

FOR IMMEDIATE RELEASE
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Senator William Sharer Urges Attorney General to Sue USFS and State of California for Wildfire Damage in New Mexico

FARMINGTON – Today, **Senator William Sharer** (District 1-San Juan) issued a letter to Attorney General Hector Balderas urging him to file a federal lawsuit against the U.S. Forest Service and the State of California for damages caused by the recent wildfires. The letter notes that New Mexico bears a disproportional burden because of the continued poor air quality resulting from the smoke.

“New Mexico is done paying for the gross mismanagement of forests by the State of California and the federal government,” said Senator Sharer. “Someone must be held to account for the damage to our lungs, the desecration of our public lands, and the release of dangerous emissions into our atmosphere. We know that the way we manage forests has been an utter failure, yet the vast forests across our nation—especially in California—are overgrown and ripe for tragedy. It is unreasonable to presume that climate change can be solely responsible for wildfires without a negligent overlooking of the facts. We need better forest management and I urge Attorney General Balderas to stand up for New Mexico and pursue this fight.”

Senator Sharer’s letter to the Attorney General is attached.

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New Mexico State Senate

State Capitol
Santa Fe

SENATOR WILLIAM E. SHARER

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August 23, 2021

The Honorable Hector Balderas
Attorney General of New Mexico
408 Galisteo Street
Santa Fe, NM 87501

SENT VIA EMAIL

Dear Mr. Attorney General:

I am writing to urge you to file a federal lawsuit against the State of California and the United States Forest Service for damages incurred by New Mexico, resulting from California's wildfires.

Among the obvious causes for wildfires in California is the blatant mismanagement of land by state and federal agencies. According to a recent study, "California's forests suffer from neglect and mismanagement," rendering them highly susceptible to among other things, "wildfire."¹ A case in point is the Dixie Fire, which has burned 725,000 acres, with current containment at a mere 38 percent.²

Elsewhere, it is reported that the Confederated Tribes of the Colville Reservation are now suing the federal government for damages resulting from the massive wildfires on their Washington reservation. In their complaint, the Tribes affirm that "[w]idespread failure to maintain forest roads exacerbated every aspect of fire management, including severely limiting access for fuel management, fire prevention, and fire suppression."³

Like other western states, New Mexico has been disproportionately and directly impacted by the recent and ongoing wildfires in California. Both the New Mexico Department of Health and the New Mexico Environment Department have reported that smoke from California is affecting our air quality throughout the state and only time will expose its adverse effects on our water quality and supplies. Without question, the smoke is also having a significant, negative medical impact on the citizens of our state, and it is reported that it may be worsening symptoms associated with

¹ Little Hoover Commission. (2018). *Fire on the Mountain: Rethinking Forest*. Sacramento: Little Hoover Commission.

² Cal Fire. (2021, August 23). *Dixie Fire*. Retrieved from Cal Fire: <https://www.fire.ca.gov/incidents/2021/7/14/dixie-fire/>

³ Law360. (2021, August 5). *Colville Tribes Say Feds' Neglect Worsened Forest Fires*. Retrieved from Law360: <https://www.law360.com/articles/1410088/colville-tribes-say-feds-neglect-worsened-forest-fires>

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COVID-19.⁴ This issue is particularly exacerbated for those living in homes without proper air filtration, which is likely most New Mexicans. Add to these challenges the release of millions of metric tons of CO₂ emissions into the already fragile atmosphere, and we have an amplified greenhouse gas effect that directly threatens the public health and financial stability of our state.⁵

The damages incurred by New Mexico and our citizens are significant and it is time we hold these governments responsible for the mismanagement of lands under their control. The basis for damages sought may include increased healthcare expenditures associated with heightened respiratory illnesses; substantial losses in tourism revenue; negative impacts to our state and local economies; and pain and suffering experienced by the populace.

I, therefore, urge you to take immediate action to address the harm caused by this willful negligence at the state and federal levels.

I respectfully request a formal response to this inquiry, and I thank you for offering your attention to this pressing matter.

Sincerely,



WILLIAM E. SHARER

State Senator

⁴ Deming Headlight. (2021, August 10). *California wildfires bring air quality alert to New Mexico*. Retrieved from Deming Headlight: <https://www.demingheadlight.com/story/news/2021/08/10/california-wildfires-bring-air-quality-alert-new-mexico/5556877001/>

⁵ Morris, J. (2020, December 4). *California wildfires emitted a huge amount of carbon dioxide this year. How much of a problem is that?* Retrieved from San Francisco Chronicle: <https://www.sfchronicle.com/california-wildfires/article/California-wildfires-emitted-a-huge-amount-of-15775044.php>