

Santa Fe El Norte

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THE SANTA FE NEW MEXICAN
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In brief

Teen dies in surgery after car accident

An 18-year-old Golden, N.M., man died after the vehicle he was in rolled on top of him Sunday night. Jared W. Pielhau was in a 1969 Ford Bronco whose driver inexplicably lost control of the vehicle on N.M. 14 near Golden, south of Madrid, at 5:42 p.m., Santa Fe County Undersheriff Robert Garcia said. The vehicle, which Garcia said didn't have a top, vaulted off a dirt embankment, rolled 4½ times and came to rest with Pielhau beneath it.

An ambulance took Pielhau to The University of New Mexico Hospital, where he died during surgery. The driver, 35-year-old David J. Corelis of Rio Rancho, and his brother, 21-year-old Christopher J. Corelis of Golden, were both treated for injuries at St. Vincent Hospital and released, according to the Sheriff's Department.

Alcohol wasn't a factor, and Pielhau was wearing a seat belt, Garcia said.

Wild-horse roundup nets 11 on mesa

EL RITO — The Carson National Forest's latest effort to round up wild horses has captured 11 animals. Those mustangs were moved to a holding pen at the El Rito District Ranger office pending adoption, Forest Service officials announced Monday.

The agency last month issued a new contract to Mount Taylor Mustangs, giving it 60 days to capture 30 horses on Jarita Mesa. That was after the first roundup in April captured nine horses and a second in December found none.

The contractor uses salt as bait to lure horses into pens set up in areas they frequent. Forest officials say the drought-stricken range cannot support the number of wild horses, domestic cattle and wildlife on Jarita Mesa.

The horse population in the area is estimated between 80 and 100. The animals, protected by the 1971 federal Wild Horse and Burro Act, are believed to be descendants of horses belonging to Spanish conquistadors, ranchers and Indians.

Red Planet rocks getting N.M. names

ALBUQUERQUE — Some of the Red Planet's features are getting a New Mexico twist. There's a flat-topped tilted Martian rock now called Sandia. The rock next to it has been dubbed Manzano. Another feature is named Laguna Hollow.

It's all thanks to Albuquerque geologist Larry Crumpler, a member of the NASA rover science team. Crumpler, a geologist at the New Mexico Museum of Natural History and Science, has been working at the National Aeronautics and Space Administration's Jet Propulsion Laboratory near Pasadena, Calif., since January.

Naming features in a spacecraft's field of view is a tradition for planetary scientists, and Crumpler is drawing on his home for ideas. To Crumpler, the Sandia rock looked like the tilted geologic strata that tops the mountains east of Albuquerque, he said in a telephone interview from California. It made sense to then name the rock next to it Manzano for the mountains south of the Sandias. Laguna Hollow is named in honor of students from Laguna-Acoma High School working as Crumpler's student interns.

Next to Laguna Hollow is a large rock called Acoma.

Staff and wire reports

Highlands might join wildfire study

► U.S. House to debate bill that would direct \$5 million to the school

By JULIE ANN GRIMM
The New Mexican

New Mexico Highlands University would be the home of a federally funded Wildfire Research Institute under legislation being weighed by the U.S. House of Representatives today.

The House is scheduled to debate the Southwest Forest Health and Wildfire Prevention Act, which would direct the U.S. Forest Service to establish institutes to research reducing the risk of wildfires and restoring the health of woodland in the West.

Institutes would also be initially established in Colorado and at Northern Arizona University. In two years, they would expand to include Idaho, Nevada and Utah.

The Forest Service would finance the institutes and provide technical



Tom Udall

land, according to U.S. Rep. Tom Udall, D-N.M., who introduced the law with Rep. Rick Renzi, R-Ariz. "The blunt truth is that the mis-

assistance.

The plan is intended to balance laws passed late last year by Congress that authorized spending hundreds of millions per year to remove overgrown brush and trees from federal

guided approach of the so-called Healthy Forests law is going to cause more problems that it will solve," Udall said Monday. "That's why this bill is so important. It will create a solid foundation for scientific knowledge and the ability to rapidly convert new insights into technology and tools."

Democrats and environmental activists have criticized the Healthy Forest Restoration Act of 2003, first brought forth by the Bush adminis-

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Kathy De La Torre/The New Mexican

Alejandro Ornelas, center, and Heidi Wade, right, employees at the St. Michael's Drive Shell Station, help customers Monday afternoon. As a safety precaution, employees are paired during all shifts. The state's Environmental Improvement Board plans a public hearing next month to consider regulations requiring convenience-store owners to install cameras and alarm systems to make operations safer for employees.

State finally looking at land grants

By BEN NEARY
The New Mexican

The state Legislature is finally paying attention to land grants in New Mexico. And activists say it's about time.

Under legislation passed this session, land-grant boards will qualify for state and federal money as well as for the possible transfer of state lands to them under a bill that passed the Legislature.

Senate Bill 142 recognizes land-grant governing boards as subdivisions of state government. And as subdivisions of state government, land-grant boards will be able to accept cash, land and other things of value from the state without violating the anticoncession clause of the state Constitution.

The Legislature passed another crucial land-grant measure, Senate Joint Memorial 10, which calls on the state Records and Archives Center and the state attorney general's office to research the history of former land-grant lands now owned by the state to see whether they ought to be returned to land grant heirs.

The Spanish and Mexican governments both granted lands to their citizens when they ruled New Mexico.

Although the United States pledged to respect private-property rights when it took the New Mexico territory from Mexico in 1848, only a fraction of the land grants survived, and historians generally agree that underhanded government dealings cost many people their land.

The success of the land-grant bills in this legislative session wasn't an accident. All the bills had the endorsement of the Legislature's Land Grant Interim Committee, which has held hearings on land-grant issues over the

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Cameras on clerks

In March, state will consider requiring more security in convenience stores for employee protection

By BEN NEARY
The New Mexican

The state is prepared to consider regulations requiring convenience-store operators to install cameras and alarm systems to make operations safer for employees.

The state's Environmental Improvement Board plans a public hearing next month to consider the matter.

"Convenience-store safety is incredibly important," New Mexico Environment Secretary Ron Curry said. "It is about saving lives and reducing crime both for store workers and customers."

"It is unfortunate that the last administration didn't follow through on this important issue when they had the chance," Curry said.

