

Testimony
Jerry G. Schickedanz
Chairman, People for Preserving our Western Heritage

S.1689
Organ Mountains-Desert Peaks Wilderness Act.

Senate Energy and Natural Resources Committee
October 8, 2009

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INTRODUCTION AND BACKGROUND

I am Jerry G. Schickedanz, Chairman of People For Preserving Our Western Heritage (PFPOWH), a coalition of 791 businesses and organizations in Dona Ana County, New Mexico. The organization was formed in November of 2006, after a series of meetings among federal lands stakeholders organized by the County of Dona Ana and the City of Las Cruces to establish consensus on proposed wilderness designations for ten local areas.

The mission of PFPOWH is “To preserve, promote and protect the farming, ranching and rural heritage of our western lands.”

We support permanently preserving and protecting the Organ Mountains and the other special areas in our county. We believe there are viable alternatives to federal “Wilderness” designation that can be used to protect our land, our natural resources and our open space. We encourage and believe in beneficial and balanced stewardship of federal lands which requires an accurate understanding of the facts.

COMMUNITY EXPECTATIONS

As the result of the many meetings with the stakeholder groups, PFPOWH concluded that no existing land use designations in use by the federal government provides for protection of the land while meeting the concerns and expectations of our community. Community expectations for the management of our public lands are as follows:

1. Retention of open space.

Almost everyone is committed to the preservation of our open space.

2. Provision for planned economic and population growth.

The population of Dona Ana County is going to grow. That growth will require some federal and state lands to be included within the scope of land use planning. Prohibiting the sale of public lands cannot be used as a tool to restrict the growth of local communities. FLPMA promises that to us.

3. Unrestricted application of Homeland Security and law enforcement activities.

No prudent leader should tie the hands of law enforcement on or near the Mexican border.

4. Prevention of unlawful use of off road vehicles.

The ranchers were the first and foremost advocates of this, but they were not alone. Every group and every stakeholder representative supported the prevention of unlawful off-road vehicular traffic.

5. Continued access for all segments of the public.

The USDA’s 2007 Forest Service “National Visitor Use Monitoring Report” indicates a continued decline in visits to Wilderness areas by members of the general population. Currently only 3.1% of visits to our national forests are into Wilderness areas, and 94.5% of those visitors are white. In other words, Wilderness is for rich, white people.

6. Perpetuation of traditional ranching operations.

There is a growing understanding that intact ranch operations are the best mechanism to maintain the viability of open space in the West.

7. Access for flood control and water capture projects.

Dona Ana County is part of a desert ecosystem. Most of our annual rainfall occurs during the months of July, August and September. Sudden flood causing downpours are common. Our local Elephant Butte Irrigation District has initiated innovative measures to control those flood waters, protecting the populated areas from damaging floods by directing the runoff into the irrigation distribution and drain canal system where it recharges the Rio Grande aquifer and supplements irrigation water under the Rio Grande Compact. Those initiatives are at risk by overly restrictive federal lands legislation.

8. Enhancement of wildlife and rangeland health.

Scientific study has confirmed the improvements to plant and wildlife communities that result from prudently managed livestock grazing programs. Virtually all of the permanent water sources available to wildlife in Dona Ana County, other than the Rio Grande, are the result of livestock water facilities developed and paid for by livestock operators.

9. Fidelity of Wilderness.

Most of the proposed Dona Ana County Wilderness areas do not meet the fidelity standards of wilderness. William L. Rice, Deputy Chief of the Forest Service and NRCS (retired), wrote a column in which, he says, "In order for Wilderness designations to remain significant, the original premise of Wilderness must be held inviolate (Exhibit B).

PROPOSED NEW LAND DESIGNATION

RANGELAND PRESERVATION AREA

National Conservation Area Revealed as Rangeland Preservation Area.

Implicit in this testimony is a process that developed extensive discovery of facts and also educated and built a coalition that recognized a wide variety of factors which impact the area today as well as the future. In building the near 800 business and organization pledges of support, a land designation was sought to provide the long term protection of wilderness, but to also elevate into the designation factors of human involvement with the land. There was no federal designation of land that accomplished that. As such, the idea of Rangeland Preservation Area (RPA) was conceived.

Under the RPA concept, the lands would be withdrawn from all forms of disposal, the mineral leasing laws and the mining laws, just as they are in wilderness. Off highway vehicle traffic would be prevented, with certain exceptions made for law enforcement, flood control projects and range improvement projects. Surface management would be based on multiple use principles with an emphasis on retaining open space.

PFPOWH heard from Senator Bingaman that it would be hard to pass any new land designation. This meant that if any alternative designation was to be considered it would most likely be a National Conservation Area (NCA) designation. This testimony may not alter that realization, but, it does honor the position and the commitment of a coalition that remains adamant that there is a local aspect of this process that needs to be recognized as legitimate. As such, the NCA approach will be couched in terms that inspired and grew from a group of stakeholders that allows productive utilization of lands with appropriate limitation and the recognition that it is time to elevate the presence of human stewards to laws that affect communities and industries across this country. It prescribes the allowable uses at a local level, which may be modified from ecosystem science discovery. It differs from Wilderness by recognizing the presence of human activities, past, present, and future, in a resourceful and positive manner.

Why Rangeland Preservation Areas Versus National Conservation Areas.

There are a number of reasons that PFPOWH vigorously recommend a new land designation, but two reasons stand apart.

The first is rangeland health and the need to acknowledge and benefit from the advancement of range stewardship and science. There is not a federal designation, administrative or legislative, that elevates “rangeland” health and improvement to the wording in the law. For too long, the antagonistic assault on the grazing of livestock and “extractive industry” endeavors on western lands has been unchecked and even advanced by Congressional action. Our country is on the threshold of a series of shortages promulgated by actions that threaten our security and our liberty. We must adopt a different approach. Rangeland health issues must be elevated to a new level of importance that preserves and enhances the natural health of the land.

The second point is the fact that there is not a single purpose or point of recognition in federal land management procedures and policies that relates to the social fabric of human endeavors. Humans have been tied to the stewardship of livestock in this county since 1598, when Onate crossed the river at what is now El Paso with several thousand head of domestic livestock. The West needs a land designation that engages rather than disengages stakeholder relationships with federal land management agencies. Social fabric issues must be elevated to points of the law. A new, different approach must be conceptualized and implemented.

It has been argued that BLM will not accept and Congress will not enact a new and unique land management designation such as RPA. That argument denies the fact that Congress has already created four unique land management designations that are a part of the National Conservation Area (NCA) category within the National Land Conservation System. Congress has developed new and innovative ways to assist the automobile, banking and housing industries, why not the livestock industry?

Why Rangeland Preservation Areas Here and Why Now.

Perhaps for the first time, a stakeholder group has conceptualized an idea that would engage and enhance federal land user relationships in the West. That idea of RPA responds to the plea that is coming from every corner of the West . . . to find some means to engage, rather than destroy, historic stakeholder relationships with federal land management agencies.

At the local level in Dona Ana County, New Mexico, we believe it is possible to create a relationship among New Mexico State University, the United States Department of Agriculture (Jornada Range), the Bureau of Land Management, Homeland Security, New Mexico Game and Fish, the Department of Defense, the ranching community, and the conservation community with the specific intent of creating a model that can serve as a world standard for sustainable rangeland health and productivity. The pieces are all in place. The results could be techniques and practices that improve native ranges in a way that allows for utilization of our natural resources while protecting our environment and the fabric of our culture. We have a rare opportunity to create a model the West and the world can emulate. Through this effort, our county could become one of the foremost destinations in the world to study and learn of substantive measures to maintain a robust and healthy balance in RPA ecosystems.

More than 790 organizations and businesses in Dona Ana County have joined a coalition of PFPOWH supporters who recognize the potential benefits of the RPA proposal as a viable alternative to Wilderness designations to preserve the federal lands in Dona Ana County. They recognize that the wholesale designation of Wilderness areas in this county would be dangerous, ill conceived, and not in the best interest of our citizens.

Neither multiple use nor Wilderness designation can satisfy all nine expectations that came from this process. No existing federal land designation can satisfy all the expectations. RPA designation would exceed any other designation in meeting these expectations.

EXPANSION OF OTHER FACTORS THAT AFFECT THE LEGISLATION

The summary of community expectations that was presented above was derived from an extended process. There were specific factors that were considered in each expectation. Among the most important factors were the following:

- Border and Homeland Security
- Range Improvements
- Water Projects
- Energy Corridors
- Rail Line Access
- Renewable Energy Projects
- Mines
- Oil and Gas Leases
- Rights-of-Way
- Grazing
- Wilderness Degrading Infrastructure
- Renew New Mexico and Stewardship Projects-Current
- Renew New Mexico and Stewardship Projects-Future

BORDER AND HOMELAND SECURITY

Border and Homeland Security is the most important aspect of all discussion of the proposed legislation. Wilderness on or near the Mexican border is dangerous, it is illogical and it affects every American.

MOU Discussion.

In 2006, the Departments of Homeland Security, Agriculture, and Interior signed a Memorandum of Understanding (MOU) that set out the process for the Border Patrol to access federal lands for the purposes of tracking, surveillance, interdiction, establishment of observation points, and installation of remote detection systems along the United States border with Mexico. For something as important as national security, why would the Border Patrol be constrained beyond the 60 foot “Roosevelt Reservation” directly adjacent to the border and be under the oversight and control of Federal land managers within the National Park Service, the U.S. Fish and Wildlife Service, the Forest Service, the Bureau of Land Management and the Bureau of Indian Affairs? The answer was that, when Border Patrol activities impacted designated federal wilderness where mechanized entry was not allowed by the Wilderness Act of 1964, land management goals and missions between the Border Patrol and the federal land management agencies were at full odds and the conflict escalated dramatically.

The problem became so intense that in 2003 Senator Kyl (R-AZ) demanded that “unnecessary restrictions” be “dumped” from national park land along the Mexican-Arizona border. Finally, in March of 2006, the Secretaries of Homeland Security, Interior and Agriculture signed the agreement. The question is did it work?

In a 2009 document submitted by the Park Service to Congress, there is a paragraph on page 15 which addresses that question directly. It reads, “**With the increase in Border Patrol agents in the monument, there is a direct correlation to more impacts on resources from enforcement operations since under the 2006 MOU they have access under specific situations with mechanical means to the monument to include wilderness areas. These events lead to enormous challenges between agencies as we attempt to manage these resources.**”

Repeated questions by Dona Ana County citizens to Senator Bingaman’s staff about the assurances that the Arizona conditions will not be repeated in New Mexico brought repeated references to Border Patrol responses that there is an MOU in place to deal with access. PFPOWH is convinced by the exhaustive research

that such an expectation is erroneous and dismissive of the facts in Arizona. In no case will an MOU supercede legislation. In no case will the Border Patrol be effective if it has to submit written requests for access for issues other than hot pursuit, and in no case will local law enforcement agencies even have access to request allowances. On page 9 of the MOU, Section V.F. reminds all that the MOU is only an agreement among the agreeing agencies.

Moreover, the MOU is symbolic of the dilemma that all agencies have faced with border wilderness. It came into being because of conflict, and the conflict in missions continues between Border Patrol and the Park Service resulting with a flow of illegal drug and human smuggling on federal lands adjacent to the Mexican border in Arizona.

Finally, the MOU has never been tested in New Mexico. Poll any Border Patrol agent who has ever been on the New Mexico border and not a single one will say that he or she has had a incident whereby a Wilderness Study Area has restricted any activity relating to interdiction or apprehension, especially any situation that was policed or prohibited by a BLM ranger. Such an incident simply doesn't exist, and, therefore, never has the MOU been forced into action. So, asking a New Mexico Border Patrol representative if he has a problem with the MOU is meaningless. They have never had a problem so how can they respond to a question of whether the MOU causes them any concern. A similar question posed to a Border Patrolman on the Arizona Border in 1990 before the onslaught of human tidal wave action began about wilderness would have yielded exactly the same answer. Those that were there had no idea what a buzz saw it would become.

