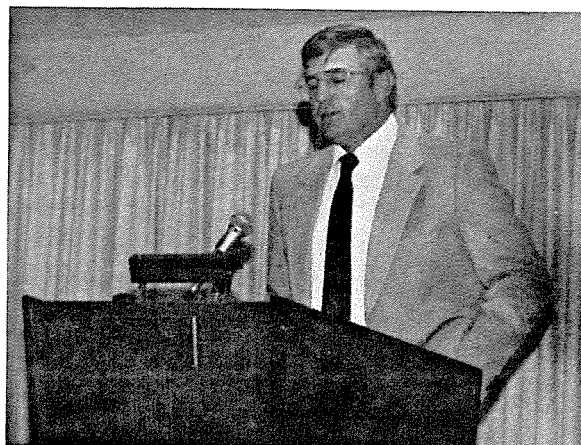


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Note: Commissioner Humphries completed his term in December 1990.



COSTS AND BENEFITS: WHAT IS SENSIBLE AND REASONABLE IN THE REALM OF THE POSSIBLE?

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Thank you for the opportunity to address this conference. I want to share a few thoughts from someone who has been in office for almost a full term. That allows one the privilege to be a little more outspoken and also of having a little more experience along with the battle scars to verify and reinforce one's position.

Tom Bahr suggested I talk about Costs and Benefits: What is Sensible and Reasonable in the Realm of the Possible? Those of you who know me well would know that I could never come up with a title like that or come up with a presentation exactly like that. I do think there are some important observations that I can share with you about what is sensible and reasonable related to costs and benefits.

To illustrate my point, I want to tell a story. My apologies to those of you who have been following me for the last month or two and have heard me tell this story.

A young man was traveling with his grandmother. He asked his grandmother how old she was, and the grandmother, slightly offended by this

question, said it was a rude question—you don't ask women their age. The little boy went on about his business until a little farther down the road he asked his grandmother, "How much do you weigh?" Again the grandmother was not thrilled about the question and rebuffed the little boy again by saying that it was another rude question—you shouldn't ask those kinds of questions. The little boy was undaunted because not too long after that, he asked his grandmother why she and his grandfather had gotten a divorce.

The grandmother said, "Look you have asked three rude questions, three for three. They're all impolite and I want you to not do that anymore, just behave yourself."

The little boy sat quietly as the grandmother stopped the car and got out for a few minutes. The little boy looked through his grandmother's purse and found her driver's license with all the pertinent information. As they were driving down the road again, the little boy said, "Grandma, I know how old you are."

"Oh, how old am I?"

"Sixty-two years old."

"How do you know that?"

"I just know. I also know how much you weigh."

"You do?"

"Yes. You weigh 155 lbs."

"How did you know that?"

The little boy continued, "I also know the reason you and Grandpa got divorced. It was because you got an F in sex."

My point for telling this story—although its kind of a cute story to listen to—is that bad conclusions can be drawn from good information. Recently, when formulating public policy on water issues, we have generated significant interest in not only water quantity but water quality. A fairly large amount of misinformation has surfaced as well as what appears to be another concentrated effort at making poor public policy under the guise of maintaining water quantity and quality.

This country and perhaps even this state are guilty of failing in the creation and development of public policy. It might be that we have been too linear, our thinking has very seldom been circum-spect or comprehensive enough to do anymore than treat the symptom or put a Band-Aid on a particular problem. That kind of linear thinking or simplistic approach to public policy has caused significant problems in the near-term, intermediate-term and almost always over the long-term. Public policy issues cry out for more complex analyses, taking into consideration the economic impact, the social structures and cultures. Somehow we have not been able to put that puzzle together in a very complete fashion. Generally, we approach one or a very narrow range of issues without taking into account all circumstances in a holistic manner.

An important casualty of this type is science. Science seems to be buried under rhetoric somewhere. Those of us who appeal for science over emotion are quite frequently rejected or discounted by the media, by those who oppose a particular position or philosophy, by those politically aligned on the opposite side of the question, or by those having a special interest they wish to espouse. They say science isn't an important issue here any longer because if it hadn't been for science we would not be in this mess in the first place. That is truly a frightening kind of response, especially

when it comes to natural resource issues and developing a more comprehensive framework. Without considering social, economic, and cultural questions part of the primary question or analysis, we set a very dangerous precedent. Without including good science on top of that, public policy development becomes folly as opposed to professional resource management.

We must develop and enhance our tolerance of other cultures, positions or ideas. We must consider those positions and ideas as we formulate policy that considers secondary impacts from the initial laws, regulations or management techniques.

There are an endless number of potential resource conflicts other than those between preservationists and resource producers. There is a new responsible environmentalism developing in this country and a vastly increased environmental awareness by business, government and resource producers. When it comes to considering and implementing strong conservation measures and balancing ecology and economics, I think it's incumbent upon us as politicians, policy makers, community leaders and concerned citizens to do the best job we can to find solutions that are comprehensive and balance conservation, community, economic and cultural issues. Without this procedure to develop and implement regulations, laws or management techniques, all such efforts will fail to various degrees. Significant disagreements among production groups exist regarding who uses water first, what condition they leave it in, how much they should use, and how much should be allowed to go beyond our state's borders.

An interesting resource conflict analysis discussed and studied the relationship between the potash enclaves in southeastern New Mexico and oil and gas production. About eighty-five percent of potash reserves, a vital economic resource, are found in southeastern New Mexico overlaying extremely important oil and gas reserves in the Permian Basin. Potash miners are not too thrilled about oil and gas companies drilling through potash mines. Likewise, oil and gas companies are not happy about being unable to develop important reserves. They are also uncomfortable with the thought of a mining operation mining through an established producing well. An appropriate solution would consider the best way to do both with the maximum safety level. The solution would also

Costs and Benefits: What is Sensible and Reasonable in the Realm of the Possible?

consider present and future values, and present and future needs. Whether one resource could be used efficiently prior to the development and production of the other resource should be factors in the solution.

Many conflicts have arisen among surface and water users including loggers, recreationists, ranchers, hunters, and mineral producers. Each conflict may not have simple solutions to problems but we can all contribute responsible creative thinking to develop comprehensive public policy that provides effective and sound solutions. Not all problems have solutions and to suggest so is slightly Pollyanna and ignorant of issue complexities and opponents' positions. However, for the most part, answers lie in the wise use of resources, multiple use of federal and state lands, and consideration of the environment, economics, social, and cultural impact associated with each particular conflict.

In closing, one final trend has given me cause for concern. The tendency today is to talk about taking away other people's rights whether it concerns water, land, land uses, private property rights, or other uses. Many say we can take property rights away because it's the right thing to do. That is an extremely dangerous philosophy that threatens the foundation upon which our government and personal beliefs are founded. Whether it's water use or a preferential use of federal or state land or private property rights, the United States Constitution under the 5th Amendment provides for just compensation and for due process to compensate those individuals who have their private property or property rights taken from them in whole or in part.

I believe that adequate resources are available to avoid wholesale violations of our constitutional rights. We have the right to enjoy our investments on private property and our legally acquired rights for the use of federal, state, or private land. When dealing with issues in the realm of the possible, it's absolutely imperative that we not forget that one of the absolute most important rights in this country is the right of the individual to have secure ownership and use of their property and property rights in a reasonable fashion. If some groups can justify and convince policy makers and the rest of the public that it is important to acquire public ownership, then for heaven's sake, let's compensate those

people as provided in the 5th Amendment of the United States Constitution. Thank you.