Curry's department undertook a study of convenience-store violence last year, after State Sen. Richard Martinez, D-Espanola, sponsored legislation calling for one.

The study collected information from New Mexico State Police as well as police departments in Albuquerque, Farmington, Hobbs, Las Cruces, Santa Fe and Taos. From 1998 through April

From 1998 through April 2003, there were 16 murders, 24 rapes, 37 kidnappings and tens of thousands of other crimes at convenience stores.

2003, the study found, there had been 16 murders, 24 rapes, 37 kidnappings and tens of thousands of other crimes reported at the stores.

Legislation that would have required better convenience-store safety failed to pass in the session ending last week.

State Sen. Carroll Leavell, R-Jal, sponsored a measure that would have required convenience stores to install security cameras. He said he was prompted to do so by the murder two years ago of Elizabeth Garcia, 27, a clerk at an Allsup's store in Hobbs.

Leavell said an Allsup's official had assured him two years ago that the chain would install cameras in all its stores, but he introduced the legislation because some Allsup's stores in south-

eastern New Mexico still lack cameras.

Although the Environment Department cited Allsup's after a female clerk was killed in the mid-1990s, the citation was dismissed after former Lt. Gov. Walter Bradley questioned officials about it. Bradley is from Clovis, where Allsup's is headquartered.

Charley Brewer, the president of Brewer Oil Co. in Santa Fe, said Monday that his business already has cameras and other security measures that the state regulations would require. His business operates gas stations throughout the state.

"We're not overly concerned about safety stuff because we stay ahead of the ballgame on it," Brewer said. "We double up on the cashiers and things like that. We're concerned about the safety."

Brewer said his business stopped keeping its stores open 24 hours a day a number of years ago because of safety concerns. All the stores now close at midnight. "It's scary to be open after that time," Brewer said.

The meeting of the Environmental Improvement Board to consider the proposal is scheduled for 9:30 a.m., March 2, at the Marion Hall Building, 224 E. Palace Ave., in Santa Fe.

Voters in District 2 have choice of three candidates

By TOM SHARPE
The New Mexican



Voters on Santa Fe's southeast side on March 2 will choose from among three candidates in the most complex of this year's City Council races.

Karen Heldmeyer, who successfully won the council seat four years ago after becoming involved in neighborhood self-determination and preservation issues, faces challenges by two men who suggest a more conservative direction for the council — Rick Berardinelli, well-connected member of a local family and long active in community affairs, and William Miller, a

media-savvy former radio-show host.

District 2 is south of the Santa Fe River and east of St. Francis Drive, including some of the most historic and expensive properties — art galleries and trendy

adobes in the Canyon Road area, ritzy residential compounds and foothills homes off Old Santa Fe Trail and the Quail Run resort and condominium complex.

It also includes the eclectic South Capitol neighborhood and residen-

tial subdivisions and apartment complexes off South St. Francis Drive.

Each of the city's four council districts are represented by two councilors, elected in staggered, four-year terms. The other seat on the City Council representing District 2 is held by Rebecca Wurzbarger.

Preservation has been Karen Heldmeyer's hallmark in her four years on the City Council, which began when she handily defeated incumbent Molly Whitted and candidate Amelia Romero Hollis in a three-way race in the 2000 municipal election. An articulate opponent

Please see **COUNCIL**, Page B-4

Municipal election

This is the third in a series of profiles of candidates in Santa Fe's March 2 municipal election.

Voters in each of the four City Council districts will select a councilor to serve a four-year term on the eight-member governing body.

Voters citywide also will choose a municipal judge.

Sunday: City Council District 1
Monday: City Council District 3

Tuesday: City Council District 2
Wednesday: City Council District 4

Thursday: Municipal Court judge

In brief

Storm leaves snow, creates icy roads

A winter storm moved into much of New Mexico on Monday night, leaving snowy and icy road conditions.

Interstate 40 from Laguna Pueblo to the Arizona state line was snowpacked and icy, Transportation Department spokesman S.U. Mahesh said.

Interstate 25 from Glorieta to Wagon Mound and Interstate 40 in the Moriarty, Clines Corners and Santa Rosa areas were also snowpacked with poor visibility, he said.

"We're urging people to use extreme caution," Mahesh said.

The Grants, Gallup and Shiprock areas received significant snowfall which made for poor traveling conditions. The storm moved rapidly and began pushing into the rest of the state by nightfall Monday. Transportation department crews were out Monday night plowing and sanding roads, Mahesh said.

The National Weather Service issued a winter storm advisory for much of the state through Tuesday. More than a foot of snow was expected on the east slopes of the Sangre de Cristo, Jemez, Sandia and Manzano Mountains, according to the advisory.

The advisory reached as far south as the Silver City area.

'Alternative Radio' host to speak

Alternative Radio host David Barsamian is scheduled to speak in Santa Fe Friday.

Barsamian, who lives in Boulder, Colo., produces his weekly left-wing, issues-oriented show for 125 radio stations in Canada. It can be heard locally 6 p.m. Tuesday on KSFR, 90.7 FM and 6:05 p.m. Saturday on KUNM 89.9 FM.

Barsamian also is the author of books including *The Decline and Fall of Public Broadcasting*; *Propaganda and the Public Mind* and *Eqbal Ahmad: Confronting Empire*.

The speech is scheduled for 7 p.m. Friday at the Unitarian Church, Barcelona at Galisteo streets. The event is sponsored by Peace Action New Mexico and the Unitarian Universalist Social Justice Committee. There is no charge.

Search for new NMSU prez narrows

LAS CRUCES — The search for New Mexico State University's president has been narrowed to five finalists.

Board of Regents president Laura Conniff said the finalists were among 55 applicants, and expects the board to make a decision by the end of March. The new president will succeed Jay Gogue, who left in July to take a position as president and chancellor at the University of Houston.

- The finalists are:
- William Flores, interim president and provost at NMSU.
 - Tito Guerrero III, president of Stephen F. Austin State University in Texas.
 - Michael Martin, vice president for agriculture and natural resources at the University of Florida.
 - Richard Ringeisen, chancellor of the University of Illinois at Springfield.
 - John Wanat, provost and vice chancellor for academic affairs at the University of Wisconsin-Milwaukee.

