

PROPOSED WILDERNESS AND NCA DESIGNATIONS IN DONA ANA COUNTY

THE RANCHER PERSPECTIVE

PEOPLE FOR PRESERVING OUR WESTERN HERITAGE

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BACKGROUND

We are ranchers from Dona Ana County. As a group, our numbers are small. We would prefer to stay out of political tangles, but we find ourselves drawn into the fray in the attempt by some to create some 300,000 acres of wilderness in this county. The current scope of this effort would affect 18 of us directly and all of us indirectly. Although the press has largely indicated that we have been part of a process to build consensus among the various stakeholder groups, we have not. Much of the foundation work was done prior to our involvement or knowledge. The representation that “Phase I” has been completed is manifested by the fact that the process as viewed by the paid staff brought in to push the project, has concluded. We have learned that the wilderness proponents have reported to our congressional delegation that “all but one or two ranchers” have signed on and agree with the plan. Nothing can be further from the truth.

There needs to be a general restatement of a truth that has somehow been lost in the arguments for and against wilderness. It is as pertinent in this local issue as it is in any ranching operation west of the 100th meridian. **Ranching exists only because of open space and without open space ranching disappears.** As such, the true stewards of the land are ranchers. If they destroy the land that they operate, they destroy their business and their livelihood. And, if there are lands in Dona Ana County that meet the true definition of wilderness as defined by the Wilderness Act of 1964, the ranchers, having been here and operating for over 150 years, must have had a hand in the preservation of that land. The argument that these lands need to be set aside now for posterity before they are forever ruined is a fundamental contradiction of fact.

Our rancher group, without exception, agrees that the view shed of the Organ Mountains should be permanently protected. The Organs, and the backdrop they present, not only identify the image we hold of ourselves, they identify us and our home to the world. There should never be development on those mountains and they should be protected beyond any measure of current law. Should they be wilderness, though? In reading the law and being faithful to the points of the law they don’t meet wilderness criteria. The old mines, roads, structures, and other improvements that dot their expanse technically exclude them, but should there be pandemonium in the streets and gnashing of teeth with that realization? No, just as the characteristics of the Valle Vidal in northern New Mexico precluded it from being designated as wilderness, it has been “saved” by congressional action by permanently removing it from any disposal possibility. With that action, Valle Vidal is not only going to be a permanent feature of our public lands, it is going to be accessible to any American. Whether that American is old, young, handicapped, ambulatory, horseback, on foot, on bicycle, in a car, or in a buckboard he or she can enjoy the magnificence of that place. A wilderness doesn’t allow that, and, contrary to what has been represented in the Dona Ana County proceedings, there will be no special consideration for the permit holders on BLM lands proposed for creation of local wilderness. The agenda is to get the wilderness areas created giving no vote to the dissenters, the public who will no longer enjoy their historic access and the ranchers.

THE WILDERNESS ACT OF 1964

On paper, the “use” of wilderness areas is fairly narrowly defined. Following a description of mining allowances, there are two additional allowances in the law. The first is the authority granted to the President for actions “for the good of the people”. The second is a simplistic statement that reads, “The grazing of livestock, where established prior to September 3, 1964, shall be permitted to continue subject to reasonable regulations”. What is interesting at this point in the law is that there is not another outright allowance to do anything. There is no statement allowing fishing or hunting (that is the jurisdiction of the states), there is no allowance to camp or hike, there is no allowance to sit and watch the sunset . . . there is no outright statement for a specific allowance to do anything except actions deemed necessary in the control of fire, insects, and diseases (of the forest). The law does present “Prohibition of Certain uses”. Except for purposes including “measures required in emergencies involving the health and safety of persons within the area” **there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.**” Knowing what has happened time and again in other wilderness areas, the ranchers of Dona Ana County have no faith in the argument that the wilderness areas in this county will enjoy any different treatment. Once established, incremental erosion of the facts will occur, lawsuits will ensue, administrative oversight will be confessed, and true wilderness “prohibition of certain uses” will prevail. It is the law!

