



## ***Council of Border Conservation Districts***

c/o Deming SWCD, 405 E. Florida, Deming, NM 88030 (575) 546-9692

April 27, 2020

RE: Potential Impact and Harm from Wild & Scenic River Designation

Dear Representative Small:

The Council of Border Conservation Districts would like to extend our appreciation for meeting with us earlier this month and for the fruitful discussion regarding the proposed Wild and Scenic Rivers designations.

You asked our board to assist you in identifying past harm from wild and scenic rivers designations, especially potential harm to private property owners.

We have completed our search of litigation cases that not only infringed on private property rights but also impaired agriculture, natural resource treatments, and public works projects. In the attachment, we have highlighted in red the private property litigation cases.

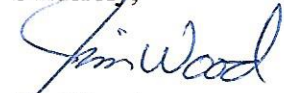
Please note in our attached litigation cases (starting on p.16) that the *Friends of the Columbia River Gorge*, an environmental litigant group, has been involved in over 70 court cases. The Gila River is a very precious natural resource in the southwest and the potential for this exact type of litigation to happen if it is designated as Wild and Scenic is a very real possibility. We need to remind ourselves that the Center for Biological Diversity in Silver City and Earth First in Glenwood routinely litigate against the Gila National Forest with current litigation on the Gila and San Francisco Rivers.

The attached list only identifies litigation cases. The federal agencies have also exercised the power of Eminent Domain against private property owners. Refer to the old *Wild and Scenic Rivers and the Use of Eminent Domain*, Technical Report of the Interagency Wild and Scenic Rivers Coordinating Council, (U.S. Forest Service, BLM and National Park Service), November 1998.

**The CBCD requests that you petition the Congressional Research Service to identify all condemnation proceedings that have occurred thus far from Wild and Scenic Rivers designations. Please keep the CBCD advised as to your progress.**

Thank you for your consideration. Our conservation districts look forward to working with you in the protection and proper use of our precious Gila and San Francisco Rivers.

Sincerely,

A handwritten signature in blue ink that reads "Jim Wood". The signature is written in a cursive style with a large, sweeping initial "J".

Jim Wood

Chairman - Council of Border Conservation Districts