Police seek Grant County escapee

SILVER CITY — Authorities were searching Monday for a man caught by a Grant County Detention Center camera escaping from the lockup the night before.

Raymond Woods, 25, was in jail on a probation violation when he slipped out a garage-type door left open, according to the Grant County Sheriff's Department. He was performing laundry duties when he escaped, authorities said.

Staff and wire reports

Officials hail federal ESL-test change

► New rule softens testing requirements on students with limited English skills

The Associated Press

New Mexico education officials are welcoming changes by federal authorities that will give schools more flexibility in how they test and measure the progress of students with limited English skills.

The policy announced last week offers two broad changes for some of the 5.5 million public-school students learning English as a second

language. In turn, many districts and schools may find it easier to make yearly progress goals and avoid federal penalties under the No Child Left Behind Law.

In New Mexico, where 65,000 students are English learners, educators are sure to take advantage of the changes, said state Education Deputy Secretary Kurt Steinhaus. "This is good for New Mexico kids," he said.

In their first year at a U.S. school, students with limited English skills will be allowed to take only a test in how well they know the language. That means the formerly required test in reading and writing academic ability will become optional.

Schools could count these students toward meeting the law's test par-

ticipation rate, but their reading and math scores would not have to count in school performance.

"This will help schools avoid making inaccurate judgments on their progress," said Don Watson, an assistant education secretary.

He said New Mexico schools will now have more time to determine where English learners are academically.

The second change will allow schools to consider students as having limited English skills for as long as two years after these students become proficient and leave the language program.

The aim is to address a common complaint from states and schools: that English learners will never show enough math or reading achievement

because their group includes only students further behind, not the ones who improve and leave it.

Ross Wiener, policy director of the Washington, D.C.-based Education Trust, said he hopes the new rules shift the focus back to how states like New Mexico can better serve their English learners, not just boost their test scores.

The policy changes take effect immediately. The public will have a chance to comment before a final regulation is issued.

No Child Left Behind is causing many states concerns about its costs and requirements.

Almost 20 are considering different ways to opt out the law, jeopardizing some federal dollars.

Some questioning immigrant citizenship-fee hikes

The Associated Press

WASHINGTON — Some members of Congress are questioning why the Bush administration wants to increase the fees for immigrants who apply to become citizens while the backlog to approve applications continues to grow.

In January the administration proposed increases requiring an immigrant to pay \$320 to apply for citizenship and \$70 for fingerprinting. To become a permanent resident, the cost would be \$315, plus fingerprinting.

The General Accounting Office has said 6.2 million applications were pending at the end of September, a 59 percent increase from the 3.9 million awaiting action two years earlier. The increase occurred despite \$160 million from Congress to reduce the backlog.

The House Judiciary Committee's subcommittee on immigration, border security and claims plans a hearing Wednesday to discuss the fees, which could go into effect as early as next month, and the government's

Some members of Congress are wondering why the administration is raising fees while a backlog of immigrants applying to be citizens grows.

plan to reduce the backlog of applications.

"The president has mentioned (reducing the backlog) to a lot of Hispanic groups. We haven't seen a plan to deal with it. I think that's been asked for a couple of times," said committee member Rep. Jeff Flake, R-Ariz.

Citizenship and Immigration Services can increase fees without congressional approval.

Agency spokesman Chris Bentley said the backlog-reduction plan is in the approval process within the Homeland Security Department. He said the agency could not draft a plan until President Bush had released his budget request and the fee increase was in place.

Eduardo Aguirre Jr., director of Citizenship and Immigration Services, has told Congress his agency would reduce the applications back-

log to six months or less by 2006.

The agency has said that new security measures have added to the cost of processing applications. In the fee proposal, about \$21 of the \$50 to \$65 increase would go to security. Another \$23 would go to administration.

For years, immigration advocates have urged Congress to supplement the fee revenue with an appropriation.

Some criticized Aguirre's proposal to use the fee increase to pay for a study on whether to privatize parts of the Citizenship and Immigration Services work force and to pay lawsuit settlements.

"Our main concern is that they are raising fees and the quality of service has not improved," said Larry Gonzalez, Washington director of the National Association of Latino Elected and Appointed Officials Edu-

cational Fund.

The Department of Homeland Security, which took over Immigration and Naturalization Service almost a year ago, has yet to detail its plan for meeting Bush's pledge to reduce waiting times to six months or less.

The GAO agreed in its report that current fees are not enough to pay for Citizenship and Immigration Services operations.

GAO also said it could not determine how much fees should be increased because Citizenship and Immigration Services did not know the cost of completing new or pending applications or its own future administrative costs.

In a Nov. 13 letter, House Judiciary Chairman James Sensenbrenner Jr. said the inability of the former INS to reduce the application backlog was one of his committee's biggest concerns.

"Respect for the law diminishes when those who obey the law and attempt to lawfully gain immigration benefits suffer, while those employers and aliens who violate the law prosper," Sensenbrenner said.

STUDY

Continued from Page B-1

tration as the Healthy Forest Initiative and approved by Congress in November, as a handout for the timber industry.

Because the new law also relaxes environmental-analysis requirements for thinning projects, it has been viewed as reducing the power of interest groups who have historically filed lawsuits to halt or slow logging.

The proposed institute would bring about \$5 million to Las Vegas, N.M., for the program at Highlands, the only university in the state that offers a bachelor's degree in forestry. The six-person Highlands forestry

faculty would direct research projects and incorporate the program's roughly 35 students to help with field work, according to forestry professor David Hacker.

"The activities and research under this federal program will be New Mexicans solving New Mexico's natural-resources problems," Hacker said.

Severe wildfires burned last summer throughout the West, including more than 739,000 acres torched in California. New Mexico had 1,985 fires that consumed more than 413,000 acres, according to the National Interagency Fire Center.

Intensive thinning projects have been in progress all over the state

for the last several years, aimed at reducing danger from major fires, including a U.S. Forest Service undertaking planned to remove 4,500 acres from the forest near Santa Fe and in the municipal watershed.

The watershed project was initially planned to remove 7,000 acres, but was reduced because loggers aren't permitted to remove material from steep slopes, according to Galen Buller, director of the city Water Division. To date, 1,365 acres have been thinned there.

