

NEWSLETTER

<http://www.wi4wda.org>

December 15, 2000

2001: A Political Opportunity

By Del Albright

Remember the movie 2001: A Space Odyssey? Well, now that the election idiocy is over, it's time to plot our course of action for 2001 to make our own Odyssey come true. We have a new President who is more likely to understand our desires and fight for our rights. We have many new congress-critters and local elected politicians who have yet to hear from us. And we have new opportunities to change the way things are done.

Some of you were part of a nationwide campaign a few years back called BLITZ '97. During Blitz, we inundated our elected folks with emails and letters letting them know who we are and what we stand for. It was very effective then; and it can be very effective again.

Now is the time to let our opinions be known. We need to begin 2001 with a major letter writing effort to let ALL our politicians hear from us. We need to talk about:

1. Multiple use and access for all.
2. Keeping public lands FOR the public and not FROM the public.
3. Responsible use.
4. And whatever else is important to you and your interests.

We should take the time to renew our Adopt-a-Ranger and Adopt-a-Trail efforts. Yes, that means attending a few meetings and taking bureaucrats (and politicians) on rides and out in the field with you. Let them see just what it is that we do. Get them to see things from our side of the picture (or at least make sure they see that there's more than one side to any story).

If we do these things now, while 2001 is still new and while new folks are settling into office, we can change the shape of our own futures. We won't accomplish this by sitting back and waiting. The folks who oppose our way of life won't wait. They'll be telling their elected officials about the Endangered Species Act; National Monuments; Wildlands 2000; and the need for more Wilderness areas. We need to be there too, to keep the spectrum balanced.

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A Blizzard of Regulation

Wednesday, December 6, 2000; Page A34

THE CLINTON administration is leaving town in a blizzard of regulation whose effect will be to extend its influence well beyond its term. Every administration leaves a few such parting gifts, but rarely so many of such importance. The Labor Department, a week after the election, ended years of discussion and published, over the protests of business groups, a so-called ergonomics standard governing repetitive stress and similar workplace injuries across the entire economy. The Forest Service intends to impose a near-ban on further road-building and timbering in the remaining Roadless areas of the national forests. Other pending rules have to do with the chemistry of diesel fuel, medical privacy and the possible designation of much of the Arctic National Wildlife Refuge as a national monument, which could be a bar to oil drilling.

Each of the regulations has vigorous opponents--employers, the timber, trucking and oil industries, health insurers. They complain not just that in their view the rules are wrongheaded but that the tactic of issuing them while headed out the door is unfair--an abuse of lame-duck status meant at least in part to hobble or embarrass a possible Bush administration by bequeathing to it policies with which it is known to disagree.

This time around, however, unlike in the past, the opponents have a weapon. A procedure has been put in place whereby they can force an early vote in the next Congress to rescind the regulations. They already have threatened to use it against the forest protection and ergonomics rules. We favor the taking of the votes, irrespective of our views of the regulations themselves (we strongly favor some and have reservations about others). The regulations will be the stronger if they survive. If not, the politicians who strike them down can explain themselves to the voters. In matters as sweeping as these, the voters are the right court of appeal.

The procedure for disapproving major regulations was established in 1996. It was part of an effort by the new Republican Congress to weaken the regulatory process or ease the regulatory burden, depending on your point of view. Congress has always had the power to pass legislation repealing any regulation. This merely gave such resolutions of disapproval special parliamentary status--protected them from filibuster in the Senate, for example. Defenders of regulation say even that is wrong--that once the power to regulate is granted, its every application ought not have to be defended in a political forum in which money and influence too often matter more than the public interest.

They're right that there's a risk, but our sense is that worthy regulations will prevail, and that a right of disapproval strengthens the regulatory process. Too many politicians in both parties try to have it both ways on regulation. They support the laudable goals--clean air, clean water, a safe and healthy workplace--while balking at the cost of achieving them. They pass the statutes, then denounce as the handiwork of somehow evil bureaucrats the regulations to which the statutes give rise. In doing so, they undercut both political accountability and faith in governmental action that they themselves have undertaken. But they can't deny responsibility for regulations that they have an expedited right to disallow.