The Arizona Experience.

For hundreds of years the desert of what is now Arizona has been the route of goods coming north from Mexico. The flow of merchandise was created by demand from citizens and settlers of del Norte, the expanse of territory generally north of the 54th Parallel. Over time, the goods became as often illegal as they were legal. Today, the goods passing through the rural, isolated expanse of sand, rock and heat are more often than not, illegal. The circumstances and conditions surrounding the flow are dangerous, and the consequences of stemming the tide must be a national priority.

In the early 1990's human and drug smuggling got so intense in the urban centers of southern California and places like El Paso, Texas, that American citizens demanded that something be done. The Border Patrol responded with a series of operations intending to pinch off the flow of illegal entry in the urban areas and force that flow out into rural areas where interdiction and apprehensions could be done more effectively. Starting in El Paso in 1993 with Operation "Hold the Line," followed by Operation "Gate Keeper" in San Diego in 1994, and concluding with Operation "Safeguard" in Nogales in 1995, the Border Patrol turned up the heat. What they found in El Paso was that apprehensions went down in the city and in the sector as a whole. What they did was working. In San Diego, there was a brief lag followed by the same pattern of decline in apprehensions and interdiction that El Paso experienced.

Where the San Diego and El Paso operations were successful, the Nogales operation failed. What developed was that apprehensions and interdiction sky rocketed as the hordes of illegal immigrants that were turned away in San Diego came to the deserts. Something happened and it happened in a big and unexpected way. Border Patrol retired officials will admit that they were ready for the wild land on the Arizona border, but they were completely blindsided by the restrictions of the federal designated Wilderness that was being administered by the DOI through its Fish and Wildlife Service and National Park Service. While the federal land agencies dug in to enforce wilderness access issues with the Border Patrol, the illegal immigrants found a haven of entry that has become the dominant feature in the movement of human and drug smuggling on the border.

Data will show that all categories of crime not only went up, they exploded. Deaths in Organ Pipe went from only occasional deaths to over 200 per year. Deaths are currently estimated to be 300-500 per year. Where there were no roads, drug cartels made roads. Where there were no trails, human masses trekking northward made trails. National Geographic named Organ Pipe National Monument the most dangerous park in the

American system. It got so bad that signs are posted warning travelers not to stop for dead bodies! One retired Border Patrol agent talked about being involved in an operation whereby 19 bodies were recovered in one operation out on the western boundary of the Cabeza Prieta Wildlife Refuge in designated wilderness. The Border Patrol was not allowed to drive to the bodies. They flew, and even then there were ramifications and threats. The agent talked with trepidation of the smell in the helicopter for months following that harrowing event.

Whole industries have grown up opposite the expanse of national park lands supporting the flow of illegal immigrants northward. Buses run around the clock on Mexican Highway 2. Videos are played educating illegal immigrants how to avoid American Border Patrol activities, how to survive in the wilderness and what to expect. Passengers can halt the buses at any point and commence their treks northward. By Park Service estimates, illegal immigrants outnumber paid park visitors at least ten to one. Border Patrol officials believe that number is at least half of the actual.

Park Service officials at Organ Pipe did a study to quantify the impact on the monument. In a representative one square kilometer area out in the designated Wilderness of the Valley of the Ajos, an unsuspecting family taking an afternoon hike would encounter the following:

- seven illegal rest sites
- 15 sets of illegal vehicle tracks
- 40 sites of illegal trash disposal
- 48 discarded water bottles
- one set of illegal bicycle tracks
- one set of illegal horse tracks
- three illegal abandoned camp fires
- 254 illegal foot trails

The foregoing was all on designated wilderness where mechanized entry is not allowed and where, to this day, the ability of the Border Patrol is constrained by wilderness policy.

The Texas Phenomena.

While investigating the Arizona border threat, a High Intensity Drug Trafficking Area (HIDTA) report was found. It revealed information that PFPOWH believes has never been exposed to Congress or the American people. Data from Aerostat summaries was analyzed and set forth in a manner that attempted to quantify radar and drug interdiction events by mile of border. The result of the analysis is as follows:

	CARTEL RADAR CONTACTS	DRUG SEIZURES
	<i>(per mile of border)</i>	
TEXAS	.06	.02
NEW MEXICO	.11	.30
ARIZONA	.60	.53

Why do cartel aircraft radar contacts run one contact per nearly 20 miles of border in Texas while in Arizona they run one per less than two miles of border a rate that is ten times higher than Texas? Likewise, why do drug seizures run one per 50 miles of Texas border while seizures in Arizona run one in less than two miles of border? Three retired Border Patrol officials were asked that question.

The first, Gene Wood, former chief of the McAllen (Texas) sector said, “You’ve got private ownership of land with a very aggressive citizenry in Texas protecting their property rights. They interact immediately and

continuously with the Border Patrol and the Border Patrol has full and unencumbered access to everything, at any time, (and) for any reason.”

Next, Richard Hays, former Chief of Flight Operations, United States Border Patrol, responded to why the New Mexico result is intermediate between the Texas and Arizona results. He said, “Like Arizona, there is a domination of federal lands along the border, but New Mexico still has a resident ranching community. Go over into Arizona and nearly the entire border is federally controlled land. The ranchers have been eliminated or so decimated that they can no longer maintain a dominant presence. They are gone from the monuments and the wildlife refuges, and the infrastructure that they built and maintained is gone as well. The Forest Service allotments are so gutted that those folks are in a precarious position, and the Tohono O’odon Reservation and the BIA has no idea how to control the situation.

The third official, Jim Switzer, former Yuma Sector Chief and current chair of the National Association of Retired Border Patrol Officers said, “New Mexico and Texas still have a vested, engaged, and resident population of citizens who will protect their private property rights. Their Arizona counterparts have been largely eliminated. Where there are resident Americans who have property rights at risk, there remains a working relationship with the Border Patrol. If there is activity, the Border Patrol will be contacted and welcomed. **That is not the case where only federal (land) agencies are present.**”

The Mirror Effect.

Mr. Wood, former McAllen Sector chief, prompted a further investigation into something that had started to appear in the investigative process. He said, “In Texas, there is a united front that is committed to protecting the border and eliminating drug running. Interestingly, there is also a strong influence adjacent to the border. Where there is long standing American (land) ownership there is normally a strong Mexican counterpart.”

Two issues stand out in that statement. The first is whether or not there is a mirror effect of activity adjacent to the maize of free flowing corridors running north from the border on park lands. The study from Organ Pipe describes that phenomenon exactly. On lands of Organ Pipe’s sister park, the Mexican El Pinacate Biosphere Reserve where once pristine lands spread for miles across the desert, a whole infrastructure of businesses has grown up supporting the migration of drugs and humans northward. Colonias, illegal roads, bus stops, filling stations, barber shops, tire shops and trash and destruction of the natural environment have spread across the entire area. American policies have extended the environmental destruction across the border.

As for the issue of mirror images of land ownership, Mr. Wood’s comments become even more intriguing. Could it be possible that social implications of the mirror effect exist? The argument that evolved from Mr. Wood’s comments has huge implications. It is this. Where a strong American exists on the border normally a strong counterpart exists. The American, protecting his property rights, is a formidable foe. He will not put up with nonsense and the Mexican counterpart knows that. The Mexican (or the American in a reverse situation) is put in a situation whereby he is less willing or inclined to do something that will breach that unwritten relationship. If one of them is removed, however, a new relationship is without boundaries. Time and a personal relationship have not cemented any demand on etiquette or standards. If there is a new party that is inclined to do something illegal or is inclined to submit to a bribe, then all bets are off and a breach in security is at hand.

That is exactly what has happened in Arizona. Drug cartels can simply buy out unopposed, unsupported property owners. The internal policing action is eliminated. Think of the implications. Where there are strong relationships in Texas that exist without additional cost to the American tax payer, they, in large part, no longer exist in Arizona. How expensive is the dismantling of that relationship mechanism? Who knows what the cost to society is, but we do know that the cost of policing action on the 30 miles of Organ Pipe boundary it is now running \$1,922 million a year (and that does not include Border Patrol costs on the same 30 miles of border). In the 2009 Park Service document cited herein, that sum appears to be in jeopardy of increasing. The report notes that “in the last six months, the park has seen a significant increase in vehicle based smuggling.”

The committee is asked to consider that land agencies and conservation groups alike have waged a war against grazing on public lands. For the first time, there is evidence to show that there are large opportunity costs in removing federal lands ranchers. In Texas, the ranching community continues to provide a costless buffer for American security interests. In Arizona, those folks have been decimated, and the flood gates of human and drug smuggling has been opened without hope of nearby recovery.

The Road and the Railroad Track.

In explanations from Senator Bingaman's staff as to the assurances of absolving security risks, the MOU (described herein) and the issue of a buffer added to the south side of the Potrillo Mountain complex for Border Patrol access and interdiction efforts are repeated. Again, retired Border Patrol officials who are not afraid of career issues step forth and talk. **It is not the proximity of the border itself to the border wilderness boundary that poses the greatest risk to this nation. It is the proximity of the nearest east west road to the border wilderness boundary that is the danger.**

In the Arizona situation, Mexican Highway 2 played an immense role in moving the soft point of entry from urban centers to the desolate wilderness areas of national park lands. The path of that parallel highway to the border varies, but it ranges up to several miles from the border fence itself. Data from the Park Service data indicates that entry points are continuous along the boundary; hence, illegal immigrants are walking north from the highway in a myriad of places and from a large variation in distances. Retired officials remind us that New Mexico Highway 9, the nearest east west road adjacent to the Potrillos is the real risk factor, not the border. Cartels will probe, and move, and jockey, and adjust and they will find the soft points. On the whole, they will not be sending dope north from Mexico by human transportation. Rather, they will stage the dope and deliver it by vehicle to points along Highway 9. They will then run it north, either by vehicle where a 1.5 to 3 mile buffer is eaten up in less than three minutes, or by starting simultaneously a number of runners going north through the proposed wilderness to points along I10 or to the next stage from I10 north through more proposed wilderness in the Uvas or Broad Canyon areas to stage termination points along Highway 26. Remember, Organ Pipe cannot control mechanized access with 28 law enforcement agents dedicated to law enforcement and an unknown number of Border Patrol officials all protecting 30 miles of wilderness border with Mexico, so how can anyone think that a single BLM ranger and an unknown number of Border Patrol agents halt all entry along the a similar expanse of land with 23 miles of boundary exposure?

Finally, the modernized Burlington Northern Santa Fe Railroad line forms a portion of the Potrillo Mountain complex on the northeast side of the proposed plan. Ask any national security expert what that rail line poses in terms of a national security risk, especially the issue of weapons of mass destruction and there will be a single, united response.

RANGE IMPROVEMENTS

The Dona Ana County wilderness proposal is hard pressed to maintain the fidelity of the original standards of 1964. It would be difficult for anyone to find 5,000 acres of contiguous lands that are largely untrammelled by man. In fact, there four wells, 16 improved springs, one building, 11 corrals, 60 earthen reservoirs, 13 water storage tanks, 31 troughs, and three windmills within the footprint of the proposal (Exhibit C).