WILDERNESS AND RANCHERS

There remains a legitimate question to most people outside of the community of ranchers as to why there is such a hesitation in embracing wilderness. The first reason has now been intimated but deserves more explanation. There is a distrust of what is said and what is manifested. **When ranchers encounter wilderness vis-à-vis management agencies and incessant protests of agency decisions, ranchers lose.** The Gila model is a significant example. In 1950, it is believed that there were 13 descendent families of Peter M. Shelley (who arrived on Mogollon Creek in 1884) making their living from ranching in part or in total from forest allotments on the Gila and adjacent to or in the Gila Wilderness District. Today, there is one making his living and one more that retains a current permit. In testimony to the “Public Land Grazing Task Force” NMSU’s Dr. John Fowler presented evidence that such a trend was not conditional on any drought index or market factors. Rather, “It must be concluded that other factors are (were) effecting (sp) the amount of AUM’s grazed (and the attrition of participants)”¹ Further, for 16 years after the 1964 act, Congress, through a number of bills, essentially repeated the original act’s provisions. By 1980, the land management agencies had undergone major changes from the administrations at their helms at the passage of the Act and the effects of their actions on the ground were being felt. A major change was underway. Ranchers across the West were complaining ever louder that the Forest Service was using the legislation to restrict grazing. That outcry, in part, resulted in the Colorado

¹ Gila National Forest Hearing, History of Livestock Grazing, Testimony by John Fowler, PhD, 2000

Wilderness Act of 1980 which caused the Forest Service to insert guidelines in its manual demanded by Congress that stated:

1. There shall be no curtailments of grazing in wilderness simply because the area is designated wilderness.
2. The maintenance of existing improvements is allowed and where practical alternatives do not exist, motorized equipment can be used.
3. The improvements do not have to be done in natural materials unless it would not impose unreasonable additional costs.
4. The construction of new improvements is permissible, and
5. The use of motorized equipment for emergency purposes is permissible in certain situations.

Today there is not a cow in the Gila Wilderness proper. There is not a rancher with motorized access for any reason, there have been no known new projects for water or any other project, and destocking of cattle has continued around the core of the Wilderness. Moreover, across the West in areas subject to the Arizona Desert Wilderness Act (extended to BLM lands), the California Desert Protection Act, legislation establishing the Steens Mountain Wilderness Area in Oregon, and wilderness areas in the Hells Canyon and Sawtooth National recreation area management agencies have continued to eliminate or retire grazing permits in spite of contrary legislative direction.² Regardless of what Congress has intended, the BLM, the Park Service, and the Forest Service have administered changes and or interpreted their respective authority in a manner that has continued to reduce grazing on public lands where wilderness areas exist (and in many cases in adjoining areas). When ranchers encounter wilderness vis-à-vis management agencies **and well funded radical environmental groups**, ranchers lose. There is little wonder there is distrust.

ALDO LEOPOLD'S PERSPECTIVE

When Aldo Leopold, the father of American Game Management and one of the original wilderness thinkers, first saw the New Mexico and Arizona wilderness in his mind it was a horseman's world. In fact, the deeper into wilderness he ventured the social castes dropped out one by one as their modes of transportation became impossible until "the horseman ruled the world". He didn't bemoan their presence. In fact, in his description of the White Mountains of Arizona he compared their carving of dates and marking of their brands on the aspens "at every mountain camp site" to his own need to sing a song or write a poem of what he saw. The "first (rancher) had arrived alone" in the 90's. "Only a few years later his daughter's initial appeared inscribed by some enamored youth aspiring not only to the lady's hand, but to the economic succession (of the rancher's land). The mountain (wilderness) history was not only written in the bark of the aspen, but in its place names. The cow country place names were often lewd, humorous, ironic, and sentimental, but seldom trite. Usually they (were) subtle enough to draw inquiry from new arrivals, whereby hangs that web of tales which, full spun, constitutes the local folk-lore." In other words, in no less than the mind of Aldo Leopold, the American rancher was as much a part of the wilderness landscape in its original form

