want you to pay attention. We want you to hear from us and to let us in the door. That was 14 years ago Mr. Spencer. In 1996 we passed another ordinance asking for similar recognition, similar participation, that after all that is what America is. We are a participatory representative government. So when you come to us tonight, I want to say to you that we should have been having weekly meetings in September, October and November of 2006 when the idea of World Heritage Site application came up. We should have been invited to the table at that time. We should have been asked, what do you think? In 2000, this Commission stood with one of its ranching families in a Federal Courthouse in Albuquerque, New Mexico. We said to the environmental plaintiffs, the United States Forest Service Defendants, to the Federal Judge and to the rest of the world that was willing to listen, we're here and we are ready to invest the public treasury of Otero County in understanding the science, knowing the impacts, having a complete understanding of what is happening on our public lands and our County. Since 2000 that was seven years ago, the Board of County Commissioners has invested thousands and thousands of dollars of the public treasury in that effort. That commitment and dedication by this local governing body deserves your respect, it deserves your attention and it deserves a seat at the table and a genuine willingness to listen to us and to listen to our concerns. Is World Heritage Site designation benign?

Perhaps it is and perhaps it isn't. Where we are tonight is we don't know. In our rush to find information and research, we have learned things like on the Zimbabwe border of Victoria Falls, the local residents were forcefully relocated to a nearby town. They had to reorganize where they worshipped and had to find new pools in the rivers where they could conduct their religious ceremonies. In Jordan at the site of Petra, the local people were moved. The people came from the government and said they were there to help them, and they moved them out of their historical landscape. They put them in houses and prohibit them from living and having their customs, economy and their culture at the Petra Site. Is that because that was a World Heritage Site? Perhaps it is perhaps it isn't. We don't know. On behalf of the citizens of Otero County, I would submit that the Board of County Commissioners are saying to you,; "Come to us first, open dialog, be honest, talk to us and include us and give us a genuine voice in these kinds of decisions on the 88% of public lands in our county." If you'll do that, we'll have a friendly relationship, we'll have a professional relationship, it will even be cordial. We won't always agree, because we will stick up for what we think is the best interest for the local folks, but we will have that good productive relationship.

Bill Hornback stated that this is my home and damn anybody else. Historically Otero County doesn't accept government designations as gospel. We usually as concerned citizens become involved in all aspects of local issues. This situation brings up the question of integrity as was mentioned. Why was individuals quoted as approving said designation, when questioned about it, denied it. We didn't see anything about public comment mentioned in the newspaper article. Mr. Hornback is requesting that the Board pass an ordinance instead of a resolution.

Commissioner Moore stated that one thing he is pleased with, is that the nomination process based on Mr. Spencer's description of it, is in its infancy. We have the time to make this language correct.

Commissioner McGinn stated that she will support a letter that we have prepared and the resolution that we have prepared. I believe this states our opinion on this particular issue with the designation of White Sands Monument as a World Heritage Site. I will continue to submit that we should pass this resolution and send this letter. We also need to work on an ordinance. That ordinance will provide, outside the scope of White Sands National Monument, in a broad sense for this county we will be at that table. We will be asking for opinions from all the citizens, before those activities take place on the lands within Otero County that effect our custom, cultural, economy and the use of our natural resources. Commissioner Moore stated that we direct staff to reword the resolution to a framework of an ordinance. We have two draft letters prepared by staff to go to the nominating committee as well as our congressional delegation. Commissioner McGinn read the letters into the records.

Commissioner McGinn made a motion that we submit the letter that was read tonight. The motion was seconded by Commissioner Moore.

Commissioner Moore read the letter to Congressman Pearce into the records.

Commissioner McGinn amended the motion to send both of the letters that were read tonight. The amended motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously. See pages

William Biggerstaff stated that several years ago in Afghanistan there were some Buddhist statues on a mountain. They were destroyed by a people. It would not have stopped these people from destroying these statues if it was a World Heritage Site. There are people in the United Nations who think like these people and I don't want them to have any part of our country.

Ms. Gwenna Reece stated that she has been looking at this World Heritage Site. Once you become

a World Heritage Site, it longer belongs to the country that it's in, it belongs to the World. To me, that is enough to say no. I think that most of us were ignorant to the point that when these World Heritage Sites came up, people didn't really understand. Thank goodness for the internet to give us the information that we need.

Commissioner McGinn made a motion to direct staff to revise and clean up the language in this resolution to have it for a vote at our Special Meeting, as yet to be designated next week and to address the Infrastructure Capital Improvement Plan. The motion was seconded by Commissioner Moore. A vote was taken and the motion passed unanimously.

4. Request approval to purchase uniforms for the Buildings and Grounds, Maintenance Department. The purpose for the uniforms will identify our County employees by name and department, as well as present a professional appearance.

Commissioner McGinn made a motion to approve purchase of uniforms for the Buildings and Grounds, Maintenance Department for discussion. The motion was seconded by Commissioner Moore. Bill Parker stated that the cost will be about \$29,000 for eight employees. The employees work with chemicals and it is hard on their personal clothes, also they will look more professional. This will be a weekly laundry service. We do have adequate funds in the budget.

A vote was taken and the motion passed unanimously.

