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ORGAN MOUNTAINS-DESERT PEAKS WILDERNESS ACT

HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

TO

RECEIVE TESTIMONY ON S. 1689 ORGAN MOUNTAINS-DESERT PEAKS WILDERNESS ACT

LAS CRUCES, NM, FEBRUARY 15, 2010

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CONTENTS

STATEMENTS

	Page
Bates, Jim, Resident, Las Cruces, NM	48
Bingaman, Hon. Jeff, U.S. Senator From New Mexico	1
Cadena, Michael M., Mayor, Town of Mesilla, NM	10
Cooper, Tom, Rancher and Former Chairman, People for Preserving Our Western Heritage	22
Duarte-Benavidez, Leticia, Commissioner, District 5 and Past Commission Chair, Doña Ana County Board of Commissioners	4
Dubois, Frank A., Former New Mexico Secretary of Agriculture, 1988-2003	29
Esslinger, Gary, Treasurer-Manager, Elephant Butte Irrigation District, Las Cruces, NM	18
Hummer, John L., Chair of the Board of Directors, Greater Las Cruces Chamber of Commerce	25
Muñoz, John P., Director Sitel, Hispano Chamber of Commerce, Las Cruces, NM	45
Thomas, Sharon, Mayor Pro Tem, Councilor, District 6, Las Cruces, NM	7
Small, Nathan P., Conservation Coordinator, New Mexico Wilderness Alliance	41
Teague, Hon. Harry, U.S. Representative From New Mexico	17
Trevino, Rolando, Director, Engineering, Western Pipeline Engineering Projects, El Paso Natural Gas	52
Udall, Hon. Mark, U.S. Senator From Colorado	2

APPENDIX

Additional material submitted for the record	61

ORGAN MOUNTAINS-DESERT PEAKS WILDERNESS ACT

MONDAY, FEBRUARY 15, 2010

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Las Cruces, New Mexico

The Committee met, pursuant to notice, at 2:30 p.m. in the Eastside Ballroom, Corbett Center, New Mexico State University, Las Cruces, New Mexico, Hon. Jeff Bingaman, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

The CHAIRMAN. Why don't we get started here? Why don't we get started, can people hear me in the back? Hello? Hello?

The CHAIRMAN. All right, we're ready to go here.

The CHAIRMAN. Thank you all very much for coming today, and spending a beautiful Monday afternoon here focused on this issue with us.

This is a official hearing of the Senate Committee on Energy and Natural Resources and the purpose of it is to hear testimony on S. 1689; that's a bill that Senator Udall and I introduce to designate lands that are managed by the Bureau of Land Management in the Organ Mountains and the Uvas and the Robledo Mountains as wilderness area or as national conservation areas.

Last October this same committee, the Senate Energy Committee, held a hearing on this bill in Washington, DC. At that time, the committee heard testimony from the Department of Interior from the Doña Ana County Commissioner, Oscar Vasquez Butler and Jerry Shickendanz. However, there were several people who were interested in the issue who asked that we consider having a second hearing here in Las Cruces to allow additional views to be considered, and that's the purpose of today's hearing.

We're fortunate to have 3 panels of very distinguished witnesses today which can better help us to understand the very diverse views on Federal land management here in Doña Ana County.

Let me take a few minutes to just summarize how we arrived at this point. The issue of how to best manage the public lands in Southern New Mexico and in Doña Ana County has been an issue that has been intensely discussed and debated for many years. Beginning in the 1980s, the BLM began the formal process of identifying wilderness study areas. In the early 1990s under George W. Bush, President George W. Bush—no, excuse me, George H.W. Bush, excuse me I had, left out an initial there—and his Secretary

of the Interior Manuel Dujan, they recommended certain BLM lands in Doña Ana County for wilderness designation.

Under the Wilderness Act, lands can only be formally designated as wilderness by acts of Congress and that is, of course, part of what is being considered in this legislation.

Legislation to address the protection of the Organ Mountains and other areas was first raised by Senator Domenici in 2005 when he circulated draft legislation to protect existing wilderness study areas, also to authorize the sale of BLM lands on the West Mesa.

Separately, conservation and sportsman's groups developed a citizens' proposal that called for protection of a larger area than was contemplated in Senator Domenici's proposal, and subsequently the city of Las Cruces and Doña Ana County held numerous local meetings and forwarded their findings to the entire Congressional delegation.

Since then the County, the City, the Town of Mesilla and the city of El Paso have all adopted resolutions supporting wilderness designation in some areas.

Senator Udall and I have worked to develop a proposal that tries to find an appropriate balance between allowing for development opportunities while providing for the protection of environmentally important public lands. This involved multiple years of meetings with many parties interested in the issue. Following those meetings, we modified many proposed wilderness boundaries to address the issues that had been raised, including the issues of border security, flood control, development plans, military needs, access for ranchers, sportsmen and the public, and we put together a paper that identifies the changes that were made to the initial proposal, and I believe that's been made available to many of you, if not there are copies of that as you leave today.

It's my sense that there is community support in Doña Ana County to provide additional protection for important public lands in the County.

Before I call on Senator Udall for his comments, let me take a few moments to thank the New Mexico State University staff who were so helpful in allowing us to hold this hearing here on campus this afternoon, especially Ben Woods, Ricardo Rell, Aggie Saltman, and Rebecca Hawkiss for all of their hard work to make this possible.

I'm informed that Congressman Teague is in Las Cruces today and hopes to be here later in the afternoon. At this time, let me call on Senator Udall for any comment he would like to make before we call forward any of the witnesses.

STATEMENT OF HON. MARK UDALL, U.S. SENATOR FROM COLORADO

Senator UDALL. Thank you very much Chairman Bingaman, and thank you to all of you. It's wonderful to see such a large, large crowd today.

Chairman Bingaman, I want to thank you for holding this important field hearing and the communities of Doña Ana County for welcoming us here today and I'd like to associate myself also with your remarks which, I think, show the incredible effort that your committee has made working with a local group and working with

everyone that has been out here and been interested in the public lands with trying to build some consensus around the proposal of public lands in Doña Ana.

It's wonderful to see such a large crowd of citizens interested in the proposed Organ Mountains-Desert Peaks Wilderness Act. I appreciate, very much, the efforts of Senator Bingaman and his staff on the Energy and Natural Resources Committee that made this hearing possible.

This is a great opportunity to hear directly from representatives of the communities and the organizations that are directly impacted by this legislation.

It's a pleasure to be in Las Cruces in the shadow of the iconic Organ Mountains. The landscape of this area is unique and beautiful and surely it's why many of you chose to live in Doña Ana County.

S. 1689, the Organ Mountains-Desert Peaks Wilderness Act, seeks to preserve some of the natural beauty of this area into perpetuity. This hearing is a welcome opportunity to further examine the merits of the bill and to find areas for improvement. I look forward to hearing from each of the witnesses and appreciate their willingness to participate in this important part of the legislative process. I want to thank all of you—I had 15 or 20 minutes, here, to visit on the way in, and just thank all of you for your comments on the way in.

So, with that, Senator Bingaman, I'll yield my time back, and onto the hearing.

The CHAIRMAN. OK, let me just start by indicating that, as I said before, we did have a hearing in Washington. We had the Deputy Director of the Bureau of Land Management provide testimony expressing the Administration position which, I'm pleased to note was in support of the legislation. Because the BLM has already provided testimony, we do not have a BLM witness testifying today, but representatives from the BLM, New Mexico State office are here to answer any questions that arise, and we will decide whether and when to call on them, depending upon what issues are raised.

I'd like to welcome Bill Childress, who is the Las Cruces Office District Manager, here.

The CHAIRMAN. Tom Phillips is the Recreation, Cultural and Wilderness Supervisor in the Las Cruces Office, and James Sipple is the National Landscape Conservation System Program Lead.

The CHAIRMAN. We appreciate them being here. Lisa Morrison, is she also here? Yes, she is. We're very glad to have her.

The CHAIRMAN. As I say, they will not be testifying, but they may be needed to answer questions if questions arise. I also want to thank Linda Rondel who's the BLM State Director here in New Mexico, she's been very helpful to us in the work that's been done on this proposal, and we will include a copy of the BLM's official testimony in the hearing record for this hearing, as well.

Our first panel of witnesses includes local government representatives. Let me just state who those witnesses are. First is Commissioner Leticia Duarte-Benavidez, she's here representing the Doña Ana County Commission.

The CHAIRMAN. Sharon Thomas, who is the Mayor Pro Tem for the city of Las Cruces.

The CHAIRMAN. Mayor Michael Cadena who is the Mayor of the Town of Mesilla, is here.

The CHAIRMAN. If they would all take chairs up here at the witness table, we will get started.

We've asked all witnesses to try to summarize their testimony and just give us 5 or 6 minutes of oral comments about the important issues that they think we need to understand that they draw from their comments.

Let me state, also, that I understand there are many people who have strong views on this issue—some in favor of parts of the legislation, some opposed to parts of the legislation. Everyone who is here, and anyone in the sound of my voice, is welcome to submit written comments to be included in the formal hearing record. We'll keep that record open for the remainder of this week. I think we will try to close the record as of the close of business Friday, today being Monday I think that will give people time enough to develop statements if they want to submit something for the official record.

If you have a written statement, you can either give it to us today, or you can bring it by Senator Udall's office, or you can bring it by my office here in town. Another easy way to submit testimony is to email it directly to the committee, this Committee on Energy and Natural Resources. That address would be testimony@energy.senate.gov. So, any of you that wanted to do that through use of the internet are welcome to do that.

So, with that, let's begin the first panel and Leticia why don't you go ahead and give us your views on this issue representing the County and then we'll call on the 2 mayors.

STATEMENT OF LETICIA DUARTE-BENAVIDEZ, COMMISSIONER, DONA ANA COUNTY, DISTRICT 5, NM

Ms. DUARTE-BENAVIDEZ. Can you hear me?

The CHAIRMAN. You may want to hold—these microphones are such that you may want to just take them out of the thing and hold them right in front of your mouth. I think they work better that way.

Ms. DUARTE-BENAVIDEZ. Thank you.

Thank you, Chairman Bingaman and Senator Udall for the invitation to testify on S. 1689, the Organ Mountains Desert Peaks Wilderness Act. Protecting our mountains has been a community supported effort for many years, and this community is everything to me.

I was born and raised in the Mesilla Valley. After attending Mayfield High School, I went on to New Mexico State University, and I graduated with a Bachelors Degree in Social Work and an Associates Degree in Police Science. I worked at Doña Ana County for 25 years. Upon retiring, I ran for, and was elected to, the Doña Ana County Commission, representing District 5.

Growing up, my family went on picnics in the Organ Mountains. I recall the excitement that would take hold as we left the valley, heading toward the towering peaks and cool breezes awaiting above. I am pleased to note that, with passage of S. 1689, families

many generations from now will have that same opportunity—to enjoy the small slice of solitude while outside of the bustling Las Cruces metropolitan area.

In high school I joined Junior ROTC. One year, our commanding colonel led our group on an exciting adventure up and over Baylor Pass, beginning at Baylor Canyon Road. We all certainly enjoyed the trip, especially the warm meals prepared by our parents on the other side of the mountain in Aguirre Springs Campground. Again, I note with pleasure that, when S. 1689 passes, this same experience will be preserved forever for our young people who call this region home.

I took some time off in Albuquerque and while up there, friends and I went hiking in the Sandia Mountains. Albuquerque was then and remains today fortunate to have its mountains receive wilderness protections.

Going back as far as 2004, the Doña Ana County Board of Commissioners has formalized resolutions calling on Federal protections for the Organ, Robledo, Doña Ana, Potrillo, and Sierra de Las Uvas Mountains along with Broad Canyon. These resolutions have been passed as legislative efforts began with former Sen. Pete Domenici, and are now maturing under Senators Jeff Bingaman and Tom Udall.

Places to be protected in S. 1689 represent the natural beauty that is loved by natives of Doña Ana County and which has attracted thousands of new residents to Southern New Mexico. The Doña Ana County Board of Commissioners has consistently been supportive of these protective designations that will preserve the area's beauty for coming generations. The Doña Ana County Mountains NCA boundary has adjusted to account for roads that will be necessary as our community continues growing.

Similar adjustments along the proposed Weisner Road will help meet our community's transportation needs far into the future, while still protecting ample open spaces along the apron of the Organ Mountains.

I know the legislation was altered to make room for larger transmission corridors and petroleum pipelines in the southern part of Doña Ana County was built in through boundary modifications. Several flood control structures were excluded to provide for unimpeded maintenance, and even larger designation changes were made when proposed wilderness areas were switched to national conservation areas. Many changes were made for cattle ranching; huge swaths of land were excluded from wilderness protection near the border for border security.

Much work has gone into this legislation. There have been numerous public meetings. We've seen dozens of news articles and the topic has been discussed at great length in the local press. Tours, forums, and conferences have all come and gone. Most importantly, Senator Bingaman's staff has held direct, in-person meetings countless times with stakeholders, including Doña Ana County. I am pleased that today's hearing will move us an important step toward enactment of S. 1689, the Organ Mountains-Desert Peaks Wilderness Act.

We believe the will of the people has been heard and the compromises have led us to this point in the process have crafted an

outstanding proposal. I urge quickly Congressional consideration of the proposed designations as soon as possible.

Thank you.

[The prepared statement of Ms. Duarte-Benavidez follows:]

PREPARED STATEMENT OF LETICIA DUARTE-BENAVIDEZ, COMMISSIONER, DISTRICT 5 AND PAST COMMISSION CHAIR, DOÑA ANA COUNTY BOARD OF COMMISSIONERS

Thank you, Chairman Bingaman and Senator Udall for the invitation to testify on S. 1689, the Organ Mountains Desert Peaks Wilderness Act. Protecting our mountains has been a community supported effort for many years, and this community is everything to me. I was born and raised in the Mesilla Valley. After attending Mayfield High School, I went on to New Mexico State University, and ultimately graduated with a Bachelors Degree in Social Work and an Associates Degree in Police Science. Directly after college I went to work helping the children of migrant farm workers. I then moved to Doña Ana County, where I am proud to have worked for over 25 years. Upon retiring, and at the urging of friends, family, and coworkers, I ran for, and was elected to, the Doña Ana County Commission, representing District 5.

Growing up, my family often went on picnics in the Organ Mountains. I recall the excitement that would take hold as we left the valley, heading toward the towering peaks and cool breezes waiting above. We would walk in a little ways and then just enjoy the afternoon. I am pleased to note that, with passage of S. 1689, families many generations from now will have that same opportunity—to enjoy a small slice of solitude while just outside of the bustling Las Cruces metropolitan area.

In high school I joined Junior ROTC. One year, our commanding colonel led our group on an exciting adventure—up and over Baylor Pass, beginning at Baylor Canyon Road. We went in winter to avoid rattlesnakes, but one couldn't avoid the incredible experience of walking with friends and classmates, and the Colonel's huge St. Bernard. I didn't take enough water that trip, and held the dog's leash so it could help give me the extra oomph to make it through. We all certainly enjoyed the trip—especially the warm meals prepared by our parents on the other side of the mountain in Aguirre Springs Campground. Again, I note with pleasure that, when S. 1689 passes, this same experience will be preserved forever for our young people who call this region home.

I will relate one last personal experience. During college, I took some time off to live in Albuquerque. While up there, friends and I went hiking in the Sandia Mountains. I know now that this area had just been given wilderness protections. Those many years ago, my friends and I admired Albuquerque far below, and were thankful that within such a short reach we had the chance to escape just a little bit. Albuquerque was then and remains today fortunate to have its mountains receive wilderness protections.

As you may well imagine, the Doña Ana County Board of Commissioners has high regard for our area mountains, and we have been carefully watching the process by which wilderness legislation is being crafted.

Going back as far as 2004, the Doña Ana County Board of Commissioners has formalized resolutions calling for federal protections of the Organ, Robledo, Doña Ana, Potrillo, and Sierra de Las Uvas Mountains along with Broad Canyon. These resolutions have been passed as legislative efforts began with former Sen. Pete V. Domenici, and are now maturing under Senators Jeff Bingaman and Tom Udall. The lands under consideration for wilderness and national conservation areas are representative of the natural beauty that is so loved by natives of Doña Ana County and which has attracted untold thousands of new residents to southern New Mexico. The Doña Ana County Board of Commissioners has consistently been supportive of these protective designations that will preserve the area's beauty for coming generations.

Protecting the natural beauty of our mountains is incredibly important. So too is balancing our region's rapid growth and need for community and regional planning to prosper with this growth. Because of the vast number of stakeholders who had input into the Organ Mountains-Desert Peaks Wilderness Act, this legislation helps here as well.

One example is Doña Ana Mountains NCA boundary. It was adjusted to account for roads that will be necessary as our community continues growing. Similar adjustments along the proposed Weisner Road will help meet our community's transportation needs far into the future, while still protecting ample open space along the "apron" of the Organ Mountains.

I know of many examples where, because of outside input, the legislation was altered. Room for larger transmission corridors and petroleum pipelines in the south-

ern part of Doña Ana County was built in through boundary modifications. Several flood control structures were excluded to provide for unimpeded maintenance, and even larger designation changes were made when proposed wilderness areas were switched to national conservation area. Many changes made for cattle ranching infrastructure are also apparent, while huge swaths of land were excluded from wilderness protections near the border to better promote border security.

An extraordinary amount of work has gone into this legislation. There have been numerous public meetings on weekends and weekdays, at night and during the day. We've seen dozens of news articles and the topic has been discussed at great length in the local press. Tours, forums, and conferences have all come and gone. Most importantly, Senator Bingaman's staff has held direct, in person meetings countless times with stakeholders, including Doña Ana County. All of this points to what I began with—protecting our mountains has enjoyed strong community support over a number of years. I am pleased that today's hearing will move us an important step forward toward enactment of S. 1689, the Organ Mountains-Desert Peaks Wilderness Act.

We recognize that not every group is happy with all facets of the proposed legislation. However, based on the years of public input that are capped by today's hearing, we believe the will of the people has been heard and the compromises that have led us to this point in the process have crafted an outstanding proposal. I urge quick Congressional consideration of the proposed designations as soon as possible.

Thank you.

The CHAIRMAN. Thank you very much. Senator Udall and I will have some questions, but we'd like to hear from the other 2 witnesses first.

Sharon Thomas, Mayor Pro Tem, city of Las Cruces, thank you for being here.

STATEMENT OF SHARON THOMAS, MAYOR PRO TEM, CITY OF LAS CRUCES, DISTRICT 6, NM

Ms. THOMAS. Thank you.

Good afternoon, it's my great pleasure to be here today. I am the Las Cruces City Councilor for District 6 and also the mayor pro tem.

My district is the east side of Las Cruces, closest to the Organ Mountains. As you mentioned earlier, many of my constituents have chosen to live in District 6 precisely because of the proximity to the Organ Mountains and their ever-changing drama and many of them are in the audience here today.

Consequently, the majority of residents in District 6 wholeheartedly support conservation of our natural areas through Wilderness and National Conservation Area designations. Of course, the entire city council has expressed overwhelming support through our resolution which we passed unanimously in support of this legislation.

Over the years, I have watched the effort to preserve not only the Organ Mountains, but many of the natural areas in our region—the Robledo's fossil trackways, the desert grasslands in the Portillos, Broad Canyon's special riparian areas and more.

In recent months, as the legislation has been fine tuned, the staff members have worked long hours to ensure that the designated lands—both Wilderness and National Conservation—will also accommodate all users. A number of concerns of special interest to the City have also been addressed and I'd like to say a little bit about those.

Those of us who live on the east side of Las Cruces have long feared that development might some day march up the side of the Organ Mountains, destroying not only their majestic grandeur but

also the fragile ecological systems that exist there. There is considerable agreement across the community that we would like to see Weisner Road, near the base of the mountains, eventually become the eastern edge of the city. In the current draft of this legislation, the National Conservation Area now begins just east of Weisner Road; thus allowing for development on both sides of that road, but not beyond that area.

Adequate right of way—as Commissioner Benavidez mentioned—for the future utility infrastructure is also very important. Future growth is always a concern. All of the utility suppliers in the area have been contacted to make sure that the areas we will need for future expansion will be available when that time comes. Of course, we can not expect to grow our city if we can't provide electricity, gas, and water, and those concerns have been met.

Summer flooding is also a big problem in our area. Sometimes people move here from the Midwest and they fill in that big hole in their front yard that they didn't realize was a retention pond. So, aside from that—but again, here, the drafters of the legislation have been extremely accommodating. They've removed or changed designation in Broad Canyon and other areas so that structures used for flood control can be constructed and maintained.

Finally, because we are in a border region, security is also a concern. In the latest draft of the legislation, many thousands of acres have now been made available for border security operations.

These and other provisions in the current draft of this legislation give both city officials and residents confidence that the needs of our Border patrol have been met and we can rest assured that our safety concerns are being addressed.

Currently, the city of Las Cruces and Doña Ana County are working together on a regional comprehensive plan. In the public input meetings that have gone on over the last couple of years, residents have expressed very high interest in the preservation of open space and agriculture and ranching areas. For these people, the wilderness and the NCA designation of our most precious natural areas will be widely celebrated. In addition, we appreciate the efforts to allow grazing to continue on those lands that are already designated Wilderness Study Areas and have been for some time.

Natives, newcomers and visitors to our area often choose to hike the Organs, explore the trackways of the Robledos—now a National Monument—or investigate the unusual beauty of Broad Canyon. The preservation of these areas ensures future access for generations to come, contributes to the popularity of our city as a location for retirees, helps us preserve cultural and historical features, and is an important factor in our area's economic well being.

In the city of Las Cruces, there is broad support for the preservation of our natural areas and we are very grateful to our senators for their leadership on the Organ Mountains—Desert Peaks Wilderness Act. They and their staffs have shown an astonishing commitment to their responsibility to respond to the concerns of all the stakeholders in the region. I believe you have found an appropriate balance.

I urge you to move forward with all possible haste so that we can preserve our iconic landscapes, protect our recreational and cul-

tural resources, manage our watersheds, ensure the safety of the border, and continue to grow our economy.

Thank you for the opportunity to speak to you today about this historic legislation.

[The prepared statement of Ms. Thomas follows:]

PREPARED STATEMENT OF SHARON THOMAS, MAYOR PRO TEM, COUNCILOR, DISTRICT 6, LAS CRUCES, NM

Good Afternoon, Honored Chair and Committee Members

It's my great pleasure to be here at Sen. Bingaman's invitation to participate in this hearing. I am the Las Cruces City Councilor for District 6 and, also, the mayor pro tem. I'm honored to represent the City of Las Cruces and our over 90,000 residents.

My district is the area that lies along the east side of Las Cruces, closest to the Organ Mountains. Residents in my district are passionate about their love of the Organ Mountains. Many of my constituents have chosen to live in District 6 precisely because of the proximity to the Organ Mountains and their ever-changing drama, one of New Mexico's top natural wonders. Consequently, the majority of residents in District 6 whole-heartedly support conservation of our natural areas through Wilderness and National Conservation Area designations. And, of course, we have overwhelming support from our city council members who have unanimously passed a resolution in support of this legislation.

I also have a special link to those mountains. I first came to Las Cruces in the early 1990s when our son was in graduate school at New Mexico State University. I can clearly recall the sweeping grandeur of the Mesilla Valley that came into view as we came over the San Agustin Pass and into the valley below.

A few years later, when our son and his girlfriend were nearly finished with their education at New Mexico State University, they decided to open a café in Las Cruces. Because of our love of the Organ Mountains and the gorgeous purple/red color they turn when the sun is setting in the west, we named our restaurant and coffee bar, the Red Mountain Café. Due to my husband's role in the local arts community (he's a poet), the Red Mountain Café became a gathering place for artists and writers and musicians. The walls were soon adorned with photos and paintings of the red Organ Mountains. We even acquired a tile mosaic of sunset on the Organs. We sold the café in 2003, but it remained a local favorite until late last year when the third owner finally closed the doors.

I have watched the slow but persistent movement of the effort to preserve not only the Organ Mountains, but many of the other natural areas in our region—the Robledo's fossil trackways, the desert grasslands in the Portillo Mountains, Broad Canyon's special riparian areas and more. I'm delighted to endorse and encourage passage and Presidential signature of Senate 1689, the Organ Mountains—Desert Peaks Wilderness Act.

In recent months, as the legislation has been fine tuned, the stakeholders have worked long hours to ensure that the designated lands (both Wilderness and National Conservation) will also accommodate traditional ranching uses, border protection, law enforcement, and recreational pursuits. In addition, for the city, a number of other concerns have also been accommodated. I am particularly grateful to Dara Parker for her constant attention to the needs of the City of Las Cruces. Let me give you some examples.

Those of us who live on the east side of Las Cruces have long feared that development might some day march up the side of the Organ Mountains, destroying not only their majestic grandeur but, also, the fragile ecological systems that exist there. There is considerable agreement across the community that we would like to see Weisner Road, near the base of the mountains, eventually become the eastern edge of the city. In the current draft of this legislation, the National Conservation Area now begins east of Weisner Road; thus allowing for development on both sides of that road, but not beyond that area.

Adequate right of way for future utility infrastructure to support future growth was also a concern. All the utility suppliers in the area have been contacted to make sure the areas they will need for future expansion will be available when that time comes. We cannot expect our city to grow if we cannot provide electricity, gas, and water. The drafters of this legislation made sure they understood the needs of these utility providers and made changes accordingly. In one case, some land was even withdrawn to make sure that future Right of Way needs can be met.

Although Las Cruces is a high desert community, flooding during the summer rains is a constant problem (much to the surprise of newcomers who sometimes fill

in that strange hole in their front yard, not realizing that it's a water retention pond). The City has gone to great lengths to map and increase understanding of the watershed of the entire region and its effect on our city. Again, the drafters of this legislation have been extremely accommodating. The section of land around the Broad Canyon dam has been removed from consideration so that future expansion of that dam can occur should that become necessary. In addition, some areas of Broad Canyon have been designated National Conservation Areas (NCA) so that the berms used for flood control can be constructed and maintained. The NCA designation of the Organ Mountains area also allows for flood control structures as necessary in the future, though we, of course, hope that control can be achieved in other places. The due diligence of the legislation drafters to make sure all concerns are addressed has been considerable.

Finally, because we are in a border region, security is also a concern. In the latest draft of the legislation, over 16,000 acres of Wilderness Study Area (WSA) along the southern boundary of the West Potrillo Mountains will be available for border security operations. Another 8,000 acres south of the East Potrillo Mountains are also now available for border enforcement activities. These and other provisions in the current draft of this legislation give both city officials and residents confidence that the needs of the Border patrol have been met and we can rest assured that our safety concerns are being addressed.

Currently, the City of Las Cruces and Dona Ana County are working together on a regional comprehensive plan for our area. This is the first joint planning effort of its kind in the state of New Mexico. In the public input meetings that occurred early in the process, residents expressed very high interest in the preservation of open space and agricultural and ranching areas in our region. Certainly the Wilderness and NCA designation of our most precious natural areas will be widely celebrated. In addition, efforts to allow grazing to continue on those lands currently designated as Wilderness Study Areas is also much appreciated. The current proposed legislation does allow access to current ranching activities. I understand that language has been changed to state that "The Secretary shall [not may] permit grazing within the conservation Areas, where established before the date of enactment of this act." We appreciate that effort.

Natives and newcomers alike are drawn to our area because of the natural beauty, the recreational opportunities, the cultural resources, and the pleasant climate. Homes and businesses that offer a view of the Organ Mountains, or the city lying in the agricultural valley, are highly sought after. Visitors to our area often choose to hike in the Organs, explore the trackways in the Robledos (now a National Monument), or investigate the unusual beauty of Broad Canyon. The preservation of these areas ensures future access for generations to come, contributes to the popularity of our city as a location for retirees, helps us preserve cultural and historical features, and is an important factor in our area's economic well being.

In the City of Las Cruces, there is broad support for the preservation of our natural areas and we are very grateful to our senators for their leadership on the Organ Mountains—Desert Peaks Wilderness Act. They and their staffs have shown an astonishing commitment to their responsibility to respond to the concerns of all the stakeholders in our region. The areas of conflict have been resolved and we have now come to the time for action. I know I speak for many of our citizens when I say that I wholeheartedly support this legislation and urge you to move forward with all possible haste so that we can preserve our iconic landscapes, protect our recreational and cultural resources, manage our watersheds, ensure the safety of the border, and continue to grow our economy.

Thank you for the opportunity to speak to you today about this historic legislation.

The CHAIRMAN. Thank you very much.

Thank you very much, again, we will have some questions, but first let's hear from Michael Cadena who is the Mayor of the Town of Mesilla.

Thank you for being here.

STATEMENT OF MICHAEL CADENA, MAYOR, TOWN OF MESILLA, NM

Mr. CADENA. Thank you, Senator Bingaman and Senator Udall and certainly we want to recognize Senator Domenici for his big, large part of all of this.

It's important to—we need to commend you for having this hearing, it's important to hear from both the proponents and the opponents, I'm sitting here right next to both of them and we're just very lucky to be in a country where we can have this debate and continue to move forward.

Mesilla has a long history of preserving agriculture and open spaces, dating back to the 1840s. It's a very important part of this valley and it needs to continue. In 1987 it became a major portion of our comprehensive plan, to make sure that we preserve our cultural land and open space, and again when we updated this plan in 2004, that was a major component of it, when we had similar meetings like this. It's very pleasing to see this many people to turn out for this type of event where they can express their opinion. This is no different.

The Organ Mountains-Desert Peaks Wilderness Act introduced into the U.S. Senate is the culmination of 4 years of a lot of hard work by a lot of people, a lot of meetings and a lot of reasonable compromise by all included. Mesilla Resolution 2009–06, adopted on September 28, 2009, endorses the Act. My colleagues have gone into the specifics of that Act, so I'm not going to get into that, but I will say that it praises the foresight in moving to preserve natural and ecological values for our families including watershed and air quality protection.