² Report on "Special Use Provisions in Wilderness Legislation", 401UCB, Natural Resources Law Center, 2004

as the natural wonders that made it wilderness. He went on to write at length about the spirit of wilderness that included not only tangible, but, just as importantly, intangible attributes of wilderness. He warned that “any wilderness program is (was) a rearguard action,” and that “the creation of new wilderness in the full sense of the word is (was) impossible.” As a group, though, we believe that perhaps the most significant insight we take from his writings comes from his treatise on husbandry. “It (husbandry) is realized only when some art of management is applied to land by some person of perception. It is reserved for landholders too poor to buy their sport, and land administrators with a sharp eye and an ecological mind.” You can’t buy “it”, you can’t delegate “it”, and the government ultimately takes it away from those it seeks to accept it.³ **It is perhaps in the attempt to capture the essence of this aspect of ranching, the vesting of husbandry, that is most misunderstood by the public and even ranchers alike.**

REAL WORLD ISSUES

What a wilderness does allow **at least on paper** remains a multitude of things. Ranching can continue. Improvements can be maintained. Wheel chairs are allowed. Horseback riding is possible. The sanctity of the senses and spirit is preserved and renewed. But, bicycles are not allowed. The Homeland Security Act trumps the Wilderness Act. Border Patrol access will not be denied by the designation of wilderness, and, if motorized traffic is then allowed for them in the interdiction and control of our border . . . doesn’t that negate the spirit of wilderness? And, will the same groups who have worked so hard to push this wilderness effort be the same groups who will step out of the woodwork and start suing the Border Patrol for overflight of these areas as they have in Arizona? If they sue for overflight, will they sue to halt ground traffic? Are they the same group who put so much pressure on the Border Patrol that they removed a sensor repeater from Big Hatchet Mountain in the boot heel of New Mexico? And, did you know, in this post 911 world, that there are no sensors in the boot heel because there is no device to collect and transmit the sensor signals? And, while we are on the subject, we all need to know that wilderness areas along the Mexican Border are very popular places. In fact, “hits” (illegal crossings) go up exponentially where such areas are established (Cabeza Prieta in Arizona)⁴. Drug runners love them, too. The opportunity for the unsuspecting citizen out enjoying the wonders of an arid wilderness expanse along the Mexican border (as in the East and West Potrillo wilderness candidate proposals) may find a completely new, yet historic meaning to a wilderness experience when he wanders into a chance meeting with a drug runner. Perhaps, before they get their throats cut, they, together, can commune a bit over a bota bag of wine! From a national security aspect, the designation of the East or West Potrillo Mountains areas should be dismissed out of hand. Any congressional delegate who would vote for their inclusion is not acting in the best interest of the citizens of this state or this nation.⁵

In attempting to offer a view of this subject that was not sought by the proponents, a number of people and groups have come forth to record differing opinions. The letters

³ Leopold, Aldo, A Sand County Almanac, various writings, last printing 1970.

⁴ The foregoing from discussion and letter from Richard E. Hays, Chief of Flight Operations, Border Patrol, Retired, June 2007

⁵ Security threat also covered in a letter from Todd Garrison, Dona Ana County Sheriff, June 2007