The state funneled more than \$8.8 million between 2001 and 2003 into thinning endeavors in 20 communities statewide, said Greg Fitch, deputy director of the state Forestry Division.

The research institutes would focus on other methods of curbing fire danger.

"I see (thinning projects) as another wrench in our toolbox, but they are not a silver bullet by any means," Hacker said. "There are some other things we can do."

Hacker said researchers will hopefully invent new technology and improve the effectiveness against catastrophic fire of techniques such as frequent prescribed burns and removal of diseased trees.

On the Web:

View the text of House Resolution 2696 Online at <http://thomas.loc.gov/>.

Congressman seeks probe of alleged BIA improprieties

The Associated Press

SACRAMENTO, Calif. — A congressman Monday called on the government to investigate what he called "shocking" alleged conflicts of interest by the regional office of the Bureau of Indian Affairs.

"The unseemliness of the entire process is contemptible," U.S. Rep. Frank Wolf wrote in letters to top federal officials urging a halt to any further tribal recognitions by the bureau until an investigation is finished.

Wolf, a Virginia Republican, called it "a potential scandal" that officials of the Interior Department's regional bureau allegedly padded the membership roll of the Ione Band of Miwok Indians, then authorized a new leadership election.

That maneuvering by the bureau officials, who stood to gain personally from their decisions, was outlined in a story by The Associated Press released over the weekend. The then-acting regional director who approved the election was added to the tribal roll along with 68 relatives, including an uncle and a niece who also work for the bureau.

A different bureau official who oversaw the election had three relatives

added to the tribe.

The tribe's new leadership was given \$1.9 million from the state's Tribal Revenue Sharing Trust Fund and is pushing hard to build a \$100 million, 2,000-slot machine casino in Plymouth, in one of California's fast-growing wine regions, a casino that could bring in an estimated \$185 million a year.

Wolf's House Appropriations subcommittee oversees the budgets of the Justice Department and FBI, which he said should investigate the apparent conflicts.

"I will be raising this in the hearing when the bureau comes before us. I'll be raising this when the attorney general comes in front of us," Wolf said. "We're not going to let this go."

Wolf's letters to Attorney General John Ashcroft and FBI Director Robert Mueller also refer to a Sunday *Washington Post* story on \$45 million that four new gambling tribes paid for lobbying over three years.

Justice, Interior and FBI spokesmen said they hadn't seen Wolf's letters and couldn't immediately comment.

Wolf is the most recent congressman to raise questions about the bureau's handling of the Ione band.

Wildfire season likely to be worse than normal in the interior West

The Associated Press

BOISE, Idaho — Drought, warm temperatures and damaged vegetation have fire experts predicting a long and destructive fire season throughout much of the interior West this year.

But the national outlook is better, with the National Interagency Fire Center expecting near or below average fire seasons in Eastern states, the South and Alaska.

"One of the big factors that goes into the fire assessment is the ongoing drought in the West," said Rick Ochoa, national fire-weather-program manager for the Bureau of Land Management. "So far we've been relatively dry in portions of the Southwest and Southern California. The recent rains are helping, but overall we are still behind the rainfall curve in those areas."

The amount of vegetation damaged by drought and insects has been rising in the West, increasing the risk of wildfires.

Nationally, more than 63,000 fires burned 3.9 million acres of land in 2003, compared to 4.45 million acres burned in an average year.

This season is expected to meet that average, according to the National Wildland Fire Outlook report, though the Southwest could top the devastating fire season of 2002.

That year, more than 7.18 million acres burned throughout the United States, with more than 1.1 million of them in the Southwest.

Even the recent wet

weather in the Southwest is not enough to dampen the fire threat, said Ochoa, and the region will see a drier-than-average weather pattern over the spring and summer.

Snowpack and rain levels are above normal in the Pacific Northwest and northern California, and a wet spring is predicted for the Northwest and northern Rockies. But experts warned a hot, dry June could mitigate the benefits of a wet winter and spring.

Parts of northern and central Idaho hit hard by wildfires last year have good snowpack levels and will likely see an average fire season, Ochoa said.

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LAND COUNCIL

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past year. Rep. Miguel Garcia, D-Albuquerque, who chairs the interim committee, said the legislation that passed this session is critical. The committee will continue this year. "It was because of plowing the soil (in the committee) that some of these issues were addressed, and in a nonpartisan manner, resolved," Garcia said Monday.

"It's a milestone in terms of the Legislature being able to really start putting in place a program of action that has long been overdue," he said. "And these little things that we're doing are really monumental to the land-grant communities themselves, and to a lot of us legislators."

While many bills in both houses were sandbagged with amendments and shot full of holes in petty debating, most of the land-grant legislation sailed through.

"The majority of us, especially us Hispanic legislators, we've been dealing with these issues since we were born, since we were knee high," Garcia said. "And we don't play petty politics with these measures."

In addition to recognizing land-grant boards as subdivisions of the state, SB 142 would make the boards accountable under state law to allow inspection of public records and impose state rules on voting on board elections. But making the boards public does not mean that land-grant lands become public or open to entry by nongrant members.

"Now the land-grant bodies can accept state funds, just like any other political subdivision in the state, just like an acequia, a conservancy district, a county government or municipality," Garcia said.

Garcia said the legislation also will serve to give land-grant boards legitimacy, which is as important as its being able to accept funds and land.

"Before, it's like these land-grant governing bodies were looked upon like a lowly, non-profit organization," Garcia said, adding that land grants formed the basis of government in nearly all the Hispanic settlements in the state.

Likewise, the state study to evaluate whether some lands not in state hands should be returned to land grants is important, Garcia said. The U.S. General Accounting Office is reportedly close to releasing a similar report examining whether any federal lands in the state should be returned.

Garcia said he's talked to officials at the state Records and Archives Center as well as the AG's office about the work.

"That's key because it kind of gives us a good inventory of how commons (common lands) fell under the ownership of the state," Garcia said. "As we're all aware, the interim committee unanimously is very adamant about returning these ancestral land holdings back to the heirs of these land grants that are still continuing to this day. Or where there is a possibility of a land grant reconstituting itself and pursuing these land holdings that were lost."

Jerry Fuentes, a land-grant heir in Truchas who lobbied for the legislation, said recognizing land-grant boards as political subdivisions of the state will give the grants necessary protection.