It does on to recognize the potential economic benefits for our community in the form of tourism dollars invested in recreational activities and certainly with the tough economic times that we're in, I truly believe that we can promote and attract people to this area as part of a total—one part of a package of getting people to come and visit the area and spend tourism dollars and—not only in Mesilla, Las Cruces, but the whole Valley, here. Part of that attraction is certainly the Organ Mountains and the open spaces that we're trying to promote.

Many of us have enjoyed the privileges of being able to enjoy the views in going out to these areas and, as my colleagues have talked about, the solitude and the great feeling of these aesthetic places. It's important that, through this Act, that we're able to preserve it for our children and grandchildren and all future generations.

Thank you.

[The prepared statement of Mr. Cadena follows:]

PREPARED STATEMENT OF MICHAEL M. CADENA, MAYOR, TOWN OF MESILLA, NM

Senators Bingaman and Udall, other distinguished legislators and guests. My name is Michael Cadena, and I am the Mayor of the Town of Mesilla.

Mesilla has a solid history of support for preservation of open-space. For example, our citizen-driven 2004 Comprehensive Plan includes cluster housing design for new subdivisions on farmland, a concept which was later put into an ordinance. The Master Plan also calls for regional planning with local governments and private organizations to conserve agriculture and to establish an interconnected trail system, planning work which Mesilla continues today by participating in our local Metropolitan Planning Organization.

The Town's first direct involvement in what is now called "The Organ Mountains-Desert Peaks Wilderness Act" was a meeting in November 2005, with a federal congressional delegation, led by former Senator Pete Domenici of New Mexico. The talk was about a proposal to designate permanent wilderness areas in Dona Ana County.

A January 10, 2006, letter signed by the Mayor and a Resolution,* dated February 13, 2006, followed the November meeting. They describe Mesilla's position in support of the initial proposal and include the request that Broad Canyon and the East Potrillo Mountains be included.

Mesilla's involvement continued in a series of meetings, facilitated by City of Las Cruces' staff, with all interested parties present. These meetings began the process of bringing together the proponents and the opponents of federal wilderness legislation. The Organ Mountains-Desert Peaks Wilderness Act, introduced into the United States Senate on September 17, 2009, is the culmination of over four years of meetings and hard work by a lot of people to bring all parties to the table and to emerge with appropriate and reasonable compromises. Mesilla's Resolution, 2009-26, adopted on September 28, 2009, endorses the Act. It praises the foresight in moving to preserve natural and ecological values for our families, including watershed and air quality protection. It goes on to recognize the potential economic benefits for our community in the form of tourism dollars invested in recreational activities.

Throughout the four and a half years of consideration of Wilderness and National Conservation Area designations in Dona Ana County, Senators Bingaman and Udall have taken extraordinary measures to gather and incorporate the views and needs of those on both sides of Wilderness designation; and there has been no lack of community participation. It is time now to act, to move forward and pass The Organ Mountains-Desert Peaks Wilderness Act.

Thank you.

The CHAIRMAN. Thank you.

Let me ask a few questions and then I'm sure Senator Udall will have some questions, as well.

Let me start with you, Commissioner Duarte-Benavidez, about the issue of flood protection. One of the concerns that's been raised, and I think will probably be raised by other witnesses today relates to whether or not there is adequate flood protection, adequate opportunity to maintain flood protection structures, dams that might have been built before. Can you tell us anything about what the County's plans are to install additional flood control structures in the coming years, and whether or not those plans would be able to go forward even if this legislation became law?

Ms. DUARTE-BENAVIDEZ. Yes, sir.

Presently we are planning on flood protection on the East and the West Mesas, and also in the wilderness and the NCA Districts, but it's presently just in the planning stage at this point, we're trying to get as much input from the public, and we are looking at those areas, right now, for flood.

But unfortunately, or fortunately, we are just at the planning stage at this point right now.

The CHAIRMAN. OK.

Let me ask Mayor Thomas, one of the issues—and you somewhat addressed this in your earlier comments—but one of the issues is whether or not this legislation would have the effect of limiting the future growth of the community of Las Cruces. I gather from what you said that you do not think it would have that effect, and I'd just ask you to elaborate on that, if that is your view, or correct me if it's not your view.

Ms. THOMAS. Thank you.

No, I don't see that it will limit our growth. You know, one of our concerns, as I mentioned, was whether or not we would be able to get utilities as we need, increase gas and water and electricity and those sorts of things and your office has been very good about

* Documents have been retained in committee files.

working with the city and working with our Assistant City Manager trying to predict what those needs are going to be and if there need to be larger right of ways left, you know, for, say, for future gas lines and those sorts of things. So, we're quite comfortable with that.

I would add, about the flood, too, that the City has mapped our entire watershed and looked very carefully at where we need to put in structures to deal with the flooding. We're currently building a very large retention pond and again, your office has worked with our City Manager and Assistant City Manager and planners, and so they have paid attention to all of our concerns, both having to do with flood control and with future growth.

The CHAIRMAN. Let me just ask, Mayor Cadena, you indicated the priority that Mesilla—the Town of Mesilla has put on agricultural open space. How do you see—do you see anything in this legislation that would contradict that or make that difficult for you to carry out with that set of plans, whatever planning you've done there, in the Town of Mesilla?

Mr. CADENA. No, not at all, I just—my emphasis is that primary in Mesilla, our open spaces are our cultural land but recently we—2 years ago there was a petition to annex, and we have started to move up the West Mesa—so I see some potential to potentially have some open space in that area, as well.

The CHAIRMAN. But none of the open space that you anticipate there is affected by what's being proposed here, as I understand it, is that right?

Mr. CADENA. That's right, not directly.

The CHAIRMAN. OK.

Let me defer to Senator Udall for any questions he has.

Senator UDALL. Thank you very much, Chairman Bingaman.

I want to thank the witnesses on Panel I for doing such a good job, here.

Let me follow-up on one thing that Senator Bingaman delved into a little bit, and I'd like to hear from all 3 of you on this. He asked about the future growth of Las Cruces, and the growth in Doña Ana County, and one of the important things when you develop a proposal like this is make sure that there is the ability to adequately have the community grow while at the same time protect the things that people feel are special treasures.

What I'm wondering is—and my understanding, the Organ Mountains-Desert Peaks Wilderness Act is complimentary of the County's long-term development plans. I would ask—how are each of you involved in these plans, could you describe what the County and City are doing to develop Vision 2040? What impact, if any, this legislation would have on the plan, looking down the road as you're doing on your long-term planning there? Please?

Ms. DUARTE-BENAVIDEZ. I always believe that the people that live in the community should get involved. One of the biggest things that I would like to do is have participation in the community for every single District.

Doña Ana County is unique because it's just not rural, there's a lot of little clusters of communities out there, and we need participation by the residents to see what they want in their little towns on Vision 2040. That's what—I'm hoping to bring in more people

to participate in this and hopefully we can hear their ideas and whatever they need for their community.

Because outside of the County—I mean, outside of the City limits is very different to how it is inside of the City. So that's my biggest—I would like the community participation at this point, thank you.

Ms. THOMAS. Thank you for that question, Senator Udall.

I've been very involved with the Vision 2040 work from the beginning, I've gone to most of the public meetings, I've read all of the drafts—we're about to get a brand-new draft any day now that should be our final, or next-to-last draft, an ultimate draft.

One of the things that the land-use patterns in Vision 2040 suggest is that if we project our growth between now and 2040, the City already has adequate land to accommodate all of that growth. So, we're not looking at much more annexation in that period of time.

Also, as I mentioned earlier, saving the Organ Mountains, protecting open space, protecting the agricultural lands around Mesilla, those were brought up at practically every public meeting as very important goals for the people in this community. So, I think that we've had a considerable public discussion.

I've also been involved in a number of private groups that have been meeting now, for months, just so we can start to be on the same page before we move to the last steps of Vision 2040. I think we're close to being there, and as you said, your bill certainly compliments what we're trying to do with Vision 2040.

Mr. CADENA. Yes, Mesilla is right smack dab in the middle of this plan, this 2040 Plan so we're definitely participating in those discussions. Also, I need to indicate with in-fill and other areas that have been designated for development and the wise use of cluster subdivisions and those kind of innovative building, there's plenty of area to build for many, many years to come. We're not at all trying to be inclusive here, it's just about planning to put people in the right places. That's what this 2040 Vision is about.

Senator UDALL. Thank you.

This I'm going to direct more, Commissioner, to you, but if either of the Mayors want to comment, I'd also like to hear their comments on border security.

A few of the testimonies that we will hear today touch on the concerns of border security. From your perspective, what is the current status of border security in the County, what are their needs, what are the needs that are not being met? Do you believe that the accommodations worked out in this bill and in the ongoing MOA, the Memorandum of Understanding between the Federal Government managers and border security are adequate for protecting the communities that you represent?

Ms. DUARTE-BENAVIDEZ. Thank you.

You know, there's a big problem in Juarez right now, and there's a lot of people being killed. They made a statement that more people have been killed in Juarez than in Afghanistan. So, we have a very big problem in this area, and we need the participation of all law enforcement areas in the border—whether it be the police, the sheriff, the immigration—and I believe that working in unison,

together, and bringing more funds to this area will really help a lot.

You need to know the area, you need to know the culture in order for—to understand what's going on. I believe that more funding, for Federal funds, is necessary to protect the residents of Doña Ana County.

Thank you.

Ms. THOMAS. Yes, I'd like to comment on that, as well.

I understand from some of the earlier testimony that I've read that in terms of crossing problems at the border that Arizona has a lot more than we have and Texas has less, fewer incidences. What I understand from this legislation is that because more land has been released now to be used—I believe close to 40,000 acres to be used for border patrol, so there's access for the border patrol—then, and because a lot of that land has been in a wilderness study area for many years, so actually it seems to me that this legislation gives more flexibility and more access and so that makes me feel considerably better about that.

I would also mention that yes, there's a huge problem in Juarez. But El Paso, for its size, is one of the safest cities in the United States. So, we have this odd congruence here at the border. So I think we're doing a pretty good job on our side of the border. That doesn't mean we don't have great empathy for our neighbors to the south who are really suffering and we need to offer support whenever we can.

But, our border is pretty much in the middle, and I don't see that this legislation's going to change it, and I in fact, see that it's probably going to add more flexibility for Border Patrol.

Mr. CADENA. Certainly I'm no expert on border security, but I will tell you with all of the resources that Congress has put forward, the agencies are working together, there's more people visible, it seems to be a safer place and I think it's just—certainly with all of the experts—expertise in this room that we can work together on that part of the bill to make it feasible and safe at the same time.

Senator UDALL. Thank you, Mayor.

Just my final question here and Commission, it comes from what you've said in your opening testimony, I think you used the term—and that's what I want to ask all 3 of you—your sense, because you're local elected officials, you're here in the community. You, I think, used the term, you said it—reflecting on the proposal that's out there, the bill that both of us are signed on to, "the will of the people has been heard."

Now, could you just reflect a little bit on what you've heard over the years, I know Mayor Cadena has talked about going back and having meetings since 2005 and there's been a lot going on out here. Could you reflect just a little bit on the will of the people and what you've heard in terms of the proposal that's on the table, here?

Ms. DUARTE-BENAVIDEZ. Thank you.

Yes, when I was campaigning, I ran into a lot of people who were stressing that we need to protect our area from development. They don't want it to happen like it did in Phoenix where they have houses all the way up to the mountains, or—you could just go look

at El Paso and see the houses built all the way up to the mountains. People need a place for—to go out and enjoy themselves. There's a lot of areas in the United States that are so beautiful that have been protected because of you. Otherwise, there's just people that would like to put a restaurant up there in the mountain that, you know, that reflects like, "Eat Here."

But we can't do that, we need to—we need to really keep the mountains as beautiful as possible, because if you look at the Organ Mountains, they change every day. You look at them and they're different colors, different—and you know, there's times where you say, "I never saw that before." So, it's the people who come and say, "We want to keep this, this is why we moved here. This is the reason why we're here, we love this place." We need to keep the Organ Mountains as pristine and as beautiful as possible.

Thank you.

Ms. THOMAS. As I pointed out, my District lies all along the Eastern edge of the city of Las Cruces, so many, many people in my District move there because they enjoy the Organ Mountains and as Commissioner Benavidez said, you know, they don't want to see houses marching up the side or restaurants up on the top. So, that's certainly what I hear all the time. I would say a third of my emails and conversations have to do with the open space, wildlife corridors and protecting our natural areas. So, it's very, very well supported in my District.

I guess I could add, finally, that I ran for reelection in November and I was reelected, so that's the best evidence of support I can give you.

Mr. CADENA. Only to add to that, we have a great view of the Organ Mountains from Mesilla, but I can tell you that the great majority of people from Mesilla and this whole Mesilla Valley are in support of this bill.

Senator UDALL. Thank you.

Senator UDALL. Thank you very much, and thank you for your service to your communities. Thank you.

Ms. DUARTE-BENAVIDEZ. Thank you.

Ms. THOMAS. Thank you.

The CHAIRMAN. Thank you all very much for coming and testifying today, we appreciate it very much. Why don't we go ahead and do panel No. 2 at this point.

So, let me introduce them and they can come forward as I introduce them.

Gary Esslinger is here as the Treasurer and General Manager of Elephant Butte Irrigation District, Frank DuBois is a Consultant with People for Preserving our Western Heritage, we welcome him. John Hummer is here, the Chair of the Board of Directors with the Greater Las Cruces Chamber of Commerce and Tom Cooper who is an owner, a grazing permittee with Cooper and Company.

Representative Teague is here, we're glad to have you here.

Representative TEAGUE. Thank you.

The CHAIRMAN. Frank, I mispronounced your name, it's DuBois, excuse me.

Mr. DUBOIS. That's quite all right.

The CHAIRMAN. Why don't we start, let me just first of all defer to Representative Teague, if he wanted to make any statement or

if he wanted to hear from these witnesses first, whatever his preference is.

Representative TEAGUE. If I could, yes.

The CHAIRMAN. You can go right ahead.

STATEMENT OF HON. HARRY TEAGUE, U.S. REPRESENTATIVE FROM NEW MEXICO

Representative TEAGUE. Thank you. Thank all of you all for being here. Thank you Senator Bingaman, Senator Udall for bringing this hearing to Las Cruces. It's an important opportunity for residents of Doña Ana County to share their opinions on the proposed wilderness legislation. This is part of what has been a long and deliberate process led by Senator Bingaman, and this field hearing today shows his commitment to having all sides share—have their voices heard on this important issue.

I think this is a good way of doing business, and I want to thank Senator Bingaman, the Chairman of this hearing, for doing this.

Back during my campaign for Congress, I said I would support efforts to conserve the public lands of this county and oppose radical proposals to sell off public lands to private interests. This has not changed.

When I was elected, I made the commitment to be a Congressman who would stay in touch, listen to all sides of the debate and work to represent the interests of all of my constituents. My approach to the wilderness designation we are discussing today is the same as my approach to representing this District—I did not assume that I already knew the best answer.

Instead, over the course of the last year, I sat down many times with people who cared about this issue and I did a lot more listening than talking, because I think we need to get this right. Ultimately, no one group will be—or should be—to get everything out of this process that they want. But in the end, what we do must be right for Doña Ana County and right for this Nation.

I have a few questions during this process that probably will be answered that include, you know, during these tough economic times when we must both create jobs now and set up for future economic growth, how does the preservation of our public lands benefit Doña Ana County economically? How does it promote tourism, investment and job creation?

Hunting and fishing is a treasured part of the lives of thousands of New Mexico families, including mine. I believe maintaining habitat is just as important to maintaining our hunting and fishing traditions as is the Second Amendment. So, how do sportsmen feel about proposals to preserve our public lands?

When I was a County Commissioner, and now as a Congressman, I worked to develop our public infrastructure to create jobs and build our economy. How would a wilderness designation affect the future development of infrastructure to serve the public safety and economy of Doña Ana County?

Also, I believe that we as a Nation must establish and maintain operational control of our borders. We must be able to stop the illegal smuggling of drugs, guns and people. So, how would a wilderness designation affect the ability of the border patrol to do its job and protect our borders?

Ladies and gentlemen, we all know the public lands of Doña Ana County are critically important to our economy and way of life in Southern New Mexico. Our open spaces provide residents with a unique quality of life. The peaks of the Organ Mountains define Las Cruces just as the Empire State Building defines New York City and Cowboys Stadium defines Dallas.

You can't drive through Las Cruces without seeing many businesses decorated with images of the Organs, and it's hard to get through a conversation about Las Cruces without hearing about the beauty of the city.

In many ways, the Organs and open spaces of Doña Ana County are the goose that lays the golden economic egg. I think we better tend carefully to that goose.

Let us remember that our open space——

Representative TEAGUE [continuing]. Let us remember that our open spaces are public lands.

Representative TEAGUE. They belong to the people of the county and the people of this country. I believe they should be preserved for the people of this country and the people of this County.

I do have questions about the wilderness proposal, that's just part of the process, and that's why I look forward to the rest of this hearing and to continuing to work with all interested parties to craft a future for the public lands of Doña Ana County that will, first, keep us safe, second, preserve and enhance the quality of life and third, increase tourism, jobs and economic investment in the area.

Once again, thank you all for being here today, thank you for listening to me.

The CHAIRMAN. Thank you very much. Thank you for taking time to participate in our hearing, we very much appreciate having you here.

Let's start, Gary, why don't you go right ahead, why don't we use the same basic format we did in the first panel and each of you take 5 or 6 minutes and tell us the main points you think we need to understand and then I'm sure we'll have questions after we hear from all of you.

So, go right ahead.

STATEMENT OF GARY ESSLINGER, TREASURER-MANAGER, ELEPHANT BUTTE IRRIGATION DISTRICT, LAS CRUCES, NM

Mr. ESSLINGER. Thank you for this opportunity to present my testimony today. I am Gary Esslinger, Treasurer-Manager of the Elephant Butte Irrigation District (EBID). I want to emphasize that even though EBID's primary charge is delivering water to 90,640 acres in Doña Ana and Sierra Counties, we do much more than that.

The outflow from EBID flood control dams and other city, county and private dams in the area, coupled with direct storm runoff from dozens of uncontrolled arroyos, runs into our canal and drainage designed for irrigation purposes, but they were designed to convey high storm flows such as the catastrophic events of 2006 and 2008.

EBID continuously looks for opportunities to better manage storm water. Our main concern is to protect life, farmland and the

irrigation system. Thereafter it is to harness the wild storm water to be put to beneficial use in Southern New Mexico. The historic Operating Agreement between the United States, and the Texas and New Mexico Irrigation Districts allows EBID to capture storm water within our system and place it to beneficial use without any obligation to deliver that water to Texas by directly and indirectly recharging our aquifers which will benefit everyone.

EBID sponsors and operates 33 flood control dams that were built about 60 years ago to protect ag land, with a 50 year storm event design life, seven of which of these dams sit between the Doña Ana County exit and I–10 interchange. They have lost capacity due to sediment and accumulation and design life, making them more likely to spill or breach. These dams were not designed to protect a concentrated population such as we have in and around Las Cruces.

We appreciate the efforts of all parties, and especially Senator Bingaman, you and your staff for working with EBID to exclude our existing dams from the wilderness area. However, flood control is not a stagnant process. It is clear that as Southern New Mexico continues to grow, we will need to address flood management and develop best management practices for our watersheds before we can consider wilderness area designation. Climate change is a moving target with much uncertainty.

For example, the east Mesa of Las Cruces is criss-crossed with arroyos that originate in the Organ Mountains and drain into the valley floor. Yet today, we assume under false pretense that existing flood control structures are adequate, and that we will be protecting residential and commercial developments below.

What happened in Hatch and El Paso will happen here. A comprehensive storm water plan must, out of necessity, start as high up in the watershed as possible or it will be impossible to plan for new improvements in the future.

Sediment and debris loads in the storm water runoff, which I refer to as the first flush, are major problems in our watershed regions. Historically, these watersheds are not in their natural condition which would have been desert grasslands. Instead they have been overtaken by invasive brush species and changed to desert shrub land. The change will not reverse itself either naturally, or by over protecting it. We will need to be responsible and develop a sustainable storm water management plan, and this necessarily must start at the top of the watershed. The process would be hindered, if not prohibited, by the proposed wilderness designation.

As a manager charged with the management of water resources, climate change and the affect on our water supply is at the top of my list. The current economic crisis, our inadequate flood control system and a community apathy toward comprehensive flood protection will present an even bigger threat to life and property than it has in the past, and our lack of flood control infrastructure and proper watershed protection will prevent us from capturing and using a new source of water supply in southern New Mexico. I call this the "Hydro-illogical" cycle.

As climate change continues to affect the snowmelt runoff coming into Elephant Butte Reservoir, our reliance on the use of storm water needs to increase to take up the slack. In order to capture

and use this water, we need flood control capacity and watershed management. I believe this is the "new water" for Southern New Mexico.

I think there is a lot of common ground between the groups in favor of wilderness designation and EBID. We all want to see the watershed and wilderness area protected from further impairment, safety of our communities and the long-term sustainability of our water supply. We recognize the threats posed by a changing climate, and we know that we must adapt to it together. As the major water provider in Southern New Mexico, EBID recognizes that in order to accomplish these goals, we need access to these critical watersheds for restoration and storm water management. With respect to S. 1689 we all need to make sure that Southern New Mexico has the ability to safely manage and wisely use the water resources that originate in these areas.

Let us keep our options open. Thank you.

[The prepared statement of Mr. Esslinger follows:]

PREPARED STATEMENT OF GARY ESSLINGER, TREASURER-MANAGER, ELEPHANT BUTTE IRRIGATION DISTRICT, LAS CRUCES, NM

Thank you for the opportunity to present testimony today. I am Gary Esslinger, Treasurer-Manager of the Elephant Butte Irrigation District (EBID) and I'd like to talk to you about a ticking time bomb that must be defused. Imagine urban and valley-wide flooding as a result of an explosion not unlike what hit Hatch and El Paso in 2006, or Leasburg in 2006 and 2008, that will eventually target the Organ Mountains and the east and west mesas. The detonation will be a torrent of runoff water and debris running off the watersheds that will wind up surrounding Las Cruces and inundating the valley floor. The meteorologists will hold the match and will tell you that in 2006, three of the 16 maximum precipitation events on record occurred within five weeks of each other by a climate change enhanced micro storm burst and it could happen more frequently than before. Old timers, who have witnessed decades of local weather, will tell you that they have never seen anything like the 2006 storms. The high desert watersheds that S. 1689 is intended to protect will continue to be at risk, and we will be missing a golden opportunity to be proactive and exploit the use of storm water to replenish our dwindling water supply in this area.

I want to emphasize that even though EBID's primary charge is delivering water to 90,640 acres in Dona Ana and Sierra Counties, we do much more than deliver water to 8,500 constituents. The outflow from EBID flood control dams and other city, county and private dams in the area, coupled with direct storm runoff from dozens of uncontrolled arroyos, runs into our canal and drainage system, which was designed for delivering irrigation water and removing subsurface drainage, not conveying high storm flows such as the events of 2006 and 2008 .

EBID continuously looks for opportunities to better manage storm water. Our main concern is to protect life, farmland and the irrigation system. Thereafter it is to harness this wild storm water to be put to beneficial use in Southern New Mexico. The historic Operating Agreement between the United States, and the Texas and New Mexico Irrigation Districts allows EBID to capture storm water within New Mexico and place it to beneficial use without any obligation to deliver that water to Texas. These are among the reasons why I wanted to take this opportunity to voice some concerns EBID has regarding the designation of thousands of acres of watershed lands as wilderness areas.

The old Soil Conservation Service (SCS) PL566 dams that EBID sponsors and operates were built about 60 years ago, with a 50 year storm event design life, seven of which sit between Dona Ana and the I-25/I-10 exchangs. They have lost capacity due to sediment accumulation and design life, making them more likely to spill or breach. These dams were not designed to protect a concentrated population with new drainage standard designs for 100 year storm events above and below them.

We appreciate the efforts of all parties involved as well as Senator Bingaman and his staff for working with EBID to exclude our existing dams from the wilderness area, so we can continue to maintain and, hopefully, upgrade them. However, flood control is not a stagnant process. It is clear that as Southern New Mexico continues to grow, we will need more flood control structures and to develop best management

practices for our watersheds. These structures and plans, have not been designed or sited, and therefore, not considered in the wilderness area designation because of the uncertainity directed by climate change.

Let me give you specific examples. Coming from the Robledo Mountains and the Broad Canyon area to the Northwest of Las Cruces, there are three uncontrolled arroyos—Foster, Faulkner, and Chandler. These wild arroyos discharge into the Rio Grande above Leasburg Dam and have historically produced very large flows, particularly in the summer monsoon season. In 2006, for example, a flood coming out of Faulkner Canyon knocked a train off the tracks on the opposite side of the Rio Grande. These three arroyos present a serious downstream flooding hazard. Perhaps more of a problem is the load of sediment and debris the arroyos bring which choke off the flow of the Rio Grande below Seldon Canyon and could bury the federal owned diversion dam intakes further downstream. In my 30 years of experience with EBID, I have witnessed sediment plugs in the Rio Grande from these and other arroyos backing the flows from El Paso all the way up into the Rincon Valley, causing flooding, damaging property and crops, and yet I call EBID a "First Responder" to the rescue when this occurs.

The East Mesa above Las Cruces is crisscrossed with arroyos that originate in the Organ Mountains and drain onto the valley floor. Yet today, we assume under false pretense that existing flood control structures are adequate and will be protecting residential and commercial developments below. A comprehensive storm water plan must, out of necessity, start as high up in the watershed as possible or it will be impossible to plan for new improvements in the future.

In both of these examples, sediment and debris loads in the storm water runoff, which I refer to as the first flush, are major problems in these watershed regions. Historically, these watersheds are not in their natural condition which would have been desert grasslands. Instead they have been overtaken by brush species and changed to desert shrub land, with much higher runoff and erosion potential over time. The change will not reverse itself either naturally, or by over protecting it, and the high erosion capability of the shrub land will cause ongoing degradation to our watersheds. Mechanical or chemical brush removal, soil amendments, and reseeding are necessary to reverse the dominance of desert shrubs, slow and reduce the runoff, and styme the erosion rate. This is a first step to responsible and sustainable storm water management, and necessarily must start at the top of the watershed. This process would be hindered if not prohibited by the proposed wilderness designation.

As a manager charged with the management of water resources, climate change and the affect on our water supply is at the top of my list. The forecasting of regional climate models and data has led me to one conclusion. Southern New Mexico can no longer rely on receiving its renewable water supply exclusively from snowpack in Colorado. We are experiencing a shift towards a drier climate, punctuated by more extreme drought and more frequent flood episodes below Elephant Butte Reservoir. Are we prepared for this shift? I say we are not. The current economic crisis, our inadequate flood control system, and community apathy will present an even bigger threat to life and property than it has in the past, and our lack of flood control infrastructure and proper watershed protection will prevent us from capturing and using a new source of water supply in southern New Mexico. I call this the 'Hydro-illogical' cycle.

As previously mentioned, the new Operating Agreement in the Rio Grande Project allows EBID to capture and place to beneficial use all the storm water we can utilize. EBID has already initiated operations which divert storm water into our system which directly and indirectly recharges our groundwater system and this benefits all groundwater pumpers in the valley. Slowing the runoff and utilizing mountain front recharge zones is absolutely critical in this groundwater recharge approach. As climate change continues to affect the snowmelt runoff coming into Elephant Butte Reservoir, our reliance on the use of storm water needs to increase to take up the slack. In order to capture and use this water, we need flood control capacity and watershed management, starting from the top of the watershed down to the valley floor. I believe this is the 'new water' for the arid southwest.

I think there is a lot of common ground between the groups in favor of wilderness designation and EBID, and once again thank you, Senator Bingaman and your staff. We all want to see the watershed and wilderness area protected from further impairment. We both want to ensure the safety of our communities and the long-term sustainability of our water supply so we can enjoy the historic cultural and social-econo9mic value of this region. We recognize the threats posed by a changing climate, and we know that we must adapt to it together. As the major water provider in Southern New Mexico, EBID recognizes that in order to accomplish these goals, we will need access to these critical watersheds for restoration and storm water

management. S. 1689 needs to make sure that Southern New Mexico has the ability to safely manage and wisely use the water resources that originate in these areas.

Hatch, El Paso, and Juarez are still digging out from the 2006 floods while our spectacular mountains still tower majestically along the skyline, as if waiting in anticipation for the next epic storm to hit. Let's not idly wait for it, and let's keep our options open in these critical mountain and high desert watersheds, particularly with respect to S. 1689. Thank you for this opportunity to speak and I stand for questions.

The CHAIRMAN. Thank you very much.

Thank you very much. Why don't we just go right on down the table, there, Mr. Cooper, why don't you go right ahead?

STATEMENT OF TOM COOPER, RANCHER AND FORMER CHAIRMAN, PEOPLE FOR PRESERVING OUR WESTERN HERITAGE

Mr. COOPER. Thank you.

The CHAIRMAN. You may want to just hold this in one hand, it's probably the best way to be heard.

Mr. COOPER. I wish to thank the committee for holding this hearing and for the invitation to participate.

None of the grazing allotments in 500,000-acre Gila Wilderness are active today. Livestock and ranching families have been eliminated. If those families could have made it work, they would still be ranging, supporting their families and local communities and providing beef for Americans. Their ranches were destroyed by the legislation and anti-grazing activism which followed. This scenario could be repeated in Doña Ana and Luna Counties under S. 1689. Ranchers, employees, round-up crews and suppliers would be out of work or otherwise severely impacted.

We participated with representatives of seven other groups in regional land management, a community response, which was sponsored by the City and the County. The stakeholder committee met twice weekly for 3 months. The announced purpose was to reach a consensus for the citizen's wilderness proposal. That did not happen. In its final act, the 16 committee members voted for wilderness on 55,500 acres, or 21 percent, of the 259,000 acres of wilderness now in S. 1689. In terms of acreage, withdrawal received more votes than wilderness.

