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NEWS

Offroad lawsuit looking doubtful

By Heath Haussamen
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The lawsuit Doña Ana County was preparing on behalf of four-wheeling groups seeking the reopening of roads in the Robledo Mountains appears to be dead before it could be filed.

After a lengthy closed-session discussion of the lawsuit, Commissioner Kent Evans made a motion at Tuesday's county commission meeting to rescind the November vote to sue the U.S. Bureau of Land Management. Commissioner Oscar Vasquez-Butler seconded the motion.

On the advice of county attorneys, the commission tabled a formal vote until its next meeting because the item had not been specifically listed on the agenda as a vote to rescind the lawsuit.

But Evans, who was one of three commissioners who voted in favor of the lawsuit in November, said he has changed his mind. Commissioner Paul Curry, who also voted for the lawsuit, has changed his mind. Curry said he believes the area should be designated as wilderness, and urged Congress to act.

Fifty years from now, "It will be really nice to have that close to town," Curry said.

Vasquez-Butler opposes the lawsuit and so do commissioners-elect Bill McCamley and Dolores Saldaña-Caviness, who take office before the next meeting in January.

It would take three votes of the commission to rescind the vote to sue. The lawsuit has not yet been filed.

"I think it's not very neighborly," Saldaña-Caviness said of the proposed lawsuit. "I think as a commission we need to pick and choose our battles."

"You were not elected by your constituents to serve special interest groups," Las Cruces Russ Warner told the commission.

"You were elected to serve your constituents."

A spokesman for the local four-wheeling club declined to comment.

Commissioners also voted Tuesday to table a proposed agreement with the four-wheeling groups until the January meeting.

The agreement would, if the lawsuit goes forward, require the four-wheeling groups to pay all costs associated with the lawsuit.

The BLM closed about 15 miles of roads in the Robledo Mountains north of Las Cruces six years ago because of damage to the land, which is part of an 11,000-acre federal wilderness study area. The land was designated as such an area in 1980.

The Southwest Four Wheel Drive Association and Las Cruces Four Wheel Drive Club sued the BLM in 2000 to try to reopen roads in the wilderness study area, but the lawsuit was dismissed. Earlier this year, the 10th Circuit Court of Appeals in Denver rejected their appeal without considering its merits, saying the groups weren't the proper parties to bring the lawsuit. Only a governmental organization has such authority, the court said.

That's why the groups sought the county's assistance. Opponents of the lawsuit said the county shouldn't work with a special interest group and burn its relationship with the BLM, and some said the four-wheelers were on shaky legal ground.

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