"This legislation should have been done a long time ago," Fuentes said.

The Legislature passed Senate Joint Memorial 10 calling on the highway department to negotiate with the Truchas land grant to resolve concerns about the lack of fencing along N.M. 76. Fuentes said many people have died and been injured from driving into livestock on the highway.

"Finally, they're paying attention to the land grant. We're finally getting the attention we deserve," Fuentes said. "That road is a dangerous road. There have been 20 plus fatalities on that road in the last 25 or 30 years. And many people have been injured severely."

Of the Legislature's willingness to address land-grant issues, Fuentes said: "Personally, I think ... one of the most important things that this generation is going to undertake is solving the land-grant problem of our grandparents and our great-grandparents. These are some major steps toward getting the attention of the Legislature and the governor in a positive way, for all the land-grant members and citizens."

Continued from Page B-1

of what she calls "unmitigated" growth, she says she believes the council's most important responsibility is the preservation of Santa Fe's neighborhoods, culture and environment.

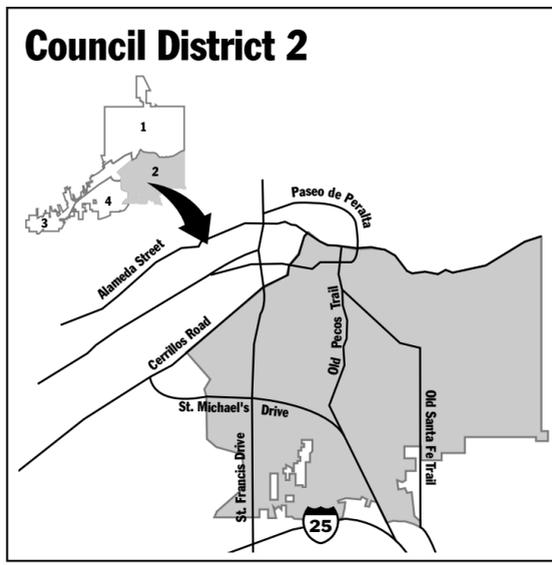
Recently, she voted to overturn the Planning Commission's approval of a 100,000-square-foot office for the Thornburg companies on the northwest side of town, siding with area homeowners who said the local investment-management company's proposed office campus goes beyond the type of commercial development that was anticipated there under the area's general plan. Proponents argued that the project was well-designed and noted the company's economic benefits to the community. The council's 4-3 vote, without a fifth vote to overturn the commission or a tie that would have caused the mayor to break a deadlock, permitted the commission's approval to stand.

Heldmeyer began her political career as president of the Don Gaspar Neighborhood Association and director of a coalition of such groups, the Neighborhood Network. As a councilor, she prides herself on "transparency — you may not agree with what I do, but you'll know why I do it."

She supported the council's decision to adopt a minimum-wage ordinance affecting many local businesses, an action that is now tied up in a court challenge.

Heldmeyer also was a sponsor of a proposed "water budget" that called for dividing a set amount of new water service among new development projects each year. However, a council majority adopted an alternative that made issuance of building permits contingent on retrofitting old plumbing fixtures, a move intended to avoid adding to the overall demand for water within city limits and to soften the impact of water conservation measures on the construction and real-estate development industries.

She was among councilors



Yolanda Valdez/The New Mexican

who voted for resolutions on various non-municipal issues, criticizing U.S. policy regarding Iraq, opposing a new plutonium-pit facility at Los Alamos National Laboratory and calling on the state to abolish the death penalty.

So far in the ongoing campaign, Heldmeyer has reported raising the second-highest amount of funds among the three candidates — \$21,333. Her largest contributors include Earl and Deborah Potter, Maria Higuera and Stephen Pope, George Johnson and Nancy Maret, and Richard and Virginia Ellenberg.

Rick Berardinelli's family roots go back to the 1860s, when his great-grandfather arrived from Italy to work on the construction of St. Francis Cathedral. His grandfather was a judge. His father, Robert Berardinelli, was a city councilor and mayor pro-tem.

Berardinelli grew up in Santa Fe and worked for his parents' mortuary. He eventually bought them out and then sold the business to a national firm, but continues to work there as a consultant. He has started several businesses and says he is working toward opening a juice bar on the south side of town.

Over the years, he has joined and served as an officer in dozens of Santa Fe's civic and fraternal organizations. He also has served on appointed local-government bodies, including the Historic Design Review Board, the city Parks and Recreation Commission and city Personnel Board.

In the current campaign, Berardinelli has tried to cast as wide a net as possible for votes — prone to speaking in broad generalities and deconstructing questions rather than giving simple answers.

One of Berardinelli's recent fliers insinuated he is backed by the United Way of Santa Fe County — a suggestion he later said was in error. Another flier quotes The New Mexican describing his contributors as "the heart and soul of Santa Fe" when the newspaper actually was quoting his campaign adviser, Eli Sena.

In response to charges that he is the candidate of real-estate developers and business interests, Berardinelli has said he welcomes support from the business community

but is relying on broad-based support and would be guided by the interests of the community as a whole in making decisions as a councilor.

The list of his campaign contributors who helped him amass \$26,993 — the largest campaign chest reported by any other candidate so far in the municipal election — includes such names as accountant John Barraclough Jr., McCune Foundation director Owen Lopez, The New Mexican Inc. president Stephen E. Watkins, bankers Bill Bonhoff and Alan Austin, former mayor Joseph E. Valdes, the Realtors Association of New Mexico, the Eldorado Hotel, Chapman Companies and Amigo Petroleum.

Miller has shaken up the District 2 race by going on the attack. He blames incumbent Heldmeyer and the rest of the current City Council for failing to come up with long-term economic or water plans, resulting in flat gross-receipts revenues and a dried-up Plaza. He charges that Berardinelli is being quietly backed by real-estate developers and other wealthy interests. Miller's own positions are more openly business-friendly than those of either Heldmeyer or Berardinelli. For example, he clearly opposes the council's efforts to mandate higher minimum wages locally.

At last report, Miller's campaign had raised only \$1,125 in contributions — the least of any candidate.

But the former talk-show host has tried to sway voters by offering a variety of proposals for solving what he says are Santa Fe's problems. For example, he issued a lengthy water-policy statement that proposes a statewide program to get agriculture to bear the brunt of water conservation by improving irrigation systems.