Later in 2007, we proposed an alternative plan to designate the eight existing wilderness study areas as rangeland preservation areas—to withdraw the areas from disposal by sale or exchange and from leasing for oil and gas or mining activity similar to the Valle Vidal Act of 2006. That act was supported by Senator Bingaman and Representative Udall. Our proposal was prompted by the Valle Vidal Act and the support for the withdrawal feature in the Stakeholder Committee.

Environmentalists state that wilderness is the gold standard of preservation. In reality, preservation practices such as brush control, erosion control, flood control and projects to improve water distribution and forage utilization for wild stock and wildlife are prevented in wilderness. BLM, NRCS, New Mexico Association of Soil and Water Conservation Districts and the ranchers are cooperating in a program to implement all of these practices. Through Restore New Mexico, brush encroachment has been halted on hun-

dreds of thousands of acres of New Mexico rangelands. Those lands are, again, productive and beautiful.

Sadly, brush encroachment with increased run-off and soil erosion will continue on the lands in S. 1689 subject to the gold standard of preservation. Maps of the areas in S. 1689 provided to us reflect only the boundaries and a few cherry stems. We had previously provided maps reflecting extensive improvements to Congressional staff, as requested. We were told, regarding the blank S. 1689 maps provided to us that we would need to get with BLM regarding improvements and access roads. It has been represented that we will have access to wells, troughs and corrals. No specific representation has been made regarding frequency of access.

In addition, roads along fence lines and roads to dirt tanks which we use to haul materials and check our cattle and deliver salt, mineral and protein supplements—and other roads—are also essential to our operations. We have requested—but have not received—detailed maps of S. 1689, or computer data files to allow us to produce detailed maps.

If wilderness is to be designated, we ask that the legislation include complete maps reflecting roads and improvements and wording allowing ranchers necessary access and frequency of use. Inclusion in the Act would also limit the expected challenges to ranchers' permit applications and to BLM's management decisions.

In response to a statement by a rancher that he needs to make the rounds of his pipelines and water facilities, make repairs and check and feed his cattle 2 or 3 times weekly and inquiring if that frequency will be allowed in wilderness, BLM personnel stated that it might not be allowed weekly, perhaps not even every 2 weeks. BLM might well have added, "Goodbye, ranchers."

The huge wilderness and NCA designations in S. 1689, the so-called "citizens proposal" came from organizations outside of our area, The Wilderness Society, and some founding members of NMWA advocate removal of all livestock from public lands everywhere. A former Board member of NMWA advised us that they view wilderness designations as the first step to eliminate livestock and the ranchers.

Under S. 1689, I would be forced to operate my ranch under different management plans for 3 separate wilderness areas for the Desert Peak NCA and for areas remaining in multiple use. The Hopkins Ranch in the Organ Mountains would be in similar circumstances, as would Williams Ranches in the Potrillo Mountains, and others. This would be a threat to the very existence of our ranches, and an administrative nightmare for BLM and the ranchers, requiring an inordinate amount of time creating and implementing management plans dealing with ranchers' permit applications to make repairs or improvements with public comment periods responding to comments and legal challenges, et cetera.

None of my ranch was recommended for wilderness in the 1991 Interior Department Record of Decision or by the Stakeholder Committee. Interior determined the Robledo and Las Uvas Mountains Wilderness Study Areas—which lie partly on my ranch—are not suitable for wilderness and recommended they be returned to multiple use. The Broad Canyon area was found unsuitable for further study prior to 1991. Further, my entire ranch has strong potential

for capture and conversion of flood waters to beneficial public use. S. 1689 would eliminate or severely diminish that potential.

The vote of the Stakeholder Committee and the thousands of employees and members of the 800 businesses and organizations which are members of the Coalition for Western Heritage and Open Space point to widespread opposition to S. 1689. We request that our community's serious concerns regarding grazing management, public access, national security, illegal immigration, human and drug smuggling, flood control and water capture be fully addressed before further consideration of this legislation.

Thank you very much.

[The prepared statement of Mr. Cooper follows:]

PREPARED STATEMENT OF TOM COOPER, RANCHER AND FORMER CHAIRMAN, PEOPLE FOR PRESERVING OUR WESTERN HERITAGE

I wish to thank the Committee for holding this hearing, and for the invitation to participate.

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We participated with representatives of seven other groups, in "Regional Land Management: A Community Response", which was sponsored by the City and County. The Stakeholder Committee met twice weekly for three months. The announced purpose was to reach a consensus for the Citizens' Wilderness Proposal. That did not happen. In its final act, the 16 committee members voted for Wilderness on 55,550 acres (21%!) of the 259,050 acres of Wilderness now in S1689. In terms of acreages, withdrawal received more votes than Wilderness.

Later, in the Spring of 2007, we proposed an alternative plan to designate the 8 existing Wilderness Study Areas as Rangeland Preservation Areas, to withdraw the areas from disposal by sale or exchange, and from leasing for oil and gas or mining activity, similar to the Valle Vidal Act of 2006. That act was supported by Senator Bingaman and Representative Udall. Our proposal was prompted by the Valle Vidal Act and support for the withdrawal feature in the Stakeholder Committee.

Environmentalists state that Wilderness is the "gold standard" of preservation. In reality, preservation practices such as brush control, erosion control, flood control, and projects to improve water distribution and forage utilization for livestock and wildlife are prevented in Wilderness. BLM, NRCS, NM Assn. of Soil and Water Conservation Districts and the ranchers are cooperating in a program to implement all of these practices. Through "Restore New Mexico", brush encroachment has been halted on hundreds of thousands of acres of NM rangelands. Those lands are again productive and beautiful! Sadly, brush encroachment with increased runoff and soil erosion will continue on the lands in S1689 subject to the "gold standard" of preservation!

Maps of the areas in S1689 provided to us reflect only the boundaries, and a few "cherry stems". We had previously provided maps reflecting extensive improvements to congressional staff, as requested. We were told regarding the blank S1689 maps provided to us that we would need to get with BLM regarding improvements and access roads. It has been represented that we will have access to wells, troughs, and corrals. No specific representation has been made regarding frequency of access. In addition, roads along fence lines and roads to dirt tanks which we use to haul materials and check our cattle and deliver salt, mineral, and protein supplements, and other roads, are also essential to our operations. We have requested, but have not received detailed maps of S1689 or computer data files to allow us to produce detailed maps.

If Wilderness is to be designated, we ask that the legislation include complete maps reflecting roads and the improvements and wording allowing ranchers necessary access and frequency of use. Inclusion in the Act would also limit the expected challenges to ranchers' permit applications and to BLM's management decisions.

In response to a statement by a rancher that he needs to make the rounds of his pipelines and water facilities, make repairs, and check and feed his cattle 2 or 3 times weekly, and inquiring if that frequency will be allowed in Wilderness, BLM personnel stated that it might not be allowed weekly, perhaps not even every two weeks! BLM might well have added "Goodbye, ranchers".

The huge Wilderness and NCA designations in S 1689, the so-called Citizens' Proposal, came from organizations outside our area, the Wilderness Society and NM Wilderness Alliance. The Wilderness Society and some founding members of NMWA advocate removal of all livestock from public lands everywhere. A former board member of NMWA advised us that they view Wilderness designations as the first step to eliminate the livestock and the ranchers.

Under S1689, I would be forced to operate my ranch under different management plans for 3 separate Wilderness areas, for the Desert Peaks NCA, and for areas remaining in multiple-use. The Hopkins Ranch in the Organ Mountains would be in similar circumstances, as would Williams Ranches in the Potrillo Mountains, and others. This would be a threat to the very existence of our ranches, and an administrative nightmare for BLM and the ranchers, requiring an inordinate amount of time creating and implementing management plans, dealing with ranchers' permit applications to make repairs or improvements, with public comment periods, responding to comments and legal challenges, etc.

None of my ranch was recommended for Wilderness in the 1991 Interior Department Record of Decision or by the Stakeholder Committee. Interior determined the Robledo and Las Uvas Mts Wilderness Study Areas, which lie partly on my ranch, are not suitable for Wilderness and recommended they be returned to multiple-use. The Broad Canyon area was found unsuitable for further study prior to 1991. Further, my entire ranch has strong potential for capture and conversion of flood waters to beneficial public use. S1689 would eliminate or severely diminish that potential.

The vote of the Stakeholder Committee and the thousands of employees and members of the 800 businesses and organizations which are members of the Coalition for Western Heritage and Open Space point to widespread opposition to S1689. We request that our community's serious concerns regarding grazing management, public access, national security, illegal immigration, human and drug smuggling, flood control and water capture be fully addressed before further consideration of this legislation.

The CHAIRMAN. Thank you very much.

I'm told that Mr. DuBois would like to be last, and if that is the preference, Mr. John Hummer, why don't you go right ahead and we'll hear from you next.

STATEMENT OF JOHN L. HUMMER, CHAIR OF THE BOARD OF DIRECTORS, GREATER LAS CRUCES CHAMBER OF COMMERCE

Mr. HUMMER. Thank you.

Senator Bingaman, Senator Udall, Members of the Senate Energy and Natural Resources Committee, and citizens of Doña Ana County, thank you for allowing me to sit on the panel today.

My name is John Hummer and I am here representing The Greater Las Cruces Chamber of Commerce, which represents approximately 100 small and large businesses throughout our community.

In our October 20th, 2009 letter, signed by me as the 2009 Chairman, and unanimously approved by our Board of Directors, we set forth an outline of responses to S. 1689. In that letter, full support for wilderness designation of the Organ Mountains was strongly endorsed and you have our full support on that part of the legislation. The Organ Mountains have long been the focus of protection by this community.

The letter went on to detail our position and concerns on the other areas based on national security, economic demands, and the recognition of historical access for the community. Although not limited to, but where the Chamber disagreed with your legislation,

were the protective measures of the Potrillo Mountain complex. The scoping process, we believe, did not adequately address the dangers of wilderness designation near the border. Throughout this debate, the reference to the 2006 MOU has been held out to solve access problems for the Border Patrol. None other than Secretary of Homeland Security, Janet Napolitano, discounted this very contention. In Napolitano's October 2, 2009 written testimony to the ranking member of the House Subcommittee on National Parks, Forests and Public Lands, 2 major points were revealed.

First, Ms. Napolitano wrote, "While the USBP recognized the importance and value of wilderness area designations, they can have a significant impact on USBP operations . . ." Second, her report revealed the failings of the 2006 MOU in practice in the field. She wrote in reference to the document, ". . . along the southwest border it (the MOU) can be detrimental to the most effective accomplishment of the (USBP) mission."

The fact remains when Federal Wilderness is designated full Border Patrol authority and access is terminated, which means minimal flexibility. That is unacceptable in this County.

Mr. HUMMER. The issues of the Potrillo Mountain complex are too varied and dangerous to consider wilderness designation. Protection, absolutely, yes—but not wilderness designation. Please consider NCA for this area. The border buffer that has been placed in the current legislation has been discounted by many experts in border security.

The conclusions that the Chamber reached after research have become even more convincing in written testimony that would have been presented today by the National Association of Former Border Patrol Officers if they had been invited to speak. If given the opportunity they would have stated the following: One, The presence of any wilderness on or near the Mexican border is a danger to the security of the United States. Two, designated Federal Wilderness is not causative in establishment and expansion of entry corridors. Third, the Potrillo Mountain complex has the same characteristics of threat potential as does Organ Pipe Cactus National Monument, the most dangerous park in the United States. Fourth, the strip or buffer between the southern extension of wilderness and the Potrillo complex and the border is inadequate for the Border Patrol to meet Congressional demands for national security. CBP can not be expected to interdict and apprehend illegals within the narrow strip from the border north to Highway 9 nor can they be expected to do the same thing in the same narrow corridor being considered north of Highway 9. If they could, they would be doing it right now. Fifth, CBP is restricted from maintaining a full presence on the ground and with technical hardware because of Federal land designation constraints in the entire Broad Canyon complex, the threat will automatically be extended northward exposing the village of Hatch and Highway 26.

The Village of Hatch has been aware of this warning, but they are not here today to defend their position or their concerns. In order for you to enjoy the support of the Las Cruces Chamber Board of Directors, you must not violate the trust we place upon your body to assure our community that you are considering these facts and other staggering issues that are just now coming to light

on the Arizona border. All other factors pale to the consequences of your actions in this regard. However, I must also add that we remain steadfast in our insistence to not encumber this community's access to the greater Broad Canyon complex.

In particular, Mr. Esslinger's testimony regarding flooding and water retention is precisely why wilderness designations and other restricted designations in and around large and growing population centers, municipalities and villages have potential life-threatening and costly consequences, and are therefore considered by many as damaging policy.

In summary, our organization will adhere to the letter of submitted testimony in October, so long as we can be assured that recent developments of national security, flood control and new water sourcing opportunities are recognized and dealt with in a manner that responsibly protects our community.

Thank you, Senators, for your time, Congressman Teague, all of you for your careful consideration, and for your leadership in this most important matter.

Thank you.

[The prepared statement of Mr. Hummer follows:]

PREPARED STATEMENT OF JOHN L. HUMMER, CHAIR OF THE BOARD OF DIRECTORS, GREATER LAS CRUCES CHAMBER OF COMMERCE

Senator Bingaman, Senator Udall, Members of the Senate Energy and Natural Resources Committee, invited Panel members, and citizens of Dona Ana County thank you for allowing me to sit on this panel today. My name is John Hummer and I am here representing The Greater Las Cruces Chamber of Commerce, which represents approximately 1,000 businesses who employ and create opportunities for tens of thousands of families. I am here because of the concern that portions of Senate Bill 1689 present to those I represent.

In the letter from the Chamber, dated October 20th, 2009, signed by me as the 2009 Chairman, and unanimously approved by the chamber's board of directors, we set forth an outline of responses to the bill that you crafted and submitted. In that letter, support for wilderness designation of the Organ Mountains was strongly endorsed. The Organ Mountains have been the focus of protection by this community, its leadership, and the social and economic underpinnings of its citizens.

The testimony went on to detail our position on the other areas based on national security, economic demands, and the recognition of historical access for the community. Although not limited to, but where the Chamber disagreed with your legislation, were the protective measures of the Potrillo Mountain complex. The scoping process did not adequately address the danger of designating federal wilderness on the border. Throughout this debate, the reference to the 2006 MOU has been held out to solve access problems for the Border Patrol. In oral and or written testimony to Congress this past summer, none other than Secretary of Homeland Security, Janet Napolitano, discounted that contention. In a Napolitano letter dated October 2, 2009 to the Ranking Member of the House Subcommittee on National Parks, Forests and Public Lands, two major points were revealed. First, Ms. Napolitano wrote, "While the USBP recognized the importance and value of wilderness area designations, they can have a significant impact on USBP operations . . ." Secondly, her report revealed the failings of the 2006 MOU in practice in the field. She wrote in reference to the document, ". . . along the southwest border it (the MOU) can be detrimental to the most effective accomplishment of the (USBP) mission."

Notwithstanding the disclosure by Ms. Napolitano of the shortcomings of depending on a side agreement for access, we must be pragmatic about the legality of that document. If ever an environmental group challenges that document for any reason as being contravention of the statute you propose, any judge would have no alternative but to throw that MOU out. We cannot justify to American citizens that their safety and the national security of their nation is predicated on some document that allows conditional access to interdict and apprehend illegal drug and human smugglers in order to designate federal wilderness. The fact is when Federal Wilderness is designated full Border Patrol authority and access is terminated. That is unacceptable in this county.

The issues of the Potrillo Mountain complex are too varied and dangerous to consider wilderness designation. Protection, yes . . . but not wilderness. The border buffer that has been placed in the current legislation has been discounted by experts in border security.

The conclusions that the Chamber reached have become even more convincing in written testimony that would have been presented by the National Association of Former Border Patrol Officers if they had been given the opportunity to speak today. From more than 5,000 man years of experience with border matters, NAFBPO succinctly sets out the risks to our community and our nation with S.1689 if it goes forward in its present form.

From that written testimony, we are warned as follows:

1. The presence of any wilderness on the Mexican border is a danger to the security of the United States.
2. Designated Federal Wilderness is not causative in the intent of illegals to enter the United States, but it is causative in the establishment and expansion of entry corridors.
3. The Potrillo Mountain complex has the same characteristics of threat potential to the United States as does Organ Pipe Cactus National Monument, the most dangerous park in the system.
4. CBP cannot be expected to interdict and apprehend illegals within the narrow strip from the border north to Highway 9 nor can they be expected to do the same thing in the same narrow corridor being considered north of Highway 9. If they could, they would be doing it now.
5. If CBP is restricted from maintaining a full presence on the ground and with technical hardware because of federal land designation constraints in the entire Broad Canyon complex, the threat will automatically be extended northward exposing the village of Hatch and Highway 26.

That testimony goes on to detail how northward expansion of national security threats will take place if the Potrillos are designated Federal Wilderness. Such threats will become most pronounced in the Corralitos/ Broad Canyon corridor flanked by the Robledo and Las Uvas Mountains. The village of Hatch has been aware of this warning, but they are not here today to defend their position and their concerns.

In order for you to enjoy the support of the Las Cruces Chamber, you must not violate the trust we place upon your body to assure our community that you are considering these facts and others that are coming to light on the Arizona border. All other factors pale to the consequences of your actions in this regard, but I must also add that we remain steadfast in our insistence to not encumber this community's access to the greater Broad Canyon complex. In our letter, we set forth the economic aspects of what Broad Canyon means for our future in terms of flood control devices, rail and utility line rights-of-way, and historical community back country access. Each of those issues are large enough that you must drop all NCA considerations and allow the Multiple Use Management alternative that was determined by BLM scientific based studies authorized and required by the 1976 Federal Lands Protection and Management Act. From that process, we were all promised that wilderness designation would be based on agency adherence to fidelity issues of the original act, not what some organization conjures up as a proxy to wilderness.

In recent days, developments regarding the Broad Canyon complex, the East Side NCA, and the El Paso/ EBID settlement allowing the capture and beneficial use of flood water have taken on new importance. In short, any legislation cannot limit access to current dams, future dams, or devices that are intended to protect the property, health and welfare of our citizenry. This information is being assimilated and studied by an ad hoc committee made up of various bodies that are responsible for flood control and public safety. The results of their work must be reviewed and studied before any lands within the scope of a future project are reclassified. The drainage and flooding issues that Mr. Esslinger with EBID has testified to and associated with, specifically, the Broad Canyon Area and Organ Mountain NCA, are PRECISELY WHY wilderness designations and other restrictive designations in and around large and growing population centers, municipalities and villages, have potential life threatening and costly consequences and are therefore considered damaging policy.

In summary, our organization conditionally adheres to the letter of submitted testimony, so long as the recent developments of national security, flood control and new water sourcing opportunities are recognized and dealt with in a manner that protects the community.

Thank you for your time, for your careful consideration, and for your leadership in this important matter.

ATTACHMENT

As mentioned during my oral testimony at yesterday's field hearing at New Mexico State University, I wanted to follow up with additional written testimony as it pertains to border / national security concerns with the Potrillo Mountain Complex.

The question was asked whether or not I, or the organization I represented, believed that efforts were made by Senator Bingaman's staff to seek compromise with active border patrol officers? Here are some important points that I would like to add to my testimony:

- Yes, we do believe that conversations were held between certain active duty border patrol agents and the Senator's staff;
- Our concern pertains to how the conversation and questions were framed;
- Were the active border patrol agents asked, "Given a choice, with a primary consideration for national security, would you prefer an NCA or multiple use designation for the Potrillo Mountain Complex over Wilderness Designation?" Or was the question framed in the context that Wilderness will be designated. Therefore, how much additional land would you like to have as non-Wilderness? This is an important distinction.
- The absence of public testimony by the Active United States Border Patrol agency causes great concern. As such, we respectfully request that an official statement be obtained and released from the US Border Patrol agency as it pertains to their land designation preference for this large swath of land in the Potrillo Mountain Complex.
- Furthermore, we encourage each of you to seriously consider the written and submitted testimony and recommendations by the Federal Retired Border Patrol Officers. This organization represents years of experience, non-biased perspectives and recommendations for the security of our nation.

Thank you for your consideration with this most important aspect of S.B. 1689.

The CHAIRMAN. Thank you.

Frank, go right ahead, please.

STATEMENT OF FRANK A. DUBOIS, FORMER NEW MEXICO SECRETARY OF AGRICULTURE, 1988-2003

Mr. DUBOIS. Thank you.

Perhaps I should clarify that my testimony today is my own, and shouldn't be attributed to any organization. I've acted as an advisor to the Western Heritage Group, but I'm here today on my own.

I also hope that you'll pitch me a little slack, I can't get my wheelchair all the way under this table, so trying to sit up and hold the microphone there may be a few breaks in there, if that's OK.

The other thing I'll tell you is please don't feel bad about my last name, DuBois. I had a football coach in high school who called me "Dubious" so please don't worry about that.

[Laughter.]

Mr. DUBOIS. In my testimony today I will address 3 issues: The grazing language in the existing bill for National Conservation Areas, public access and the need for a land designation other than Wilderness.

The grazing language with respect to NCAs in the current bill really discriminates against the ranching community and could disable their ability to continue ranching. In my written testimony I give you 3 different fixes for that that I would like to just briefly discuss.

As a result of "production of forage for livestock grazing" not being listed in Purposes section and you combine that with the consistency language, any time the BLM would seek to conserve, protect or enhance any of the 10 uses listed, and there is a potential conflict with a grazing practice, grazing will either be diminished

or eliminated. Any time a rancher seeks to implement a new grazing practice and there is a potential conflict, the practice will not be allowed.

Current grazing practices will be disallowed if there is a conflict. So, in this instance, if you would list "the production of forage for livestock grazing" in the purposes section, that would solve that problem and really, all the ranching community is requesting is to be put on an equal footing with the other 10 uses that are listed.

Mr. DUBOIS. The second proposal, I provide you with just some generic grazing language that would drop the "where established" and the "consistency" language. I dropped the where established language because no such language restricts other uses such as wildlife or recreation, so why single out grazing for this restriction?

The "consistency" language, removing it would become more important if you don't list grazing in the Purposes section. If you do list grazing in the Purposes section, then the "consistency" language would be redundant.

The third proposal, or fix, that I presented is taken from your bill, S. 874, in the section dealing with Nuts and Firewood, and that's your Northern New Mexico bill. In that bill, you provide exemptions for certain practices by the pinion nut and firewood harvesters in the area. So this third proposal would basically ask that you make similar exemptions for the traditional practices of ranchers in Southern New Mexico.

In addition I have some questions I posed to the committee about the "where established" language in Section 4. We really hope the committee will look at this and give us some answers. For instance, is this "where established," is it applied on an 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?

So, what we're really seeking here is a clear statement from the committee on what Congressional intent is when you use that phrase "where established"?

The other thing is, I have not addressed the Grazing Guidelines for wilderness areas, but suggest you look at previous testimony that is submitted by several groups including the New Mexico Federal Lands Council which demonstrates the inadequacy of those grazing guidelines in desert ecosystems.

The next issue is public access. Public access for hunters and campers and ranchers and hang gliders and law enforcement and other specific users has already been addressed by others and so I would just like to address access from the standpoint of the general public.

If you review the Federal land status in Doña Ana County, and the status of Federal lands within a leisurely 1 hour drive from Las Cruces, you will find over 4 million acres of Federal land with either no public access or restricted access.

Given that figure of 4 million acres where the general public is mostly excluded, I really must question the appropriateness of restricting access on another 560 square miles, or 358,000 acres.

Mr. DUBOIS. So, what I'm suggesting, or what I'm hoping is that you will take into 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.

Finally, a designation other than wilderness. The land use pattern in Doña Ana County, a valley floor of private lands surrounded by various types of Federal land and other public lands is not unique to the West. As the Senator well knows, this particular land-use pattern and setup is all over the Western United States. We know that 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 of these lands.

Mr. DUBOIS. Some have called this—if you look at the literature—some have called this wilderness "light," others wilderness "without the big 'W'" and there's been several names and attempts to try to describe this. But a land 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 all of our Western communities. The time has come for Congress to step forward with a new land use designation that responds to both the national concern for protecting Federal lands and local concerns for development, recreation and traditional or cultural uses.

Senator, I know that you're very aware that Senator Clinton P. Anderson chaired this very committee that I am testifying before today and that you now chair. He took a leadership position in the 8-year struggle to get the Wilderness Act passed. What I and others are requesting is that you continue with that tradition of leadership and take on the task of finding this new land use designation that would meet the needs of a modern populace.

Thank you.

[The prepared statement of Mr. DuBois follows:]

PREPARED STATEMENT OF FRANK A. DUBOIS, FORMER NEW MEXICO SECRETARY OF AGRICULTURE, 1988-2003

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.

The CHAIRMAN. Thank you very much. Thank you very much.

Let me thank all of the witnesses on this panel, this has been very well-prepared and constructive testimony. Let me ask a few questions and then I'm sure Senator Udall will have a few, and Congressman Teague may have a few, as well, so let me start.

Let me ask you first, Gary, are there specific plans to construct new flood control projects in the Organ Mountains or dealing with

the watershed coming out of the Organ Mountains, that you're aware of?

Mr. ESSLINGER. I'm not aware of any new. I know that the city of Las Cruces is developing some ponds and clearly there are drainage plans in place.

But, part of the problem, Senator, is EBID is not privy, many times, to the development on the East Mesa, and why? We're farmers in the Valley. But clearly, the water that runs off those watersheds impact us and actually drown out the Valley floor. So it's imperative that something greater than even Vision 2040 that doesn't adequately address flood control and water—water, in general, supply, aquifer health, all of those issues—it's not there. There should be some comprehensive plan between County, City, Doña Ana County Flood Control, the Federal agencies, EBID, Soil and Water Conservation Districts, and everyone before we even attempt to think about a wilderness area, we need to first of all address our water supply and our flood protection.

I just feel—I've been a witness to the Hatch incident, I was in El Paso when—waist-deep water—and people, homes were devastated. Yet they still had a beautiful picture of the Franklin Mountains. It just doesn't make sense.

The CHAIRMAN. Let me just ask, are you suggesting that we put on hold any consideration of wilderness designation until this larger analysis or study is done? But, you say there is no study underway, or planned, that you're aware of?

Mr. ESSLINGER. I'm not aware of a comprehensive plan, Senator. I really believe that this community, these sides should not be split, we should be working on this together, and unfortunately there are too many pieces of the pie. Everybody wants what they want for their city or their county, but no one really cares about the whole region, and that's what's important; that's the apathy I see. That's the "hydro-illogical" cycle that's here, in this Valley, and across the West.

The CHAIRMAN. Let me ask John Hummer about the border issues. My understanding is currently there is land down near the border that is being managed as wilderness study area, which would then—would be released from that designation so that it could be used more generally as part of this bill. Is it your thought that the current wilderness study area designation of that land near the border is causing a security problem there now that needs addressing?

Mr. HUMMER. Senator, it—I will speak on behalf of the research and testimony that we—we received as a Chamber through the committee that was researching this issue, that the Retired Border Patrol Officers spoke to the fact that the buffer issue that was put in place, as you said, from their experience, years in the field, they felt that that would not prevent the attraction and the opening up of an area similar to what happened in Organ Pipe.

Now, the opposition would say that, "Well, Organ Pipe is directly on the border." But the fact is that even based on testimony from the officers, is that when you protect that much land from routine surveillance, even with that buffer, that nine—it's one mile at one point, I believe, and nine miles at the widest, if I remember correctly—that again, from their testimony, it just becomes a vacuum

and an opportunity for a new flow, a new area of flow for illegal activity.

Again, it's——

The CHAIRMAN. I'm right, am I not, that the level of illegal activity in the last several years has dropped pretty dramatically from 2005? Because of additional Border Patrol personnel, because of fencing, because of vehicle barriers? Obviously, the economic recession has been a factor?

Mr. HUMMER. Correct, yeah, a lot of different theories and you just mentioned them all. Sometimes the fence, that people say, "Oh, the fence, really all it does is push the activity away from where the fence is and up to another area," so unless that fence and surveillance is failsafe, any opening will create an opportunity. But, you mentioned all of the factors to that. Again, we're just relaying what—the testimony we heard and the evidence from Oregon Pipe, which is pretty staggering when you look at that data. It's—and we're still for protection. I don't want—we don't want the community to think, "Oh, the Chamber wants that just for—it's concerned about development." We agree with the full protection from non-development, but there's other designations, NCA, that would not jeopardize border security.

The CHAIRMAN. Let me ask Frank a question, here, about the—I'm just unclear as to what are the areas that you believe the public is currently able to access through motorized access that would be shut off under this legislation?

Mr. DUBOIS. It's the—by definition. The Wilderness Act says, "There are no motorized vehicles and no mechanical equipment." So that any Federal land that's designated as wilderness, there would no longer be motorized access. If a person wanted to take his family camping, they could drive up to the edge of the wilderness, but they could not take their vehicle into the wilderness.

The same thing would be true of the hunting community, they could drive up to the edge of the wilderness, but they could not enter into the wilderness. So, that's what I meant.

The CHAIRMAN. Right.

Mr. DUBOIS. May—I wonder if—would you grant me the latitude to respond so some of the other questions you posed?

The CHAIRMAN. Sure, go right ahead.

Mr. DUBOIS. On the issue of flood control and the, you know, it's been made clear to me that the County and the City and the general public is way behind on the whole issue of flood control and the danger to the community. I don't think it would be correct—you know, I know this committee is not going to listen and say that, "We're going to hold off on any legislation until the local folks get their stuff together and address this issue."

However, as I'm sure you're aware, there's been 26 exceptions made via legislation to the Wilderness Act since its passage. I think you should consider, and the committee should consider making an exception so that in the NCAs or any other areas that you designate, you put in specific language that allows for the access, for the maintenance of existing structures, and allow access for the construction and maintenance of new structures. I think if you had language like that in the bill, it would resolve a lot of these flood control issues.

On the WSA issue and border security, the issue there, is, the Border Patrol and the Bureau of Land Management have worked together, as long as these areas are wilderness study areas to give the Border Patrol access to be able to comply with most of their mission.