In discussions with the BLM in the summer of 2008, two of the permittees asked for preliminary consideration for a series of pipelines and troughs from existing water sources to better utilize lands where cattle must walk three miles to water. The response was inconclusive because the location of the troughs would be within a mile of the footprint of a Wilderness Study Area (WSA). If BLM administration concludes that improvements within a mile of a WSA are going to be subject to stricter wilderness management demands, ranchers affected by Wilderness designation are concerned that the footprint of the designated land affects improvements out to a mile buffer of the boundary. If that is the case, the impacted improvement inventory

expands to 20 wells, 19 springs, 11 buildings, 34 corrals, 116 earthen dams, 35 water storage tanks, 85 troughs and 10 windmills.

Data from New Mexico State University and elsewhere confirm that when the temperature reaches 103° F, a cow and her calf, a pair, will drink upwards of 32 gallons of water per day. In this desert environment, such a day is expected. Any steward of the range has nightmares of finding cattle that are standing in front of an empty trough bawling in desperation. Experiencing this event one time will forever impact your tolerance for constraints that limit the ability to maintain adequate water supplies. Every one of those same stewards knows that when such a condition is impacting cattle it is impacting wildlife as well. Monitoring water and water supplies is a daily demand in this desert country. Any limitation of not doing so is not just an economic hardship, it has inhumane consequences.

Using our model prompted by the BLM wilderness buffer management expectation, there are 60 miles of underground pipeline affected by this proposal. If those pipelines cannot be checked by mechanized vehicle, those inhumane consequences are expected. There is no way those miles of pipeline can be checked and serviced by horseback.

In the modern West, labor has been replaced by fewer people constantly in motion. Cattle are driven fewer miles. Calves that were once weaned and driven from their mothers are now hauled. Cattle slated for market are now penned and sorted in distant pastures and hauled to markets from those locations. Water sources are checked and maintained from pickups and ATVs. Roads have become vital to the ranch operations and it is no longer possible to get by with unimproved two tracked roads. In this model there are 481 miles of roads. This is not a rancher driven number. It is from the Dona Ana County census data. When the S.1689 maps are analyzed, the sum of the road mileage is only a fraction of the U.S. census records.

These roads are not just a part of the infrastructure of the ranches. They have become multigenerational access routes for citizens who have deep ties to the land for a variety of wholesome and simple uses. Taking those few freedoms from a county resident is not the blissful salvation that is being advertised. The great majority of the users of these roads are fully in agreement that off-road activities are not right and they will defend that position. Ranchers find few examples of blatant off-road use by law abiding citizens. Drug runners are another story, and, rest assured, the Arizona experience has demonstrated that drug runners could care less about wilderness constraints.

In addition to the data provided heretofore, the remaining improvements on these lands included 297 miles of fence line, 67 miles of electric transmission lines, and 61 miles of commercial pipelines (gas and oil). From an objective thinker, reading the Wilderness Act and digesting these improvement totals, the true fidelity of wilderness in Dona Ana County, New Mexico, is being stretched beyond measure.

WATER PROJECTS

Elephant Butte Irrigation District is one of the most unique water districts in the nation. The district management and users have not only paid for the district, they have accomplished some very interesting undertakings. They now have the right to capture and reuse storm water within the confines of their district watershed. This greater project requires some very sophisticated flood monitoring equipment that prompts district personnel to prepare facilities to capture and reroute flood waters into their system. The flood monitoring equipment must be installed in areas impacted by wilderness consideration.

Likewise, the system of flood control dams installed many years ago by the Bureau of Reclamation has been turned over to the district for management. These facilities and similar future opportunities must not be constrained by wilderness or NCA constraints for repairs or expansion.

Dona Ana County is a desert. There is no magical source of water. There is no Lake Shasta to drain into an aqueduct to enhance the limited supply of Rio Grande drainage and underground water sources. This is an area

that has some distinct relative agronomical advantages and people are going to continue to want to come to the area for all of the reasons it is so popular. As such, water and the supply of water must be one of the two or three most important things in the vision of any leader. Water is vital and every opportunity to enhance the supply of water is not just prudent, it is imperative. No wilderness bill should be used to limit that most important resource.

The Broad Canyon area is the most significant watershed in the county. It is not only important for flood water capture and reuse, it is the most logical area to plan for future water supply impoundment. Off-basin storage has been the option most used in the storage of water sourced from nontraditional sources, when closed, underground basins are not suitable for storage. In Dona Ana County, this might not happen in the next generation, but it will happen. It is not prudent to disallow future citizens the opportunity to pursue projects that will be possible. Broad Canyon is the major, and perhaps the only, area where such undertakings are possible.

ENERGY CORRIDORS

The SunZia energy transmission concept that is envisioned to provide enhanced energy transmission capability from renewable energy projects in New Mexico has huge implications to this county and state. The preferred route from Hatch to Deming, New Mexico passes north of the area impacted by the wilderness proposal, but the alternate route runs right through the Broad Canyon area. If the solar energy studies areas being evaluated by Argonne National Laboratory in conjunction with the BLM determine that the two major areas in southern New Mexico are candidates for solar generation consideration, the routing of that power line will be altered. If wilderness legislation precludes the use of the energy corridor, Dona Ana County runs the risk of being dropped from conceptual projects. That must be avoided.

Likewise, any likelihood of a natural gas pipeline from the Belen area into the southland would come through that same corridor. Altering the routing would push the pipeline at least to the county line. That would have huge implications in the cost structure of the project. Wilderness and NCA designations affect that planning.

RAIL LINE ACCESS

The congestion of the interior of the Mesilla Valley grows every year. There is a matter of safety and traffic flow enhancement centers around the rerouting of the north/ south rail line that currently runs parallel to New Mexico Highway 28 as far north as Rincon, New Mexico Plans to move that line out of the valley feature the Broad Canyon area. This is a simple and necessary adjustment for surface and rail line flows through the area. Wilderness and or NCA designation impact that planning.

RENEWABLE ENERGY PROJECTS

Currently, there is a solar energy project underway in the Santa Teresa area. Additionally, there are two large solar study areas (noted above in the energy corridor section) that might be future sites of solar generation. These areas combine to form a footprint of 73,794 acres. If the study is positive any project will necessarily be impacted on transmission line capacity. It is imperative that wilderness and or NCA consideration in the Broad Canyon not impact negatively on such a concept. Such an eventuality would impact Dona Ana County dramatically.

Likewise, the BLM has served notice that a wind energy study will be done on the western edges of the Goodnight Mountains just west of the county. If that study proves successful the same conditions are likely to occur on the west side of the Rough and Ready Hills and other portions of the Broad Canyon area. Wilderness and or NCA designation would stand to impact that result.

MINES

There are a total of 23 mines in the footprint of the wilderness and NCA proposals. Most of those mines are not active, but all of those mines are subject to safety and mitigation laws and requirements. Like all mines, they also represent increased risk to Superfund findings. Not wanting to run the risk of redundancy, it seems

confounding to elevate any land into wilderness status when such a stretch from “lands largely untrammelled by man” must be accompanied by gimmicks to mitigate the impact of man in order to force the designation. If a superfund site is ever found, the prospect of a contractor who still has knowledge and possession of mule teams and Fresno scrapers is likely to be hard to find.

OIL AND GAS LEASES

The 1995 National Oil and Gas Assessment of the South-Central New Mexico Province, prepared by W. C. Butler, discusses hypothetical oil and gas potential. There have been very few wells drilled in the province, so the report is based on the geological history of the area. The report does state “the number and excellent quality of hydrocarbon shows in the few Pennsylvanian and Permian penetrations indicate the probable existence of commercial hydrocarbons” (Pyron and Gray, 1985). The report also states, “The shelf strata of the Orogrande Basin,” an area within the province, “have been compared to the contemporaneous highly productive reservoirs of the Delaware Basin of west Texas. Mississippian through Permian formations of the Delaware Basin has a cumulative production of more than 3 BBO and 5.0 TCF of nonassociated gas” (Robertson and Broadhead, 1993).

According to information obtained from the National Integrated Land System, Dona Ana County has had a long history of oil and gas leases on public lands. Most of these leases have never been developed and, as a result, have expired. Oil and gas companies have to make decisions on which leases to explore and develop based on various logistical and economic criteria. As the price of oil and gas increase and as technology advances make evaluation and development more cost effective, development of these energy resources may occur. Currently, there are ten authorized oil and gas leases which are partially or wholly contained in the proposed Wilderness and NCA boundaries. These leases cover over 15,000 acres. As we have discussed in other areas of this testimony covering energy development, designation of Wilderness and NCA would significantly affect the exploration and development of these important and much needed potential oil and gas reserves.

RIGHTS OF WAY

According to the National Integrated Land System, the BLM has entered into rights of way agreements for one pending solar energy project, 36 road and utility and 12 oil and gas pipeline projects which are included in the areas in the proposed Wilderness and NCA boundaries. The National Integrated Land System has a disclaimer which indicates for various reasons the system does not contain all agreements. Maps which have been produced which include both line data and agreement data indicate that there should be many more agreements, but the data that is available clearly shows that there are a significant number of pre-existing rights created under these agreements which will be impacted by the designation of Wilderness and NCA. The Wilderness Act includes language that precludes the use of any mechanical equipment. How will any maintenance or replacement of equipment under these agreements occur? These pre-existing rights need to be included in the purposes section of the NCA legislation, as litigation or adjudication will be required every time someone wants to exercise their rights.

GRAZING

We have concerns on the ability of ranchers to continue their family operations should this bill become law. Those concerns apply to both proposed designations: wilderness and national conservation area. With respect to wilderness, much is made of the Grazing Guidelines (House report No. 101-405). When Congress had the foresight to adopt those provisions, most wildernesses were in the high country. In many instances, those high country allotments had natural water, natural boundaries and were seasonal operations only. The allotments addressed in this legislation occur in the desert. There are no natural waters or boundaries and the operations are year round. Based on these factors and discussions with BLM, we have no confidence the guidelines as they exist will be sufficient and the ranching community will suffer the consequences.

With respect to national conservation areas, our concerns are equal footing for grazing, the consistency language, the “where established” limitation and the ability to maintain range improvements and standard ranching operations. For further discussion of these issues, see Exhibit D.

WILDERNESS DEGRADING INFRASTRUCTURE

The proposed wilderness areas included in S. 1689 are not free of the noticeable imprint of man which the Wilderness Act of 1964 required. These areas have been inhabited by man since recorded history and have been heavily impacted since Onate came to the territory in 1589. These impacts have been discussed under the above sections: range improvements, water projects, energy corridors, rail line access, renewable energy projects, mines, oil and gas leases and rights of way. Each of these impacts degrades wilderness characters to different levels in each of the proposed wilderness and NCA areas. The impacts show up dramatically in the series of maps in Exhibit E - **Desert Peaks Wilderness Area Evaluation**. The maps show the impacts as each type of infrastructure is overlaid on the footprint of the proposed wilderness areas. The last map in each set show the cumulative impact of these improvements and infrastructure and demonstrates what we feel are over whelming reasons to protect these lands with a designation other than wilderness. They are worthy of protection, but don't fit the gold standard of wilderness. Exhibit F is the **Potrillo Mountains Wilderness Area Evaluation** and Exhibit G is the **Organ Mountains Wilderness Area Evaluation**.

RENEW NEW MEXICO AND STEWARDSHIP PROJECTS, CURRENT

The Renew New Mexico undertaking, largely promoted through the guidance of BLM State Director, Linda Rundell, is finding a very positive acceptance by a large cross section of stakeholders. This partnership project is an aggressive plan to restore our state's grasslands, woodlands, and riparian areas to healthy and productive conditions. Since its inception in 2005, Restore New Mexico has become the model for rangeland conservation in the western United States. This year, 2009, the project will reach the 1,000,000th acre in partnership activities.

One of the most apparent components of the project is the eradication of creosote. Creosote is the equivalent of sage brush to the southern tier states and it is found in large reaches of Dona Ana County. It can only be eliminated by stewardship projects that include herbicide and then a regimen of fire. By strict measure of the Wilderness Act, such activities are not allowed in wilderness.