from these folks can be accessed in our rancher group's website at www.peopleforwesternheritage.com, but it is important to note that their rationale is universally simplistic. The letter from Todd Garrison, Dona Ana County Sheriff, expresses concern over the specter of tying his hands in trying to accomplish what he has sworn to uphold, maintaining the peace and order of Dona Ana County. A letter from a cattle hauler points out that the trend in ranches across the West is to improve roads because economics are pushing toward less labor, more rapid access across ranches, and less wear and tear on expensive equipment. A letter from a feed store owner calls attention to the continuing of erosion of his business from the core of that business in the past, farmers and ranchers. A former state representative calls attention to his wariness of this effort being pushed by well funded radical environmentalists from outside of the area. A farm equipment dealer and former rancher in one of the proposed areas notes that "the few hardy walkers who think this is a desert paradise will be able to pack enough water with them to convince themselves they are having a good time!" The Sheriff's Posse wants to know fully in advance what the rules of the game are going to be in the elimination of horseback access (similar to what the BLM has administratively done at Dripping Springs). Another letter from one of the most respected water districts in the United States, EBID, states the necessity of accepting from the United States the responsibility of maintenance of flood control dams and the need to build more to convert flood water to metered water to meet the state's obligation to down stream users. Wilderness designation of the Broad Canyon area, affecting several major run off canyons, could prevent new impoundment structures. A former board member of the La Union Soil and Water Conservation District questions how the United States is going to react when ranchers who signed participation contracts on pipelines serving livestock and wildlife needs breach maintenance agreements because they can't perform in wilderness areas. A rancher wants to know how the general public would have responded to the recent city annexations if they had not known about it before it was done. The proposed inclusion of 300,000 acres in wilderness designation without any rancher or public comment is a disturbing analogy. Another rancher is furious that the Jornada, the college ranch, White Sands, Ft. Bliss, McGregor Range, the San Andres, and now an additional 300,000 acres of wilderness could all be banned to off road vehicles while his operation and the few remaining accessible ranches would have enormously increased traffic. His land does have extensive private holdings but the checker board ownership negates any ability to control access. Another rancher whose family predates nationhood, worked his entire career to get to a point to buy a ranch with a BLM allotment. Now, his ability to ever fence and or improve the waters on most of that ranch is in serious jeopardy. Another businessman has had the same ambition to buy a ranch after years of toil only to worry that the 300,000 acres currently proposed could become the 599,649 acres in the New Mexico Wilderness Alliance's wilderness and NCA inventory. Will the remaining areas be forced upon us after this current effort is concluded? His ability to buy a ranch will continue to diminish. Asked if the Organs should have any different consideration, a member of one of the historic ranching families that has ranched on the Organs for most of a century said, "When I had a guy who looked like a terrorist ask me if there was any way through these mountains to White Sands, I changed my mind!" Weekly, the list of the general public with legitimate concerns grows as they learn what has been proposed. They are worried. They know what the realities are for their businesses and their future.

When they are accused of being aligned with “one or two ranchers” who oppose wilderness they are angry and determined that they will have a voice in the effort.

It would be interesting for every citizen to hear ranchers’ discussions when they are among their peers and feel free to express their thoughts without the probability of misinterpretation. You might observe what Leopold was able to capture long ago. In their speech, there is the abiding respect for the land that they live on and for. In their discussion there is the concern of losing control of efforts that don’t just span their stewardship but those who have come before them and those who will follow. They agree fully with the need to preserve the Organs, and they support the preservation of open space. A staffer of one of the congressional delegates from New Mexico perhaps said it best. “If you take ranchers off the land you only need to go to northern Catron County to see what happens. Unincorporated, uncontrolled growth will occur. Open space is fully in jeopardy and local living history is teetering on being lost.”

Dona Ana County has special attributes that all citizens can agree upon. In order to preserve those characteristics, there are rational alternatives to wilderness that are not promoted by radical wilderness organizations and the local politician who is on the New Mexico Wilderness Alliance’s payroll. Open space should be the hallmark of this debate in order to engage ranchers in a process that will not destroy the ranching community which has been part of the framework of this area for 150 years. Ranchers are not the ogres some “conservationists” have made them out to be. In the words of the head of the local off road vehicle club, **“It is not the BLM ranger that we are afraid of nor is it the Sheriff’s Department, or the Game Department. Most of those guys are not there when we are out there (on weekends). It is the ranchers we would not want to face if we did damage to the land. And, it is their presence that effectively polices our group!”** Think about those words and their significance on this subject . . .

THE RANCHER DILEMMA

The designation of wilderness first and foremost disallows motorized access. The wilderness proponents claim that ranching can and will continue unabated, but evidence clearly demonstrates that when ranchers encounter wilderness vis-à-vis management agencies and well funded radical environmental groups, ranchers lose.⁶ Specifically, the evolution of ranching in desert areas requires constant attention to very important aspects of husbandry . . . water and protein supplement, plus a third general category, the cost and shortage of qualified labor. At 103°, a cow and her calf consume in excess of 30 gallons of water per day. In the universally accepted theorem by environmentalists to maximize the time of cattle vacancy on the majority of pastures at the time of the monsoons (i.e., to minimize impact on grasses during the growing season) this water requirement is concentrated and critical. Access must be immediate and without qualification (no administrative harassment of timing or allowance of access). This is also just as applicable to wildlife. Only a fool discounts the importance of water for wildlife in similar temperatures! One only needs to observe the newly hatched covey of quail at sunup on a reservoir bank to grasp the significance. The need for protein is