The issue is not Border Patrol in Wilderness Study Areas, the issue is Border Patrol in Wilderness Areas. There are many things that the Border Patrol can do right now in Wilderness Study Areas that they would then be prevented from doing in a Wilderness Area. So that's the issue, there.

As far as the number of Border Patrol interdictions and the declining number of illegal immigrants, et cetera, coming across the border, the data says that is correct. But the same data also says that the Border Patrol interdictions for drug traffickers is up, not down. That was——

The CHAIRMAN. I think that's—that's a—it's good news that they're interdicting the drug traffickers.

Let me call on Senator Udall for his questions.

Senator UDALL. I also want to thank this panel for being very specific at this point in land, very constructive. I think at this point in legislation, it's important to hear—as Mr. Hummer, you've done in your letter, very specific proposals and put them out there.

So, Gary, let me start with you. The—and you use the term, Gary, you know, when you talk about better use of high storm water flows that will potentially be the result of climate change and replenish the County's water supply. I think you said in your oral testimony, startup as high as possible in the watershed.

So, what I'm wondering, could you go into more detail as to how you would propose to do this and where the potential areas for such entrapment of runoff?

Mr. ESSLINGER. Senator Udall, I wish I could; that's the problem. Climate change is a moving target, and clearly what would happen behind us to the east on the Organ Mountains could be completely different than what we saw in Hatch or down in El Paso, only because the microbursts at that time came across and hit in a specific area over and over again.

I certainly think that, as Frank said, there's a way that we should get all of the agencies together and then come about and talk about it. Weisner Road may be that buffer that the councilwoman spoke of. But below that, there may need—be need to put 3 or 4 more different and smaller retention dams in place below that.

You have to understand that Tortugas drainage, which is this drainage right here that comes right through this University is 13,000 acres, 20 square miles. It all dumps into 1 drainage—2 flood control dams that were built for 50-year storm events. They just won't handle the water like the core dam will. If you don't plan up there far enough up, then it's going to be difficult to know what we're going to have as impact down below. That's throughout this Valley.

West Mesa flooding at Pacacho, Summer Park in Acra, all were devastating floods in 2006. So certainly, that terrain is complete different from the terrain here to the east of us.

But we have to look at it comprehensively and study it. That's my answer.

Senator UDALL. Has your organization, have you done that? Then, have you moved forward with the effort which, as you heard in the first panel, they're working on Vision 2040, which is a plan for the City and County down here; have you approached them with recommendations and suggestions? I mean, are you—the reason I was asking about these potential entrapments, I mean, if you've studied them—are you plugging them in with the City and County in the plan they have going?

Mr. ESSLINGER. No, sir.

Senator UDALL. OK, well that's—no, that's a good—that's the answer—I wanted a direct answer to the question. Please, go ahead if you want to elaborate on it.

Mr. ESSLINGER. Senator, I was appointed at one time to be on the Advisory Committee to the Vision 2040 and I was asked to step down and they elected someone from the Farm Bureau to represent agriculture because I was too biased about water.

Mr. ESSLINGER. Water creates a lot of hurdles in this Valley, but we've lived through them. This is what's so unique about Mesilla and Rincon Valleys and the Rio Grande Project. Our forefathers planned very well what we were to do with our water, and now we've even improved on it to where not all of our water has to go to Texas, either. So that's pretty good planning.

The point that I'm trying to say right now is, though, we have all of these groups—County, Flood Control, Federal agencies—but we don't get in the room and talk about it sensibly, we talk about it independently, and that's the problem.

Senator UDALL. OK, thank you.

Senator UDALL. Now, Mr. Cooper—Mr. Cooper and Mr. DuBois, both of mentioned wilderness. I think Clint Anderson's name was mentioned which—who many of you know was a national leader on wilderness and as you said, led the committee that Senator Bingaman chairs and led on the Wilderness Bill, created wilderness and he was very aggressive about that. I think that, in looking at this, that Senator Bingaman—and one of the things that Clint Anderson did is he preserved, you know, the big compromise in wilderness had to do with the preservation of grazing in wilderness areas. That was the—the cattlemen said, "If you're going to do this, we can go along with it," and that's what allowed him to move forward and do that.

Senator Bingaman, in his committee, following on the heels of that, have taken the "may" language in the bill and said "shall"—"shall." They've inserted that language after hearing your comments. I'm wondering, isn't that a big step toward moving toward the kind of compromise we need to see in this legislation?

Mr. DUBOIS. To be perfectly honest with you, changing the language from "may" to "shall" means absolutely nothing.

Senator UDALL. I would beg to disagree. But please go ahead, but there's a huge difference in the law between a discretionary act and an act where you say "shall" where you instruct an agency to do something.

Mr. DUBOIS. I totally agree with that.

Senator UDALL. But that's, you know—

Mr. DUBOIS. I totally agree with that.

Senator UDALL. Yes, yes.

Mr. DUBOIS. But what I'm saying is, "shall issue a permit," that permit, as a result of the area going into NCA, that permit could be for 10 cows instead of 100 cows and you're still in compliance with the law because you have issued a permit, but the end result is an economic unit that can no longer be survived by that ranching family. So, that's why I made the statement that I did. I understand the difference in the law, what I'm talking about is the practical impact on the ranching community in these areas if that language becomes law, yet it doesn't make that much difference.

Senator UDALL. Thank you.

Mr. Cooper, would you like to respond to that? To that question?

Mr. COOPER. I totally agree with Frank, you know, we recognize as much as anybody the language that's in the Wilderness Act itself that allows livestock grazing to continue, but it's all of these forces that are brought on us, the restrictions allowing the outside forces, environmental issues and so forth to come in and affect our operations—maybe shut us down or cut us down, whatever—that eventually put grazing out of business in wilderness.

There are ranches for sale today in Luna County which are involved Wilderness Study Areas for which there are no buyers, because they figure you guys are headed there next. They won't—nobody wants them because of all of the threats that they won't make it there.

Mr. DUBOIS. Senator, I addressed the issue in NCAs, could I be given the opportunity to respond to your question about grazing and wilderness?

Senator UDALL. Yes, well, they—yes. Let me just——

Mr. DUBOIS. Sure.

Senator UDALL [continuing]. Point out from both of your 2 answers. Congress has specifically stated that wilderness can not be used to reduce animal unit months. So, I mean, that's in the law. That's in the law. So, I think some of what you're saying has already been dealt with as far as a legal instruction to these Federal agencies. But please, go ahead, Frank.

Mr. DUBOIS. The issue of grazing and wilderness as compared to the NCAs and the desert ecosystem down here, the grazing and wilderness, that language that was put in, in the original—I believe it was the Colorado Wilderness Act—those grazing guidelines were put in that Act, and since then, each State's Congressional delegation, when they've delegated wilderness, have included, by reference, in the legislation, those grazing guidelines. But those grazing guidelines were drafted when most of the wilderness was in high country. They addressed issues in the high country where there's seasonal grazing, and in many of those high country areas, there are natural waters, and there are natural boundaries. So, you don't have the water issue that much, you don't have the fencing issue that much, and the grazing is only seasonal in nature.

If you move to the desert ecosystem and what's being proposed down here, you have an instance where you don't have natural water, you don't have natural boundaries and it's year-round grazing, it's not just seasonal—it determines their entire income, not just part of their income.

So, our concern is those guidelines that were set up for wilderness in the high country will not work in a desert ecosystem. That's what our primary concern is, as far as grazing and wilderness.

Senator UDALL. Yes. Thank you very much.

Chairman Bingaman, I hope that we have a chance as we move along to maybe have our BLM Resource witnesses possibly answer some of the issues that have been raised here, because I think they're out there, on the ground, dealing with this every day.

Mr. Hummer, I'm going to just be very, very brief, because—but I—to me, you're quoting a border organization, I'm not sure who the organization is, the National Association of Former Border Patrol Officers, I mean, I enormously respect border officers that have serve the country, but what Senator Bingaman and his staff, I think, have done here and what we've done in working with this legislation, is reach out to the Border Patrol, the people that are on the ground, that are working there right now. This proposal's been change dramatically—taken areas out of Wilderness Study in order to put a buffer there—in accordance with their wishes and what they want. I don't see any acknowledgement of that. Maybe I've missed it in your letter, but there has been this real——

Senator UDALL. No, seriously—there has been this real working effort, do you acknowledge that?

Mr. HUMMER. Yes.

Senator UDALL. There has been a real attempt to try to deal with the realities in working with the Border Patrol and having an understanding with them.

Mr. HUMMER. Yes, that's a fair statement. I actually had information in my testimony but to get under 5 minutes I cut out some additional commentary on my written testimony that's submitted; I did address that issue.

Yes, and we—Dara Parker, the Senator's staff member—we spoke at the time that this was going on and actually said, "We would like to be able to hear from current Border Patrol, active duty Border Patrol agents," they can not do that. They can not—they were not able to go public. I think you all know that they, typically they don't do that. So, we were not able to get firsthand information from that.

I can sit up here and say, anecdotally that there's active Border Patrol agents that feel the same way that we do on our testimony, but they're not going to be able to come public on that and say that.

So, do I believe that Dara met with some folks? Yes, I do. Is that representative of the whole Border Patrol? We don't know. We don't know that. So, that's my response to that.

Senator UDALL. Thank you.

Thank you to all of this panel, you've been very helpful. Thank you very much.

The CHAIRMAN. Congressman Teague, go right ahead.

Congressman TEAGUE. Yes, thank you.

Once again, I want to thank everyone that's here today for taking time to come to this. I especially want to thank the panel; I appreciate your qualified and honest answers, you know, to the questions that have been asked. One of the things about going last is

that most of the questions on my list have already been asked, and so I won't ask you all about them again.

But, Mr. Esslinger, I wanted to talk to you because I think you deal with something that's very important and you have an immense responsibility to control the floods and everything, but how can we work together to craft a proposal that protects our public lands and allows for future public infrastructure improvements and at the same time, you know, I think some of the things that you've brought up that's so very important is the potential to flood homes and businesses and I just wanted to know how you felt we could work together, because I wanted to try to get you the tools that you think we need to prevent that from happening.

Mr. ESSLINGER. Thank you, Congressman. Right now there is, in the works, a planning group that I'm very excited to be a party to, but it was organized by the Doña Ana Soil and Water Conservation District. They came to me and said, "Do you want to be a party to this?" I said, "Yes," and I said—I asked, "What are you going to try to do?" They said, "We want to try to do a regional water authority, develop a regional water authority." Something similar on the lines of a MAFGA in Albuquerque, or even one that was formed here in Las Cruces years ago called the Las Cruces Metropolitan.

The problem with that is, it only reaches the area of the City limits, so the County was left out of any sort of flood planning. We need to get beyond that barrier, and maybe that's where you can help us, develop something that says all of these entities that have different revenue streams, have different bonding abilities could come together and we could do something more regionally than trying to do it piecemeal. Certainly I would hope that you could support us in that effort.

We've developed a task force called Swim or Sink. I don't know what that acronym is going to spell out, but it sounds good, because certainly we're in this boat together. I don't want that goose that you want, cooked.

Congressman TEAGUE. Thank you. Thank you for that. I don't think any of that wants that goose cooked, we want to take care of that goose.

Let's see, this next question could be for Mr. DuBois or Mr. Cooper, either one or actually for both of you, you know. As I said earlier in my opening statement, you know, I'm opposed to selling public land off to private interests. I think that, you know, and whatever capacity we keep it for, I think it's the public land and we should keep it for public land.

Congressman TEAGUE. But do you all believe we should sell public land off to private interests, and do you think any of the land in this designation that we're talking about today, should any of that be sold off to private interests?

Mr. COOPER. The answer to that is no. We do not feel like any of the lands that are in S. 1689 should be sold to private interests and developed. Our, you know, I spoke earlier of what we proposed for withdrawal from sale or exchange of all of the wilderness study areas, and that would have prevented sale.

Mr. COOPER. We do think that, you know, the State and the Federal Government have an obligation to provide areas for this city

to grow. It's going to have to grow out of the Valley and on State and Federal lands, but I don't think it would need to encroach on any of the areas that we're talking about.

Frank?

Mr. DUBOIS. If you look at—let me just say, briefly, up front, I think the issue in Doña Ana County is not whether or not to protect these lands, the issue is what mechanism do you use to protect them. That's the real disagreement among the group.

Mr. DUBOIS. The proposal that was put forward by people for Preserving our Western Heritage withdrew all of these lands from disposal, so that they could never be sold or exchanged. They would remain in Federal ownership in perpetuity. So that is really not an issue. Like I said, the issue is not protection versus no protection, but how we protect these lands.

Congressman TEAGUE. Thank you, thank both of you and I'm really glad to hear your answers, as I said earlier, at least we're on the same page, we want to protect the lands, we just have different ideas of how to do it. So, I mean, I think that pretty much speaks for everybody in here. I appreciate you all's honest statements on that.

John, you know, I really appreciate your commitment to the security in the border and stuff like that because that's pretty important to me, but what changes do you believe that we need to make to the wilderness proposal to help ensure protection to the borders and what else do you think we need to do to protect our border? I mean, more agents, more—anything that you might think?

Mr. HUMMER. Congressman, our belief is—and my personal belief, too, is—similar to what Frank had mentioned, it's not about protection, we agree with that, protecting the Potrillo Complex from development, but switching the designation for something other than wilderness—NCA can provide protection, as well.

I guess our position is, why even risk what could happen, based on testimony from people that are far more knowledgeable in the field of border security than myself and the Chamber and the—right next door, in Arizona, I mean, the evidence is overwhelming and again, people are arguing on the margins saying, "Well, it's right up to the border, you know, we have a buffer," testimony after testimony from experts have commented on what's going on in Arizona saying, "This small buffer, it doesn't prevent the attraction of illegal activity that can occur," so why risk it? That's kind of our question we're putting forth and, protect it—yes. But not with wilderness NCA.

Other questions, I think everybody in Southern New Mexico would support added funding for Border Patrol Agents for new types of technology, surveillance, aerial, unmanned aerial, the more investment the better that you all could help not only the Nation but New Mexico, I think everybody shares that, that goal.

Congressman TEAGUE. OK, thank you. Once again, thank the panel for the good, honest answers and thank all of you for being here.

The CHAIRMAN. Yes, let me thank this panel also, and I think it's been very constructive testimony.

We've had 2 panels, we have a third panel with four additional witnesses to come make their testimony. We'll take about a 10-minute break and then start again about 4:30 p.m.

[Recessed.]

The CHAIRMAN. OK, why don't we get started again? Would everybody who wants to be here for the last panel please take a seat? Otherwise, go outside.

The CHAIRMAN. All right. As we say in the Senate, please take your conversations to the cloakroom.

The CHAIRMAN. Move outside if you would rather continue your conversation. We appreciate everyone's staying behind, I know it's getting late in the afternoon.

Let me just introduce this panel and then we will hear from them, first we will hear from Nathan Small who is the Conservation Coordinator with the New Mexico Wilderness Alliance.

The CHAIRMAN. Next we will hear—Nathan, you obviously brought your cheering squad.

Next is John Munoz, who is a Board Member with the Hispano Chamber of Commerce in de Las Cruces, we appreciate you being here.

The CHAIRMAN. Next is Mr. Jim Bates who is a Board Member with the Doña Ana County Associated Sportsmen.

The CHAIRMAN. Finally Rolando Trevino, who is the Director of Engineering with the Western Pipeline Engineering Projects for El Paso Natural Gas. Thank you all for being here.

The CHAIRMAN. Nathan, why don't you start? Please.

STATEMENT OF NATHAN P. SMALL, CONSERVATION COORDINATOR, NEW MEXICO WILDERNESS ALLIANCE

Mr. SMALL. Yes, sir.

Thank you, Senator. Thank you, Senator Bingaman and Senator Udall for inviting me here to say a few words on the Organ Mountains-Desert Peaks Wilderness Act, S. 1689. We are all close to something incredibly special. Permanently protecting natural lands and treasures like the Organ Mountains, Broad Canyon, the Potrillos, and more. We are here because of hard work, cooperation, compromise, and commitment.

It's been asked for decades—what will happen to our magnificent mountains? First called Los Organos by the early Spaniards, the Organ Mountains have to come to define our region and inspire our community. In too many other communities, such nearby natural treasures have been overrun. We do not want to see that happen here. Almost 80 percent of the lands to be protected as wilderness in S. 1689 are now temporarily protected as wilderness study areas. In most cases, this designation has been there for over 2o decades, so we have a very good start—temporary wilderness study areas, knowing what goes on in them and being comfortable with the management schemes. We have a good start.

To permanently protect these mountains requires an act of Congress, and we have to work together. I am honored to have been part of groups that worked to identify and then overcome challenges. Local agreements with sportsmen, and I am proud to be a hunter, ironed out longstanding vehicular access issues. Even the

Las Cruces Homebuilder's Association supported this exact proposal, even larger, in fact, before undoing that agreement.

Many issues needed much more attention to resolve. Senator Bingaman, you and your staff have done a masterful job of gathering input, working with all stakeholders and building an incredibly balanced bill. This legislation made changes to proactively deal with any problems including, excluding all corrals and drinkers for cattle ranching, excluding over 16,000 of Wilderness Study Area to better address border security.

In addition, existing agreements with Border Patrol to use vehicles in pursuit without any need for permission entering Wilderness Areas in pursuit of suspects all contribute to the balance in this bill.

To be sure, changes were made. To be sure, also, most changes have taken away lands from conservation designations. For border security, cattle ranching, flood control and community growth, these changes came through the diligent work of our community, and especially your staff, and Senator Udall and they should be supported.

The buffer along the southern part of the Potrillos is a number of miles in length, expanded under your proposed legislation which I think we can all agree, improves the situation on the ground today, allows for total placement of infrastructure within this miles-wide strip that is much larger than others that have been held up as examples in Arizona, and so I think as one of the many benefits you all have accomplished.

Supporters desires have been clear at every turn. Hundreds of concerned citizens attended a November 2006 meeting at the Farm and Ranch Heritage Museum to support wilderness.

In June 2008, hundreds more came to oppose efforts that would have sold sell-out protections in the Organ Mountains and sold off massive amounts of local, open space, public lands.

When S. 1689 was introduced, editorials, local government resolutions of support and thankful phone calls all poured in.

Senators, by introducing the Organ Mountains-Desert Peaks Wilderness Act, you have acknowledged the overwhelming desire of our community members to ensure that a piece of our beloved wild treasures will be here for their grandchildren and beyond. Hundreds are here today to support your efforts. When S. 1689 passes and is signed into law, future generations will be forever grateful that you had the vision and commitment to make this conservation measure a reality.

I would like to read a quick email. I think we get—rightly so—focused on scoring away all of the details, and again, I believe a masterful job has been done with that. But there are also these intangible issues. I grew up, learned how to hunt from my grandfather and now I'll read you an email from a grandmother in this community.

Over the age of 80, she took a walk into Valles Canyon to see the incredible petroglyphs that stand there on public land. It took an extra long time to go down and come back, but it was a wonderful trip for all. Her name is Marnie Levril, this is Marnie's email. "I just got your message about the meeting on February 15, oh how I would like to be there. But I fell and broke my hip—I know, 'tis

the pits, but it happened—and I'm in Good Samaritan Healthcare Center," she has since returned home, "Getting physical therapy and can't make it. I hope there is a big crowd. Please add my voice to others, if you can, who wish they could be there to speak up but can't make it in person. Mine is a heartfelt message that we need to hold on to all of the wilderness we can. When it is gone, it is gone forever. Now is the time to take the step that will ensure future discovery trips, once in a lifetime experiences for new hikers, and other wilderness experiences for those who come after us."

Powerful email, thank you Senators. I thank you all in the crowd, everyone who has come out today. It is a very important issue and preserving these lands so that we can continue to have the gem that defines our region where we can take future generations and go ourselves is an incredibly worthy goal.

Thank you.

[The prepared statement of Mr. Small follows:]

PREPARED STATEMENT OF NATHAN P. SMALL, CONSERVATION COORDINATOR, NEW MEXICO WILDERNESS ALLIANCE

The Organ Mountains Desert Peaks Wilderness Act, S. 1689, is strong, community inspired legislation. It has been built through the hard work of many different stakeholders, and also through the guidance of good leadership—both on the local and national levels. On behalf of the New Mexico Wilderness Alliance, I am proud to endorse this important legislation that was developed over many years and with an impressive amount of public input. In my testimony, I will touch on just some of the bill's many merits.

The most important aspect of S. 1689 is that it protects special public lands that are worthy of Wilderness designation. The magnificent Organ Mountains are the dramatic backdrop for Las Cruces, NM's second largest city. Midway up their steep slopes, you can find clear streams flowing past Ponderosa Pine trees, while far below urban life sends residents scrambling through the day. Across the Rio Grande and to the west rise the Robledo Mountains, home to the newly minted Prehistoric Trackways National Monument. This Monument celebrates Pre-Cambrian tracks that are among the most scientifically important examples in the world. The Robledos hold many other natural treasures, as attested to during a recent camping trip where hikers saw 12 mule deer within two hours of leaving their vehicle. Immediately north and west of the Robledo Mountains begins the Broad Canyon Country. Flat topped bajadas are cut by winding canyons. In places the canyons narrow, and rock walls rise on either side. Native American petroglyphs grace these hidden halls, and riparian areas where tinajas trap precious water. Farther north are the peaks of the Sierra de Las Uvas Mountains. Containing equal measures of rolling grasslands and rugged lava rock ridges, these mountains shelter many plant and animal species and reach above 6000 feet in elevation. South of the Sierra de Las Uvas rise the Potrillo Mountains complex—a large and diverse mosaic that contains lava flows teeming with barrel cactus and soaptree yuccas, with the fresh rootings left by javelina herds following twisting grass filled draws in between jagged lava cliffs. Also in the Potrillo Mountains complex stretch a chain of cinder cone mountains. The towering summits of Mt. Cox and Mt. Riley overlook the region, towering above the symmetrical slopes of the East Potrillo Mountains.

Most of these lands have, for decades, been classified as Wilderness Study Areas (WSAs) by the Bureau of Land Management (BLM). We must turn our gazes backward and tip our hats in appreciation for the foresight shown by BLM in Doña Ana County in the mid 1980's, when most of the WSA's were identified. Portions of the Potrillo Mountains, Sierra de Las Uvas Mountains, Robledo and Organ Mountains all received interim protections as WSA's. While public lands designated as WSAs receive special management by the BLM, they do not have the gold standard of protection that Wilderness designation provides.

Other lands included in S. 1689—Broad Canyon and the East Potrillo Mountains—do not currently enjoy interim WSA protection. Fortunately, Broad Canyon's hidden riparian areas, sweeping grasslands, beautiful petroglyph-pocked cliffs, and stunning diversity of plant and animal species remain true to the 1964 Wilderness Act's key criteria. The Broad Canyon Country does possess, "outstanding opportunities for solitude or a primitive and unconfined type of recreation at least five thou-

sand acres of land [and containing] ecological, geological, or other features of scientific, educational, scenic, or historical value", in accordance with the 1964 Wilderness Act. The craggy summits and quiet canyons in the rugged East Potrillo Mountains also meet these qualifications. Thus, both areas richly deserve the Wilderness protections now offered to them in S. 1689.

Many citizens, some who were members of conservation organizations and others who were not, have long sought protections for Broad Canyon, the East Potrillo Mountains, and even other areas not included in S. 1689. They worked to rectify the oversights that excluded them from the original WSA interim protections. We owe these citizens a debt of gratitude for their long hours, tireless dedication, and lasting commitment to conservation. The New Mexico Wilderness Alliance (NMWA) is proud to have played an important role in documenting and validating both the values and boundaries that furthered discussions and fine tuned map proposals for protecting Broad Canyon and the East Potrillo Mountains.

These passionate advocates were far from the only community members interested in protecting our County's natural lands. Local sportsmen, part of a long line that stretches back to some of America's first and most important conservationists, have spent generations pursuing game or just a good photograph in local wild lands. In the spirit of cooperation, local sportsmen leaders sat down and helped develop proposals and ideas to protect vast amounts of high quality roadless habitat while also identifying sufficient vehicular access for people and even quail hunting dogs that can quickly tire during a day's hunting. These agreements took time to accomplish, but once made have held fast.

To your credit, S. 1689 reflects many such community proposed compromises, and it is stronger for this fact.

There are many groups who have worked together to build a strong foundation for S. 1689. Many of the most active share a strong service and stewardship ethic that shows itself time and again in work to restore and improve public lands.

Again, take the example of the many local sportsmen organizations. The Doña Ana County Associated Sportsmen, Quail Unlimited, Southwest Consolidated Sportsmen, Wild Turkey Sportsmen's Association and New Mexico Wildlife Federation—to name a few—have literally spent tens of thousands of dollars on habitat improvement projects, while volunteering untold amounts of time. The Back Country Horsemen helped build the Soledad Canyon Trail in the proposed Organ Mountains National Conservation Area, and the NM Wilderness Alliance has worked on local erosion control projects among others. Around the community school teachers have taken classes out to Aguirre Springs, and there are numerous hiking clubs who take regular trips into proposed Wilderness areas.

The strength of S. 1689, the Organ Mountains Desert Peaks Wilderness Act are the many groups and individuals who helped craft it and now support it. We are a community that is connected to our nearby natural treasures—public lands like the Organ Mountains and Broad Canyon. Permanently protecting this connection is critical to our community's future well being.

Harnessing the community energy and passion would never have been possible without the outstanding leadership of Senator Jeff Bingaman and his staff. To his credit, Senator Pete V. Domenici helped begin this conversation in 2004. However, Senator Bingaman and his staff have come in and completed a painstaking process of stakeholder input, on the ground verification, and boundary adjustment to reach this moment. Senator Udall and his staff also played a very positive role in finalizing the legislation. Both Senators are to be commended for their commitment to using local input in crafting this legislation.

To be sure, conservationists have had to accept hard decisions. One such decision would release over 16,000 acres of land along the southern boundary of the West Potrillo Mountains WSA. Another would change the designation for the majority of Broad Canyon from Wilderness to NCA. However, Senator Bingaman and Senator Udall offered robust justification for the changes. On the challenges of flood control and border security we are all aware of the need for common ground, and being part of this community only makes the need for well balanced approaches more important.

One area where we have not had to compromise is on the numerous boundary adjustments made for grazing permittes. Going back to the original 1964 Wilderness Act, and fine tuned with the release of the 1990 Congressional Grazing Guidelines, it is clear that Wilderness designation and ranching can and do coexist. We support that coexistence.

Objections to S.1689 have been raised. Most have focused on the coexistence of Wilderness designation and ranching. On this subject, to again be perfectly clear, we support the proper application of the original Wilderness Act and the Congressional Grazing Guidelines, which work together to ensure grazing where an existing

use can smoothly continue after Wilderness designation. Some other objections, focused around border security and flood control, would be proactively addressed through this legislation, and in fact help improve the current situation on the ground. It is not necessary to take up each objection in this testimony. Some objections simply eclipse the imagination, such as the once heard contention that Wilderness designation would restrict air travel to the Las Cruces airport.

However, one other that should be addressed is the contention that Search and Rescue operations, using mechanized vehicles or helicopters, cannot take place in designated Wilderness areas. In December 2006, James Newberry, then the NM State Search and Rescue Resource Officer, clearly stated that Search and Rescue missions in response to life and limb situations in Wilderness areas could and did use mechanized vehicles in their efforts, when necessary and feasible due to terrain limitations.

Before concluding, please allow me to briefly relate my story. It began and continues in the Land of Enchantment. I grew up with a connection to the land. My grandfather would take me hunting, wood gathering, horse-back riding and exploring on Mt. Taylor, near Grants. While attending the College of Wooster in Ohio, I began rediscovering a passion for the land and especially for taking others out into nature. After graduation, I quickly returned home. Since moving to Las Cruces, I feel incredibly fortunate to have helped lead dozens of trips into proposed Wilderness and NCA lands. The youngest participant, who was all of three months old at the time, was carried by her mother on a Mother's Day Hike into Soledad Canyon in the Organ Mountains. Our oldest participant was in her 80's, and made the trip to view the magnificent petroglyphs of Valles Canyon in the Broad Canyon Country. I have been fortunate to pursue game in S. 1689's proposed Wilderness areas and ride my horse through its sweeping grasslands. Like so many other residents and visitors alike, I love local natural treasures like the Organ Mountains, Broad Canyon, the Potrillos and the Robledos.

Our community is ready for the Organ Mountains-Desert Peaks Wilderness Act to be passed into law. Thank you Senators for crafting this legislation and listening to the community while doing so. Thank you also for introducing it in Congress, and I look forward to thanking our entire delegation for helping pass S. 1689 on to the President. Then it can be signed into law, forever protecting some of Southern New Mexico's most magnificent public lands.

The CHAIRMAN. Thank you very much.

Mr. Muñoz, please go right ahead.

STATEMENT OF JOHN P. MUÑOZ, DIRECTOR SITEL, BOARD MEMBER, HISPANO CHAMBER OF COMMERCE, LAS CRUCES, NM

Mr. MUÑOZ. Chairman Bingaman and Senator Udall, Congressman Teague, thank you very much for this opportunity to testify in support of S. 1689. My name is John Muñoz and I am the Director of Sitel Las cruces. Officially, I'm known as Mr. Sitel, but my name for the record is Muñoz, so thank you very much.

We started this group here 4 years ago with 3employees. Now we employ over 500 residents and are a multi-million dollar award-winning operation. I also proudly serve on the Board of Directors for the Hispano Chamber of Commerce. The mission of Chamber of Commerce is to advocate for economic development, education, cultural awareness, and community service. Our Chamber, made up of over 300 small, medium and large businesses carefully and closely reviewed the potential of S. 1689.

It is clear to us that protecting these precious lands is good for business, good for the environment, and good for our community. While there are many reasons to support swift passage of S. 1689, I wish to focus my remarks on the economic justifications for doing so.