In conjunction with brush control, water projects that serve to better utilize range for both livestock and wildlife are being undertaken. These complimentary projects are being driven largely by EQIP partnership contracts. Such projects installed by mechanized means will not be allowed in wilderness.

As a matter of interest, there are over 200 water installations on federal lands ranches on the west side of Dona Ana County from the Mesilla Valley to the county line where the majority of S.1689 is centered. **Only one (1) of those water sources is a permanent, natural source of water.** The remainder are there because of cattle. Wildlife are impacted every bit as much as cattle in this dry environment. If those waters and projects that enhance the supply and distribution of those water sources are negatively impacted by wilderness, inhumane consequences can be expected.

RENEW NEW MEXICO AND STEWARDSHIP PROJECTS, FUTURE

The guiding factor in the Restore New Mexico brush control planning is slope. Creosote grows naturally on shallow soils overlaying caliche deposits. Where Creosote stands have expanded into deeper soils is the primary target area for control measures. Slope is a defining factor in whether or not projects can be expected to work. Most of the areas being considered for wilderness are good candidates for brush control, but some are not. As such, there is less likelihood that future projects can or will be undertaken. Likewise, water distribution supporting the outcome of the brush control measures will be limited on more severe slopes. In fairness to wilderness consideration, this factor must be considered.

STAKEHOLDER MEETINGS

From the stakeholder meeting process (Exhibit A) that took place in 2006/2007, the recommendations from the position papers written by the eight stakeholder groups can be summarized as follows:

3 Organ Mountain WSA's - Received a near unanimous vote for wilderness

Mt. Riley and Aden Lava Flow WSA's - Received 5 votes (slight majority) for wilderness

West Potrillo Mountains WSA – Received 4 votes against wilderness

Robledo Mountains WSA - Received 5 votes against wilderness

Broad Canyon (currently under Multiple Use Management) - Received 6 votes against wilderness

East Potrillo Mountains (currently under Multiple Use Management) - Received 6 votes against wilderness

Organ Mountains South unit (currently proposed for NCA) - Received 4 votes for NCA

Organ Mountains North unit (currently proposed for NCA) - Received 3 votes for NCA

It can be concluded from this citizen input that there was strong support for wilderness in the Organ Mountains. The rest of the lands were not strong candidates for wilderness and a preference for returning the majority of the land back to multiple use management or National Conservation area management was prevalent.

SUMMARY

I appreciate the opportunity to be able to present to the Committee information and concerns on behalf of People For Preserving Our Western Heritage. I trust that the Committee will consider the need for an alternative land protection designation, seriously evaluate the real border security threats to the local ranch families and the communities in southern New Mexico and recognize the value of having productive ranch enterprises contributing to the first line of defense in rural America.

We strongly believe in protection of the Organ Mountains and surrounding desert peaks. We do not believe that all of the areas proposed should be wilderness; they should be protected with another designation. We feel that Senator Bingaman and the Committee have an opportunity to protect lands and at the same time recognize the importance of history that has become part of the landscape in Dona Ana County.

EXHIBIT A – STAKEHOLDER MEETING SUMMARY

In 2006, at the suggestion of Senator Domenici to provide evidence of consensus for the “Citizens Proposal” prior to moving forward with legislation, Dona Ana County and the City of Las Cruces established “Regional Land Management: A Community Response.” The effort was led by a city employee, and included meetings with each of eight Stakeholder groups, and three public meetings, followed by a Stakeholder Committee process. The Stakeholder Committee met twice each week for 3 months, with the City employee serving as moderator. The announced purpose was to reach consensus for the “Citizens Proposal.” In February 2007, The moderator announced that the process was discontinued, that “it had become obvious no consensus would be reached.”

The entire focus of the Stakeholder Committee process was the “Citizens Proposal.” At the conclusion of the process, the moderator requested that each of the eight groups write a position paper setting forth its recommendations for each of the ten areas proposed for Wilderness and the two areas proposed for NCAs in the Citizens Proposal”. The position papers were requested without the individual ranchers having an opportunity to discuss each area and their concerns as to the impacts of Wilderness on their operations, which the moderator had indicated was to be the last area of discussion prior to the conclusion of the Committee process.

The “Stakeholder Position Summary” from the “Findings, April 2007” (as reflected on the City web site) can be summarized as follows:

<u>Areas Proposed for Wilderness:</u>				
<u>WSAs:</u>	<u>Votes for Wilderness</u>	<u>Votes Against Wilderness</u>	<u>Votes for NCA</u>	<u>Votes Against NCA</u>
3 Organ Mts. WSAs	21*	3*		
Aden Lava Flow WSA	5	3		
Mt. Riley WSA	5	3		
W. Potrillo Mts. WSA	4	4		
Robledo Mts. WSA	3	5		
Las Uvas Mts. WSA	2	6		
<u>Areas Currently in Multiple-Use:</u>				
Broad Canyon Area	2	6		
E. Potrillo Mts Area	2	6		
<u>Areas Proposed for NCAs:</u>				
Organ S. Unit			4	WD-3; No pos=1
Organ N. Unit			3	WD-3; No pos=2
<u>Acreages – areas proposed for Wilderness:</u>				
5 areas receiving positive votes	54,184			
5 areas not receiving positive votes		302,879		

The eight Stakeholder representatives (of two persons each) were designated by the City, and included Community and Neighborhood Associations; Conservationists; Developers and Homebuilders; Mechanized Recreationalists; Non-mechanized Recreationalists; Ranchers and Farmers; Business, Economic Developers, and Realtors; and Sportsmen.

* Sum of the votes for the three Organ Mountains WSAs. Each individual WSA received 7 votes for wilderness, 1 vote against wilderness

EXHIBIT B - THE WILDERNESS ACT HIJACKED

BILL RICE, FORMER DEPUTY CHIEF U.S. FOREST SERVICE

In 1964, Congress enacted the Wilderness Act. This Act was the defining authority of a process intent on preserving wild America that was founded on the premise that wilderness cannot be created. Wilderness was intended to exist only in the absence of permanent improvements and habitation of man, thus being affected only by the forces of nature.

So, the stage was set and the process officially began. The Act generally prohibited permanent and temporary roads, most commercial enterprises, motorized equipment and mechanical transport, landing of aircraft and structures and installations. By 1969, Congress started adding special use provisions for wilderness areas beyond the allowances of the original act. In the Desolation Wilderness Act, owners of hydroelectric facilities within that wilderness were given the right of motorized access. Language used in that act became a staple of future acts. In 1972, aircraft landing sites were allowed in the Pine Mountain Wilderness. In 1975, in the first wilderness action east of the Mississippi, 16 areas of land severely modified by previous human use were made wilderness. A temporal dimension of wilderness began. In 1976, the Federal Land Policy and Management Act expanded the consideration of federal lands to those managed by the BLM, and acknowledged that wilderness could be more than rocks and ice. Vast areas of lands beyond any prior wilderness consideration were subject to wilderness inventory and review.

By the mid 1970s, stakeholder relationships with federal land management agencies were in a vertical decline. Congress responded in the 1980 Colorado Wilderness Bill by spanking the Forest Service for using the Act to reduce grazing in wilderness areas while, at the same time, stripping the Forest Service of a “sights and sounds doctrine” that attempted to maintain a purity standard of what wilderness should be. Another 16 areas that did not adhere to this purity doctrine were made wilderness in the Endangered American Wilderness Act. The Forest Service was sent tumbling into an abyss that is still without known boundaries to this day.

Subsequent Wilderness Acts permitted helicopter use (Utah Act of 1984), permitted rights of way (Absaroka-Beartooth Wilderness) special mining management zone (Central Idaho Wilderness Act), snowmobile use (Lee Metcalf Wilderness) and such far reaching adjustments as on the ground presence of military in the Big Sur Wilderness and Conservation Act. Congress has both disclaimed and reclaimed a federal water right. The presidential waiver authority found in the original Wilderness Act of 1964 (the latter in the Colorado Wilderness Act of 1993) was eliminated..

The result is that there is no consistency and the ability of the land management agencies to maintain a standard policy and strategy mandate is inexorably handicapped. Instances exist where Congress has insisted on specifically dealing with a special use or project in one bill and are silent in others. Geographical actions are inconsistent. For example, oil and gas development within wilderness areas seems to occur more in areas outside of the federally dominated landscape of the eleven western states. Such action is allowed in the Charles C. Dean Wilderness and the Indian Mounds Wilderness. Those areas happen to be in Indiana and Texas, respectively. The same actions are rejected with language in Wyoming, Utah, and New Mexico. The difference is largely the composition and predilections of the congressional delegations and the advocacy group activity where the actions are being taken.

Those of us who have been in the trenches trying to maintain some sanity of managing federal lands have known for a long time that something drastic needs to be done to reel in the blitzkrieg of stakeholder assault taking place in the West. If there is need for special management of federal lands, local input is not only needed, but it is incumbent on Congress to allow that process to occur. Local customs, local history and local economies, current and future, must first and foremost be considered. The concept that has been put forward in Dona Ana County New Mexico by “People for Preserving Our Western Heritage” is the idea of Rangeland Preservation Areas, has far reaching implications across the West. The idea of locally driven standards that ultimately protect

the integrity of open space, but don't destroy the social fabric of the area must be considered. If true wilderness is ever to survive, the Wilderness Act of 1964 needs to be held inviolate. It cannot be adjusted, modified, tweaked, politicized and adulterated for every whim of a special interest group or congressional representative who wants his legacy enhanced. If lands today have such characteristics that they need special protection, the people who have had some influence on that have to be at the table. The idea that each such area has special attributes which create "standards of expectations" derived and advocated by local input is fundamental to our founding doctrines. What a novel idea!

EXHIBIT C – IMPROVEMENTS AND INFRASTRUCTURE

IN AND ADJACENT TO ORGAN MOUNTAINS-DESERT PEAKS WILDERNESS AND NCA AREAS

Number of Wells	20
Number of Springs	19
Number of Buildings	11
Number of Corrals	34
Number of Earthen Tanks	116
Number of Storage Tanks	35
Number of Troughs	85
Number of Windmills	10
Miles of Fences	287
Miles of Roads	481
Miles of Water Pipelines	60
Miles of Petroleum Pipelines	61
Miles of Electric Transmission Lines	67
Number of Oil, Gas and Mineral Leases	10
Number of pending Solar Energy ROWs	1
Number of Road and Utility ROW's	36
Number of O & G Pipeline ROW's	12
Number of other ROW's	8
Number of active mining claims	4
Number of abandoned mining claims	39

EXHIBIT D – PROPOSED GRAZING LANGUAGE

--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

Purpose Section – As a result of 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 ten 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 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 ten 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 part of our 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 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 part of our 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.