Miller also has called for the annexation of Las Campanas to bring the luxury development and its two 18-hole golf

courses under the jurisdiction of city government. However, he has not offered any specifics on how would accomplish a potentially expensive city-initiated annexation.

He also has called for building a proposed new civic center in the Santa Fe Railway rather than at the site of today's Sweeney Convention Center, an idea that has been resisted in the past by major downtown hotels. In reviving the idea, which apparently would require rewriting the rail-yard master plan, Miller pointed to a report more than a decade ago that said ruins of a prehistoric Indian Pueblo might lie beneath the Sweeney center and City Hall.

Statements on issues

The candidates submitted the following written responses to a questionnaire:

What is your opinion of the minimum-wage ordinance? Would you like to see any changes in the ordinance?

Heldmeyer: I think that the living wage ordinance will help the economy of Santa Fe and provide social justice for the lowest-paid employees. The ordinance calls for an 18-month review of the \$8.50-an-hour rate and I think we need to see the results of that review before we consider any changes.

Berardinelli: As a city councilor, I will take an oath to abide by the laws passed by prior governing bodies. What the courts do with the law is beyond my control. Regardless of its decision, I will work with educators and employers toward forward-thinking solutions to wages. This includes partnering with sound, non-polluting companies who provide better-than-average wages. To attract them, we need to have a workforce that is well trained and well educated so they don't need to import employees.

Please see DISTRICT, Page B-5

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Who Gets Your Vote?

Who are the candidates for City Council?
Who are the candidates for Municipal Judge?
Who are you going to vote for on March 2?

To help you decide, starting Sunday and running every day through Thursday, The Santa Fe New Mexican will give you profiles of all the candidates and where they stand on the important issues facing our community.

SUNDAY:
City Council candidates for District 1

MONDAY:
City Council candidates for District 3

TUESDAY:
City Council candidates for District 2

WEDNESDAY:
City Council candidates for District 4

THURSDAY:
Candidates for Municipal Judge

THE SANTA FE
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Whatever you do, get into Camel Rock Casino and play "Cars or Cash." When your name is called on February 24th, choose a new Dodge, Chrysler or Jeep, courtesy of Dodge of Santa Fe...or choose an envelope full of cash. It could contain \$5K, \$10K or \$15K. And there's lots to win between now and then. Here are the details.

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- Every Tues. & Wed., between noon & 10pm, you can win five entry tickets in random drawings
- On Feb. 24th, there will be five random drawings between 10am & 2pm
- Final drawing 8pm on Feb. 24th

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Trial of former Qwest executives starts

► Four men are accused of breaking accounting rules and lying about it

The Associated Press

DENVER — The government opened its fraud trial against four former Qwest Communications executives Monday, accusing them of breaking accounting rules to log \$34 million in revenue and then lying about it.

Defense attorneys said the men were being sacrificed by their bosses and accused prosecutors of trying to punish the wrong people for years of financial turmoil at the telecommunications giant.

Assistant U.S. Attorney William Leone said the defendants devised a scheme that allowed Qwest to improperly book a 2001 computer equipment sale to Arizona school officials, hoping to meet lofty profit targets and help their own perfor-

mance reviews and bonuses.

They then conspired to lie about the deal and hid the facts from then-auditor Arthur Andersen as well as regulators, Leone told the jury in a courtroom packed with reporters.

"We believe the evidence will show the defendants broke important rules about revenue recognition and reporting revenue at Qwest, and then the defendants lied about what they had done," he said. "It's just that simple."

Former executives Grant Graham, Thomas Hall, John Walker and Bryan Treadway have pleaded innocent to securities fraud, wire fraud and other charges. They face years in jail and millions in fines if convicted.

Attorney Jeff Springer, who represents Hall, said prosecutors had rushed to prosecute someone after years of financial turmoil at Qwest.

"This is about a cold, calculating corporation offering up as a sacrifice and scapegoat an honest, decent employee so that the corporation would not end up being a defendant," Springer said.

He dismissed the suggestion a deal

was made to win bonuses: Hall would have gotten just \$888 — not nearly enough to justify wrongdoing.

"The evidence will show he had no big, fat motive to make gobs of money," Springer said.

The case is the first stemming from investigations that ultimately forced Qwest Communications International Inc. to erase \$2.5 billion in revenue from its books and prompted former chief executive Joseph Nacchio to quit under pressure in 2002. The trial is expected to last a month.

The charges center on accounting practices during a \$100 million deal with the Arizona School Facilities Board in the second quarter of 2001.

The board hired the Denver-based telecommunications company to build a network for Internet access to schools statewide. The four men are accused of hurrying to get equipment for the project delivered by the end of the quarter so revenue could be booked right away — in violation of generally accepted accounting rules — and then claiming Arizona officials wanted it done that way.

The men allegedly ordered equip-

ment Arizona officials hadn't agreed to buy and of keeping a warehouse open on a Saturday, the final day of the quarter, to make it appear the material was received on time.

Leone said Qwest tried to pass off the transaction as a "bill-and-hold" deal, where equipment would be delivered later. But he said that would have required approval from Philip Geiger, then the executive director of the Arizona School Facilities Board.

"He did not request it," Leone said.

All Hall did, according to his attorney, was sign a letter that was supposed to show accounting rules had been met. Someone else was supposed to sign the letter, but was out of town, Springer said.

Attorney Dan Sears, who represents Graham, said other legal and accounting experts had signed off on the deal, and that if any of the defendants did anything wrong they would not have been acting alone.

Treadway's attorney, Steve Cowen, said his client's advice regarding the transaction was not followed and that documents were

changed without his knowledge.

"What this is, I'm afraid, is a case of guilt by association," Cowen said.

The prosecutor said the jury will hear from former chief financial officer Robin Szeliga, who has been a key witness in federal probes of the company, attorneys hired to conduct internal investigations at Qwest and people who used to work for the defendants.

The defendants and four other former Qwest executives have all been sued by the Securities and Exchange Commission, which says they inflated Qwest revenues by about \$144 million in 2000 and 2001 to meet promises of double-digit revenue growth. That lawsuit is on hold until the criminal trial is over.

No other criminal charges have been announced against the company or any of its employees involving accounting irregularities, though prosecutors said the probe is continuing.