⁶ Taken from the context Environment Groups use to protect the Grizzly bear when defending his right to existence, “When grizzly bears encounter western man, the grizzly bear loses”. In this case, the rancher has a right to exist, too.

similar. Science has quantified and qualified the need for protein supplementation to maintain the required level of protein for livestock. This need transcends discussion and impacts the ability of a cow (or deer) to convert native grass and forbs to nutritional building blocks to support the biological needs of her body. She must have this to support a calf, to maintain and or gain weight, to cycle and conceive. Given this basic and rudimentary help she is a marvel at fending for herself. Those that condemn her presence should dare observe her ability to deal with the onslaught of natural, man made and economic demands on her existence! The protein supplementation is expensive and cannot be offered indiscriminately. It must be metered, and, like water, it must be offered as soon and or as often as the conditions demand. Access for dispensing the protein must be immediate and unencumbered similarly to the water needs. Cost and availability of labor becomes the other wilderness scourge. In historic times, labor was relatively cheaper and more available in terms of quality and quantity. Ranches across the West are having difficulty finding men and women who have the innate ability not only to act on fundamental issues, but to also know when and why they are acting. The Hollywood portrayal of the cowboy is as wrong and misunderstood as the rancher's stance on wilderness. True ranchers and cowmen wince at the portrayal of a real cowboy as a dirty, muscle bound oaf that forever is taking his hat off. In reality, the real cowboy is lots of things, but most importantly he knows when to move fast, when to move slow, when to use touch, when to be aggressive, why not to let a horse buck, why not to chouse a cow, and a whole myriad of nuances that can not be learned except by working by himself in the face of a myriad of demands on his time. In the absence of these folks and in the environment of ever more expensive vehicles and fuel, more and more ranches are improving their roads. They must do this to cover more country in less time. They must also work cattle ever more effectively which sometimes means hauling cattle more and driving them less. Wilderness precludes that, and in the face of competition, the rest of the western world is moving rapidly in that direction. These three fundamental economic and husbandry related issues are major reasons causing ranchers to oppose wilderness designations.

In response to this, some wilderness advocates say, "This is why ranchers should be bought out and removed from the public lands." The honest response is profound. In the absence of wild herds of ungulates, ranchers must stay. They must stay for the long term health of the land and the plant communities, and they must stay for the preservation of open space. They have earned a place in the landscape of our western lands. Now, they are not perfect and they, too, need some help. They know there are people on the other side of the table that will not only write a law but will work to enforce it in the spirit of its original intent. These people could learn from study about halting brush intrusion, implementation of pasture rest regimes that include people impact, the multiplicity of grazing benefits, and the 50 year proliferation of water improvements. There is a known among ranchers that our land is not overgrazed but is in fact underutilized in some areas due to a need for more and better water distribution. But, at the end of the day, if United States citizens truly believe in the cultural need to maintain open space, the rancher is the last standing bastion. **Displace the rancher and open space will be gone.**

Key Points

- 1. Ranching exists only because of the historic preservation of open space. Without open space ranching disappears.**
- 2. Members of our rancher group, without exception, agree that the view shed of the Organ Mountains should be permanently protected.**
- 3. Except for purposes including “measures required in emergencies involving the health and safety of persons within the area there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.” Wilderness Act of 1964.**
- 4. When ranchers encounter wilderness vis-à-vis management agencies and well funded environmental groups, ranchers lose.**
- 5. It is perhaps in the attempt to capture the essence of this aspect of ranching, the vesting of husbandry, that is most misunderstood by the public and even ranchers alike.**
- 6. “It is not the BLM ranger that we are afraid of nor is it the Sheriff’s Department, or the Game Department. Most of those guys are not there when we are out there (on weekends). It is the ranchers who we would not want to face if we did damage to the land. And, it is their presence that effectively polices our group!” Las Cruces off road vehicle group.**
- 7. Displace the rancher and open space will be gone.**