Major regulations tend to be more consequential than many statutes. Some are based in part on science, but in the end almost all are at least in part political judgments on which Congress ought to vote if it disagrees. We look forward to the fight.

United - BLM OHV strategy

Carla Boucher, United 4WD Association

WHAT: On December 4, 2000, the BLM announced the availability of the Draft OHV Management Strategy.

HOW IT EFFECT UFWDA: The deadline for submitting comments on the Draft OHV Management Strategy is January 3, 2001. This comment period is much too short.

There are too many OHV-related policy changes going on right now to be able to adequately deal with them all within 30 days. For instance, the Final Planning Rule was published on November, 9, 2000; the Roadless Area Conservation FEIS is available for comments until December 14, 2000, at which time the Final Rule will be published, and now the Draft OHV Management Strategy is out for just 30 days.

Paper copies of the Draft were not automatically mailed to everyone who contributed comments on the OHV Mailer. Therefore, the only way to access the Draft is through the Internet or by visiting a BLM office. However, the BLM offices were not expected to receive paper copies of the Draft until today, 12/08/00. People who can not afford a computer or Internet service should not be penalized. All Americans should receive the same chance to respond.

Also, the BLM has stated that it will review all comments made between January 3, 2001 and January 19, 2001, just 12 business days. It is premature for the BLM to commit to such a short turn-around before they know how many comments will be made in response to the Draft.

Finally, I see no reason why the BLM is in such a rush to finalize the strategy over the Christmas and New Years holiday.

Therefore, please use the form letter included to request a 30-day extension of the comment period. **PLEASE SEND YOUR REQUEST BY U.S. MAIL.** This is important. Since we are claiming that the BLM is causing economical and technological disparity between Americans by penalizing those citizens who do not have computer or Internet access, we should bolster that claim by utilizing the US Mail. It would be seem hypocritical to stand up for the rights of all Americans without computers and do so using the computer and the internet.

PLEASE COPY THE LETTER PAGE AND TAKE TO YOUR CLUB MEMBERS!!

BLM OHV Strategy
U.S. Department of the Interior
Bureau of Land Management
1849 C Street, N.W.
Washington, D.C. 20240

December 8, 2000

Dear Strategy Team,

The release of the Draft OHV Management Strategy was announced on December 4, 2000. As you know, the public has been invited to submit comments regarding this Draft until January 3, 2001.

I am requesting a 30-day extension of time for public commenting from January 3, 2001, until February 5, 2001, for the following reasons.

1) Although release of the Draft was announced on December 4, 2000, the BLM stated that "paper copies of the document will be available from the Bureau's State Offices and its Washington, D.C., Office by December 8. Despite the growing popularity and availability of the Internet, many Americans do not have Internet access or computers, and must rely upon the availability of paper copies. Therefore, since paper copies were not available in some locations until December 8, Americans without computer access are penalized with a comment period which is one week shorter than those more fortunate citizens who have computer access. I am sure that the BLM does not want to penalize Americans because of economic or technological disparity.

2) The BLM has pre-determined that it will process all comments, regardless of how large the number, between January 3, 2001 (the comment deadline) and January 19, 2001. The BLM has done a commendable job in involving the public in the important task of promoting environmentally sound OHV use. It would be a shame to tarnish that record at this late date by rushing Americans to make comments and rushing the analysis team in reviewing Draft comments. I believe it is a mistake to set a 12-day (business days) time-frame for analysis of the Draft comments before the BLM knows the volume of comments that may be made. Managing OHV use in an environmentally sound way is extremely important and should not be short-changed by rushing to conclusion now.

Please extend the public comment period for the Draft OHV Management Strategy until February 5, 2001.