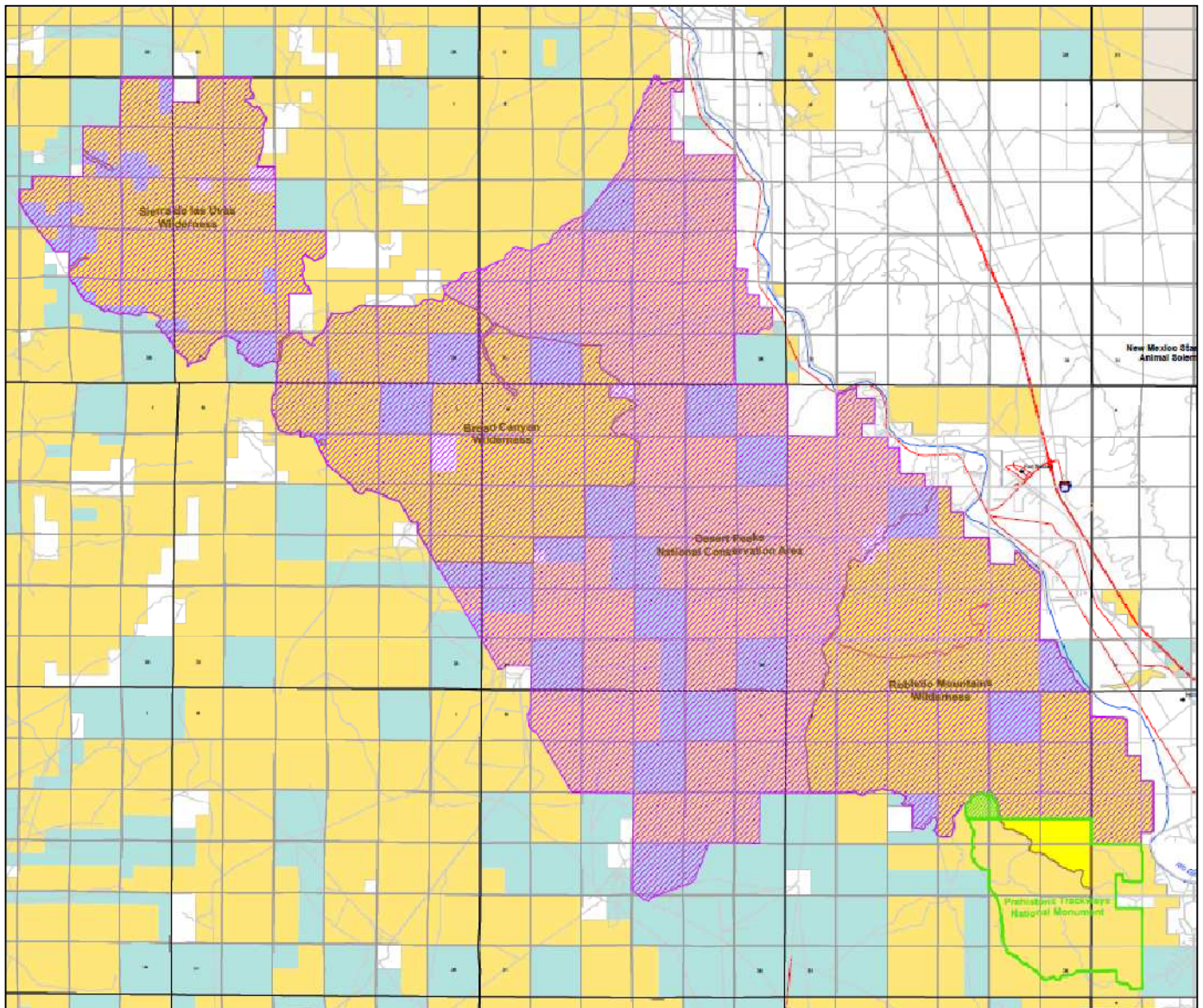
EXHIBIT E – DESERT PEAKS WILDERNESS AREA EVALUATION

The following images are of the general footprint of the following areas:

- Sierra de las Uvas Wilderness
- Broad Canyon Wilderness
- Desert Peaks National Conservation Area
- Robledo Mountains Wilderness

These areas are in northwest Dona Ana county, north of Las Cruces, west of Interstate 25 and west of the community of Hatch.

The pink boundary line projecting into the the Broad Canyon Wilderness and the line projecting into the Robledo Mountains Wilderness represent cherry stemmed roads.



DESERT PEAKS WILDERNESS AREA OVERVIEW – S.1689 MAP

DESERT PEAKS - BOUNDARY, INHOLDINGS, CHERRY STEMS

The first image shows the complete footprint of the above listed areas, based on boundary information available from the Dona Ana County mapping department prior to the introduction of S.1689. This shows the original proposed areas.

The white areas inside the boundary represent private property inholdings and cherry stemmed roads from the original proposal for this area.



IMAGE 1 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS

DESERT PEAKS - ROADS

This image now includes existing roads based on United States census data. The concentrated cluster of roads east of the area is a housing subdivision.

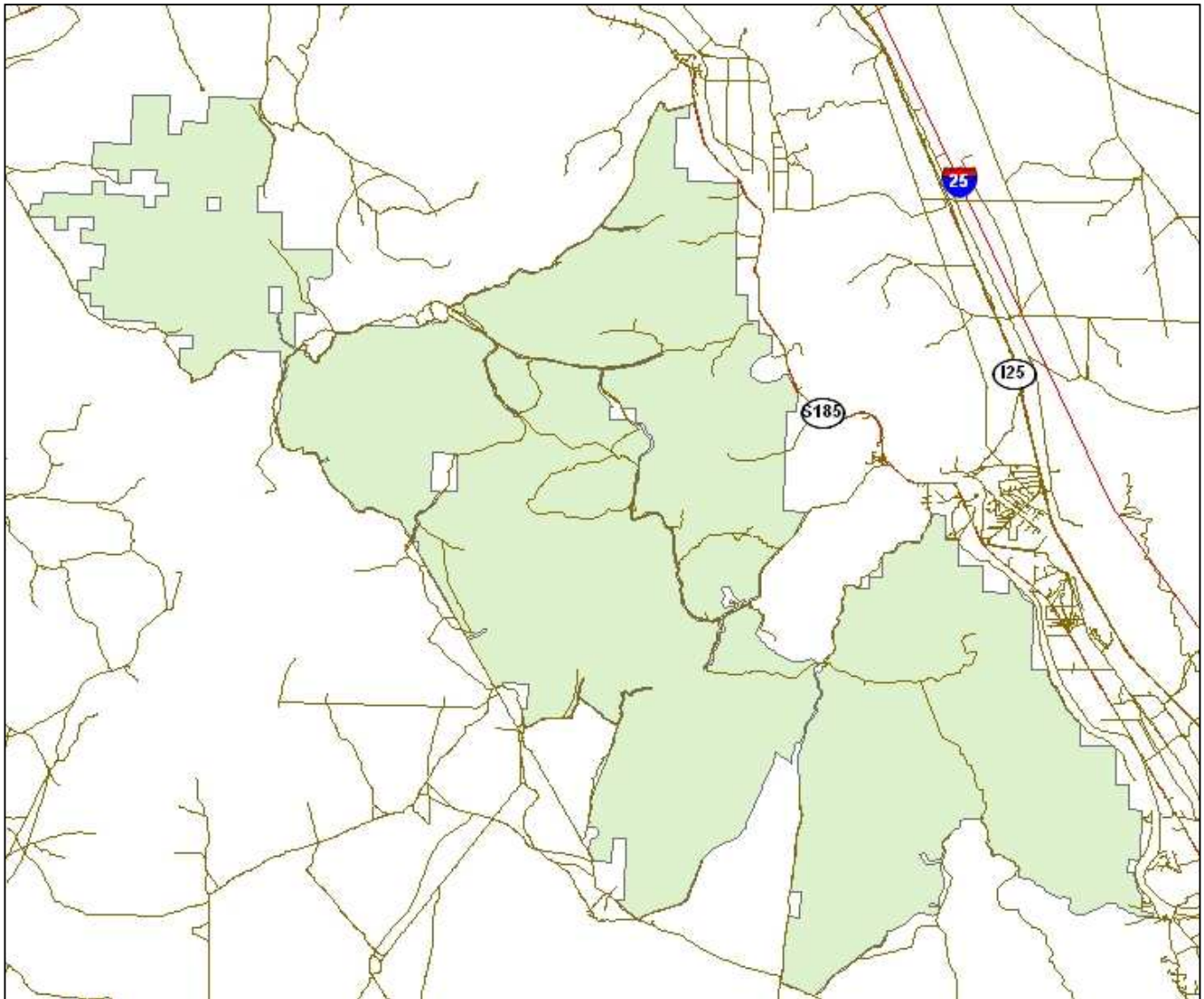


IMAGE 2 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS - *PLUS EXISTING ROADS*

DESERT PEAKS - FENCES, PIPELINES, TRANSMISSION LINES

In this image, we see the addition of fences, pipelines and transmission lines. Fences are represented by green lines. Pipelines are represented by purple lines. There are no transmission lines within the proposed boundary.

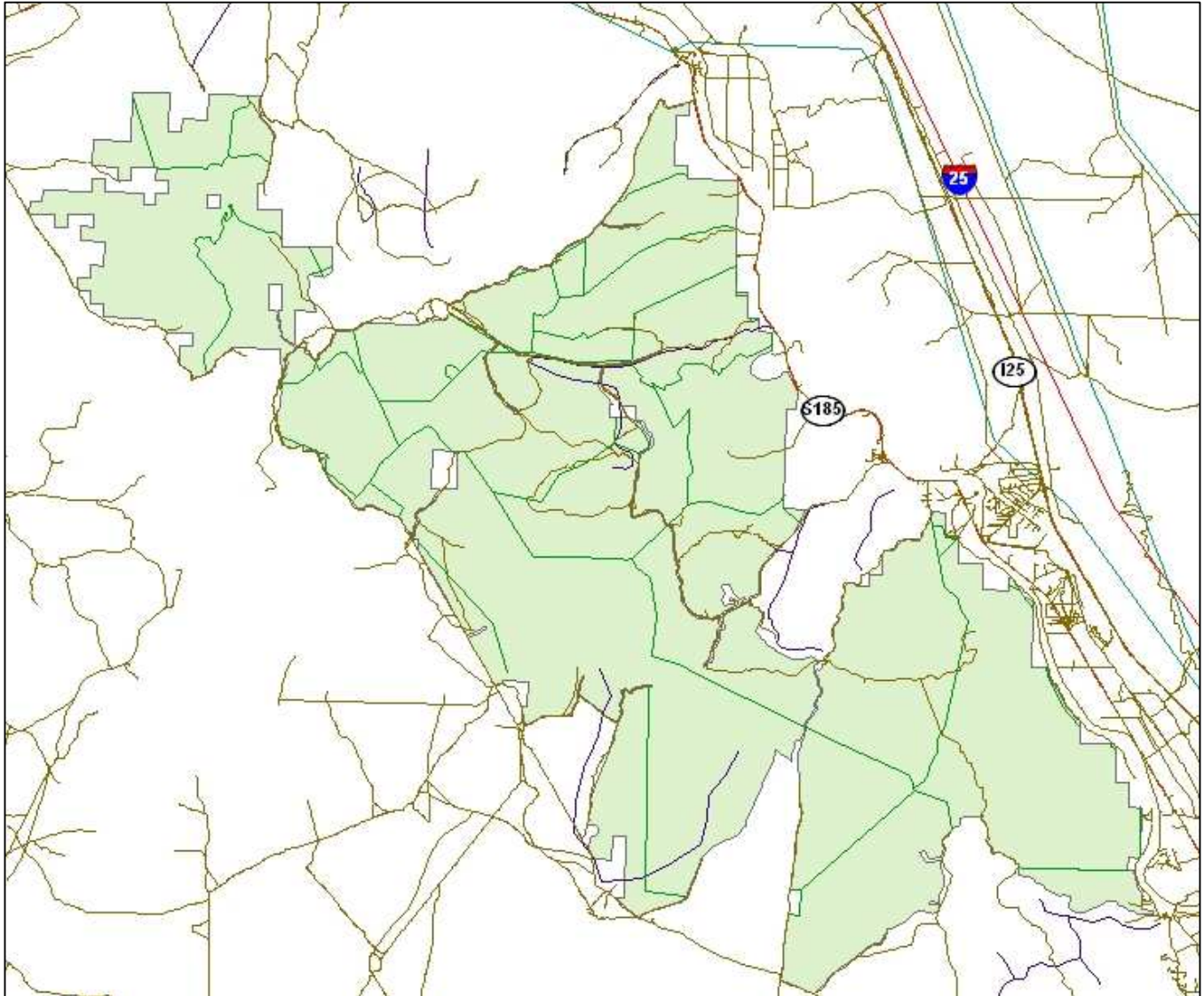


IMAGE 3 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, *PLUS FENCES, PIPELINES, TRANSMISSION LINES*

DESERT PEAKS - IMPROVEMENTS AND INFRASTRUCTURE

Points representing wells, troughs, earthen tanks, windmills, buildings, corrals, water pipelines, and other ranch improvements and infrastructure are now overlaid on the image.

