

## Testimony

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S.1689  
Organ Mountains-Desert Peaks Wilderness Act  
Senate Energy & Natural Resources Committee

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In my testimony today I will address three issues.

1. The grazing language for National Conservation Areas.
2. Public access
3. The need for a land designation other than Wilderness.

### **GRAZING LANGUAGE FOR NCA's**

#### Three Proposed Fixes

--“The production of forage for livestock grazing” included in Purposes section

-- The Secretary shall permit grazing within the Conservation Area subject to all applicable laws (including regulations) and Executive orders; and

-- Nothing in this Act precludes the use of motorized vehicles or mechanical equipment for the construction or maintenance of range improvements or the performance of standard ranching operations

#### Discussion

As a result of the production of forage for livestock grazing not being listed in the Purposes section and the consistency language, any time the agency seeks to conserve, protect and enhance any of the 10 uses listed and there is a potential conflict with a grazing practice, grazing will be either diminished or eliminated. Any time the rancher seeks to implement a new grazing practice and there is a potential conflict, that practice will not be allowed. Current grazing practices will be disallowed if there is a conflict. The ranching community is simply asking to be put on an equal footing with the other 10 uses. This will allow the agency to balance all the uses in determining a final action and protect the agency and the rancher from potential lawsuits.

The second proposal drops the “where established” language. No such language restricts the other uses such as wildlife or recreation, so why single out grazing for this restriction? This part of our proposal also drops the “consistent” language. This would be become more important if livestock grazing is not listed in the Purposes section and “consistent” language is probably redundant if it is listed.

The third proposal is taken from the Nuts and Firewood section of S.874 as introduced by Senator Bingaman. It would allow ranchers to continue using traditional methods of maintaining range improvements such as fencing, windmills, dirt tanks, pipelines, etc. It would also allow the use of vehicles to disperse feed and salt, rescue sick livestock, conduct visual inspections of livestock and range conditions and other such standard ranching activities.

In addition I have some questions on the “where established” language in Section 4. Is this applied on an allotment by allotment basis, on an acreage basis or some other criteria? What impact does the “where established” language have on permitted numbers of livestock? Can permitted numbers be increased in a National Conservation Area under this language? In other words, I’m seeking a clear enunciation of Congressional intent with respect to the “where established” language and I hope the Committee will provide that.

I have not addressed the Grazing Guidelines for wilderness areas, but suggest you review the previous testimony presented by People For Preserving Our Western Heritage and the New Mexico Federal Lands Council which demonstrates the inadequacy of these guidelines for the desert ecosystem.

### **Public Access**

The issue of access for hunters, campers, ranchers, hang gliders and other specific users I’m sure has been covered by others and I would like to address access from the standpoint of the general public.

If you review the federal land status in Dona Ana County, and the status of federal lands within a leisurely one hour drive from Las Cruces, you will find over 4 million acres of federal land with either no public access or restricted public access.

Given the astounding figure of over 4 million acres where the general public is mostly excluded, I really must question the appropriateness of restricting public access on another 560 square miles, or 358,000 acres. Please take in consideration the total federal land mass in the Las Cruces area with this issue of public access in mind as you consider various land use designations.

### **A Designation Other Than Wilderness**

The land use pattern in Dona Ana County, a valley floor of private lands surrounded by various types of Federal land, is not unique to the west. Population growth combined with public pressure to retain privately held farmland and other open spaces and the public desire for additional recreational opportunities will continue to impact Federal land. When you add into the mix the significant decline in Wilderness visitations, I and many others believe a new land use designation is needed which will protect certain lands from development, but still allow for public access and enjoyment. Some have called this wilderness “light”, others wilderness “without the big ‘W’ “. A land management designation of this type should be considered by this Committee for certain parcels in S. 1689 and for other legislation which may impact land use patterns in our western communities. The time has come for Congress to step forward with a new land use designation that responds to both national concerns for protecting Federal lands and local concerns for development, recreation and traditional or cultural uses.

Senator Bingaman, as you know, Senator Clinton P. Anderson of New Mexico chaired this very committee and was a primary influence in the eight-year battle to pass the Wilderness Act. It is my

sincere hope that you will follow this tradition of leadership and take on the task of developing a new land use designation that meets the need of a modern populace.