Sincerely yours,

Tread Lightly! Pledge:

- T**ravel and create
with minimum impact.
- R**espect the environment
and the rights of others.
- E**ducate yourself, plan and
prepare before you go.
- A**llow for future use of the
outdoors, leave it better
than you found it.
- D**iscover the rewards of
responsible recreation.



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For me, it still boils down to a few simple steps:

JOIN: be sure you're a member of all those groups/clubs that support your way of life.

ADOCATE: be vocal and advocate for your sport/interest.

INCLUDE OTHERS: get folks you know to join with you. Convince your friends and family. Through membership and recruitment, we build a stronger foundation.

LETTERS; it takes written letters. You've got to do some! Write to all your elected officials, new and otherwise, and give them a run down on what you think is important to you and your group. Don't hesitate to check out my web site, United FWDA's handbook (Carla Boucher), or many other sources on the best ways to write letters.

2001 can be a changing point for us. We can perhaps reverse some actions and set a course for new actions beneficial to our way of life. But to do that, it takes all of us getting involved. Jump in now.

Noah's Ark in the Year "2000"

submitted by Luana Schneider

It is the year 2000 and Noah lives in the United States. The Lord speaks to Noah and says, "In one year, I am going to make it rain and cover the whole earth with water until all is destroyed. But I want you to save the righteous people and two of every kind of living thing on the earth. Therefore, I am commanding you to build an Ark." In a flash of lightning, God delivered the specifications for an Ark. Fearful and trembling, Noah took the plans and agreed to build the Ark.

"Remember," said the Lord, "You must complete the Ark and bring everything aboard in one year."

Exactly one year later, a fierce storm cloud covered the earth and all the seas of the earth went into a tumult. The Lord saw Noah sitting in his front yard weeping. "Noah," He shouted, "where is the Ark?"

"Lord, please forgive me!" cried Noah. "I did my best, but there were big problems. First, I had to get a permit for construction and your plans did not comply with the codes. I had to hire an engineering firm and redraw the plans. Then I got into a fight with OSHA over whether or not the Ark needed a fire sprinkler system and floatation devices. Then my neighbor objected, claiming I was violating zoning ordinances by building the Ark in my front yard, so I had to get a variance from the city planning commission. I had problems getting enough wood for the Ark, because there was a ban on cutting trees to protect the Spotted Owl. I finally convinced the US Forest Service that I needed the wood to save the owls. However, the Fish and Wildlife Service won't let me catch any owls. So, no owls. The carpenters formed a union and went out on strike. I had to negotiate a settlement with the National Labor Union. Now I have 16 carpenters on the Ark, but still no owls. When I started rounding up the other animals, I got sued by an animal rights group. They objected to me only taking two of each kind aboard. Just when I got the suit dismissed, the EPA notified me that I could not complete the Ark without filing an environmental impact statement on your proposed flood. They didn't take very kindly to the idea that they had no jurisdiction over the conduct of the Creator of the universe. Then the Army Corps of Engineers demanded a map of the proposed new flood plan. I sent them a globe. Right now, I am trying to resolve a complaint filed with the Equal Employment Opportunity Commission that I am practicing discrimination by not taking godless, unbelieving people aboard! The IRS has seized my assets, claiming that I'm building the Ark in preparation to flee the country to avoid paying taxes. I just got a notice from the state that I owe them some kind of user tax and failed to register the Ark as a "recreational water craft." Finally, the ACLU got the courts to issue an injunction against further construction of the Ark, saying that since God is flooding the earth, it is a religious event and therefore, unconstitutional.

I really don't think I can finish the Ark for another 5 or 6 years!" Noah wailed.

The sky began to clear, the sun began to shine and the seas began the calm. A rainbow arched across the sky. Noah looked up hopefully. "You mean you are not going to destroy the earth, Lord."

"No," said the Lord sadly. "I don't have to. The government already has."