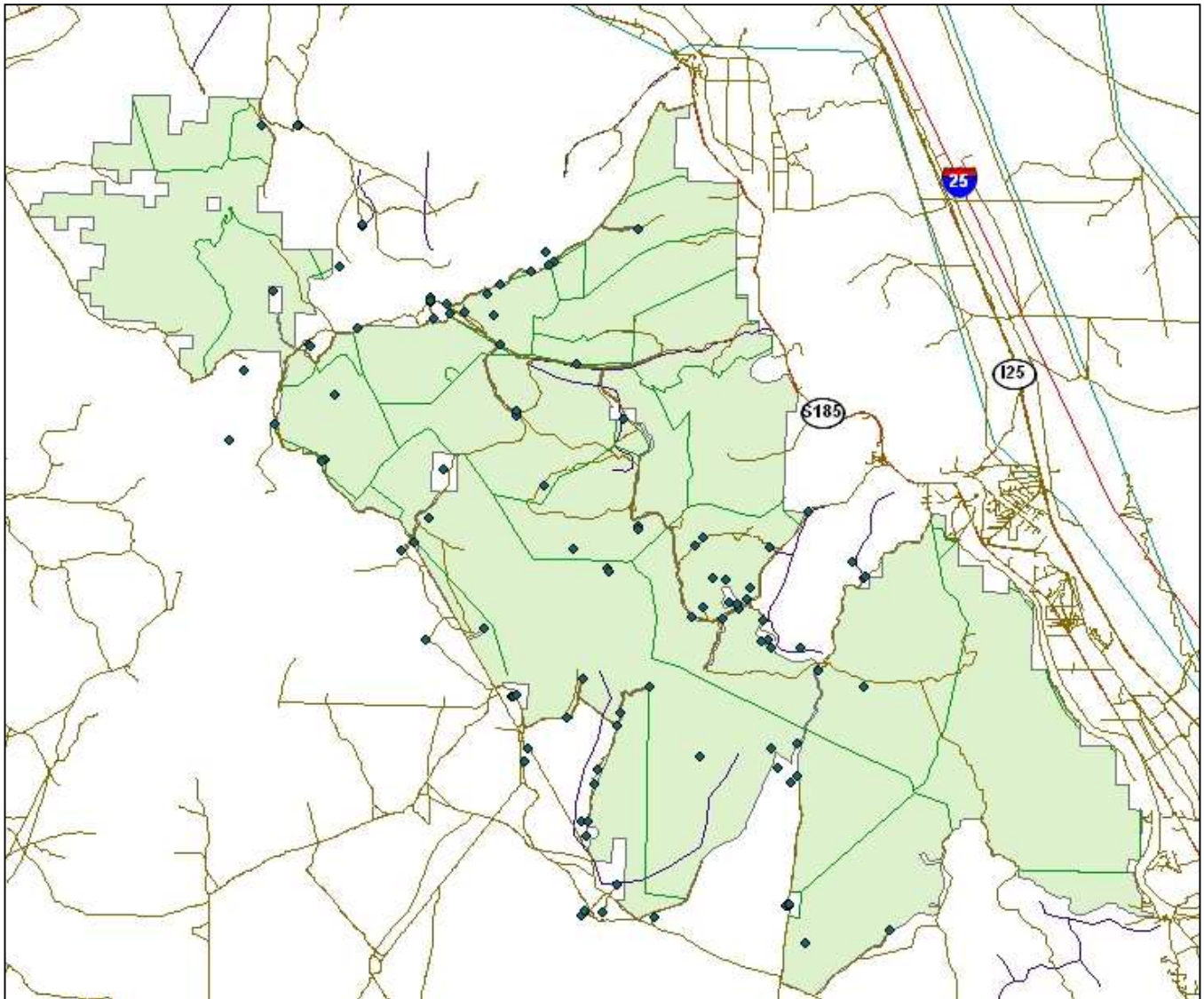


IMAGE 4 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, FENCES, PIPELINES, TRANSMISSION LINES, *PLUS IMPROVEMENTS AND INFRASTRUCTURE*

DESERT PEAKS - ACTIVE MINING CLAIMS AND AUTHORIZED OIL AND GAS LEASES

Active mining claims (brown crosshatched areas) and authorized oil and gas leases (blue crosshatched areas) have been added to the image. This data was obtained from the National Integrated Land System (NILS). The NILS is maintained jointly by the BLM and the Forest Service. NILS obtains mine data from various sources, including the United States Geological Service (USGS), the Environmental Protection Agency (EPA), and other federal agencies.

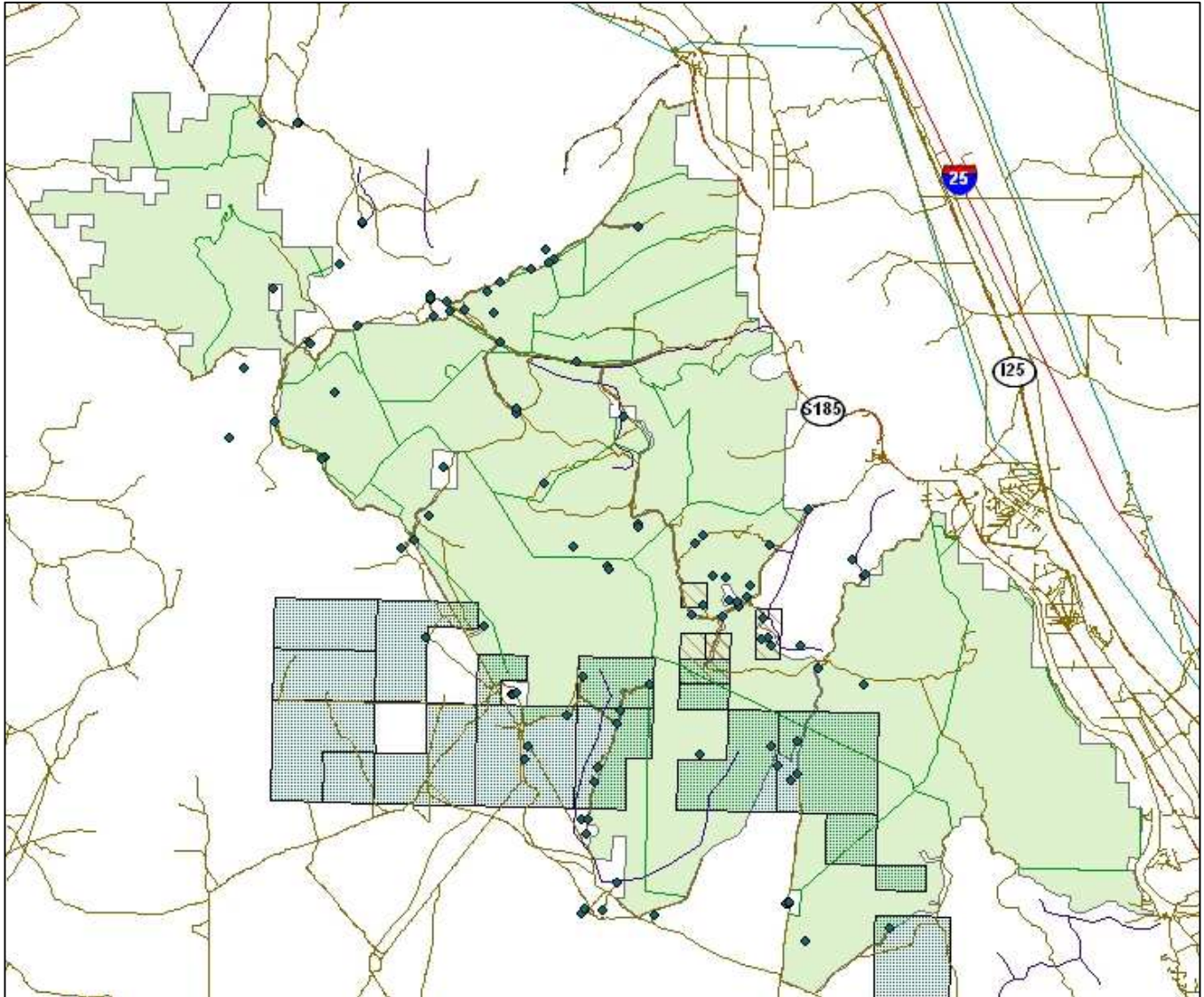


IMAGE 5 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, PLUS FENCES, PIPELINES, TRANSMISSION LINES, INFRASTRUCTURE, *PLUS MINING CLAIMS AND OIL & GAS LEASES*

DESERT PEAKS - RIGHTS OF WAY

Various existing right of way agreements, represented by red, green, and blue outlines are now visible. Some examples of these right of way agreements include water, telephone, roads, railroads, power, pipelines and communication sites. This data was obtained from the National Integrated Land System (NILS).

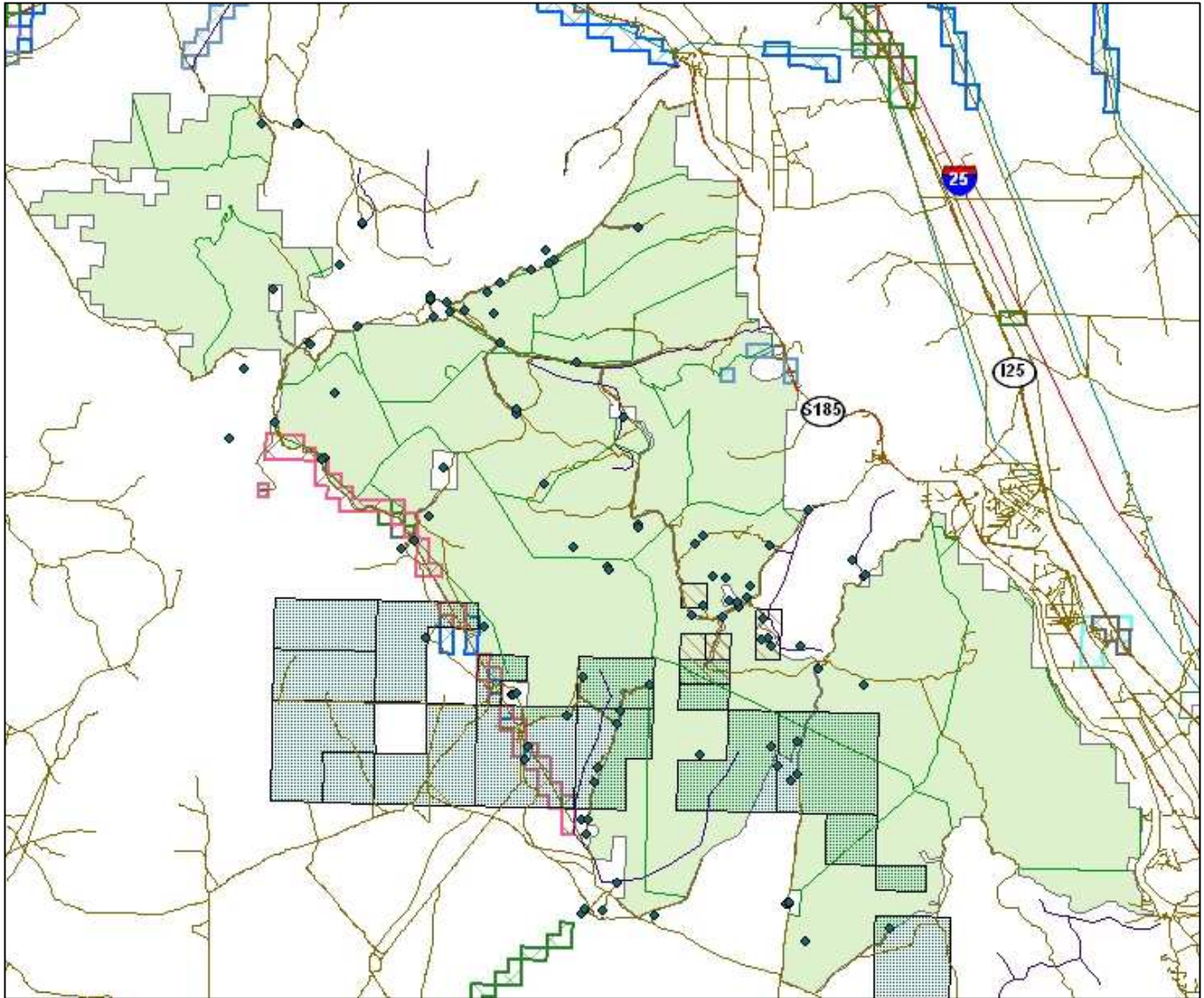


IMAGE 6 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, PLUS FENCES, PIPELINES, TRANSMISSION LINES, INFRASTRUCTURE, MINING CLAIMS AND OIL & GAS LEASES, *PLUS RIGHT OF WAY AGREEMENTS*