5. Commission Discussions/Correspondence:

a. Commissioner McGinn stated that she would like to discuss item 1 under Commissioner Nivison. The Ordinance concerning the World Heritage Site. To begin the process of an ordinance the language needs to be drafted, then a public hearing will be scheduled. The resolution that we discussed tonight is

specific to the White Sands Monument. An ordinance would address any such designations or actions by agencies within Otero County to have input with their local government and the people they represent. Dan Bryant stated that this ordinance will mirror in many respects the four ordinances that have been mentioned tonight. The process is that Mr. Bryant would put together some proposed language, submit to the Commission individually to look at. It would need to be put on an agenda for introduction and the Commission would have to take action to publish the ordinance. It would have to be published one time at least fourteen days before the public hearing. We would take public comment at that public hearing and take action on the ordinance that night, to pass it or not pass it. If you postpone that decision to another meeting, it would have to be published again fourteen days ahead of whatever meeting you propose to take final action. I interpret the discussion tonight that the ordinance is primarily procedural. We recognize that the federal land managing agencies have the power and ability to make decisions and take action and to do planning and management of the lands under their jurisdiction. How I interpret what we are doing, is we are saying to them, remember who we are, see where we are, bring us to the table and give us meaningful participation in those processes. The language that I feel like I am instructed to draft would be along those procedural lines. I do have concerns about the ability to enforce an ordinance that goes much further than that and tries to dictate what their decisions will be to them. I think that under all the applicable federal statutes, we have absolute power and authority to pass an ordinance setting forth processes for inclusion and input and participation in the decision making process. Commissioner McGinn stated that you can always craft an ordinance that deals specifically with World Heritage designation, but as far as legal standing goes, we are talking about procedure on more than White Sands. Dan Bryant stated that's part of what I intended to convey in my remarks tonight. It is astounding to me that 14 years after we passed those

3 ordinances in 1993, we are still being surprised with decisions. What we were told tonight, is that you get to have public input at the end of the day along with anybody else. I think that NEPA and FLIPMA and the other federal acts that we have been sighting to the federal agencies for 14 years, give us a partnership relationship with them in these planning processes. I think that's where this ordinance needs to go.

Commissioner McGinn directed staff to have this item on our next Regular Commission Meeting on September 20th that would request to publish a draft ordinance concerning a World Heritage Site. Do we need to make it a broader description? Dan Bryant stated that he would like to be able to make the ordinances provisions more broad in their scope. The next issue might be World Heritage Site protection designation. We need to make it a broader range of descriptions. Commissioner Moore stated that it was brought to his attention that the Trinity Site has been on the list for designation since 1990. We need to do background on that and broaden our language to have that site withdrawn as well.

b. Commissioner Moore read the proposed actions to address the ongoing insect emergency and disaster that was declared by Otero County on March 27, 2007.

Commissioner Moore stated that most of the area that will be sprayed is on private property. Where we are going to treat this private property, they should contribute financially. Dr. Moore stated that we are asking that you specifically approve going forward with this as a proposed action so we can complete the assessment report and come back to you with a final recommendation, for a yes or no for spraying. Commissioner Moore stated that he wants to know what he is approving before he gives it to him. Dr. Moore stated that we are working with the Forest Service for proposed spraying action in the Fall and Spring. Commissioner Moore asked of these proposed sites and this map, how large is the area you are proposing to spray? Dr. Moore stated 4,791 acres which includes the Village of Cloudcroft. Commissioner

Moore stated that you are asking me to approve an action that could potentially cost \$479,100.00. Dr. Moore stated that this is correct. Commissioner Moore stated that we have earmarked only \$100,000.00 which leaves us about \$379,000.00 short. Dr. Moore stated that our intention is to come back to you with a final report with a recommendation of specific acres for spraying.

The Mayor of Cloudcroft, Dave Venable, stated that the Forest Service is attempting to treat the situation by spraying the Village of Cloudcroft and to remove defoliated trees. We believe this isn't enough. They need to treat the entire forest. As a stop gap the Forest Service is willing to spray one mile in diameter outside the Village. This does not address all the other areas indicated on the map. Time is of the essence. Mayor Venable stated that what I am asking if we need to act quickly, will the County help the Village and surrounding property owners? We need assurance that we can count on the County for support if we need it to at least help the Village. Commissioner Moore stated that within the limits of the law and the ability of our financial resources, we pledge our support to you.

Dr. Laurel Walters, an entomologist living in Cloudcroft, gave the Commission copies of her comments to the Forest Service. Dr. Walters stated that this is true what Mayor Venable said about the window of opportunity. We will have to act very quickly when the opportunity is upon us. Dr. Walters gave a brief report on the loopers and the spruce budworm and what would be the best spray to use. Commissioner Moore thanked Dr. Walters for all her help in the mountains with these bugs.

Holly Elliott approached the Board with some questions for the Board. When the Forest was sprayed twenty years ago who did the spraying, who covered the cost, what did they spray and did they have to get an OK from the public before they did it? Commissioner Moore stated that he didn't know the answers and asked Dr. Moore if he could respond to any of these questions. Dr. Moore stated that the best answer that

he could give is that we have a contact meeting with the person who sprayed twenty years ago. The Forest Service did the spraying and it was a pretty wide area. The private land owners had to sign a release form. Ms. Elliott is in favor for anything the county can do.

Paul Quairoli stated that Ted Stahling from Aerotech did the spraying back in 1987 under a Forest Service contract. Mr. Stahling told Mr. Quairoli that he could spray again. The more the acreage to be sprayed the lower the price is.

Commissioner Moore thanked everyone for their input and information.

There being no further business before the Board, the Chairman adjourned the meeting at 10:20 p.m.

APPROVED:

Doug Moore, Chairman

ATTEST:

Robyn Holmes, County Clerk

Regular Meeting August 16, 2007