Qwest is the local phone company for 14 states, many of them in the West. The company still faces several shareholder lawsuits and about \$17 billion of debt.

DISTRICT

Continued from Page B-4

I think that it is important for workers to earn a living wage, and I think it was a noble idea of the council to seek a means to provide living wages. The impact of their actions is not yet clearly understood. Considering the cost of living in Santa Fe, \$8.50 an hour is still not enough, and we are likely to pay more for every product and service we buy in Santa Fe. This probability will certainly deflate the effectiveness of the law for wage earners, retired people, students and all others. I don't want workers (to) earn \$8.50. I want them to earn more.

Education and training are the real answers to improving their economic status. As a person who has been an employer in Santa Fe for three decades, I have always paid my employees better than minimum wage. I was able to do so due to training and education. We must work hard to do everything necessary to move our economy forward and provide a better quality of life for all Santa Feans.

Miller: I would repeal the minimum-wage ordinance.

Would you like to see a new and/or remodeled civic and convention center at the site of the Sweeney Convention Center?

Heldmeyer: I would like to see Sweeney upgraded or replaced with a modern, multi-use center that fits Santa Fe's needs (which would be about 70,000 square feet) and which can be paid for and operated entirely through lodgers' tax.

Berardinelli: I think the question should not be what I would like, but what this community needs. When a community recognizes a need, it has the responsibility to validate that need and then develop a plan to meet it if warranted. It takes good leadership to develop and implement projects of this type. I think we should ask ourselves these questions before proceeding: Is this the best way we can spend our financial resources today? What will be the economic impact of the project on our economy? And how will it affect our taxpayers?

This project will become a part of what our community looks like and how it functions in the future. We must not allow ourselves to enter into yet another enterprise endeavor that is a burden to the taxpayers of Santa Fe. We are already carrying too much debt on projects that are not paying their own way. The center must be funded solely by lodgers tax and generate enough revenue to maintain itself. If built, my experience on the Historic Design Review Board will cause me to pay great attention to the form of the center. I will work hard to insure that it reflects the traditions, culture and charm of downtown Santa Fe.

Miller: I support a new civic center based upon the original proposal. (More recently, Miller has said he would push to have the center built at the Santa Fe Railyard because of evidence that the ruins of a

Karen Heldmeyer

Age: 53
Background: Born in Lansing, Mich. Moved to Santa Fe 13 years ago. Married to Los Alamos National Laboratory staff member Russ Mosteller for 28 years.
Occupation: Developmental psychologist
Education: Bachelor's degree from University of Michigan; master's and doctorate degrees from Johns Hopkins University, postdoctoral study at Stanford Law School
Experience: Former head of the Neighborhood Network, former president of the Don Gaspar



Karen Heldmeyer

Neighborhood Association and former member of the board of the Historic Santa Fe Foundation. Served on city Planning Commission before she won election to the City Council four years ago. She chairs the city Public Works Committee and serves on the city Finance Committee, the Regional Planning Authority and the Solid Waste Management Joint Powers Board.

William Miller

Age: 54
Background: Born in Monterey, Calif., he has worked in marketing and sales for P&G and Scott Paper and worked as a stockbroker with Merrill Lynch and Morgan Stanley. In 1984, he started his own business as a consultant and broker, then worked with MetLife in developing a new insurance product and, most recently, developed another insurance project that is in the process of being patented. He moved to Santa Fe seven years ago. Married to Janet Jarboe for 19 years; two teenage children.



William Miller

Occupation: Owner of Management Recruiters of Santa Fe, a professional recruiting firm specializing in the pharmaceutical industry.
Education: Bachelor's degree in psychology and political science from the University of Kentucky.
Experience: Last year, he had a talk show on public radio station KSFR-FM that focused on local politics.

Pueblo Indian village are on the block now occupied by City Hall and the Sweeney Center.)

What are your priorities for the city water system?

Heldmeyer: My priorities are the same as those spelled out in the Sangre y Jemez regional water plan: Expand and improve the quality of supply, increase conservation, and tie the level and type of development to existing city water supplies. ... The city should go forward with San Juan/Chama diversion and the attendant return flow credits, but it must also develop a conjunctive-use strategy for surface and well water, so that we can use surface water when available and rely on our wells only when necessary. The city is currently developing a cost-benefit analysis of 40 different water projects and policies which is the last step in the 40-year water plan. This will be completed in a few months, and we need to study those results to decide which water options we should pursue first.

Retrofits are, at best, a top-gap measure, and we need to have hard numbers on the extent to which they have been effective in offsetting the water demand caused by new development. Also, the number of retrofits available is finite, and while we can explore substitutions that result in real water savings (such as water-efficient washers), we need to be careful about offering credits for unproven or weather-dependent conservation measures. And we need to encourage demonstrable conservation for everyone, including businesses.

(Should the city water system be expanded outside the city limits?)

The water system already goes outside the city, providing approximately 1,700 acre-feet a year to the county. The

real question is how the city and county can work together to provide water to their residents, and those discussions are just beginning. We also need to cooperate on a variety of regional and state water measures that we cannot do unilaterally.

Berardinelli: Water is the key issue in this election. I am deeply concerned about maintaining the beauty and cultural integrity of my community and we need water to do so. We all understand that we cannot build beyond what our natural resources allow and must keep within the limits they mandate.

I will give great attention to finding and funding for our future water needs. We need to get a grip on the water situation before we can consider anything else. The current City Council has dragged their feet and has done little or nothing to solve these problems. It will be my first priority as a city councilor, because everything else we consider is dependent on improving our water situation.

Both conservation and expanding supplies are crucial in solving our water issues. We must look for new and abundant water resources and the funding to deliver them. Additionally, we must do a better job at water harvesting, collecting gray water, installing shower valves, utilizing treated effluent better and every other conservation and re-use means possible.

We own the rights to over 5,500 acre-feet of (San Juan/Chama diversion water in the Rio Grande) water and we need to utilize it. We also need to finish negotiations with San Ildefonso Pueblo and get that water into our system as soon as possible.