Our community is vibrant and growing. We have higher than the national average rates of population growth, in-migration, and em-

ployment. There are many factors which contribute to our overall growth and economic strength. We have an outstanding Land Grant University with NMSU on-campus today, large Federal installations in White Sands Missile Range, the Goddard NASA Test Facility, and phenomenal growth in DACC Community College and our ability to attract and draw people and businesses at a rapid rate. One of these reasons is the Organ Mountains. With rooms to grow, many newcomers settle here in large part because of our high quality of life. AARP recently cited hiking and camping in the Organ Mountains as one of the main draws that put Las Cruces near the top of communities for Baby Boomers to retire. Choosing to relocate to a community because of the quality of life is known as "amenity migration" a phrase made popular by recent economic studies.

As my own example will show, employers are on the lookout for high quality of life areas for their employees—employees like mine who range from 18.5 to 79 years of age.

The Hispano Chamber and others recently sponsored a Wilderness Economic Conference. This Conference drew in over 100 people from Las Cruces and surrounding communities on a cold, snowy Saturday morning, and Las Crucens do not like to drive in the snow, so I think that hat conference was a huge success.

Much information was shared on the potential of the economic opportunities. According to an outdoor industry association study, outdoor recreation contributes roughly $730 billion to the U.S. economy annually and about $3.8 billion to New Mexico's economy. It makes sense that visitors to our community—whether bicycling, camping, hunting or wildlife watching—will buy foods and supplies and possibly stay at one of our hotels.

DACC College is pioneering a program to develop and support local tourism initiatives with the focus on eco-tourism connected to local public lands. Led by their dynamic President, Dr. Margie Wetta, DACC has seen a tremendous enrollment growth and is one of the top colleges in this region.

Their interest in leveraging economic gain and local jobs from lands included in S. 1689 is a testament to our community's hunger for economic growth through conservation.

You know, 4 years ago when we were looking at sites and I was asked what I thought of Las Cruces and would I be willing to move here, I knew very little about this area. A few years ago, my dad convinced me as I was driving back home to Texas to take the scenic route. I did, but I started late, so I—and I want to phrase this carefully—I stopped to go to the bathroom, get gas for my car, it was dark, so I really didn't see anything except the gas station. So, I moved on.

Years later, during the day, when I was flown over here and asked to look at the area, I was surprised and amazed. I saw the beautiful Organ Mountains, and I was just awed. The next step was to convince my wife. Shortly after that, we flew my son and my wife over. It was a rough start, especially leaving El Paso and passing through the dairy farms and the distinct and impressionable smell where I got "the look" from my wife. I kept focused, kept straight on the Las Cruces.

Eventually, we got to Las Cruces, a little time passed, my son and wife, for the first time saw a stunning sunset in those beautiful and pristine and majestic Organ Mountains. They were hooked.

Obviously, we made a financial and business decision on labor markets, weather, real estate, however there were other cities that had similar indicators, some perhaps slightly better. But I can't put a number or a measure to it, but the Organ Mountains and these wildlands really made an impression on me, and especially, as well, the people of Las Cruces. That's what sealed the deal for me. So I thought, this was a place where I would want to relocate and raise my family.

My personal experience and my business experience tell me that S. 1689 is right for Southern New Mexico. When conservationists and Chambers of Commerce can work together for the betterment of the community, that is a very good thing.

Thank you for your time, Senators.

[The prepared statement of Mr. Muñoz follows:]

PREPARED STATEMENT OF JOHN P. MUÑOZ, DIRECTOR SITEL, BOARD MEMBER, HISPANO CHAMBER OF COMMERCE, LAS CRUCES, NM

Chairman Bingaman and Senator Udall, thank you very much for this opportunity to testify in support of S.1689, the Organ Mountains-Desert Peaks Wilderness Act of 2009. My name is John Muñoz, and I am the Director of Sitel Las Cruces. We started this group here four years ago with three employees. Now we employ over 500 residents and are a multi-million dollar award-winning operation. I also proudly serve on the Board of Directors for the Hispano Chamber of Commerce de Las Cruces. The mission of the Hispano Chamber of Commerce is to advocate for economic development, education, community service, and cultural awareness.

Our organization made up of over 300 small medium and large businesses carefully and closely reviewed the potential of S.1689. It is clear to us that protecting these precious lands is good for business, good for the environment, and good for our community. While there are many reasons to support swift passage of S. 1689, I wish to focus my remarks on the economic justifications for doing so.

Our community is vibrant and growing. We have higher than the national average rates of population growth, in-migration, and employment. There are many factors which contribute to our overall continued economic strength. We have an outstanding Land Grant University with NMSU, large federal installations in White Sands Missile Range, the Goddard NASA Test Facility, and our ability to attract and draw people and businesses at a rapid rate. And we also have abundant, and in many cases visually striking and easily accessible public lands.

Foremost among these are the iconic Organ Mountains. Appearing on numerous business marquees, shop signs, and mastheads—the Organs are a clear defining characteristic of our community. They are part of our identity in Southern New Mexico. Las Cruces retains room to grow, but we count ourselves lucky to have the Organs and their foothills as a place where full scale development will abut but not invade.

Many newcomers settle here in large part because of our high quality of life. A key component of that quality of life is the open natural public lands surrounding our community. AARP recently cited "hiking and camping in the Organ Mountains", as one of the main draws that put Las Cruces near the top of communities for Baby Boomers to retire. As you will see, my own settlement story is intimately connected to the Organ Mountains.

Choosing to relocate to a community because of its quality of life is known as Amenity Migration, a phrase made popular by recent economic studies. These amenities—scenery, recreation, clean air and water—are not only important to retirees. As my own example will show, employers are on the lookout for high quality of life areas—for our employees to raise their families. With our close proximity to the El Paso airport, a burgeoning alternative energy industry, and an increasingly technology and research focused University, conditions are ideal to spur strong and sustained economic growth.

Across the West, counties with protected public lands outperform their peers on economic performance indicators than those without protected public lands. A key ingredient in this equation is having a good transportation infrastructure, and being close to an airport. The presence of a University is also important. Let's look at Las Cruces, and Doña Ana County. With our two interstates—I-10 and I-25—along with the nearby El Paso International Airport and New Mexico State University, our community meets all of these important criteria. And, although we currently lack permanently protected public lands, we do have temporarily protected Wilderness Study Areas. After these areas were given interim protections, our population and per-capita income continued growing, according to a 2005 Sonoran Institute study. By moving ahead now with S. 1689 to permanently protect our wilderness areas, and with a committed branding effort already taking shape, our community stands poised to reap economic gain from the Organ Mountains-Desert Peaks Wilderness Act.

The Hispano Chamber and others recently sponsored the Wilderness Economics conference. This conference drew in over 100 people from Las Cruces and surrounding communities on a cold snowy Saturday morning. Much information was shared on potential economic opportunities. According to the Outdoor Industry Association Study outdoor recreation contributes roughly $730 billion dollars to the US economy annually and $3.8 billion to New Mexico's economy. It makes sense that visitors to our community whether bicycling, camping, hunting, or wildlife watching will buy food and supplies and possibly stay in one of our local hotels.

Doña Ana Community College is tasked with workforce training and rapid educational improvement. DACC is pioneering a program to develop and support local tourism initiatives with a focus on ecotourism connected to local public lands. Led by their dynamic President, Dr. Margie Huerta, DACC has seen tremendous enrollment growth and is seen as one of the top regional Community Colleges. Their interest in leveraging economic gain and local jobs from lands included in S. 1689 is testament to our community's hunger for economic growth through conservation.

I realize this isn't the magic bullet for jobs. While many across our great nation are struggling or have been impacted by the recent economic downturn, I would think creating some jobs would be the right thing to do.

As mentioned my story is connected to the Organ Mountains. When we were looking at sites I was asked what I thought of Las Cruces and would I be willing to move here and start-up Sitel Las Cruces. I knew very little about this area. On a long trip years ago, I stopped in Las Cruces to fill-up my car and go to the bathroom. I was tired and it was dark so I didn't get to see much. I was completely surprised when years later I came into Las Cruces and saw the Organ Mountains and these magnificent wild lands. Convincing my wife was the next step. Shortly after my visit we flew over here. It was a rough start after leaving El Paso and passing by the dairy farms and that interesting and impressionable smell.

However, once we entered Las Cruces and my wife and son experienced their first stunning sun-set and the ever so pristine and majestic Organs.

Obviously we made a financial and business decision based on labor market, weather, and real-estate; however, there we other city sites with similar indicators a couple slightly better. I can't measure or put a number to it but the impression of the Organs and these lands help seal the deal for me. This was the place I wanted to relocate and raise my family.

My personal experience and my business experience tell me S.1689 is right for Southern New Mexico. And, when conservationist and chambers of commerce can work together for the betterment of their community again, that is a very good thing.

The CHAIRMAN. Thank you very much.

Thank you very much.

Mr. Bates? We're glad to hear from you, go ahead.

STATEMENT OF JIM BATES, RESIDENT, LAS CRUCES, NM

Mr. BATES. Can everybody hear me?

Thank you, Senators and Congressman. I remember you from a quail hunt, I believe, Congressman Teague. I won't tell that story.

Congressman TEAGUE. Please don't.

Mr. BATES. My name is Jim Bates——

The CHAIRMAN. He didn't shoot anyone, did he?

Mr. BATES. There was a lot of conversation about that, I think, the incident you're referring to, there, so—but no, he didn't.

Anyhow, my name is Jim Bates. I am here in Las Cruces, I've lived here since 1965. You might ask what I'm doing up here on the panel, I don't know either, but I'll give you some background information.

I graduated from Las Cruces High School and New Mexico State University with a degree in Wildlife Science. I have been a building contractor in this community for the last 32 years, professionally I'm a member of the building industry's Association of Southern New Mexico, which was formally known as the Las Cruces Homebuilder's Association and I have served on its Board of Directors and have served as Chairman of the Remodeler's Council for them.

One of the reasons I'm up here is because I'm actively involved with many local, State and national conservation organizations, including the National Wild Turkey Federation, the New Mexico Wildlife Federation, the Rocky Mountain Elk Foundation, Ducks Unlimited, Quail Unlimited, Southwest Consolidated Sportsmen, Doña Ana County Associated Sportsmen and Wild Turkey Sportsmen's Association. I either hold or have held leadership positions in all of these. Anybody wants to go debate that with my wife, please feel free to do so, as to the merits of that.

These organizations represent the interests of thousands of sportsmen and conservationists in this area and throughout the State. Because of my extensive involvement with these groups, I believe I have a good understanding of the issues and concerns of their members. Make no mistake, however, by assuming that my comments represent all sportsmen or sportsmen's groups concerned with this issue. They do not. Based on my personal assessment, and that of many others I've spoken with, I do believe that they represent the position of a strong majority of those sportsmen to be affected by the outcome of this process.

I am very familiar with the areas being considered for protection. I have spent many days of my life exploring these areas. I have driven most, if not all, of the existing roads in these areas, and have hiked and/or hunted almost every "nook and cranny" to be found there.

I have also been actively involved in the community discussion and debate that has taken place regarding this proposal, not only in recent years but over the 2 decades since the establishment of the wilderness study areas, as well. I have a firm foundation for conveying information about these areas that may be of importance in discussion of the proposed legislation.

I believe I can accurately state that the wilderness proposal, in its initial form and wording, would likely not have received support from the majority of sportsmen's groups. However, the process of debate and compromise that occurred during the community forums and meetings that took place has alleviated our concerns and brought us to a point of being strong supporters of the legislation.

From my perspective, every effort has been made to appease those individuals and groups that have participated in the process. Very real compromises and concessions have been made. Concerns have been expressed about the elimination of roads and access in these areas. About how livelihoods would be impacted and about

how the public good and public safety would be jeopardized. Those of us that support the wilderness proposal recognize these concerns and much effort had been taken to address them, just as similar efforts were made to address the concerns of sportsmen and other recreational users that have come to support this legislation.

We recognize that others oppose this legislation and have had valid issues and concerns. It is unfortunate that the spirit of compromise that has worked so well to bring us to where we are today has not been able to satisfy their misgivings with the wilderness proposal.

I have personally discussed various aspects of the proposal with some of the individuals involved, and my perception is that these individuals are well-meaning folks with a general distrust of the government and its intervention into their lives. I would submit to you that such distrust is not grounds for the dismissal of this process, of this legislation, or the future well-being of these unique and fragile areas that this legislation will protect.

Having said that, trust is a 2-edged sword. We, as citizens, landowners, businessmen, sportsmen, and other recreational users, have put our faith in the government on the line to do what is right with these areas. Compromises have been made and stipulations have been agreed upon in the name of good faith among all the entities involved here. We expect these agreements to be adhered to and the rights and privileges of all the stakeholders, as designated in this wilderness legislation, to be maintained in perpetuity.

Finally, we are all aware of the growth that is occurring in this region, and as such, we should have the vision to realize the impacts that growth will have on the area and its inhabitants, both human and otherwise. We have been granted the wisdom, foresight, and opportunity to take measures to ensure that the natural treasures that surround us, and the plant and animal communities that reside in them, will not be lost.

It has been said the wilderness designation is the "gold standard" for protecting places and insuring future generations have the opportunity to enjoy them. Let us not waste this opportunity to achieve that standard.

[The prepared statement of Mr. Bates follows:]

PREPARED STATEMENT OF JIM BATES, RESIDENT, LAS CRUCES, NM

My name is James (Jim) Bradley Bates. I am a Las Cruces resident and have lived here since 1965. I graduated from Las Cruces High School in 1969 and received a degree in Wildlife Science from New Mexico State University in 1973. I received my journeyman carpenters certification from the Carpenters Union in 1978 and became a licensed General Contractor in the state of New Mexico shortly thereafter. I have worked in the Las Cruces area as a general contractor in the building industry since that time.

I believe I was chosen to speak towards the proposed wilderness legislation as a result of my familiarity of the areas in question over the last four decades, and also because of my involvement with many conservation and sportsmen's groups in the community and state. I am currently the NM state chapter president for the National Wild Turkey Federation and chairman of the Mesilla Valley Longbeards chapter of NWTF. I currently represent the NWTF on the Southwest Consolidated Sportsmen (SCS) steering committee. I have also served as chairman of SCS. In addition, I am on the Board of Directors of the Dona Ana County Associated Sportsmen and the Wild Turkey Sportsmen's Association and have served as president of those organizations, as well. I have also served as chairman of the local Rocky Mountain Elk Foundation and Mule Deer Foundation banquet and fundraising com-

mittees, and have served on the banquet/fundraising committee for Ducks Unlimited. I am a member of the local Quail Unlimited chapter and the New Mexico Wildlife Federation. These organizations represent the interests of thousands of sportsmen and conservationists in this area and throughout the state.

Because of my extensive involvement with these groups, I believe I have a good understanding of the issues and concerns of their members. Hopefully, I will be able to adequately represent the prevailing attitudes and sentiments of these groups in this forum. Make no mistake, however, by assuming that my statements and/or comments represent all sportsmen or sportsmen's groups concerned with this issue. They do not. Based on my personal assessment, I do believe that they represent the position of a strong majority of those sportsmen to be affected by the outcome of this process.

As previously stated, I am very familiar with the areas being considered for protection. I have spent many days of my life exploring and recreating in these areas. I have driven most, if not all, of the existing roads in these areas, and have hiked and/or hunted almost every "nook and cranny" to be found there. As such, I believe I have a firm foundation for conveying information about these areas that may be of importance in the discussion of the proposed legislation.

I have also been actively involved in the process of considering the fate of the areas of concern, not only from the community discussion and debate that has taken place in the last several years, but from a much longer perspective that began almostDavid_Brooks@energy.senate.gov, & Dara_Parker@bingaman.senate.gov Jorge_Silva-Banuelos@bingaman.senate.gov two decades ago with the establishment of the wilderness study areas. The wilderness issue in question has been discussed in many conservation and sportsmen's forums well prior to that occurring in the last few years. Those discussions included many concerns about the future designation of wilderness for these areas, and in fact, I can confidently state that the wilderness proposal, in its initial form and wording, would likely not have received support from the majority of these groups. The fact is, though, that the process of debate and compromise that occurred during the community forums and meetings that took place has alleviated our concerns and, in turn, brought us to the point of being strong supporters of the legislation.

From my perspective, every effort has been made to appease those individuals and groups that have participated in the process. Very real compromises and concessions have been made. Existing roads that were proposed to be eliminated have been left intact, both to the benefit of the ranching interests, and also to provide reasonable access to the wilderness areas for recreational users. In reality, very few "legal" roads within the proposed boundaries will be closed, and the ones that will be closed are, in general, currently open only to those possessing off-road-vehicle type capabilities. Once again, though, the number and length of the roads that will closed as a result of the passage of this legislation is insignificant.

Certain off-highway vehicle (OHV) users have stated that wilderness designation will impact their recreational privileges in these areas. The fact is that their privileges will be no more affected than those of the general public. Knowledgeable public land users in Dona Ana County are already aware that all motorized off-road vehicle use is currently prohibited except on designated roads. Furthermore, hundreds of miles of legal roads exist on hundreds of thousands of acres throughout the county in areas similar to those under consideration for wilderness designation,....roads that will not be impacted by this legislation. The idea that this wilderness designation will significantly impact OHV recreational uses is unfounded.

Similarly, concern has been expressed about the ability of law enforcement officials to effectively carry out their duties as a result of potential wilderness designation, especially in the West Potrillo Wilderness complex. My understanding of this concern is that it regards the flow of illegal traffic and activities in a generally northern direction from the Mexican border. Currently, to my knowledge, there is only one legally designated road that runs north through the proposed wilderness complex that will be closed as a result of the legislation. This road is a very rough, often washed-out, two-track trail that runs approximately two-thirds the length of the West Potrillo Mountains. The southern two thirds of this jeep trail would be closed as part of the wilderness. At this time, anybody can legally drive that road. Therefore, law enforcement has no concrete reason to suspect illegal activity is occurring if the road is driven. However, if that road is closed, any motorized vehicle activity on that road will be illegal and hence, cause for investigation. The closure of that road, if anything, will make law enforcement easier, not more difficult. Remember, there is no legal off-road vehicle use on public lands now. Therefore, any evidence of motorized vehicle use along the southern wilderness boundary will be cause for investigation, and that investigation will be allowed to take place, as I understand it, within the provisions of the wilderness legislation.

Finally, the argument has been made that certain works for the public good and safety will be inhibited by wilderness designation for these areas. Specifically, flood control has been mentioned. This concern is laudable, and if it indeed a real issue, it should be addressed. However, many of us, sportsmen or not, question the validity of this argument against wilderness, as well. The fundamental question to be asked is, "Where are these areas of concern, and how are they impacted by wilderness designation?" If there are real issues regarding public good and safety, let's identify and address them. Let us not use them as a justification for condemning this wilderness legislation.

We recognize that others oppose this legislation and have had valid issues and concerns, as well. It is unfortunate that the spirit of compromise that has worked so well to bring us to where we are today, has not been able to satisfy their misgivings with the wilderness designations. I have personally discussed various aspects of the proposal with some of the individuals involved, and my perception is that these individuals are well-meaning folks with a general distrust of the government and its intervention into their lives. I would submit to you that such distrust is not grounds for the dismissal of this process, this legislation, or the future well-being of these unique and fragile areas and their natural inhabitants that truly deserve the protection that this legislation will provide.

Having said that, trust is a two-edged sword. We, as citizens, landowners, businessmen, sportsmen, and other recreational users, have put on faith in the government on the line to do what is right with these areas. Compromises have been made and stipulations have been agreed upon in the name of good faith among all the entities involved here. We expect these agreements to be adhered to and the rights and privileges of all the stakeholders, as designated in this wilderness legislation to be maintained in perpetuity.

Finally, we are all aware of the growth that is occurring in this region, and we should have the vision to realize the impacts that growth will have on the area and its inhabitants, both human and otherwise. We have been granted the wisdom, foresight, and opportunity to take measures to insure that the natural treasures that surround us, and the plant and animal communities that reside in them, will not be lost. It has been said the wilderness designation is the "gold standard" for protecting places and insuring future generations have the opportunity to enjoy them. Let us not waste this opportunity for gold.

The CHAIRMAN. Thank you very much.

Next we have Rolando Trevino, who is with El Paso Natural Gas. Go right ahead, please.

STATEMENT OF ROLANDO TREVINO, DIRECTOR, ENGINEERING, WESTERN PIPELINE ENGINEERING PROJECTS, EL PASO NATURAL GAS

Mr. TREVINO. OK, before I start my remarks, I have to say that I'm somewhat jealous of the other panel members. It appears that they have many, many friends in the audience, and I regret, I have but one co-worker and one employee in the audience, if they're still here, this afternoon. But I will persevere.

Mr. TREVINO. Good afternoon, Chairman Bingaman, Senator Udall, Congressman Teague, and thank you for the opportunity to testify today before the Senate Energy and Natural Resources Committee regarding S. 1689, The Organ Mountains-Desert Peaks Wilderness Act. My name is Rolando Trevino. I am Director of Engineering Projects for El Paso Corporation's Western Pipeline group.

El Paso Corporation is organized around 2 businesses—pipelines and exploration and production. We own North America's largest interstate natural gas pipeline, some 42,000 miles, transporting more than a quarter of the natural gas consumed in the country each day.

Our E&P operation ranks in the top 10 domestic independent producers, operating in high-quality basins across the United

States. In New Mexico, El Paso Exploration & Production Company operates more than 1,000 natural gas wells in the Raton Basin, and is a non-operating working interest owner in hundreds more wells in the San Juan Basin.

El Paso Natural Gas Company (EPNG), one of El Paso's Western Pipelines, owns and operates a system of natural gas pipelines that brings gas from the Permian Basin in Texas and the San Juan Basin in New Mexico and Colorado to West Texas, New Mexico, Nevada, California and Arizona. In New Mexico, El Paso Natural Gas owns and operates 2,788 miles of pipe.

Today, I am here to testify about how working with Senator Bingaman's office we have been able to reach an agreement allowing the conservation area created by S. 1689, The Organ Mountains-Desert Peaks Wilderness Act, which would designate public land in Doña Ana County as Wilderness and National Conservation Areas and our pipeline system to co-exist in the best interest of both projects.

In particular, we appreciate how the Senator's staff initially reached out to us to gather input. We know Senator Bingaman is committed to energy production as well as the environment and we appreciate his willingness to work with us to ensure that we are able to continue to deliver a reliable source of natural gas to his constituents in New Mexico and customers in the surrounding states of Colorado, Texas, Nevada, California and Arizona. For the past several months we have been working closely with the Senator and his staff to achieve this goal. I am pleased to be able to testify today that we have been able to reach an agreement to ensure not only that our pipelines are outside the conservation area but also that the Senator and his staff continue to work with us to ensure that we would be able to do any additional work on the pipeline that is necessary and undergo a process known as looping.

Although no final map has been produced at this point, we are attaching a map which will generally shows our understanding of the agreement we reached establishing a southern boundary for the conservation area that is sufficiently north of our pipeline facilities to ensure that we can engage in our activities to operate and maintain our facilities and to adequately serve our customers.

We have marked on the map to demonstrate the location and we look forward to continue working with staff to ensure that the final boundary will be consistent with our discussions. I ask that this map be entered into the record for today's hearing.

Thank you for opportunity to testify and I look forward to answering any questions.

[The prepared statement of Mr. Trevino follows:]

PREPARED STATEMENT OF ROLANDO TREVINO, DIRECTOR, ENGINEERING, WESTERN PIPELINE ENGINEERING PROJECTS, EL PASO NATURAL GAS

Good Afternoon, Chairman Bingaman and Senator Udall and thank you for the opportunity to testify today before the Senate Energy and Natural Resources Committee regarding S. 1689, The Organ Mountains-Desert Peaks Wilderness Act. My name is Rolando I. Trevino. I am the Director of Engineering Projects for El Paso Corporation's Western Pipeline group.

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Thank you for opportunity to testify and I look forward to answering any questions.

The CHAIRMAN. We will include that map and all of the testimony—the full testimony—of all witnesses, this panel and the previous 2 panels.

Let me just ask one or 2 questions, here.

Mr. Bates, one of the points that was made by the previous panel was that the designations of areas as wilderness would be a hindrance to the ability of folks to get out and picnic and hunt and otherwise enjoy the areas that we've contemplating enhanced protection for in this legislation. What's your reaction on that? What's your thinking?

Mr. BATES. I think the point that needs to be made initially is that these areas were designated as potential wilderness areas because they were lacking many, or extensive, road systems within them to begin with. You know, some of these, specifically the West Potrillo Mountains area they're—even though there are some roads being deleted from use in that, there are actually very few roads that transect that area now. So, the number of roads that would be affected by that is minimal, in my opinion. Also in the other areas.

In terms of the use of the areas by people that want to go there for recreational purposes, the—one of the things in the compromise process that sportsmen approached the other stakeholders about, was making sure that adequate access was left for people to get to these areas for recreational purposes. There was significant compromise made regarding that.

I am of the opinion that anybody that wants to go out there to hunt, camp, hike, whatever, will be able to get to adequate locations to have a quality experience there, but we still have the opportunity to maintain the qualities and, you know, the scenic values and all of those things that we're trying to achieve with this legislation.

The CHAIRMAN. You're referring, I guess, to some of the accommodation that has been made in cherry stem provisions where we basically are taking some of the roads that are going to be maintained and accessible to the public and taking those out of wilderness designation and widening the area around them. Is that the reference you're making?

Mr. BATES. Kind of, yes.

The CHAIRMAN. Would you be more specific about what you're saying?

Mr. BATES. Maybe I'm misunderstanding your question. The question is—clarify it just a little more for me, you want to know how this impacting recreational opportunities for people?

The CHAIRMAN. Yes, I'm wondering, if I'm just a general member of the public and I want to go out and hunt in some of these areas, and I get a hunting license to do so and all, you're satisfied that my ability to do that is protected?

Mr. BATES. Not only am I satisfied that it's protected, but I think for that specific instance that over time, hunters and outdoorsmen and sportsmen will find that this, the wilderness designation will actually be a big benefit to them.

The CHAIRMAN. Senator Udall?

Senator UDALL. They're—I guess in a sense when you're the last panel, you've been sitting here listening to a lot of the testimony—there was testimony on grazing, there was testimony on border security, testimony on some of the things Chairman Bingaman just asked. Just as an opening question, I just wanted to give any of you an opportunity to comment on things you might have heard that you either agree or disagree with. Talk about it in the context—and Nathan, you mentioned the idea of working as a coalition, this panel is a good example of building a coalition, grassroots support—how long have you been working on this? How long have you spent toiling in the vineyards to get these kinds of things done? Could you please?

Mr. SMALL. Yes, sir. Thank you, Senator Udall, Congressman Teague, Chairman Bingaman.

I think we have to acknowledge folks like Jim Bates, here, who were involved in discussions decades ago on how to get these areas protected, and to move from the temporary wilderness study area designation, so you have, literally, hundreds of folks in the community who this has been a significant part of their life for decades.

However, in efforts—I think you started to see a coalition coalesce and come together beginning in 2005. They were very—there was proposals from former Senator Domenici that kind of opened the discussion on this. What you saw, some ideas—especially in terms of the sell-off of public lands—were not well-received. However as you see here today, from all perspectives, protecting lands is very important to this community and so you started to get groups coming together.

Very early on there was strong business support for the idea, what you see on business marquees, the Organ Mountains, a way to make sure that that continues on into the future. Public meetings were held, and I think it's very clear that the turnout often surprised everyone. Where literally hundreds of folks would spend time—similar to today—to come out and be a part of this.

Sportsmen, users, horsemen, I think is a very key constituency and as folks—especially with the horsemen who get into these areas and who value solitude, being able to close with vehicular access, but also areas that are not overrun by either development or motorized vehicles, had a very early and important voice in this. So the natural pull of conservation, its importance to the community, made a coalition that was many years in the making, bear fruit.

That, I believe has included the hundreds of business organizations, dozens of local—mostly local—organizations that range from neighborhood groups to Chambers of Commerce. That's all underlined by the citizen support that I think we've seen today, even with some folks leaving, that stuck through.

So, I think that's a way—one thing that I think your comment brings up an interesting point is the coalition, it grew because compromise was made. There's always been a very, I think, a yearning to find that agreement amongst all groups.

So when we look at things like the grazing guidelines which I believe actually were developed in Arizona and apply to BLM Wilderness Areas in Arizona were developed and oftentimes for Desert Wilderness Study areas in Arizona to address specific concerns that I think, while not identical, but are similar to here—we have folks who yearn for that, to spread itself wider in the community.

I think what we can see is that it met with much success. Of course, there's never unanimity, even for whether the sky is blue or some other color. But overall, the agreement that's been reached, I'm very honored to have been a part of that. But I think the individuals in this room today, many who could not be here, and many of the panelists speak to the fact that it covers a very wide, and deep and committed constituency.

Thank you.

Mr. Muñoz: One of the things that I heard and I believe possibly Congressman Teague kind of spurred this on or talked about this, as far as job creation. You know, I know that, first I want to say that during the break someone who I hadn't seen in awhile came up to me and says, "Wow, John, you look really old."

Mr. MUÑOZ. I said, "You know, it's been 2 rough years in business. But we've persevered and we're doing well."

The, you know, one of the things that I want to stress is that, you know, I've heard, this isn't the magic bullet for jobs. It may not be. However, there's so much potential to work together to conserve and protect lands and to also emerge new businesses and have entrepreneurs, you know, take what's made this country great.

You know, magic bullet or not, you know, if this creates some jobs, you know, we'll take it. In this economy where people are struggling, where people have been affected by the economic downturn, if it's not a magic bullet, if it's bows and arrows, sticks and stones, we'll take that.

Mr. BATES. Senator, if I might address your original question regarding some of the comments that were made previously. I don't know where to start. I've got, you know, I've heard the arguments about the flooding issues and—first point to be made is we're not—those of us that are for this proposal do not discount those concerns. I mean, we're absolutely in unison with those folks in trying to resolve those issues, if indeed they are real issues.