A PRIMER ON THE ELECTORAL COLLEGE

By Tom DeWeese

It is no surprise that Hillary Clinton's first act as a U.S. Senator is an attempt to abolish the Electoral College. Her central philosophy of government is the displacement of the roots of power from individual Americans to the central government.

She is an advocate of "Common-ism," the new global face of Communism, suggesting that the popular vote promotes an agenda of "social equality" or "social democracy." She would have us believe that the rule of law must take a back seat to "fairness" and the "needs of the people."

The abolishment of the Electoral College would, in fact, establish an election tyranny giving control of the government to the massive population centers of the nation's northeastern sector and the area around Los Angeles. If these sections of the nation were to control the election of our nation's leaders the voice of the ranchers and farmers of the Mid and Far West would be lost, along with the values and virtues of the South.

Throughout history, Americans have challenged the legality of the Electoral College. Opponents point out that our President is actually elected by 538 virtually unknown people who are members of 51 small delegations in fifty States and the District of Columbia. Moreover, in most states the electors are not even bound to vote for the candidate that won the popular vote. In fact, many Constitutional scholars believe that's just what the founders intended, 538 independent thinkers, bound to no one. There is reason and logic behind the idea.

The Founding Fathers, particularly those from small States, were very concerned they would be smothered by the larger states. Under the representative republic established by the founders, the United States is made up of fifty sovereign States. Under the Constitution, except for limited powers specifically defined for the central government, the power for the rule of law is intended to reside in the States.

To deal with the problem, the founders decided on a compromise that would establish two chambers for the Congress; the House of Representatives, whose size would be dictated by the population in each State and the Senate in which every state would get two representatives, regardless of size or population.

The same problem appeared in deciding how to select a President, the only elected official to stand for election to represent all the people in the nation. Here again there was the fear that election by popular vote would overwhelm the will of smaller States. Again compromise was reached to address the issue in a fair and equitable manner. Each state was assigned a number

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of presidential electoral votes equal to its representation in the House and the Senate. In each state,

the electors would vote for a President and Vice President. The candidate receiving the largest number of electoral votes would be elected.

Under the plan the only connection with the popular vote was local election of the electors. However, even the smallest state was assured at least three votes in the process. To provide a further check in the process to protect the smaller States, in the event no candidate won a majority of the Electoral vote, the names of the top five would go to the House of Representatives, where each State delegation would cast one vote for one of the five candidates. In this process each State is equal.

There are fundamental and often regional differences in how Americans view the role of government and the leaders they elect to run it. Little wonder those who seek to establish the new "Commonism" prefer elections be decided by the popular vote. Such a move will eliminate the power of individual States in favor of elections decided by the population of large, politically liberal cities.

Many lament the loss of the Republic as envisioned by the Founding Fathers. Many believe the Constitution is dead. Such a belief comes from the effects of a step-by-step erosion of Constitutional principles by Congress and by the courts, but the Constitution has proven itself to be very much alive in the presidential election of 2000. Can anyone deny that the people of Florida know the value of their votes? Can anyone argue that this one state has not been heard?

If the Electoral College were eliminated, the election would be decided by the popular vote of 677 counties out of 3,111 nationwide! Election 2000 has not proven the need to eliminate the Electoral College. Instead, it is proof that the system created by the Founding Fathers is working perfectly.

Net-Speak...

Cookies: A message given to a Web browser by a Web server. The browser stores the message in a text file called cookie.txt. The message is then sent back to the server each time the browser requests a page from the server.

The main purpose of cookies is to identify users and possibly prepare customized Web pages for them. When you enter a Web site using cookies, you may be asked to fill out a form providing such information as your name and interests. This information is packaged into a cookie and sent to your Web browser which stores it for later use. The next time you go to the same Web site, your browser will send the cookie to the Web server. The server can use this information to present you with custom Web pages. So, for example, instead of seeing just a generic welcome page you might see a welcome page with your name on it.