DESERT PEAKS - WATER RETENTION SITES AND ABANDONED MINES

In this final image, points have been added for water retention sites (dams) and abandoned mines. This data was obtained from the National Integrated Land System (NILS).

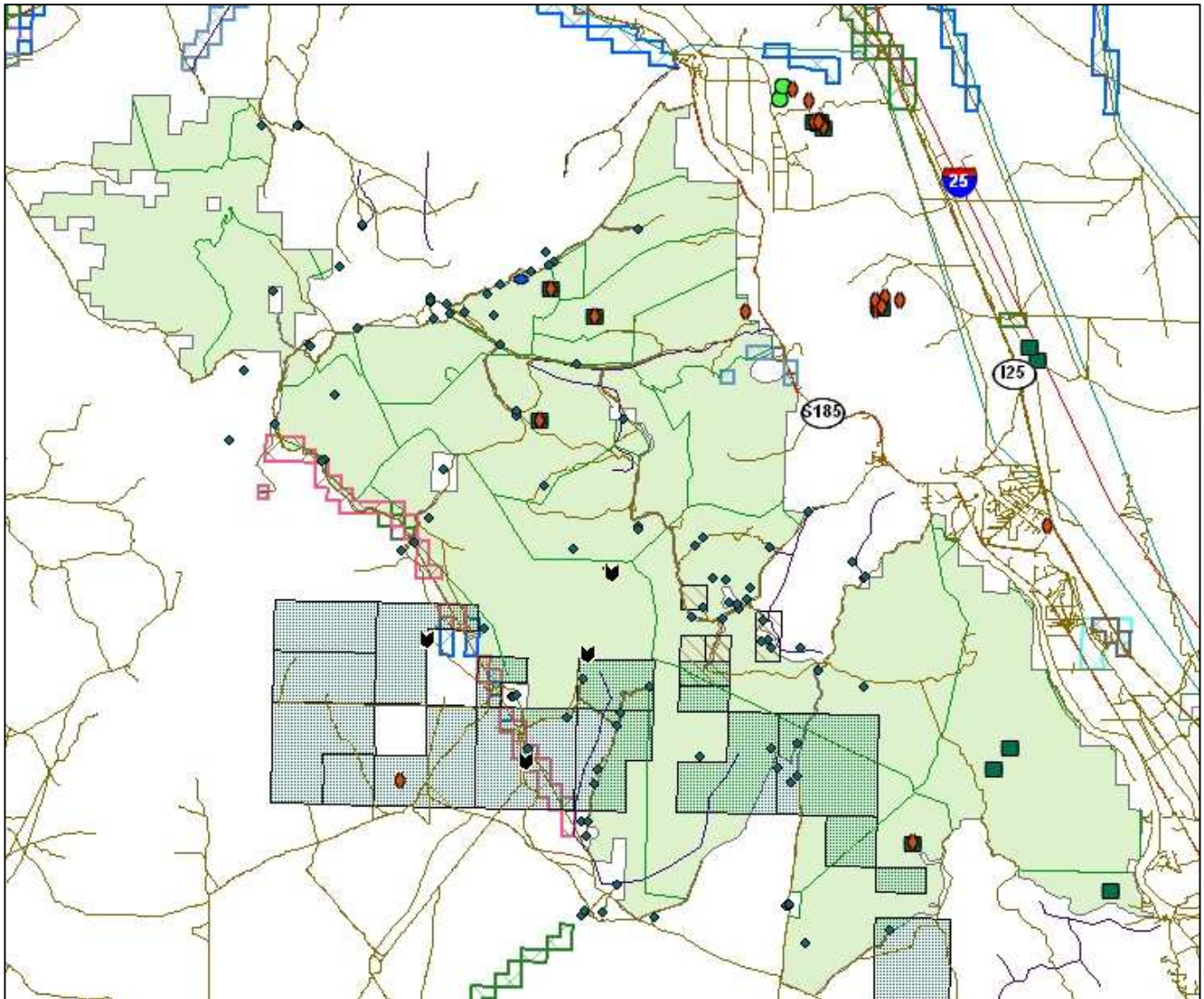


IMAGE 6 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, PLUS FENCES, PIPELINES, TRANSMISSION LINES, INFRASTRUCTURE, MINING CLAIMS AND OIL & GAS LEASES, RIGHT OF WAY AGREEMENTS, *PLUS ABANDONED MINES AND WATER DETENTION SITES*

These images demonstrate the proliferation of human activity and existing rights in these areas.

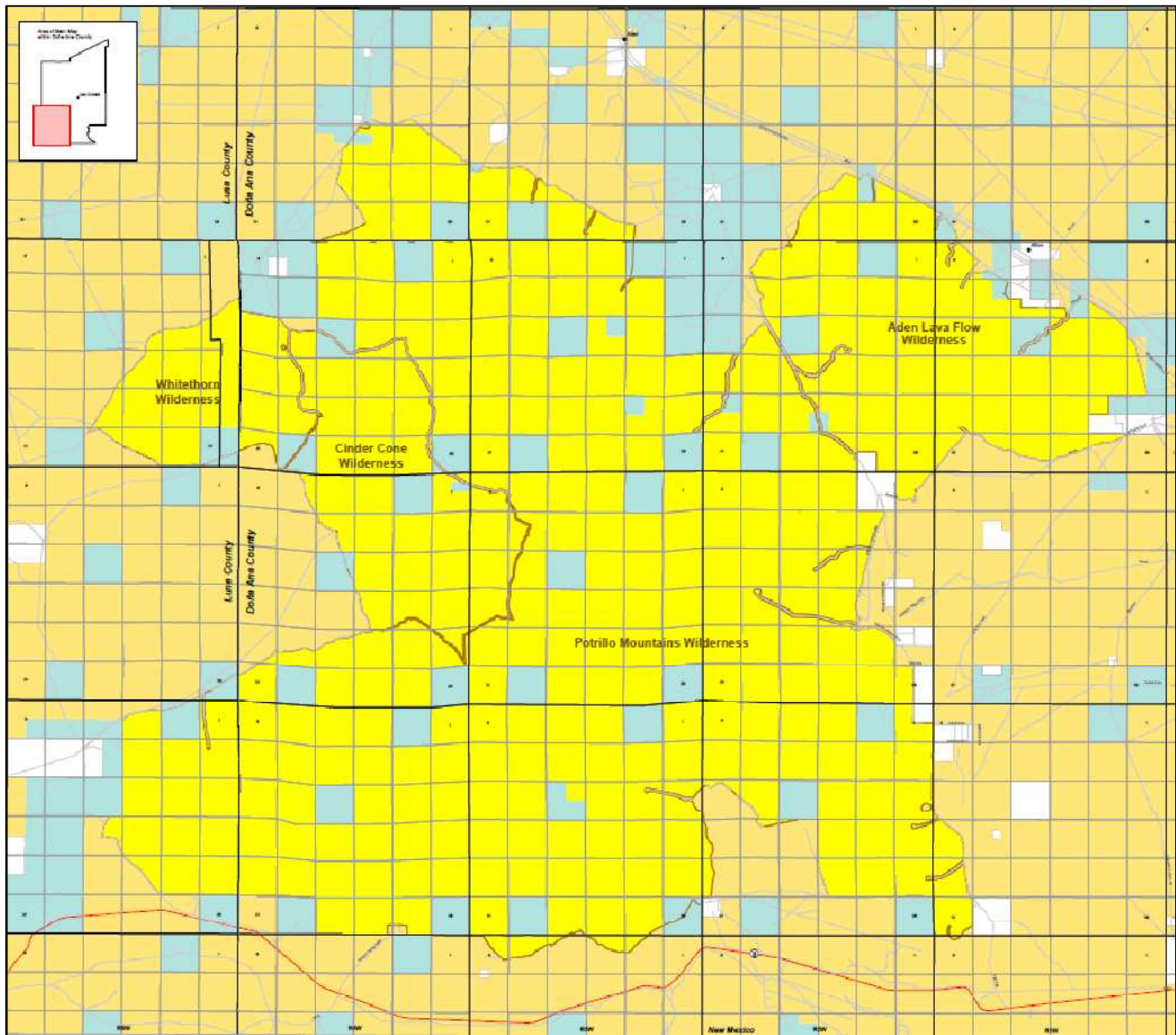
EXHIBIT F – POTRILLO MOUNTAINS WILDERNESS AREA EVALUATION

The following images are of the general footprint of the following areas:

- Potrillo Mountains Wilderness
- Whitethorn Wilderness
- Cinder Cone Wilderness
- Aden Lava Flow Wilderness

These areas are in southwest Dona Ana County, south of Las Cruces, south of Interstate 10 and adjacent to the border with Mexico. The red road south of the proposed Wilderness areas is Highway 9 which runs along the Mexican border.

Cherry stemmed roads are designated with red boundary lines between each of the proposed Wilderness areas.



POTRILLO MOUNTAINS WILDERNESS AREA OVERVIEW – S.1689 MAP

POTRILLO MOUNTAINS - BOUNDARY, INHOLDINGS, CHERRY STEMS

The first image shows the complete footprint of the above listed areas, based on boundary information available from the Dona Ana County mapping department prior to the introduction of S.1689. This shows the original proposed areas in and around the Potrillo Mountains. One noticeable difference is that the original proposed boundaries (below) extended all the way to Highway 9. In the current Wilderness proposal, the boundaries have been adjusted slightly north of Highway 9.

The white areas inside the boundary represent private property inholdings and cherry stemmed roads from the original proposal for this area.