From my own standpoint, I've got some reservations about whether some of those issues are, indeed, fact-based. For instance—I'm just going to throw these out here because they come to mind—is the flooding issue. You know, to me, to resolve a flooding issue you put big dams, like has been done, down here in the lower part of these arroyos to catch the water that runs off from the mountains. I mean, that's been the theory that has been used for decades and yet all of a sudden that theory doesn't seem to be going to work. I question that.

The second thing is regarding the illegal traffic flow of aliens, illegal aliens into the United States with mal-intent, if you will, whatever it might be. You know, the statement is made that—I get the impression that we've got this buffer zone which apparently isn't big enough for some folks, and that once these illegals reach the wilderness or the proposed wilderness boundary that they're home free, that they've got a get out of jail card. I mean, where does that come from? Does that mean we can't apprehend them anymore if they get to the wilderness boundary? I don't get that.

There was one other thing, what was it? Anyway, the whole point is that I think—oh, I know what it is. I wanted to use a cliché on this was, I see this whole thing, the—those that are against the wilderness proposal as kind of like throwing the baby out with the bath water type thing. We don't—we've got this proposal, but because we have these few issues that we're not willing to try to overcome with reason and compromise, that we just want to discount the whole process and the whole proposal for these wilderness areas and I just—I can't see that, and I don't agree with it. I think that that's the point to be made, here. Is that we can reconcile these things and still do what these areas and the people here deserve.

Senator UDALL. Mr. Trevino, could you also comment? This covers a lot of lands where you have infrastructure. I mean, is there anything that hurts the ability for you to provide the oil and gas and other utility services to people as a result of the passage of legislation like this?

Mr. TREVINO. Let me see first, if I may, I'd like to commend Chairman Bingaman for holding these meetings here in the heart of where this issue matters, in Doña Ana County. Also I'd like to commend everyone here in the audience. No matter where you stand on this issue, I think it's amazing and truly gratifying to see our democratic processes work, because I think this is what this country's about. So, again, I commend everyone here today.

As you said, Senator, I'm in the business of maintaining and sometimes building energy infrastructure throughout not only the Southwest, but our company does so literally coast to coast. I think many of the issues that arise in that environment and that arena

is folks don't generally want infrastructure in their backyard, the NIMBY complex, if you will.

But, I think what I've learned in some 20 years of service in the energy industry is that through collaboration, through dialog, things can co-exist. I think that's that lesson that can be learned here, today. Certainly there are a plethora of issues that were all brought out today and are certainly relevant, but I think through healthy dialog there is an end, and it can work for everybody

Senator UDALL. Thank you. Thank you for your testimony.

The CHAIRMAN. Congressman Teague, go right ahead.

Congressman TEAGUE. Of all of the questions that came up earlier today, I did want to ask, does anybody on this panel have a comment to make about the border security?

Yes, we'll start with you, Nathan, and we'll just go down the list.

Mr. SMALL. Thank you, Congressman Teague.

I believe as I expressed earlier, there is a very large swath of land creating a buffer several miles on either side of the divide with Highway 9 that would be created with this legislation. If no legislation were to pass, we would be stuck with the same situation today which, although in public testimony, Border Patrol has testified that there are no huge problems with illegal activities, I can think we all agree that it would better to improve the situation.

As conservationists, I think there always comes a moment when you realize you will never get everything that you want or ask for. That moment has come with this legislation. I think the exclusion of a significant amount of land based—as Chairman Bingaman said, on recommendations from Border Patrol itself—is to be commended and to be supported. By creating that additional buffer on the north side of Highway 9, allowing for the placement of infrastructure in various points at the complete discretion of Border Patrol is a positive thing.

Again, Chairman, you are to be commended, you and your staff on this. I think as conservationists we realize it is an important issue and one which we support those action.

One area where we have not had to even, I think, swallow, is when it comes to extra allowances for drinkers and for corrals and other ranching infrastructure. We have said—and I believe strongly—that ranching and wilderness can co-exist, and that it is incumbent on everyone—including conservationists—to help make that happen.

So, along with the border security issue, that is one that has been proactively addressed with this legislation. Thank you.

Congressman TEAGUE. Mr. Muñoz, do you have any comments about the border security?

Mr. Muñoz: No, I just want to echo Councilor Small's comment about consensus. I mean, we go through that a lot in business and I'm sure in your line of business, as well, there's a lot of consensus. We pulled and spent time with our members make sure we were doing the right thing when we wanted to support this legislation as a Chamber. You know, initially there were a lot of questions that were asked. We covered those questions, we discussed with other business owners, other community leaders, and then, you know, we come to a point where, you know, there's—you know, where I would say 75 to 80 percent consensus on this. The fringes

on the outside—and again, we talked, I don't know if we would consider that the cloakroom out there for Las Cruces, but outside, you know, I was talking to someone—the person who called me older—and he said, "You know, it's really how we go about this. We both, you know, both sides want—feel strongly about certain points and we want to go about this in the way we think is the right way."

But we both agreed, again, I can say, that it's about consensus. We both want the good thing for Las Cruces, for Southern New Mexico, but it's how we get there. To wrap this up, as Nathan was saying, we come to a point where it's consensus and it's time to move forward with it.

Congressman TEAGUE. OK, Mr. Bates.

Mr. BATES. Congressman, I think I kind of made my position on that a little bit ago, but basically I don't think the status of the problem is going to change whether or not that area is called a wilderness or anything else. I think it's—the problem exists, we have to deal with it, we have to find some method of controlling the problem and taking care of it, but I don't think it has anything to do with the wilderness or not, personally.

Congressman TEAGUE. Mr. Trevino.

Mr. TREVINO. Congressman, I have nothing further to add on that.

Congressman TEAGUE. OK. One other question that I wanted to ask, especially of Mr. Muñoz, because of being with the Chamber of Commerce, how did the Organ Mountains and the public lands, you know, they provide a unique brand for Doña Ana County and how does that brand benefit us economically, and how do you see the economic benefit coming from that?

Mr. MUÑOZ. You know, the branding has almost started naturally already. I believe it was mentioned on many of the marquees, mass heads, you have the Organ Mountains, in fact, on our own internal letterhead I have a picture of the mountains in the background and our site in front of it, and so we have an internal employee newsletter that has that piece.

But I think that when we have that brand we're going to—we have the ability and there's so much more potential now to attract visitors, to attract companies who want to move here, to attract retirees who will bring, you know, their income to this area, and so I think that when you're talking about the precious resource, which is the Organ Mountains, that's something that we want to protect, something that we can market and brand.

Seven hundred and thirty billion dollars nationally is a lot. If New Mexico and Las Cruces can get a piece of that pie, we'd love to have that here.

Congressman TEAGUE. Yes, you do see that as a way to create jobs by preserving our public lands and all of that as an economic tool for Doña Ana County and Las Cruces?

Mr. MUÑOZ. Yes, Congressman, yes. When we did the conference on Wilderness of Economics, we started in other areas, looked at Western States who had protected and unprotected lands and, you know, the studies clearly show that areas with protected lands do better on economic indicators.

Congressman TEAGUE. Once again, I'd like to thank the Senator Bingaman for hosting this and for allowing me to participate and thank all of you all for coming, thank the panel for their answers.

Thank you.

The CHAIRMAN. Thank you very much.

Let me make 2 more thank yous and then one more announcement and then we'll stop.

First, we get credit for a lot of stuff in the Congress that we never do, our staff does it, and we also get blame, but usually we do the things we get blamed for.

At any rate, let me just mention Jorge Silva Bonjuelos has worked very hard on this.

The CHAIRMAN. Dara Parker, Dara's worked very hard on this.

The CHAIRMAN. David Brooks, who is with our Energy Committee staff, David has worked very hard on this.

The CHAIRMAN. I know that Senator Udall has staff that has also worked very hard on this and Congressman Teague, as well.

The CHAIRMAN. We thank them very much for the hard work.

I want to thank all of you—I know that there are hundreds of hours, thousands of hours of time represented in this room of people who've worked on trying to get this right, and that's what we're trying to do, that's the purpose of this hearing. We want to move ahead with this, as Mr. Bates said, but we want to do it in the best way we can and we think today's hearing will help us in that regard.

Let me also just mention again, as I did at the beginning of the hearing that anyone who would like to submit testimony can do so, either get it to Tom Udall's office, here in Las Cruces, get it to my office here in Las Cruces, Congressman Teague, we get it to your office, you get it over to us, and we'll put it in the record for this hearing. If you're unable to do that, send it to us at testimony@energy.senate.gov and try to do that by the close of business Friday so that we can get the complete testimony and have it to review.

But thank you all very much for being here, I think this has been a good hearing, we appreciate it.

[Whereupon, at 5:24 p.m., the hearing was adjourned]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT OF BETH BARDWELL, LAS CRUCES, NM

Dear Senators:

I wanted to thank you for your recent Field Hearing on the Organ Mts-Desert Peaks Wilderness legislation. I whole heartedly stand in support of this legislation. I am a 15 year resident of Las Cruces and the public lands that fall within the protected boundaries under this legislation are beautiful and contain the values that inspired the Wilderness Act many years ago. My family consists of two daughters, aged 12 and 15, plus my husband. We regularly hike in the affected public lands and will continue to do so after passage of this legislation. We will have no problem accessing these public lands after they receive Congressional recognition as wilderness or NCA. Those who say the public will be unable to access them upon passage of this Act, do not understand that there are many people, like my family, who prefer to leave the motorized vehicles on the existing roads, and travel by foot into these beautiful lands. I know if we protect these public lands now, my grandchildren will have the same privilege I do now to enjoy them.

If we do not have the courage and vision to protect these public lands now, they will continue to be fragmented, altered for economic development and private gain and potentially privatized. Of particular beauty and value is the Broad Canyon area. It will connect the western sky islands and upland Chihuahuan Desert Grasslands west of the Rio Grande with those on the east providing a vast and protected corridor for wildlife and ecosystem processes and function to continue unaltered. Many of the grazing leases within the Broad Canyon complex are now owned by New Mexico State Parks and complement their fee title holding on the Rio Grande where riparian and wetland restoration is underway.

I urge you to pass the legislation without further amendment and as quickly as possible.

STATEMENT OF DAVID B. ROEWE, EXECUTIVE DIRECTOR, BUILDING INDUSTRY ASSOCIATION OF SOUTHERN NEW MEXICO

Dear Senator Bingaman

This is to advise you and the Senate Committee on Energy and Natural Resources the BIA of SNM has endorsed the proposal of the Greater Las Cruces Chamber of Commerce on S.1689, as presented to your committee on October 22, 2009 and February 15, 2010.

We join them in recommending two changes to your proposal:

1. The complete Potrillo Mountain Complex be removed from the Wilderness category and instead be designated as a National Conservation Area. Border security must be of high priority for this entire area.
2. The entire Broad Canyon area be made free of any legislative designations. For purposes of flood control and the future growth of our community we must continue to have public access to this area.

We also endorse their proposed language changes for National Conservation Areas.

Please know the field hearing has heightened our concerns on border security and flood control and we sincerely hope you will consider these proposed changes as you contemplate S.1689.

We also request this letter be made part of the official hearing record.

STATEMENT OF BILL MATTIACE, VICE PRESIDENT OF GOVERNMENTAL AFFAIRS, GREATER LAS CRUCES CHAMBER OF COMMERCE

Senator Jeff Bingaman & Senator Tom Udall, I thank you for the time spent on this Jeff Steinborn and Nathan Hill initiative for Wilderness designation of land surrounding Las Cruces. My concern is raising the land values in the city of Las Cruces, particularly thousands of acres of land in the Steinborn Sonoma Ranch area of the East Mesa. Fact check: Sonoran Institute Publication indicates that the land values and economic boom to private land in cities where Wilderness designations have been declared increse by 45%.

Organ Mountains deserve the Federal Wilderness protection,and maybe the Robledo Range, but stop there!

Address the water shed concerns, the security concerns and the ranching culture of New Mexico..I suggest you set aside the Robledos and the Organ Mts now and until you collect appropiate data from the water experts and current conditions from the Border Patrol..the 500 Friends of Jeff & Nathan will be happy and live happily ever after in their homes at the base of the Organ Mountains.

STATEMENT OF BOB AND DONA HEARN, LAS CRUCES, NM

Thanks to Senators Bingaman and Udall for sponsoring the legislation holding the Wilderness Field Hearings in Las Cruces on Feb 15th. We would like to add these comments to the record.

The turnout was solidly in favor of the legislation—this is a proposition strongly supported by the people of this region.

There are many issues around the edges of the bill, to "fix up" this or that. But there are no fatal flaws, and if we wait until all the little issues are cleared up, the whole thing will never happen. Let's get it done, then trim and adjust as necessary.

My wife and I live at the foot of the Organs, surrounded by BLM and State Land which is all in a Wilderness Study Area, and all of which is a working cattle ranch. The cattle are happy, the rancher is happy, and the WSA status does not interfere with their operation—been there for years.

We come from Phoenix and San Diego, and have seen how growth can just gradually take over an area, without anyone quite realizing it. Now both of those regions are overgrown, and most of the wonderful natural areas have been paved over. We can make sure this doesn't happen to all of our great areas of natural beauty by setting them aside now, all at once, so the matter is settled.

There is plenty of land in Dona Ana County for development for as far ahead as any planning can see—we can welcome all who want to come live here with us, and still keep the beauties and advantages of our natural heritage preserved.

Thanks again for your hard work on this project, and for your consideration.

STATEMENT OF CHERYL FALLSTEAD, LAS CRUCES, NM

I am writing in support of the Organ Mountains-Desert Peaks Wilderness Bill. I have lived in Las Cruces, New Mexico, for four years and every day enjoy the beauty of the mountain areas surrounding the city. I, along with hundreds of other wilderness supporters, attended the field hearing on Feb. 15 and appreciated the opportunity to hear from people expressing differing points of view. Based on my understanding of the information presented, Senators Bingaman and Udall have worked hard to incorporate factors into the bill that should held to create a compromise that works for people who want to protect the fragile ecosystems and allow access for recreation, while still allowing ranchers who graze cattle in these areas to continue their livelihoods. Many people expressed concern about border security, which I believe is adequately addressed in the bill.

I also recently attended a seminar on how protected areas can improve the local economy through wilderness tourism. I believe that there is great potential for this area to provide tourism-related jobs and hope that we can both grow our economy and protect our local natural treasures.

While there may still be some final details to be ironed out so that all sides will be satisfied with this bill, I urge passage of the Organ Mountains-Desert Peaks Wilderness bill in order to protect these areas for generations to come.

STATEMENT OF DAVID BEYER, LAS CRUCES, NM

As an avid outdoor enthusiast and lifelong "desert rat", I am opposed to the wilderness being proposed in Dona Ana County for many reasons.

First and foremost, to put wilderness areas so close to a populated area such as Las Cruces would be unenforceable. Even if it were to be fenced off, there is not enough law enforcement to be able to keep the motor vehicles out of all the proposed areas. The only people it would keep out are the law abiding citizens, which are currently the extended eyes and ears of local law enforcement. These areas would become a haven for illegal activity.

Having spent most of my 50+ years in Dona Ana County, I have developed a tremendous affection for our beautiful desert. I enjoy hiking, camping, hunting, and off-roading here, and take a lot of pride in doing so responsibly, as do most of the people I know. It won't be too many years from now that I may not be able to hike and hunt as I do now, and designating these areas as a wilderness would mean the end of my ability to enjoy and help with these lands. History has taught us that the elders teach the new generations, and we owe it to our land to be able to mentor our children and grandchildren in responsible management of public lands. My fondest childhood memories are of trips to the desert camping or hunting with my dad, who taught me to respect it and not destroy it.

My father was able to enjoy our public land even in his latter years because he was still able to drive his jeep out long after he lost the ability to walk any distance. Please don't lock us out just because of some physical infirmity that may beset us.

STATEMENT OF DAVID SOULES, LAS CRUCES, NM

Thank you for introducing the Organ Mountains—Desert Peaks Wilderness Act. I am particularly impressed with the process you have pursued to gain consensus among a very diverse community of interest groups. I believe compromise is essential to a strong democracy, and I commend you and your staff for the leadership you have demonstrated to that end.

Please let me introduce myself. My name is David Soules, and I am a lifetime resident of Las Cruces, New Mexico. Over the span of more than 50 years, I have grown to treasure the tremendous resource of wild places surrounding Las Cruces. As a child, I can remember picnics at the base of the Robledos and exploring "Geronimo's Cave" in what is now part of the Trackways National Monument and La Cueva, at the base of the Organ Mountains. As a youth, my brother and I raised steers; one of those calves came from a ranch near Lookout Mountain in the Robledos, and two from the Cox Ranch near what is now the Visitor Center at Dripping Springs. We also delivered newspapers by horseback. As a boy scout, we camped and hiked in the Dona Ana Mountains, and in Fillmore Canyon in the Organs. As a teenager and young adult, my friends and I often hiked in the Organs: near Aguirre Springs and Sugarloaf, up Achenbach and Soledad Canyons, and on one occasion through Rabbit Ears pass. For the last 40 years I have hunted, hiked, and camped extensively in all of the areas encompassed by the Organ Mountains and Desert Peaks Wilderness Act. I have driven on virtually every road within these areas, and have extensive personal knowledge of the terrain, topography, and wildlife. I am an active member of several conservation organizations, and have been a proponent of permanent protection of these areas for decades.

As we move ever closer to what I fervently hope will be long-term protection of these national treasures, I would like to offer some comments on what appear to be the primary concerns of those who remain opposed to the current proposal. It seems the concerns fall into three major categories: restricted vehicular access, border security, and watershed management.

With regard to vehicular access, it is my understanding that just to qualify for wilderness designation the areas in question must be largely unaltered by man. Given that the boundaries of the proposed wilderness areas have been modified during the scoping process to preserve most of the existing vehicular access routes, I find the claim that public access will be severely restricted to be simply untrue. Further, for the group that wants to preserve western heritage, I heard no discussion of using horses in that capacity. It sounded as though preserving western heritage somehow meant unfettered access for ranchers via pickup truck to all areas, even though the wilderness act specifically allows reasonable vehicular access to maintain improvements such as water structures and fences that were in place prior to wilderness designation. I also find it noteworthy that local and state horsemen organizations support the current proposal.

With regard to Border Security, I once again commend you and your staff for modifying the existing proposal to provide an increased buffer area near the United

States—Mexico border in response to input from actual border security personnel. Although detractors have expressed the opinion that the lack of roads impedes security operations, I have spoken with knowledgeable border security officials with exactly the opposite view. Modern surveillance techniques are quite effective at detection and interdiction of intruders in remote regions. It is urban environments that often confound security operations.

Lastly, with regard to proper watershed management, we have certainly learned that most watershed problems are the direct result of human intervention. What better remedy can there be than to minimize human impact? All of the lands within the proposed wilderness and national conservation areas are desert and desert mountain environments that were shaped in recent geologic times by normally sparse rainfall with occasional local flooding. That is literally what formed the beautiful and multifaceted landscape that we all enjoy. To suggest that we need to plan ahead for climate change by impounding what little water that falls in this area as high as possible in the mountains seems incredibly ill-conceived.

In closing, I heard loud and clear at the recent hearing in Las Cruces that all groups support some form of protection for these lands. In my view, the combination of Wilderness with buffer areas under National Conservation Area status is an excellent approach for achieving reasonable protection. I implore you to continue with your efforts to move the Organ Mountains and Desert Peaks Wilderness Act through the legislative process. As a result of your efforts, I have seen the local community move from modest to overwhelming support as the meaningful compromises have materialized, and I believe we are on the brink of preserving something very special for future generations.

STATEMENT OF ELEANOR WOOTTEN, GILA, NM

Dear Senator Bingaman and Senator Udall,

First let me congratulate you on taking the time to have a field hearing on this fantastic bill in Las Cruces last Monday. You conducted the hearing extremely well, showing much patience at times. Your questions were to the point and fair. Thank you.

Having worked in the background with my husband, Tom Wootten, for many years on pushing having this bill come to pass, you need to know I am totally in favor of it. We have long needed some protection for the southern part of New Mexico. While I now live in the Gila area part time and part time in Las Cruces, I was raised in Las Cruces for the better part of my life having come there in 1946. I have seen many changes in the county, most especially population growth, and worry about the empty spaces filling in faster than they can be protected. This bill offers protection for a least a big piece of the county. It was long in coming and deserves to happen.

Thank you both from my heart.

STATEMENT OF FRANK AND ROSA HOLGUIN

To: The Honorable Senators Bingaman and Udall

We would like to thank you for allowing comments on Senate Bill 1689.

My name is Frank Holguín and my wife Rosa and I ranch on the Robledo Mountains. Ninety five percent of our grazing permit is part of the proposed Robledo Mountain Wilderness in Senate Bill 1689.

My experience with wilderness came during my tenure as County Extension Agriculture Agent. I served in Valencia County for 20 years and during that time I developed good working relations with many of the ranchers that had allotments on the Manzano Wilderness. As the County Agent I facilitated and attended many meetings between the ranchers and the Forest Service. Most of the meetings were very typical in the sense that Forest Service was always concerned about the over utilization of the forage and the ranchers always had concerns about the Forest Service's inability to review and approve range improvements that would help them comply with their grazing management plans. Many of the range improvement applications would take months and years to be reviewed and approved if they were approved at all, while cattle numbers were being reduced sometimes temporarily or at times even permanently.

The economic viability of most of the ranchers that were on wilderness was a constant concern. As a result, many of the allotments have been consolidated so that ranchers can keep and maintain economically viable numbers of cattle and most of the community allotments on the east of the Manzanos have all but disappeared. Ranchers that were on the wilderness endured an unreasonable amount of scrutiny

and economic hardships in order to comply with wilderness regulations. Ironically, public range land that was under multiple use and private range land always seemed to be in as good or better condition than wilderness or range land that had not had cattle on it for 20 years. Many of the life long county residents felt that the Manzano Mountains were better served and managed before wilderness.

In our opinion wilderness designation is not the best protection option for public lands. I retired from Extension in 2006 and my wife retired from teaching in 2008. We returned to the family farm and ranch, and any wilderness designation is of great concern to our family. Our permit has not had any range improvement approved since it was made a Wilderness Study Area in the early 1980s, a situation that has cut our grazing season in half. We are the third generation with extended family and friends on both sides of the border and we are all very aware of the border security problems, flood and irrigation water concerns, and energy and economic growth issues that this county must address in the near future. Wilderness protection designation will negatively impact each of these important public policy issues. Please consider other more reasonable protection designations that will address many of the same protection and conservation concerns.

STATEMENT OF GARY DICKEY, DEL NORTE, CO

To Whom It May Concern:

I am a third-generation rancher, farmer and outfitter in the San Luis Valley, Colorado, and am writing to share my positive experiences with grazing in wilderness. In short, the only problem with wilderness is simply that there's not enough of it.

The absence of motorized vehicles where I graze in the Weminuche Wilderness Area is helpful in that the use of off-road vehicles in these remote areas tears up the landscape, scares our cattle, creates unauthorized roads and dust problems while also destroying the character of the landscape. Unfortunately, the boundaries in this and many other wilderness areas are often not heeded, with motorized vehicles going into restricted wilderness areas. To address this problem, I believe it would be helpful to mark wilderness boundaries better and then ensure that these borders are enforced.

Protecting our most unique and threatened areas as wilderness can serve not only to protect these natural resources but also to maintain traditional uses such as ranching, hunting and fishing. I believe that the beautiful scenery, rural landscapes, abundant fish and wildlife, agricultural heritage and opportunities for outdoor activities all contribute to the high quality of life that we enjoy in rural Southern Colorado, a quality of life that has been improved with wilderness designation.

STATEMENT OF GILL SORG, LAS CRUCES CITY COUNCILLOR, DISTRICT 5

Dear Senators,

I ask you to pass this Act with all due haste. I have been working for our Wilderness in Dona Ana County for over 4 years and others have been for much longer. We have worked with several groups to compromise yet some groups are unwilling to do so. Besides being Las Cruces City Councilor, I have been an Audubon member since 2001, President of the Mesilla Valley Audubon Chapter, a Biologist, Wildlife Biologist, Wildlife Manager and conservationist for all my life. Only with Wilderness designation can the wildlife and its habitat be preserved for future generations. I choose to speak for the wildlife who cannot speak for themselves. Without protection from motorized vehicles and over grazing their habitat will deteriorate.

It's simple, pass the Act as you wrote it.

Thank you.

STATEMENT OF GREG WRIGHT, SOUTHERN NM

Dear Senators Bingaman and Udall,

Thank you so much for taking the time to hear what all parties have to say regarding the Organ Mountains Desert Peaks Wilderness Act this week in Las Cruces. Be assured that many more supporting voices went unheard, and many more founded reasons for protection went unaddressed.

Critics of the act referred to the proposed wilderness as exclusion, but it's just the opposite. This desert ecosystem is fragile, and as a wildlife biologist I have a firm understanding of the disturbance tolerance of such places. As a hunter I also value areas that provide as wild of an experience as possible, without the sounds of motors or the smell of exhaust. Please know that I'm in full support of your decision

to save this rugged country—you're saving an ecosystem, a sunset, and the spirit of adventure.

STATEMENT OF HOWARD GROSS, SANTA FE, NM

Dear Members of the Senate Energy and Natural Resources Committee:

I am writing to share my comments about the Organ Mountains-Desert Peaks Wilderness Act (OMDPWA) and my impressions of the Feb. 15 ENR field hearing on this bill in Las Cruces, NM.

I fully support the OMDPWA as currently written. I think it is a balanced piece of legislation that preserves our heritage for future generations to enjoy while also accounting for the needs of many land users. A lot of compromises have been made in this bill to accommodate opposition. Its time to move it forward so that it can become law.

I was impressed with the large number of supporters of this bill that showed up for the field hearing...around 500 people by my estimated count. It was also interested to hear the objections about the bill from its opponents. However, most of those arguments rang hollow to me because most of the lands in the bill are already managed as wilderness through their Wilderness Study Area (WSA) status. The arguments about wilderness designation creating a corridor for illegal immigration and smuggling seem particularly misleading because, again, the Potrillos are already managed as wilderness through WSA status and because of agreements between federal agencies that allows federal agents to access wilderness under certain conditions.

Lastly, I believe that passage of the OMDPWA will be good for the economy of Las Cruces. Studies from the Sonoran Institute have shown that communities in close proximity to protected public lands outpace similar cities without such proximity in many economic indicators. Communities with protected lands are appealing as locations for retirees, business relocation, and tourism. Personally, living in Santa Fe I look for warmer locations in NM to visit during the winter to escape the cold. In fact, my girlfriend and I spent $250 locally this past weekend coming to Las Crucues to hike in the Organ Mountains, stay at a hotel in town, buy gas, and eat in two wonderful restaurants . The prospect of the OMDPWA becoming law elevates the Las Cruces region as a priority destination for me for exploring newly protected wildlands.

Thanks for considering these comments.

STATEMENT OF JERRY COCHRAN, COCHRAN RANCH, MONTE VISTA, CO

To Whom It May Concern:

As a second-generation rancher who grazes on Wilderness lands, I have seen how protecting our natural heritage requires responsible stewardship on both private and public lands. I graze in the Weminuche Wilderness Area and have found this a positive experience and helpful to my ranching operation. Not having motorized vehicles where my cattle graze is helpful because it doesn't disturb our cattle or wildlife.

We work hard to not over-graze and keep the allotment as healthy as possible. Protecting our most unique and threatened areas as wilderness can serve not only to protect these natural resources for future generations but can also serve to maintain traditional uses such as ranching, hunting and fishing.

In closing, I believe wilderness, when it includes local stakeholders in the decision making process, works well not only for preserving our rich natural heritage but for ensuring traditional uses of our public lands, like ranching, hunting and fishing. I look forward to following the Organ Mountains-Desert Peaks Wilderness legislation as it works its way through Congress, and hopefully, to eventual passage.

STATEMENT OF JIM GRAHAM, SUN & EARTH INC., LAS CRUCES, NM

This is a response to the issue of flood control in the proposed wilderness areas of Southern NM by Professor Susan Bolton, a Civil Engineering Graduate from NMSU and professor of surface hydrology at the University of Washington.

> *Hydrologically speaking there is no reason for upper watershed storage if the lower watershed is undeveloped or properly developed to well known standards of runoff control and impervious area control. Most of the watershed draining the Organ Mts are relatively small and dams on them would*

store correspondingly small amounts of water. If EBID is that concerned about flood control, why are they using one of their current flood control areas for storage of spoil? Why are they not demanding stricter controls on building and development codes to prevent excess runoff for development. Those are far less expensive and would do far more to lower the costs to their members than would building new storage anywhere in the watershed. Preserving natural watersheds, such as those found in the Organ Mts. is one of the most agreed upon and scientifically validated methods of sustaining groundwater recharge and inexpensive downstream flood control. I know of no reasons why ranchers would lose or need to cease grazing.

Susan Bolton, Ph.d., P.E.

STATEMENT OF JOEL HOFFMAN, LAS CRUCES, NM

Dear Sir or Madam:

I was happy to support wilderness protection at the field hearing on Monday for the proposal aimed at protecting local natural treasures like the Organ Mountains, Broad Canyon, and the Potrillo Mountains. More than 500 interested citizens attended, and as I listened to the many voices, one thing was clear: community members want our precious public lands protected so that New Mexicans can forever enjoy these wild places.

I commend Senators Bingaman and Udall and Congressman Teague for working hard to listen to the concerns of all community members. I feel very confident that the proposed legislation can permanently preserve our county's spectacular public lands while being flexible enough to secure our border, accommodate ranching infrastructure needs, and meet water conservation concerns. After years of discussion capped off by this field hearing, now is the time to move this bill forward. During a President's Day weekend devoted to honoring our nation as well as Valentines Day celebrating our loved ones, this bill is timely: it guarantees the permanent protection of our natural heritage and beauty as a gift for our children and grandchildren. I can imagine no better way to serve our community now and in future generations. Sincerely, Joel Hoffman Las Cruces, New Mexico

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STATEMENT OF JOHN P. BRONSON, LAS CRUCES, NM

I support the Organ Mountains-Desert Peaks Wilderness Act, Senate Bill 1689 .