Based off the current city water budget, which includes toilet retrofits, in less than two years, there may not be

Rick Berardinelli

Age: 51
Background: Born in Santa Fe. His father, the late Robert Berardinelli, was a city councilor in the 1970s. Divorced, one son.
Occupation: Consultant for mortuary that



Rick Berardinelli

his family formerly owned
Education: Graduate of Santa Fe High School; associate degrees in culinary arts from Albuquerque Technical-Vocational Institute and in funeral-service science at San Francisco College of Mortuary Science.
Experience: Served on city Parks and Recreation Commission, Historic Design Review Board, city Personnel Board, New Mexico Board of Thanatopractice, state Board of Medical Investigations and Mayor's 175th Anniversary Commission. He is or has been a member of Santa Fe Jaycees, Santa Fe Rotary Club, Santa Fe Rotary Foundation, Santa Fe Fiesta Council, Santa Fe Chamber of Commerce, Sons of Italy, Santa Fe/Sorrento Sister City Association, Boy Scouts of America, United Way of Santa Fe County, Santa Fe Community Housing Trust, Open Hands, Santa Fe Historic Foundation, Old Santa Fe Association, Elks Lodge, Montezuma Lodge No. 1 AF & AM and Scottish Rite Bodies of New Mexico.

any capacity for more development. Knowing this, it is essential to find new water sources and get them into our system.

(Should the city the water system be expanded outside the city limits?)

I believe so because our water problems extend outside the city limits. The city and county are both drinking from the same straw. I believe in the creation of a regional water policy and a regional water board that includes representatives of the city, county, state and those who are real experts in water issues. The city and county must get on the same page. They cannot solve our problem (if) we are going in different directions and have different policies.

Miller: A sane water policy must be based upon the trust and cooperation between cities and farmers. The policy must also emphasize water harvesting and conservation. Santa Fe must take the lead in developing a synergistic and harmonious relationship with those farmers who irrigate by flooding. Santa Fe should provide any legal or professional services that are needed to develop a system where the acequia farmers are working in a collaborative manner as a full and equal partner in a proposed water lease trust. The trust would be created to assist some acequia farmers in the transition to a more efficient method of delivering the water required for successful farming. The cornerstone of such a plan is the understanding that all residents of New Mexico share in the solution to the water prob-

lems that plague our state and our region, and in so doing, the subsistence farmers and the commercial farmers must be protected and the historic nature of agriculture in New Mexico must be preserved.

Once an agreement is reached that the cities and the farmers can work together to solve the water scarcity problem, then the broad framework of the plan would be developed. One idea for such a framework would be to establish a fee that participating cities would levy against new residential and commercial development. Such a fee would not be onerous, but would also not be an inconsequential amount. Each participating city would forward such fees to a trust that would be established at the state level and would be managed by a fiduciary. Once the fees in the fund reach a certain point, farmers who wish to participate in the program would be fitted with the most advanced irrigation system available, designed for their crop. The cost of the fitting and the maintenance would be born by the trust. As part of the agreement with the farmer, a lease for a pre-determined amount of water would be placed in the trust. The lease to the trust would have a sunset provision that would protect the farmer by expiring on a future date.

The farmer would then receive money from the participating cities that wish to lease the water from the trust. The income to the trust from the leased water that the participating city uses would be passed to the farmer. The farmer would be receiving the full value of the leased water. The farmer benefits from the ability to maintain a successful farm and from the money received from the lease of the now unused and available water. It must be stressed that any agreement with the agricultural community must begin at the start of discussions. Cities must strive for a successful agricultural community, since New Mexico will benefit when all parties prosper.

Do you favor traffic-calming devices on city streets?

Heldmeyer: I favor traffic calming on those residential streets that have high rates of speed and traffic volume and where a majority of the residents of the street approve of it. This can be done through devices or through other means, such as on-street parking or road redesign.

Berardinelli: I think the question should not be (if) I favor them, rather, do specific neighborhoods favor them. If city staff is petitioned to install these barriers in a neighborhood, we should empower them to determine that a larger majority of residents and terminal users desire speed humps, determine the cost of installing them and then present the individual proposals to the governing body. The current approach is actually dividing the residents of some neighborhoods.

Then and only then should the council be voting on such a project. If approved by the council, we should then ask the questions, Can we afford

it today? And if not, when? Then we can budget accordingly. The same is true for all streets and safety matters. Who would argue when a documented majority of residents in a neighborhood ask the city for help with traffic safety issues? Such projects should come from a desire expressed by a neighborhood, rather than a presentment from the city.

Miller: I favor the use of speed humps as a last resort. Increased police patrols and increased enforcement of speed limits is the first line of defense.

Do you favor changes in the Santa Fe Plaza?

Heldmeyer: The Plaza should be a lively, welcoming place, a green oasis in the heart of Santa Fe. I support trying new methods of grass planting and irrigation to keep grass on the Plaza. I voted for the gazebo, with the proviso that the city provide a larger stage for the few events that need one. The city is currently in negotiation with the State Historic Preservation Office to see which physical changes to the Plaza they'll approve.

Berardinelli: On traffic patterns, it seems that the hearing process and subsequent re-routing of traffic has worked reasonably well. No one solution to a problem will please everyone, but what we now have seems to be working, because we identified a need, offered solutions and settled on the best ideas we could come up with.

During my entire life, the Santa Fe Plaza has been a gathering place and a center of community activity. I want it to stay that way. A project of this type (bandstand or gazebo) must begin with the question, Who will it serve? What are their needs? What do we want it to look like? And how can we reach a consensus and then fund our efforts? The wishes of some long-time organizations, events and people are not being heard. A project of this type must reflect the traditions, culture and charm of what I have known Santa Fe to be in the past.

The Plaza is the heart of Santa Fe, so let's beautify and enjoy it. People like to sit on the grass and visit. The Plaza needs to remain a place that provides a cool and shady spot to take a break, with some flowers and plantings in view. It is essential to our quality of life issues. Staff has the intelligence to make the Plaza look nice. Let them do their job.

Miller: We should maintain the health and vitality of our Plaza by keeping it green, free of drugs and clean. All traffic patterns must have the interests of pedestrians as the focal point.

Have you ever been arrested?

Heldmeyer: No.
Berardinelli: Yes, I was arrested around 1970 along with 170 other people at the University of New Mexico in a Vietnam War protest. We were charged with "defying a court order." Charges were dropped against all the students a year later.

Miller: No.