JUDGE STRIKES DOWN CRITICAL HABITAT DESIGNATION FOR RIO GRANDE FISH

Fish and Wildlife Service Told to Re-Analyze Designation, Consider Economic Effects

In a strongly worded order, a federal judge in New Mexico has told the U.S. Fish and Wildlife Service that it must re-consider and re-analyze the economic and environmental impacts of designating "critical habitat" for the endangered Rio Grande silvery minnow. In a 11-21-00 ruling, federal Judge Edwin Mechem said the FWS "relied on incomplete and untimely information .and substituted preconceived general conclusions for an individual analysis and reasoning process" when it designated critical habitat in July 1999, and ordered the agency to conduct a thorough Environmental Impact Statement on the effects of the a new designation. Although Mechem's order set-aside the rule he also decided to leave the habitat designation in place for four months-the amount of time he gave the agency to prepare the new analysis.

The ruling came in response to three separate lawsuits filed by the Middle Rio Grande Conservancy District, the State of New Mexico and a coalition of environmental groups led by Forest Guardians. In making the ruling Mechem failed to address the environmental groups' claims that the FWS needed to designate additional areas of the Rio Grande that are currently unoccupied but that are essential to the recovery of the species, including portions of the river in Texas and southern New Mexico and possibly along the Pecos River as well. Mechem did appear to agree with environmental groups claims that the FWS had illegally excluded the 100-year floodplain from the designation. The tight time-frame for preparation of an EIS is likely to be extended through an agreement of the various groups challenging the order.

A copy of Mechem's order can be seen at
<http://www.fguardians.org/pdf/crithab-ctorder-112200.pdf>
or
<http://www.fguardians.org/silveryminnow.html>
and click on Judge Mechem's Decision

I think this has major implications for local interests being included in the public process.
--Don Amador, BRC



On the Trail with the VP-Region C...

by Brian Swearingen

Winter rides are on their way...is your truck prepared?? I know I love my snow runs but getting the truck ready for the cold does take some extra work, especially if you are recovering from the summer and fall rides.

First off, fluids. After finding my transmission frozen last January because of some water in it, I firmly believe that a fall fluid change is imperative to good winter rides. There's nothing worse than having to use a cook stove to heat up your tranny enough to get it to shift! (Does make for good humor tho!)

Battery is a second biggie. Keep it charged, and remove the cables for the winter. My truck never leaves the garage except for these rides, so slow battery drains can be tough. Better to take 5 seconds and drop the cables than find yourself on the end of jumper cables.

Mechanically, winter rides can be tougher on your vehicles than during any other season. The extra work of slogging

Brian and Chris Swearingen
813 E. Harrison Street
Appleton, WI 54915



thru the snow puts a great deal of strain on your motor and drivetrain. Cooling systems are also quite important, since despite the cold, the vehicle *constantly* works so hard that you may find your temps climbing higher in the snow than in any other offroading situation.

And prepare yourselves too. Running winch cable thru three feet of snow is extra work. Dress in layers. Bring lots of warm and cold fluids. You will be working yourself pretty hard, and may find yourself running warm as well!

Happy holidays and happy trails everyone!!

Brian

The Wisconsin 4WD Association Newsletter is published between 6 and 8 times per year. Deadlines for submissions are the 10th of each month. (next deadline is February 10th) Printing occurs on/about the 15th of the month and mails about the same time. The newsletter editor is Brian Swearingen, and other contributors will be credited with articles they either write or send in to me. If you want to send in info, email is the best - send to w4wda@hotmail.com. Otherwise you can mail photos to my home address, 813 E. Harrison Street, Appleton, WI 54915. I strongly prefer to not duplicate information already running around the *egroups* list, so if you plan to public post, don't expect to see it in the newsletter. Opinion letters/articles are those of the author and do not necessarily reflect those of the organization as a whole. Newsletters are mailed to 2 contact addresses within each club, plus officers and individual members.