I attended the Senate Field Hearing on Mon. Feb 15th. The Panelists raised several issues which need to be addressed.

The statement that the NCAs would hurt border security is not credible due to the distance between the current NCAs and the border. Also the only source for that view is a single retired border patrol officer.

Gary Esslinger of the Elephant Butte Irrigation District claimed the the wilderness designation would hurt flood control. I live in the Tortugas Drainage that he talked about. All of the flood control infrastructure is in the downstream end of the drainage. This is roughly 10 miles from the Organ Mountains Wilderness. There is no evidence that the EBID has, or will ever, put flood control dams in the mountains. This is a red herring.

The wilderness proposals have made many accommodations for ranching, contrary to the statements of some of the panelists.

STATEMENT OF JUDY KEELER, ANIMAS, NM

To: The Honorable Senators Bingaman and Udall

First, I would like to thank you for taking testimony on Senate Bill 1689 and for holding the hearing in Las Cruces, NM.

My family has lived and worked in southern New Mexico since the 1890's.

As a rancher and a descendent of a ranching family, we've had a lot of experience with "public lands" and the federal land and wildlife management agencies tasked with managing the wildlife and the federal lands.

I've been forced to become some-what of an expert on the federal laws that have changed the way our lands are being managed. Many of these laws, i.e., Federal Land Management Policy Act, Endangered Species Act and Wilderness Act were passed by Congress with the best of intentions. However once the rules were promulgated by the federal agencies tasked with administering these laws and regulations were developed by the federal bureaucracies, somehow the good intentions be-

came onerous "rules" and "regulations".to those who must now live, work and try to make a living under them.

Such is the case of the Wilderness Bill. The intent of the Wilderness Bill was to protect roadless areas of 5000 acres or more. It was also supposed to be an area that was "untrammeled by man", where man himself was a visitor who did not remain.

According to this definition, BLM determined many proposed wilderness areas did not fit the definition of wilderness and recommended they not be included in the wilderness system. Eventually these areas became known as Wilderness Study Areas (WSAs). Unfortunately, it was left up to Congress to make the final determination on the status of these areas. They did not. So today we have wilderness proponents again pushing for wilderness, but this time they are expanding their demands as exemplified by the proposed wilderness areas around Las Cruces.

Because the definition of wilderness and the process has been convoluted through time, I believe the recommendations as proposed by Frank DuBois and the People for Preserving our Western Heritage makes the most sense.

It's time Congress come up with an alternative to wilderness that includes clear language protecting grazing, allows "mechanized" uses such as wheel chairs, various climbing equipment, chainsaws, hang gliders, strollers, and bicycles and allows for future mineral development, when done in an ecological sustainable manner.

The only area in Senate Bill 1689 that should be considered for wilderness is the Oregon Mountains. None of the other areas belong in the bill.

I am opposed to Senate Bill 1689 as it is currently written and ask you to reconsider your bill based on the historical definition of wilderness and the true intent of the Wilderness Act.

However, the best alternative would be to work with the People for Preserving our Western Heritage and come up with another designation for these areas we would all like to protect from subdivision and development.

STATEMENT OF MARCY SCOTT, LAS CRUCES, NM

I attended the meeting held on Monday Feb.15th at NMSU in Las Cruces, to show my enthusiastic support of the proposed Organ Mountains-Desert Peaks Wilderness. I have also written individual letters to our entire NM delegation in support of this legislation in the past. While I appreciate some of the concerns that opponents expressed at the meeting, I strongly feel that preserving these precious parcels of land are vital for preserving our long-term interests as a community. I remember hearing former Secretary of the Interior Bruce Babbitt say several years ago that we Las Crucens must be vigilant in ensuring that the iconic Organ Mountains be protected from overzealous development, rather than see them compromised for perpetuity as happened in Phoenix and some other western towns. I feel the same way about the Robledo Mountains, the scenery of which drew us to live here and beckons out my window each and every day. If we lose these unique places, or allow them to be degraded beyond redemption, they will be lost forever. I urge the Senators to take all steps possible to complete work on this critical piece of legislation! Thank you for your consideration.

STATEMENT OF MARY JO JOHNS, SANTA TERESA, NM

Honorable Jeff Bingaman,

I was in attendance at the Organ Mountains-Desert Peaks Wilderness Act meeting held at New Mexico State University on February 8, 2010. At the conclusion of the meeting I sat for a few minutes to reflect on the statements that had been prepared and became sad because I didn't think much had been accomplished for the effort that had been made.

Please, hear me out that my first thought was that most of us in attendance all want preservation of our multi-purpose lands. But I got a distinct feeling of a "fear monger" tactic used in scaring this group of people into thinking that all 376,000 acres, to be designated Wilderness, was going to be developed into something at which no one wanted to look. The greatest percentage of comments was directed to development at the base of the Organ Mountains and not wanting to become another El Paso. In reality, Senator Bingaman, the Organ Mountains Wilderness is a small part. The largest amount of land, Aden Lava Flow and the Potrillo Mountains, is mainly used for grazing, hunting, recreation and out of the publics' eye and well off any main road.

Gary Eslinger and Frank DuBois plea to get all groups together so a common understanding of the terminology and words used in ths proposal is paramount. Could

this plan become a NCA designation, allowing multi-purpose use without the worry of over-development? What mechanisms will be provided to protect the land from sale or exchange? It appears that the ranchers have done a pretty good job in being good stewards so far and wish to continue in its preservation.

I'm sure there has been much time afforded to the development of this report by you and your staff, but I beseech you to reconsider a "guick fix" and give more time to this matter.

STATEMENT OF NATILLE H. ZIMMERMAN, LAS CRUCES, NM

The Organ Mountains-Desert Peaks Wilderness Act: Thank you for considering comments about this wonderful possibility that will need your attention soon. As one who as long been concerned about our natural environment and resources I am writing to ask your support for the Organ Mountain-Desert Peaks Act. The review of this project has been intense and prolonged; we are excited that it can now become a reality. This designation would not only bring a favorable economic improvement to our communities but would also enrich our spiritual awareness of God's presence within our midst. Our natural areas must be protected.

STATEMENT OF DON L. "BEBO" LEE, PRESIDENT, NEW MEXICO FEDERAL LANDS COUNCIL, ALAMOGORDO, NM

On behalf of the membership of the New Mexico Federal Lands Council (NMFLC) representing the grazing industry on federal and state trust lands, thank you for holding a field hearing on this most important issue to the land, the wildlife, the people, the custom and culture, and the economy of Southern New Mexico. We greatly appreciate the fact that both Chairman Jeff Bingaman and Senator Tom Udall took the time to come to Las Cruces to participate in this hearing.

Thank you also for the opportunity to add additional testimony to the record for S 1689. This issue has been one of deep concern to those who will be most directly impacted.

While most would like to see some sort of designation to conserve the natural wonders in the area, this sweeping wilderness designation will not provide the appropriate balance between the needs of nature and the people who habitat the area.

In addition to all the previous concerns that have been expressed about the impact of a wilderness designation to the land itself as well as the economic needs of the area, the hearing brought stronger light some concerns.

Although there has been an adjustment made to the original designation to provide a zone between the wilderness area for Border Patrol, Homeland Security will be compromised. The restrictive nature of the designation does not allow for any motorized or mechanical operations. This designation severely limits access to the wilderness area and does not afford continued security of the area. There will not be any observance of the area on the ground, which undermines the objectives of the Department of Homeland Security efforts and Customs and Border Patrol duties. The agencies, much less the public, will not have access to the area which in itself fosters many other issues. No legal access to the area means that there enhanced possibility of unlawful entry into the designated area. This designation is a payday for illegal operations such as terrorism, drug and human smuggling and a safe haven for law enforcement endeavors.

Another issue is that of watershed management. Since the wilderness designation calls for limited access to the area, all watershed management and upkeep will no longer be viable. The geography of the land is conducive for runoff flows and, without management, the flood plain is in great danger of severe flooding. All infrastructures on the designated areas will fall into disrepair and eventually there will be no sign of any human existence in the area.

The wilderness designation in Dona Ana County will also affect livestock producers in the area. Since some of the areas already have infrastructure such as roads, pipelines and utilities, they simply do not qualify for wilderness status. The designation is to maintain a pristine natural environment with no evidence of human interaction whatsoever.

The Wilderness Act and other such laws were passed by Congress with the great of intentions. However once the federal agencies tasked with administering these laws promulgated rules and regulations, somehow the good intentions became oppressive mandates to those have who been stewards of the land for generations. Such is the case of the Wilderness Bill. The intent of the Wilderness Bill was to protect roadless areas of 5000 acres or more. It was also supposed to be an area

that was "untrammeled by man", where man himself was a visitor who did not remain.

According to this definition, the Bureau of Land Management (BLM) determined many proposed wilderness areas did not fit the criteria for wilderness and recommended they not be included in the wilderness system.

Eventually these areas became known as Wilderness Study Areas (WSAs). Unfortunately, it was left up to Congress to make the final determination on the status of these areas. They did not. So today we have wilderness proponents again pushing for wilderness, but this time they are expanding their demands as exemplified by the proposed wilderness areas around Las Cruces.

Because the definition of wilderness and the process for its' designation has been convoluted through time, I believe the recommendations proposed by Frank DuBois and the People for Preserving our Western Heritage makes the most sense for the protection and future of all concerned.

It is time Congress come up with an alternative to wilderness that includes multiple use and clear language protecting grazing, allows "mechanized" uses such as wheel chairs, various climbing equipment, chainsaws, hang gliders, strollers, and bicycles and allows for future mineral development, when done in an ecological sustainable manner.

The only area in S 1689 that should be considered for wilderness is the Oregon Mountains. None of the other areas belong in the bill.

NMFLC opposes to Senate Bill 1689 as it is currently written and respectfully request that the Committee reconsider this bill based on the historical definition of wilderness and the true spirit and intent of the Wilderness Act.

STATEMENT OF OBBIE DICKEY, DIAMOND D BAR RANCH, DEL NORTE, CO

To Whom It May Concern:

As a rancher and outfitter in San Luis Valley, Colorado, who grazes in wilderness, I know first-hand the value that wilderness holds for both conserving our natural resources for future generations and for traditional uses like ranching, hunting and fishing. In short, grazing in wilderness has worked well for my family.

I take my cattle up to the Trout C&H Allotment in the Weminuche Wilderness Area several months a year during the grazing season. It is always a relief that I don't have to deal with motorized vehicles in this area. Elsewhere, motorized vehicles on our public lands can create big problems for ranchers, hikers and sportsmen by creating new trails, creating new trails, scaring cattle and stirring up lots of dust.

As a rancher and outfitter, I work to manage land not only for economic benefit but also to protect air and water quality and provide habitat for wildlife. The beautiful scenery, rural character of the landscape and abundant wildlife all contribute to the high quality of life that we enjoy here in San Luis Valley. It is why I am in favor of protecting our most unique and threatened areas as wilderness, which serves not only to protect these natural resources from motorized vehicles and development but maintains important traditional uses such as ranching, hunting and fishing.

In closing, I look forward to hearing more about the Organ Mountains-Desert Peaks Wilderness Bill as it works its way through Congress.

STATEMENT OF PAUL R. TURNER

I attended the recent senate field hearing in Las Cruces and carefully read the handout that was provided concerning changes made in the proposed Act relative to border security and grazing. These changes appear to address the majority of potential concerns about those issues in a responsible, respectful manner. If there are other changes that can address reasonable concerns, I have no problem with them being addressed. However, I suspect that opponents of this legislation will continue to oppose any proposed wilderness designations in southwestern New Mexico as a means to delay legislation regardless of your efforts to make the Act more acceptable. I urge my senators and congressmen to push this legislation forward despite the delaying tactics being used to derail any action. It is apparent to me that many opponents of this proposed legislation are not truly willing to compromise their positions and hope nothing is done to establish wilderness areas in Dona Ana County.

I retired from New Mexico State University 6 years ago after 30 years of teaching and research in the Department of Fishery and Wildlife Sciences. During that time I spent hundreds of days with my NMSU students, members of my son's Boy Scout troop, friends and family backpacking, fishing, hunting, and enjoying the scenic vis-

tas and wilderness areas of New Mexico. I recently backpacked into the Gila Wilderness to fish for Gila trout and hope to continue hiking, fishing, and hunting for many more years. I urge you to take timely action to protect the scenic areas included in the proposed legislation so that current residents and future visitors can continue to enjoy the unique qualities that wilderness status will provide. My decision to remain in Las Cruces after retirement stems from my love of the state and its wilderness areas and scenic qualities. The designation of these wilderness areas will make me proud to be a resident of Dona Ana County and New Mexico. I truly believe this Act will add to the outdoor appeal of this area.

Thank you for your tireless efforts.

STATEMENT OF PHIL HARVEY, JR., MESILLA, NM

Dear Senators Bingaman, Udall, and the Senate Committee on Energy and Natural Resources,

I am writing to oppose S.1689, The Organ Mountains-Desert Peaks Wilderness Act for the following reasons:

1. The proposed land does not meet the intent of the 1964 Wilderness Act, nor the definition of wilderness which is "Untrammeled by the hand of man." There are roads, fences, wells, corrals, dirt tanks, and many other signs of man on most of the proposed wilderness areas. Man has been utilizing the proposed wilderness areas for thousands of years, with heavier usage ensuing when the Spaniards and Anglos settled the area.

2. Border security will be compromised by the designation of these wilderness areas. Those of us that live near the Mexican border are already under threat from illegals entering our nation to smuggle humans, guns, drugs , and commit other crimes. If the Border Patrol, Sheriff's Departments, or other law enforcement are prohibited from patrolling these areas, then this bill only serves to encourage and give confidence to these criminals. One need only look at the trash and illegal trafficking that is ongoing in the wilderness in Arizona, and Organ Pipe National Monument in California to see what will happen in our area of southern New Mexico. Our law enforcement will be prohibited from making routine patrols in the wilderness; they will be prohibited from having sensors, radio transmitters, and microwave towers in the wilderness. The 1964 Wilderness Act prohibits permanent roads, temporary roads, the use of motor vehicles or motorized equipment, the landing of aircraft, the use of any mechanical transportation (including bicycles), and the building of any type of structures. At this time, we certainly do not need to weaken and diminish the effectiveness of our Border Patrol and law enforcement in southern New Mexico.

3. Flood control and the management of water will be greatly impaired if the proposed areas are declared wilderness. Without significant concessions to allow the building of dams, flood water dikes, diversions, and the maintenance of existing dams and structures, it can be expected that more flooding of homes and other property can be expected. Wilderness will make planned projects for monitoring and capturing flood water virtually impossible, and definitely more costly and difficult, if it is done at all.

4. Livestock grazing permittees will be dealt a very harsh blow if they cannot check and feed their cattle in an efficient way, and the maintenance of wells, fences, dirt tanks, and corrals will be made completely impractical, if not impossible. Ranchers have been on most of the proposed wilderness areas for many, many years, and have had viable economic entities in their ranches. The development of water for livestock by ranchers for livestock equally benefits wildlife, and were it not for the ranchers, there would be no permanent water for wildlife in almost all of these proposed wilderness areas. Concessions such as saying "grazing permits shall be issued" for these areas do not give the ranches any certainty that their permitted numbers of livestock will be allowed. When you cut a rancher's permit by 90%, you have put him out of business. A graphic example is the Gila Wilderness where U.S. Government policies and environmentalist's lawsuits have destroyed the livestock industry in the Wilderness.

5. There are alternatives to Wilderness designation that will protect the lands in Dona Ana County. The Portrillos can be protected in the same way that the Valle Vidal was protected. The one-page bill that was supported by both Sen. Bingaman and then Rep. Udall, simply withdraws the federal land from disposal and the mining laws, but does not close the area to vehicular access. This same principle can also be applied to the Organ Mountains, and especially the area that is the foothills directly west of the base of the mountain. The beautiful views will be preserved, the wildlife will still have water, families can drive up

to campsites, the Border Patrol can apprehend illegals and drug-runners, EBID can maintain flood control structures to help avoid a more disastrous flood than that which occurred in Hatch a few years ago, ranchers will have a chance of staying in business (you know that un-harvested grass finally loses it's root system and dies, and poses a great fire threat!), and the State Trust lands within the proposed Wilderness areas will continue to produce revenues for education in the State of New Mexico.

Again, I urge the Committee to reject the Wilderness designation of these thousands of acres in Dona Ana County, and to seek alternative, equally effective means of protection. Thank you for this opportunity to comment on S.1689.

STATEMENT OF PHILIP VANVEEN, DEMOCRAT, NM

Although I am in favor of preservation, for the most part, I noticed that the information about this Wilderness bill has been very one-sided. I feel it is important for the public and for Public Officials to fully understand both sides of this situation before determining the best course of action. The information I am presenting is for Dona Ana County only, but should be looked into for all Counties in question. If you look at the current land use map you will notice that Dona Ana County currently has one third of its land closed to the public: WSMR, Ft. Bliss, WSNM and Jornada Experimental Range. Most of that land is true Wilderness Territory as hikers and horses are also forbidden on it.

One of my concerns is people like myself, who because of an injury or for other reasons cannot hike great distances or on uneven ground and would need better access than a Wilderness Designation currently provides.

These areas currently have established BLM vehicle trails. Most of these trails have existed for over 30 years and allow access to the beauty that is New Mexico for a lot of people. It seems that these trails have worked out well over the last 30 years. Please consider keeping them open for use so ALL citizens can enjoy our wilderness areas. I am a photographer and have no other way to capture this beauty than to have access via established vehicle trails.

As I said in the beginning of this letter, I believe in preservation, and I believe that the BLM does a good job of managing our public lands but there is room for improvement. I am a firm believer that the Organ Mountains define who we are as a community and need to be protected, however we would be better served by a State Park than a Wilderness bill. Currently we have two State Parks in the Organ Mountains: Dripping Springs and Aguirre Springs. Why not combine them with the rest of the area into one State Park. This would protect the land while still allowing limited access to those who cannot hike the rough untamed trails.

Thank you for your time and please consider keeping our Public Lands available to the public.

STATEMENT OF RICHARD E. JACOBS, LAS CRUCES, NM

Honorable Senators,

I am a retired geologist/geophysicist with 30 years experience in oil and gas exploration, and worked on the front lines where new oil and gas fields are discovered. I have played a significant role in the drilling of 41 oil and/or gas wells, and have a commercial success ratio of 48%, well above the industry average. I am also a board member of the Paleozoic Trackways Foundation, and participated in the efforts to gain National Monument status for the Permian age mega-trackways site located in the Robledo Mountains of Dona Ana County, NM, our nation's newest National Monument. I am involved with the scientific community in the area, and was granted the BLM's first research permit for the Prehistoric Trackways National Monument.

Proposed wilderness areas in Dona Ana County, NM, also contain many significant fossil and mineralogical sites. For example, a mummified Pleistocene-age giant sloth was discovered many years ago by Boy Scouts exploring a fumarole at Aden Crater. The sloth is now in residence at the Smithsonian Institution in Washington, D.C. If that area had been designated as a Wilderness Area at that time, it is likely that the sloth would have remained undiscovered.

In conversations with Dr. Spencer Lucas, Ph.D., Curator for Geology and Paleontology, New Mexico Museum of Natural History, Albuquerque, NM, he pointed out that, in his experience, when an area is designated as a wilderness, vehicular access stops. Having no vehicular access severely impacts paleontological and geological research. Fossil samples and geologic samples are often quite heavy, and transport to

research facilities at local universities or for display at museums can be impossible without vehicular access in the field. Likewise, scientific instruments like gravity meters, magneto-telluric instruments, and induced potential instruments can be quite awkward and heavy to carry into the field, and some require large batteries or electrical generators, thereby limiting research.

The rugged lands contained within the S.B. 1689 Proposed Wilderness Areas have large areas, such as the Aden Flow area and the Potrillo Mountains, that need further scientific research. We know that the Permian age petrified wood deposits recently discovered in the Prehistoric Trackways National Monument extend northward into the proposed Wilderness Area adjacent to the national monument, and it is likely that the Permian trackways extend there as well.

Almost everyone agrees that the areas need protection from sale and development. The form which the protection takes is the issue. Most interests would be best served by the less restrictive National Conservation Area designation. Thank you.

STATEMENT OF ROBERT G. CHURCH, LAS CRUCES, NM

U. S. Senator Jeff Bingaman:

Thank you for hosting the hearing on Senate Bill 1689, "The Organ Mountain Desert Parks Wilderness Bill" at the Corbett Center on the NMSU campus on Monday February 15, 2010.

Information and testimony provided through your office or by others is quite misleading to the general public. Although wording in the Wilderness Act does provide for some motorized/mechanical transportation and grazing; in reality, conditions and practices in the field can and do present severe obstacles, which has lead to the final exclusion of these practices in the Gila Wilderness (+500,000 acres, only 150 miles from Las Cruces). For example, there is now NO grazing in the Gila Wilderness, and to my knowledge NO use of emergency response (mechanized equipment) is allowed in this wilderness. There is no reason to believe field practices in the proposed areas would differ. The results will be similar to those found in the Gila Wilderness; over time, through administrative practices, ranching/grazing would be eliminated and no motorized travel/mechanized equipment would be allowed.

Other issues which have not been adequately addressed concern possible flooding and border security. Both of these major issues have moved to the forefront in the past 2 years. I truly believe any wilderness area near the border would be detrimental to our security. Examples have been presented from areas in or adjacent to Doña Ana County and areas in Arizona. However, these issues have been recklessly dismissed by the comments like "it cannot happen here" or "it's different here." In my opinion, less movement by illegal's from Mexico has been impacted just as much by our current recession (i.e.: lack of low entry jobs) as the border fence construction and increased manpower and surveillance. When you change the "Rules of Engagement" for the military or the Border Patrol, it usually means more restrictions on their tactics, resulting in less effective operations, more chance for injuries or death and greater cost.

These unintended results are not truly representative of the action that the citizens of Doña Ana County want to see. I am a firm believer in the need for wilderness areas and the protection of special areas. However, this bill, as proposed, encompasses too many small parcels, scattered over Dona Ana County and will become an administrative nightmare. The support of the citizens of Las Cruces appears to be correctly centered on protection of the Organ Mountains and the beautiful views of them. I suggest that the current bill be modified to create an Organ Mountain Wilderness, and all the other areas be listed/managed as National Conservation Areas.

You reconsideration of the true actions and results of this proposed bill would be greatly appreciated.

Thank you.

STATEMENT OF SCOTT ESCHENBRENNER

As a concerned parent, citizens and sportsman, I have several concerns regarding the Wilderness Act that is being considered by the Senate.

As a concerned parent, I am worried about the drug related violence that is 45 miles south of my home and the future ability for our federal and local authorities to control this real threat to our every day existence. Without the ability to operate and protect our borders, I fear that illegal activities and potential terrorists will have an unchecked passageway to our backyard.

As a concerned citizen in Doña Ana County, my concerns regarding flood control and water management hit close to home during the 2006 floods. We need to insure future maintenance and possibly expansion of flood control measures that will maintain the safety of the citizens and property owners of Doña Ana County.

Finally, as a sportsman, I fear the loss of my ability to recreate and enjoy our natural surroundings due to the loss of vehicular access to these areas. I grew up with friends and family in these desert areas and recently have enjoyed the quality time with my children on our various hunting and off-roading adventures. This is time well spent and not in front of a video game or TV. By denying us access to these areas, I feel that we are limiting future recreational activities. I have spent the last 30 years enjoying these areas that this bill wishes to close and realize that should this wilderness legislation be enacted it will prevent us from enjoying them in the same fashion as before.

In the 30 years of outdoor enjoyment, I have yet to see any signs of serious neglect, willful destruction or waste of these natural resources. To the contrary I have seen signs of sportsmen creating habitat for wildlife, ranchers maintaining improvements and carrying capacity, and off-road enthusiasts providing and maintaining areas for those uses all cohabitating in the areas this bill wishes to close.

I feel that the protection of the Organ Mountains and the recently discovered trackways are worth preserving but as for the remaining 275,000 acres of land that will be off limits to motorized traffic, these areas do not appear to meet the 1964 Wilderness bills original intent. I appreciate the opportunity to voice my concerns at the field hearing yesterday and through this electronic message today. It appears that there are other logical means with which to protect these lands, similar to the legislation that was passed to protect the Valle Vidal, which is truly a national treasure.

STATEMENT OF THOMAS (TOM) C. SIMPSON, LAS CRUCES, NM

Dear Energy Committee US Senate:

I am extremely concerned with the contents of this Bill and opposed to its passage with it's present content.

I am a native New Mexican that loves, enjoys and is proud of the beauty and diversity of this great state.

I will be the first to agree that our Organ Mountains need to be preserved for future generations, but disagree very strongly that the remainder of the land proposed to be wilderness be so designated. I do believe that a less restrictive designation would be more appropriate.

I have concerns about border safety on the proposed Portillo, Aden Crater, White Thorn, Wilderness areas.

This would be a haven of refuge for the illegal activities that are currently occurring and will continue to occur on our southern border.

The Uvas Mountains, Broad Canyon proposed wilderness raises some serious concerns about flooding in the Rio Grande valley. Several large arroyos like Broad Canyon, Faulkner canyon, Fuller Canyon.Placitas Arroyos and others drain into the Rio Grande, Only one of these (Broad Canyon) has any type of flood control and that is only to slow down the initial surge of water. There are no provisions for storage of any of this wild water so that it may be put to beneficial use. As the area grows and water becomes more valuable there needs to be a method developed that would allow this water to be stored and put to beneficial use rather than sending the water to Texas. If these areas are designated Wilderness it will forever prohibit any development of these waters or provide safety to the residences and businesses of the valley.

It is my belief that none of us can predict what our future will be 100 years from now. To forever restrict these lands as the Wilderness designation does is not very wise. Yes, protect and do not develop these lands but not put them off limit to 99.9% of our citizens and endanger citizens and property in the process. In my view it would be short sighted to restrict all of these lands as the Wilderness designation does.

STATEMENT OF TOM HUTCHINSON, DONA ANA COUNTY RESIDENT, BUSINESS OWNER, CAPTAIN, USNR, RETIRED CHAIRMAN OF THE BOARD, CITIZENS BANK OF LAS CRUCES, PAST CHAIR OF THE GREATER LAS CRUCES CHAMBER OF COMMERCE AND THE MESILLA VALLEY ECONOMIC DEVELOPMENT ALLIANCE

Dear Members of the Senate Energy and Natural Resources Committee,

I want to thank Senator Bingaman, Udall and Congressman Teague for conducting the Senate Energy Committee Field Hearing on Monday, February 15, 2010, in Las Cruces, NM, regarding S1689.

One observation, and a very significant one for that matter, is that both sides of the argument, those citizens who embrace all elements of S1689, and those citizens who would like to see modifications, all agree that the Organ Mountains be retained as a Wilderness Area and all other areas of Dona Ana County considered in S1689 be withdrawn from future development of any kind and retained as public lands.

The larger concern is under what designation these other lands best serve the public interest.

The three issues that seemed to generate the most discussion centered around National Security and Wilderness designations on or in close proximity to our National Border, the public safety issues associated with access to lands for flood control and water capture projects, and the historical use of lands.

As you know, when making decisions that have elements of risk, whether concerning national security or public safety, in nearly all cases, one cannot totally eliminate risk, but one can manage it.

In the case of the Potrillo Mountain Complex, although there appears to be some concession in S1689 for a buffer between the Border and the Potrillo Mountain Complex Wilderness area, the Wilderness area is still dangerously close to the Border and raises the probability of sheltering/fostering illegal activity and preventing law enforcement to aggressively take action.

If we know, and Border Patrol Agents both active and retired tell me so, that access and apprehension activity would be less hampered in an areas other than a Wilderness designation, i.e. NCA, and we can manage the risk better with a less restrictive designation, it would seem the prudent and responsible decision to make is to designate the Potrillo Mountain Complex as an NCA. As an NCA, we still preserve it, and law enforcement has greater and more flexible access.

With regard to the Broad Canyon Area and Organ Mountain NCA, Gary Esslinger with EBID, made an extremely compelling argument regarding the public safety risk associated with limiting access and activity in those areas associated with flood control and water capture. Again, if we can manage the public safety risk by giving the Broad Canyon Area and Organ Mountain NCA designations that can allow appropriate and responsible access to effectively manage flood control and water drainage challenges, then, with the proper designation, we can preserve the area and give meaningful access to necessary agencies/groups to manage water issues.

This is precisely why Wilderness designated areas in already remote areas typically have very little border security or public safety concerns. On the other hand, Wilderness designations in close proximity to an international border or population centers raise credible national security and public safety concerns.

Regarding historical land use, a large area of land was recently designated Wilderness and NCA in Northern New Mexico by Congress and signed into law by the President with the majority of that land designated NCA to accommodate the historical activities associated with gathering Pinon nuts among other things. Cannot the same argument be made for the generations of Ranchers who have ranched these lands in Dona Ana County since our Territorial days. Is not ranching who we are in the Southwest and a big part of our culture. Do we want Wilderness Designated Areas to take away this part of our history as well?

As a final note, I believe as effective as the field hearing was, both sides of the argument could have benefited from understanding the town of Hatch's perspective on S1689 as well as having a representative from the Border Patrol, retired or active, comment on their recommendations and experiences.

With regard to Hatch, they not only experienced a catastrophic flood in 2006, but also chose to reverse their support entirely for the "Citizens Proposal." It would have benefited all at the Hearing to have understood first hand, why they reversed support.

With regard to the Border Patrol and Law Enforcement, the evidence of illegal activity associated with the Border Wilderness Areas in Arizona is scary. It seems there are those that want to ignore and dismiss that this same activity could occur in New Mexico. Best case scenario, even if the probability of what occurred along the Border in Arizona was less in New Mexico, would it still not be wise and prudent to establish an area designation that would give Border security the best probability to succeed and further minimize risk.

In closing, as you deliberate, assess and evaluate S1689, I respectfully request the Committee make the most responsible and common sense decision(s) for the good of the general public, not just Wilderness advocates.

STATEMENT OF GARY E. THURM

Mark South, a former Forest Service employee who decades ago wrote the guidelines for some of the wilderness designations in Arizona, now thinks efforts to write new Wilderness into law go too far.

"Tell me, which is doing more damage to the environment: the ranchers' fence or the people coming through, the trails, the litter, the water bottles?" he said. "I think, with what we're seeing along the border, trying to preserve anything beyond the laws existing now is pointless. Is Wilderness needed? Yeah. But we need to ask how much is too much?"

This is a great question and one that deserves an answer. I am not sure of the answer, but see troubles in our country and the dynamic of a free people suffering if we continue this course of stripping all potential benefit from these lands from the people who care most about protecting them, who live on the land, protect it as their own and graze their livestock there. First, Wilderness is not a need, it is a reality. It has been defined for us by our forefathers. It exists. It is not created and changed to become wilderness, rather it just is. Our government land, whether federal or state, must be managed, and managed it is. Could it continue to be managed better by the stewards of the range who have kept and managed those lands for the last two centuries? I believe so.

My folks are stewards. They and their cowboys take care of many acres of New Mexico rangeland. They take pride in what they do. A majority of the ranch lands are owned by the federal government and are managed by the ranchers in cooperation with BLM, with little or no aid in day to day management from the BLM. It is critical that the rancher, the land owner, the grazing permittee, be able to manage the land, in a way that preserves its historic character. "We the people" do that and do it well. We do not ask for monetary compensation, yet, have to deal with Wilderness designations and restrictions, adding additional controls by government to lands that are already pristine, well managed, and not being developed for monetary gain. Also, there should be some equality when it comes to the amount of land locked up under Wilderness designation and land which remains open to all the citizens.

The federal lands are best managed by the people who have the tools to manage that land and who have a vested interest. The land is a precious commodity, just as water is in regions and communities all over. Is this not our land? Have we not shed blood for it? Have we not protected it? This land is our land and government needs to keep that in mind when it comes to restricting its use beyond practical limits that will not work long-term. S 1689, and the myriad of other bills to come, come perilously close to restricting the lands to the point of having no value to anyone. When that happens, all benefit and meaningfitl management will cease. Illegal immigration and smuggling operations will be the beneficiaries.

Many families have been on these lands for generations, and for the most part have been good stewards. Wilderness has its place, but a lot of our lands do not need that restriction. The sign that allows only some people entrance, not all, if posted, should be posted with caution. Our rights are inherent in the steps that were taken to have a free country with limited government and rule. For our rights to be taken without compensation is fracturing the tie that binds.

STATEMENT OF GREGORY Z. SMITH, LAS CRUCES, NM

Dear Senators Bingaman and Udall,

Thank you for coming to Las Cruces to conduct the hearing regarding the Organ Mountains—Desert Peaks Wilderness Act. The Organ Mountains are indeed iconic, and they do provide a natural focus for our community. I wholeheartedly support passage of the Organ Mountains—Desert Peaks Wilderness Act. Let me share my reasons:

- Surpassing beauty
- Healthy environment
- Wildlife refuge
- Hands-on education
- Economic reality

In these distressing economic times, it might be a hard sell to saylhat the value of natural beauty surpasses other considerations. Nonetheless, l have to assert that the Organ Mountains are so stunning we willingly ignore power poles, multi-storey hotels, and other distractions to admire the force of nature that our mountains are That is, when those man-made structures are in the foreground with the mountains thrusting skyward miles in the distance. However, to allow development or other

visible activities closer to the mountains would be to make man-made intrusions more insistent, much like allowing someone to add an advertisement across the bottom of Leonardo da Vinci's Mona Lisa. Nature has provided us with a masterpiece, and we should have the wisdom to conserve it.

This desert environment recovers slowly from disturbances; thus, particulate matter in the air and elements in the water almost certainly increase when soil has been exposed. Erosion is more likely to occur, and non-native plant life is better able to take root. While nature left undisturbed may never be in absolutely complete balance, it is more likely to be in an exaggerated state of unbalance when too much is scraped and not enough is left wild. That eventually has to impact human quality of life.

In a related way, the wild, nearly impossible to tame, areas in and around the Organ Mountains provide home to creatures that cannot easily coexist with human incursions into their habitats and migratory routes. As intelligent, educated beings capable of more self determination than the plants and animals in that area, it falls to us to make the decisions that impact lives other than our own. We can be thoughtful and globally minded when we make our choices.

Children especially, but all of us, learn from immersion, when we are surrounded by the elements of an experience. While field trips to a wilderness area can certainly provide such all encompassing experiences, when the area is so visible, as with the Organ Mountains, that experience becomes more of an ongoing, integrated part of every life in the community. It is a learning opportunity of many dimensions and with many lessons.

There is also an economic truth that must be acknowledged. Development in the vicinity of the Organ Mountains is going to require new, and likely more expensive, infrastructure. Transporting materials and people to and from those more remote sites is going to be more expensive, and it is going to increase the amount of time spent commuting for eventual residents working and shopping in Las Cruces.

Let us make the right choice for the above and more reasons, and let us preserve as much wilderness as can be preserved around our Organ Mountains.

LAS CRUCES TEA PARTY,
Las Cruces, NM, February 18, 2010.

Hon. JEFF BINGAMAN,
U.S. Senate, 703 Hart Senate Office Bldg, Washington, DC.

DEAR SENATOR BINGAMAN: The members of the Las Cruces TEA Party, as citizens of Dona Ana County. appreciate your efforts and those of Senator Udall in holding a field hearing in Las Cruces on February 15, 2010, to listen to the concerns and opinions of area residents on the proposed bill, S1689 Organ Mountain-Desert Peaks Wilderness Bill. The hearing room was packed with concerned citizens on both sides of the issue. and the consensus of all present was that our mountains and our desert lands need to be protected. The disagreement, however, is not whether our lands need preservation and protection, but rather in the method which should be used in protecting our lands.

We urge you to carefully read and study the testimonies given by Mr. Gary Esslinger, Mr. Tom Cooper, Mr. John Hummer, and Mr. Frank DuBois. These men are not opposed to protecting our land. But they are opposed to the severe restrictions which would be placed upon the users of the land should the bill pass and the designated areas become wilderness. And we stand in support of these arguments. Here are our major concerns:

1. It is our understanding that the maps provided to the committee along with this proposed bill are incomplete. Please Google a map of southern Dona Ana County. If you look at the topographical map, the area indeed looks like only vast land dotted with mountains and cinder cones. But look at a close-up. You will see that there is a web of roads to service windmills, drinkers, pipelines, hunters, and recreationists. The evidence of human habitation and development is quite obvious. It does not fit the Wilderness Act of 1964 definition of remote, primeval, and pristine areas where "the imprint of man's work (is) substantially unnoticeable."

2. We urge you to carefully read the testimonies of Mr. Gary Esslinger and Mr. Joe Delk which address the issues concerning flood control and capture of flood waters in the area. Future growth of Las Cruces is dependent upon the availability of water, whether it comes from under ground or from rains. People who have not lived in this desert area simply do not realize the ferocity and devastating damage that can be done by sudden and unpredictable summer thunderstorms as evidenced by the Hatch floods of 2006. Nor do they realize

the scarcity of water from underground sources. A wilderness designation would prohibit future improvements to alleviate the water issues in our community.

3. The issue of border security is perhaps the most urgent concern of area residents. Consider the desecration of the land and the security issues in southern Arizona in the Organ Pipe Cactus National Monument. A small "buffer zone" along the New Mexico-Mexican border is not going to resolve the problem of illegals crossing the border. The ranchers in the Potrillo Desert Peaks area now work closely with border patrol in trying to apprehend drug smugglers, gun runners, gangs and other violators. Criminals will have vehicles, but law enforcement will be restricted.

Ranchers are apprehensive about leaving their families unprotected even now when the Border Patrol has unlimited access to the area. If this is designated wilderness, law enforcement will be severely limited. Our law enforcement officers need the flexibility to patrol, not just pursue. Our local sheriff has publicly stated he will not send his deputies into the wilderness areas because of lack of radio communications and without the use of motorized vehicles. The number of Border Patrol officers assigned to this area is inadequate now; yet President Obama recently declared that he will be reducing the number of Border Patrol agents along the southern New Mexico border.

Finally, we urge the committee to seriously consider the challenge by Mr. Frank DuBois who asked Senator Bingaman to take the lead in composing legislation which would preserve and protect our land without the wilderness designation. Each of us wants to continue to admire the grandeur of the majestic Organ Mountains, take our families there for picnics; and watch the vermillion colors of a sunset on the landmark of the Mesilla Valley. Each of us wants to be assured that ranchers can continue to earn a livelihood on the west mesa area of the Potrillos. And each of us wants to be secure in our homes knowing that the Border Patrol and law enforcement are uninhibited in their efforts to patrol and protect our country's southern border. A compromise can be reached to allow for the undisturbed beauty of our Organ Mountains and the continued use of our surrounding deserts without jeopardizing the welfare, security and safety of our citizens

I request this letter and enclosures be made part of the official hearing record on S.1689.

Respectfully,

JERRY CLARK,
President.

VILLAGE OF HATCH,
Hatch, NM, February 15, 2010.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.
Re: S.1689

DEAR SENATOR BINGAMAN AND COMMITTEE MEMBERS: The Village of Hatch, New Mexico was not invited to offer testimony at your public hearing addressing S.1689 on this, February 15, 2010. As such, it is important that you and your committee accept this written testimony for the purposes of assuring our village and it concerned residents that they have been represented in this process. Be aware that the legislation as it stands today is not a document that our community can accept or support.

After endorsing the NMWA presentation of the pending legislation, our village government investigated the scope of the proposal and came away very concerned of whom and what was being proposed. To this day, our concerns of public safety and security are not satisfied, and, in fact, recent discovery of facts compound our position of nonsupport.

This village has three major objections. The first is border security. Your efforts to pass this legislation have sidestepped the real issues of border security. The silence that the Border Patrol has continued to demonstrate reflects the political requirement that their hierarchy must maintain in their duty to any current administration. To use the BP's public silence to the threat of border security issues as the assumption of public safety is unacceptable and dangerous. Federal Wilderness to our south and in the line of the active corridor only compounds the security threat that already exists for Hatch. Your committee needs to understand what wilderness areas adjacent to Arizona cities are creating. The Saguaro West nomination to the 10 most dangerous parks in the nation is evidence of what such areas create near community centers.

Starting in 2004, this village has been devastated by floods. It is only a miracle that similar catastrophic rain events have not occurred in areas downstream. When they do, and they will, towns and villages downstream will be inundated similar to our tragedies. We are aware of the testimonial response of EBID and their pleading for access to all watersheds that empty into the Rio Grande. This village supports that call to commence a comprehensive effort to curb flood event damage. What is equally important is that you recognize the importance of the EBID/ El Paso settlement that would also allow the capture and use of those flood waters. The consequences are huge and it is your fiduciary responsibility to support this county to that end.

Thirdly, the assumption that the county is in support of closing back country access to the mechanized public is ludicrous. The support that has clamored to that clarion call is not represented by the majority of citizens in this village nor any other small village that views the relationship with the access to our rural lands as a birthright and a primary way of life. The fact that our citizenry accesses the areas considered for wilderness is a large reason why the results of the BP activities are so successful and our village is as safe as it now is. If you orchestrate a closure of those areas, you will create a void that will be filled with illicit activities. This town cannot and will not support such a progressive, short sided, politically correct boondoggle.

The Village Council and the Office of the Mayor which I occupy request that our written testimony be recorded and a response returned. This information will be shared with our village constituency and the entire Village of Hatch will watch the progression of this matter closely. It is with regret that we could not present this in testimony orally.

Sincerely,

JUDD NORDYKE,
Mayor.

STATEMENT OF JOE DELK, CHAIRMAN, DONA ANA SOIL AND WATER CONSERVATION DISTRICT, LAS CRUCES, NM

The Dona Ana Soil and Water Conservation District (DASWCD) is mandated by New Mexico law to control and prevent soil erosion, prevent flood water and sediment damage, and further the conservation and beneficial application of water. Senate Bill 1689 has serious ramifications that could directly affect this board's ability to adhere to that mandate.

The scope and breadth of DASWCD' s authority span nearly the entirety of lands included in SB 1689. Included in the footprint of the proposal are scores of reclamation dams that are now in excess of 40 years of age. Many of those dams have had no maintenance in years. The DASWCD has taken an aggressive stance in addressing that problem, and if NCA and for federal Wilderness designation hinders our ability or the ability of this community to perform maintenance and improvement strategies, a growing risk to residents downstream form those structures is imminent. What happened to Hatch, NM starting in 2005, will eventually occur in the entirety of the watershed expanse to the north and south.

In the past several months, DASWCD has pursued the organization of a coalition of organizations that share responsibilities for matters of public health and safety. The effort was predicated on a number of things not the least of which was recent year statutory changes that have set forth requirements of upgrades on existing NM dams. The matter of such dams in Dona Ana County is made more complicated by the various ownership and delegated maintenance responsibilities. Dams that were once relied upon to protect farmlands have become protection facilities for residential development by default in that there were no other structures constructed or identified to assure the higher degree of protection necessary for downstream development.

The scope and the mix of authority and ownership make this a very complicated undertaking. The matter is complicated further by the eventual engineering and improvement requirements to bring this flood control system into a fully functional and dynamic entity that has the authority and financial capability of maintaining the proper and statutory requirements of public health and safety.

One of the early expectations is that improved flood control and monitoring system components may be necessary upslope from the river channel and the valley floors. Such a requirement along with city expansion will require moving upslope(s) to install and monitor facilities. Any restriction imposed by wilderness and or NCA access could prove to be not only unworkable, but life threatening.

The DASWCD is only one of several organizations that requested Senator Bingaman to hold this public hearing. Since our board was not invited to speak, it is imperative that the Senate Energy and Natural Resources Committee address and resolve the following issues before any Congressional action is taken on S.1689.

1. The city of Las Cruces, along with other villages and towns in the county will only continue to grow. It was learned even this week that Las Cruces was ranked in the top 10 small cities for retirement in all of America. Our city and county planners must be able to plan for sensible growth. Any managed growth cannot take place without knowing the limitations for managing flood events upslope from that development. Any and all NCA designation must be designed to allow protection of citizenry and personal property from such events.
2. DASWCD, in its organizational endeavor to define the scope of the noted project, has joined forces with several organizations including the Dona Ana and Sierra County(ies) Flood Commissions, Caballo Soil and Water Conservation District and EBID to assure that the system improvements are comprehensive and support the mission of the collaborating organizations. Any management plan developed for an NCA must include authority to support and promote the resulting management plan of the participating organizations.
3. EBID, in its critical role as manager of waters delivered from Elephant Butte, has taken on the role of managing and maintaining many of the existing flood control dams. The EBID settlement with El Paso, regarding the status of flood waters, only compounds the requirement to incorporate any and all changes in the greater storm water management infrastructure so that such waters are routed into EBID facilities for the purpose of putting such waters into beneficial use. This situation complicates and yet elevates the opportunity for this county to address what has become a new and unexpected water supply and only amplifies the need for the county to (maintain unfettered access to the entirety of the lower Rio Grande Watershed for expansion of stormwater management.
4. This development places a fiduciary responsibility on the honorable Senators of the State of New Mexico to fully support this process of defining how this entire watershed system must be addressed for the opportunity to assure public safety, protection of property and. at the same time, enhance the long term water supply of Dona Ana County.
5. All pending Wilderness and NCA designations of S.1689 must reflect the need to allow this process to occur without jeopardizing public safety and water enhancement opportunities that have developed. An alternative designation is worthy of consideration.

STATEMENT OF BONNIE BURN, PRESIDENT, LEAGUE OF WOMEN VOTERS OF GREATER LAS CRUCES, LAS CRUCES, NM

On behalf of members of the League of Women Voters of Greater Las Cruces, I want to thank you, Senators Bingaman and Udall, for sponsoring this important legislation for our area.

In the late 1990s, the League recognized the importance of preserving the lands named in the Organ Mountains—Desert Peaks Wilderness Act and convened a community meeting to identify those areas. The space is already used for many purposes beyond recreation and by many people. The Act you sponsor recognizes the importance of this area.

At a meeting in August 2009, Dara Parker and John Silva, staff from Senator Bingaman's office, gave an in-depth briefing about the areas involved and the numerous interest groups with whom they met. It seems as if all bases were covered.

In November 2009, the Hispano Chamber of Commerce and High Tech Consortium sponsored an event entitled, "Wilderness Economics: Creating Jobs from Protected Lands," that was an opportunity for the our community to learn about economic development strategies and industries from representatives who already have first-hand experiences with public areas such as Jackson Hole, Wyoming, located near Yellowstone and the Grand Tetons. A regional analysis is proposed to help us understand the economic variables of our local economy and how public lands fit into them.

Among the eleven western states that have wilderness acreage, New Mexico is number 10 with 1.6 million acres and California being number 1 with more than 15 million acres. The proposed federal bill will increase the New Mexico acreage to over 2 million acres. It doesn't change the position of New Mexico on this list, but it does show progress.

Again, we thank you for sponsoring this legislation and support your efforts through final passage.

As you know, the League is nonpartisan in that we do not support or oppose candidates or political parties. We are, however, political when we work on issues, such as this legislation, that can be resolved by government action.

Thank you very much for your attention.

NATIONAL ASSOCIATION OF FORMER BORDER PATROL OFFICERS,
February 15, 2010.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.
RE: S.1689

DEAR SENATOR BINGAMAN AND COMMITTEE MEMBERS: It is with sincere concern that the National Association of Former Border Patrol Officers (NAFBPO) submits this written testimony to you and to the Energy and Natural Resources Committee. The purpose of this submission is to provide insight and expert opinion relating to the risks and operational difficulties that we believe the Department of Homeland Security and the U.S. Border Patrol will encounter if Federal Wilderness is designated in Dona Ana County along the New Mexico/Mexican border, as proposed in S.1689 In every case where similar legislation has been submitted, our organization has always called on members and associates who have had actual field experience in the geographic area impacted, and in their particular areas of expertise. In this case, we rely on ranking retired officers who have the most experience in the southwest United States where the largest influx of illegal entries historically have occurred, and where many years of experience has established the most effective deterrent and apprehension strategies. This approach eliminates speculation and hearsay.

The presence of any wilderness on the Mexican border is a danger to the security of the United States. The Arizona border history is finally being acknowledged and investigated. The mission demands of land management agencies of the United States Department of Agriculture (USDA) and Department of the Interior (D01), and those of the Department of Homeland Security (DHS) and U.S. Customs and Border Protection differ. The former requires the limitation of human presence, while the latter requires an enhanced presence without restriction or condition. This conflict among Federal Agencies results in diminished success for both. It is a dilemma that offers few remedies for improvement.

Designated Federal Wilderness is not causative in the intent of illegals to enter the United States, but it is causative in the establishment and expansion of illegal entry corridors. The lessons of Cabeza Prieta National Wildlife Refuge, Organ Pipe Cactus National Monument, and Pajarita Wilderness must not be ignored. Once established, such corridors, similar to those in place in those Federal Wilderness areas, are guarded by alien smugglers with the most barbaric means imaginable.

The Potrillo Mountain complex has the same characteristics of threat potential to the United States as does Organ Pipe Cactus National Monument and the Cabeza Prieta National Wildlife Refuge in Arizona. New Mexico Highway 9 provides east/west access to the southern extensions of the proposed wilderness boundary. The same sort of access is provided by Mexican Highway 2 south of Cabeza Prieta and Organ Pipe. It is along that access route that a whole new infrastructure of service industries has sprung up supporting the human and drug smuggling industry. Even with upgrades in surveillance equipment and the addition of trained Border Patrol Agents, CBP will have unacceptable restraints placed upon it because of access issues in those Federal Wilderness areas. With such a vast expanse of open space, the border cannot be adequately protected.

For that very reason, the strip or buffer between the southern extension of wilderness in the Potrillo Complex and the border as offered in S.1689 is simply inadequate for the Border Patrol to meet Congressional demands for national security.

CBP cannot be limited to trying to interdict and apprehend illegals within the narrow strip from the border north to Highway 9, nor can they be expected to do the same thing in the narrow corridor being considered north of Highway 9. If that would work, they would be doing it now. Congress should recognize that imposing Wilderness protections on an external boundary of the United States effectively redraws the line of defense to the nearest major east-west highway north from such wilderness. In the case of 5.1689, the effective defense line becomes Interstate highway 10 to the north. In Dona Ana County, such action exposes the newly upgraded interstate rail line (which accommodates approximately 80 trains per day) and the major interstate gas line on the northern edge of that proposed wilderness area.

The fact that border wilderness areas have prompted the need of the 2006 MOU to allow conditional access for CBP should in itself alert all interested parties to the danger that Border Wilderness areas create. The MOU touted as the ultimate answer to enforcement has never been tested in New Mexico, and has been a total failure when attempts were made to apply it in Arizona. NAFBPO concurs with Homeland Security Secretary, Janet Napolitano, that the 2006 MOU detailing Border Patrol access to wilderness and WSA's impacts the efficacy of Border Patrol operations negatively[1]. In fact, the NAFBPO position is that any MOU will be disallowed in legal proceedings as being contravention to the statute that you have introduced, unless it is elevated into the law[2].

The presence of Federal Wilderness in the Potrillo Mountains will result in the northward expansion of Border related dangers. Years of experience confirms that as these areas of easy access to the United States are identified by those seeking illegal entry, a new corridor will develop northward. This new northern corridor would be almost impossible to control when surrounded by wilderness designation. The risk of this extension is the result of geography north from the Potrillos. When pressure is put on the I-10 corridor, response will be that the pickup of human and drug cargo will be extended further north into yet more soft entry corridor opportunities. The Corralitos/Broad Canyon corridor offers a parallel North/South access route around Las Cruces and north from I-10. This is already an active corridor that compounds the difficulty of CBP interdiction and apprehension if Federal Wilderness or NCA's are designated in the Robledos and Las Uvas Mountains. The Organ Pipe experience has taught us that high points are used for observation along an active smuggling corridor.

If CBP is restricted from maintaining a full presence on the ground and with technical hardware because of Federal land designation constraints in the greater Broad Canyon complex, the threat will automatically be extended northward exposing the village of Hatch and Highway 28. Those points run the risk of becoming an extension of the virtual border. Along with these risks, the questions will inevitably arise concerning Federal enforcement in interior locations where the definition of "border" is not so well defined.

The forgoing is not an exercise in worst case planning. The experiences on the Arizona border have demonstrated what happens when Federal Wilderness and Federal Agencies collide in performing their missions. Statistics in 2009 clearly demonstrate that illegal human entry into the United States has declined. It is down in all Sectors, yet deaths in Organ Pipe are up 40% in 2009 from similar date in 2007. If Congress elects to enact S.1689, the results detailed and set forth in this written testimony will almost certainly occur in New Mexico as they have in Arizona. Citizens of southern New Mexico should be aware of the consequences of such Congressional action. NAFBPO, with more than 5,000 years of combined experience in the control of our Borders urgently requests that the lands discussed in this written testimony not be considered for Federal Wilderness protection, or that all restrictions on enforcement by U.S. Customs and Border Protection be removed.

Sincerely,

JAMES S. SWITZER,
Chairman.

STATEMENT OF THE WILDERNESS COALTION, ROBLEDOS-LAS UVAS MOUNTAIN COMPLEX

THE BROAD CANYON WILDERNESS EXPERIENCE: NATURALNESS, SOLITUDE AND PRIMITIVE RECREATION AMONG THE POOLS, RIMROCKS, AND PETROGLYPHS

In this section, we hope to provide the reader with a sense of what it is like to take a good hike into Broad Canyon. Broad Canyon is unique, yet represents much of what is best in many parts of the Complex—the opportunity to experience naturalness, beauty, biological variety, primitive recreation and solitude.

Broad Canyon is the major watershed in the Complex, and drains about eighty percent of the wilderness into the Rio Grande River. Because the water table is within a few feet of the surface year round, the canyon supports such thriving trees

[1] Letter to Rob Bishop, Ranking Member, Subcommittee on National Parks, Forests, and Public Lands, October 2, 2009.

[2] The 2006 MOU has never been used in NM. The document was the result of open conflict between the various agencies of the DOI and the BP for access into wilderness areas along the Arizona Border.

and shrubs as ash, soapberry, and desert willow as well as edible hackberries and barberries. All of these species attain larger-than-normal sizes here.

Broad Canyon is impressive any time of the year, but especially so in the summertime. During the summer, heavy rains in the Las Uvas Mountains can bring flash floods down the canyon, with the water as much as eight feet above the canyon bottom. Over the centuries the water has eroded the canyon rocks into spectacular shapes, including natural slides and pools in the slick rock. The pools remain for several weeks after the heavy rain, each becoming a microcosm of teeming aquatic life in which many small animals complete their life cycles before the pools dry up. The larger animals—deer, racoon, and others—come to these pools to drink. As the sun beats down on the drying pools, beautiful ripple patterns appear in the exposed mud. Eventually, the mud becomes hard-baked, preserving the ripple patterns and the memory of the brief wet spell until the next rain. Now the larger animals must move on to other parts of the Complex—the springs or the river—to find the water they need.

The rimrock of Broad Canyon provides ideal nesting sites for birds of prey, including hawks, owls, falcons and eagles. Mexican freetail bats make their summer homes in the cracks of the canyon walls. Each evening, hundreds of these bats may be seen leaving their roosts to feed on the desert's insects.

Those who hike upper Broad Canyon are rewarded by the sight of many excellent petroglyphs depicting people, fishes, and mammals. These are thought to be Mogollon in origin, although archeologists tell us that there may also be some Mimbres petroglyphs here. Even more petroglyphs are to be found in Valles Canyon, which drains into Broad Canyon. Most of us who visit this area regularly find that we discover a few new petroglyphs each time. Yet much of this wilderness area awaits more thorough exploration. We anticipate that many petroglyph sites remain to be discovered in the Robledos/Las Uvas Mountains.

STATEMENT OF S.D. SCHEMNITZ, CHAIRMAN, SOUTHWEST CONSOLIDATED SPORTSMEN

Thank you for organizing your Senate Bill 1649-Wilderness Field Hearing attended by 600+ people (primarily supporters of your bill).

Briefly, I would like to introduce myself and elaborate on my background and qualifications as a supporter of the Dona Ana County wilderness proposal. My academic training includes B. S. degree in wildlife-forestry, University of Michigan 1952, M.S. degree in wildlife, University of Florida, 1954, Ph. D., Oklahoma State University in wildlife, zoology, 1957. My 50+ years of involvement in wildlife management includes employment as a state wildlife biologist in Oklahoma, Florida, and Minnesota. My academic employment as a wildlife teacher includes employment at Penn State, University of Maine and New Mexico State University, with 100+ scientific publications, etc. I have visited, hunted, camped, hiked, and fished in federal wilderness areas in Maine, Colorado, Oklahoma, Florida, Georgia, North Carolina, Wyoming, Montana, and New Mexico.

I arrived in Las Cruces, New Mexico in 1975 to become the Head of a newly formed Department of Fishery and Wildlife Science and retired as an Emeritus Professor in 1997. Other related activities included serving two terms (maximum allowed) as a member of the BLM RAC (Resource Advisory Council). I have served for many years on the New Mexico Wildlife Federation. Board of Directors. I have been Chairman, Southwest Consolidated Sportmen (SCS), since its beginning, in 1987. Other wildlife related groups I have actively been involved with as a member include Southwestern New Mexico Chapter Quail Unlimited (QU), Dona Ana County Associated Sportsmen, National Wild Turkey Federation, Las Cruces Chapter, Ducks Unlimited, The Wildlife Society (Life Member), New Mexico Wilderness Alliance, etc. Recently we recognized the superb efforts of Dara Parker, your local aide for her accomplishments and activities by keeping us informed by attending our monthly meetings.

SCS has been supportive from the beginning to convert Wilderness Study Areas (WSA) to permanent BLM wilderness and/or National Conservation Areas. I have testified on numerous occasions at various meetings and hearings.

I commend you for asking questions of the panelists to clarify and elaborate on their statements. Senator Udall's comments on the effectiveness of the Border Patrol's recent successful efforts to intercept illegal aliens were appropriate and factual. My personal experiences agree. I live three miles north of the small village of Dona Ana. In the past numerous aliens would stop to fill their water bottles and could be seen hiking northward along the Burlington Northern railroad tracks across the road from my house. Now it is a rarity to see these people as Border Patrol patrols have increased.

The buffer zone removed from wilderness designation along Highway 9 border will be helpful in apprehending illegals. Helicopter surveillance, sensors etc. also will help.

Despite efforts of wilderness supporters to compromise on various wilderness issues, the livestock and off highway vehicle interests (the minority) continue to adamantly refuse to change their viewpoints.

I, and many others in the audience remain dubious of Frank Dubois' lengthy discourse on the virtues of the livestock industry on public federal lands and his total disregard to the economic benefits of wilderness. A recent all day free public presentation on wilderness economics at the N.M. Farm and Ranch Museum by western speakers disputed most of his comments. His talk contained little new information (e.g. the same old story-no suitable, feasible substitute for federal wilderness, etc.).

Mr. Tom Cooper, a rancher in the Broad Canyon area, and speaker at your hearing is well recognized by BLM personnel for his overgrazed and eroded livestock leases. The key to flood control is improved watersheds by conversion of shrub dominated landscapes to herbaceous grassland (as exemplified by BLM's Restore New Mexico program). Restore New Mexico can function in wilderness. Furthermore many upper watersheds are in excellent condition and protecting them will perpetuate their role in minimizing flood problems.

SCS members wholeheartedly support statements made by our spokesman, Jim Bates, on the urgent need to support SB 1689. Please expedite the introduction and passage of your wilderness legislation. New Mexico should no longer be the western state with the smallest percent of BLM wilderness. We appreciate your efforts on behalf of New Mexico wilderness. The quality of life will continue for present and future generations.

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