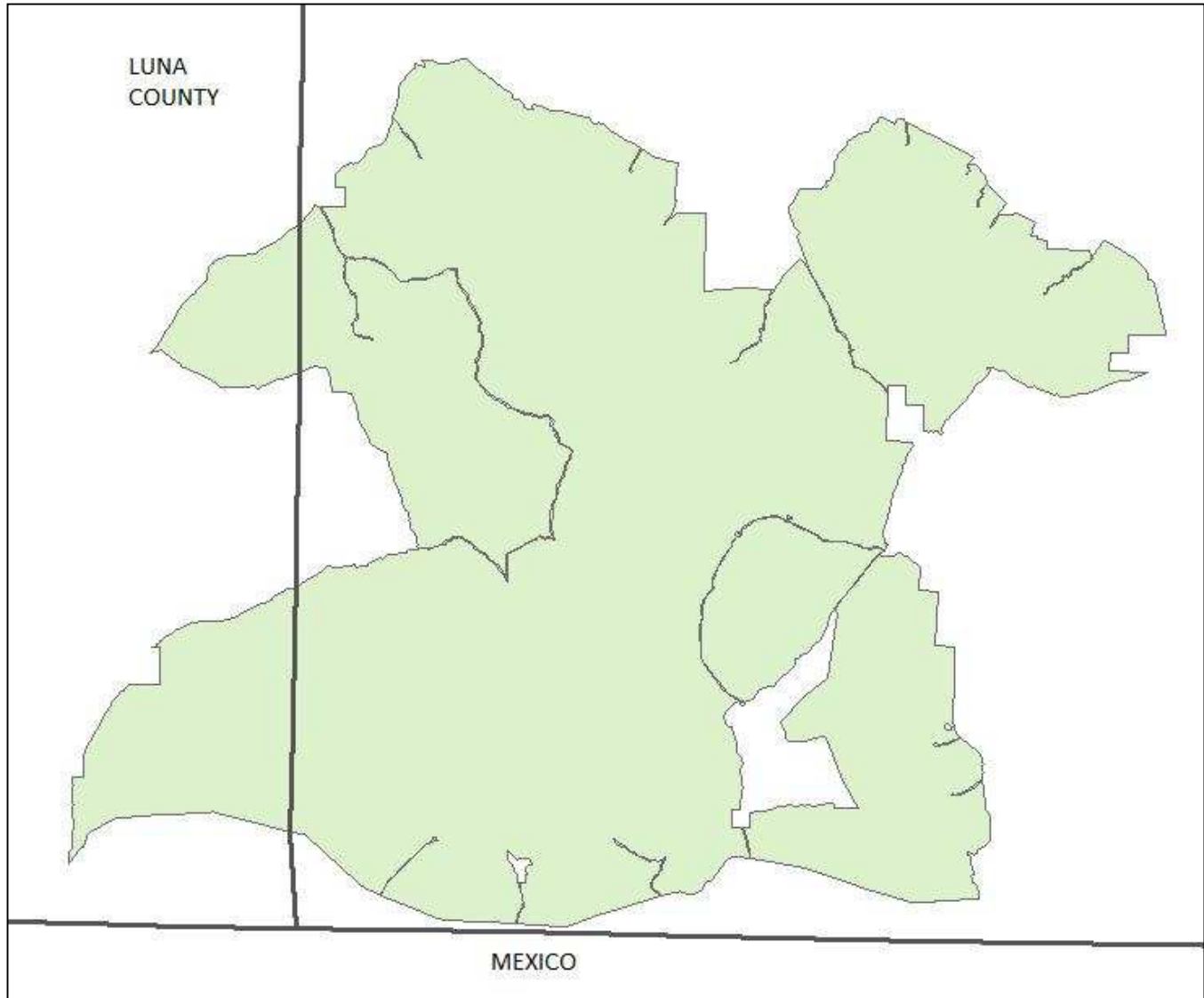


IMAGE 1 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS

POTRILLO MOUNTAINS - EXISTING ROADS

This image now includes existing roads based on United States census data.

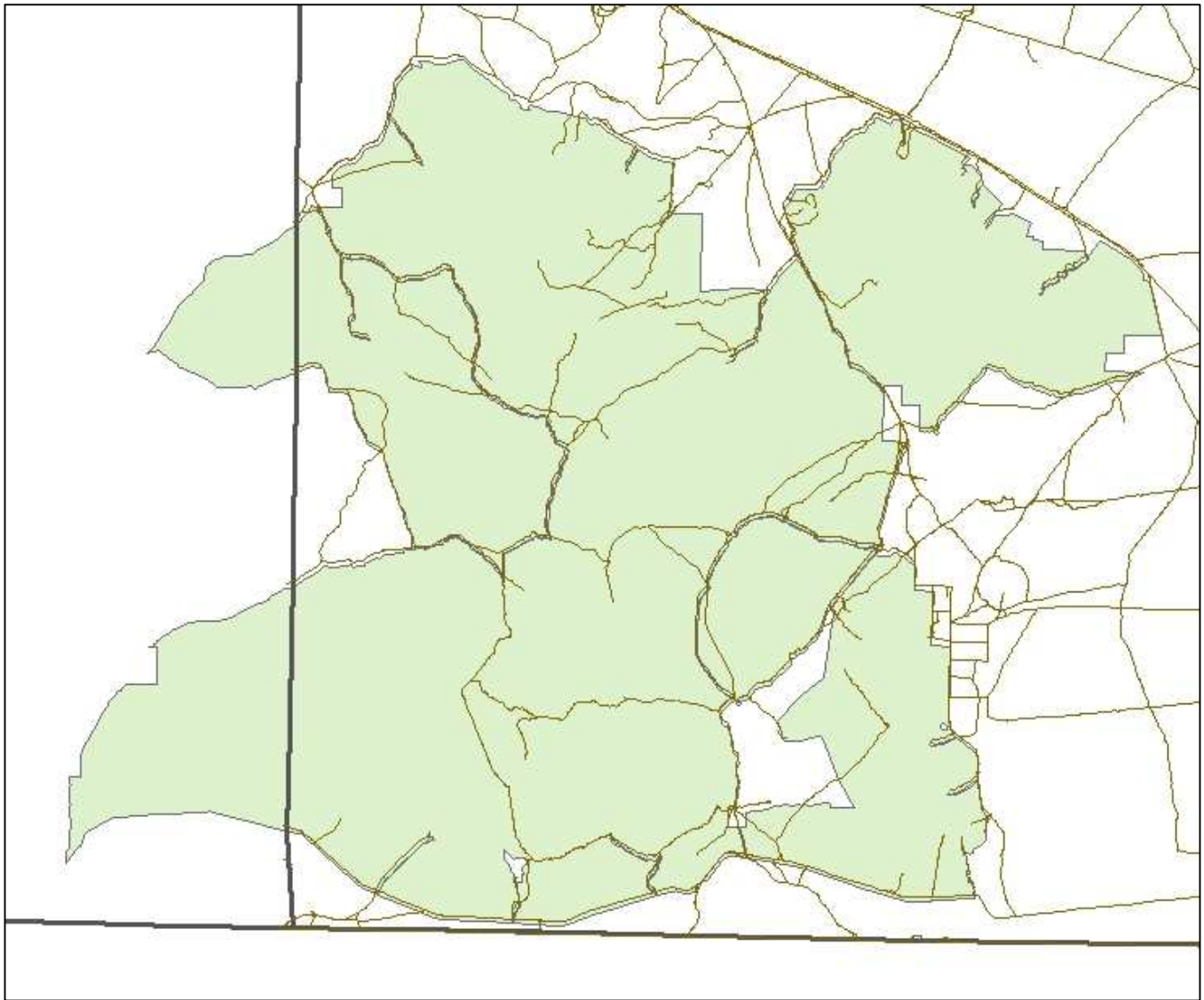
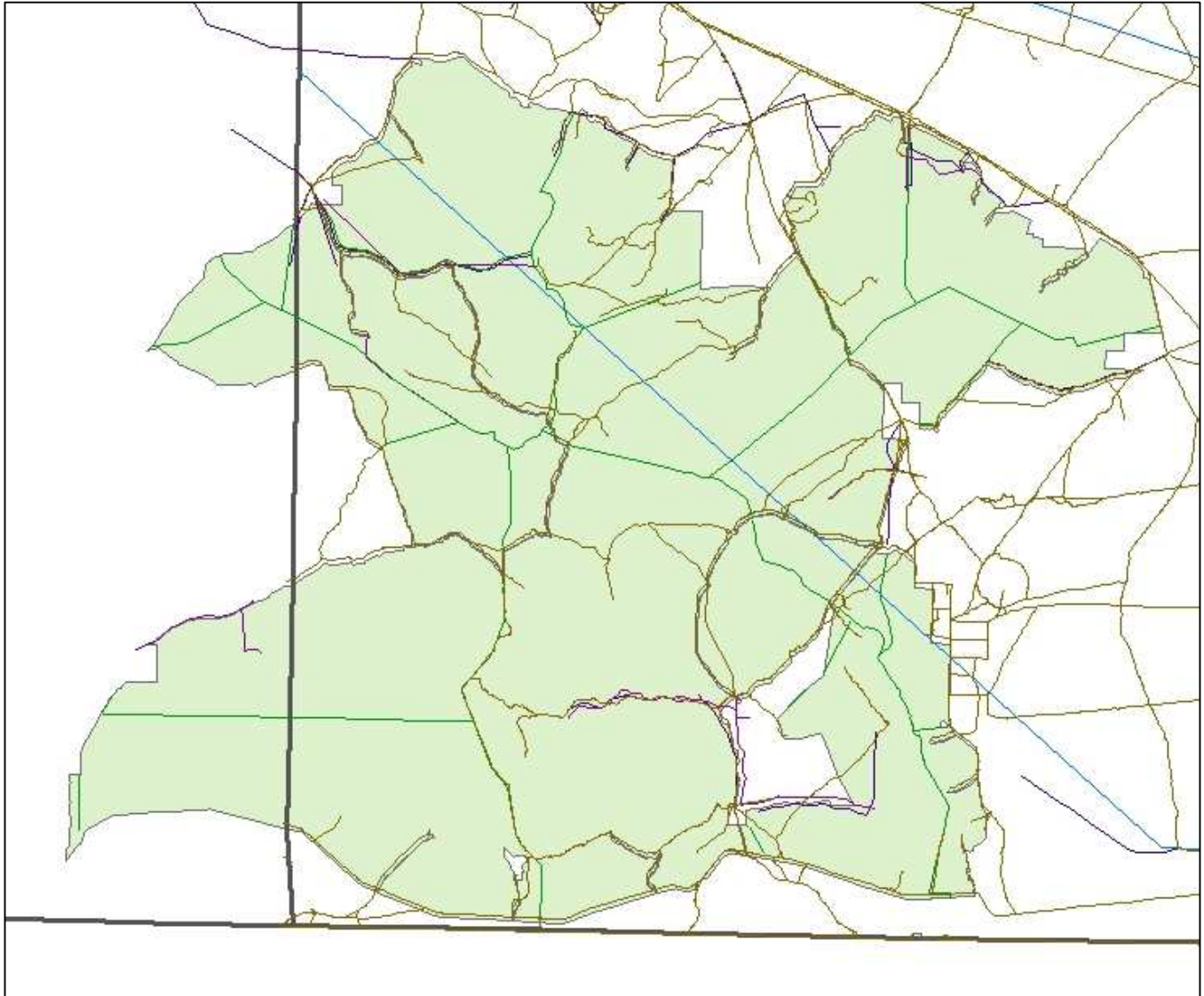


IMAGE 2 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS - *PLUS EXISTING ROADS*

POTRILLO MOUNTAINS - FENCES, PIPELINES, TRANSMISSION LINES

In this image, we see the addition of fences, pipelines and transmission lines. Fences are represented by green lines. Pipelines are represented by purple lines. Transmission lines are in light blue.



**IMAGE 3 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS,
EXISTING ROADS, *PLUS FENCES, PIPELINES, TRANSMISSION LINES***

POTRILLO MOUNTAINS - IMPROVEMENTS AND INFRASTRUCTURE

Points representing wells, troughs, earthen tanks, windmills, buildings, corrals, water pipelines, and other ranch improvements and infrastructure are now overlaid on the image.

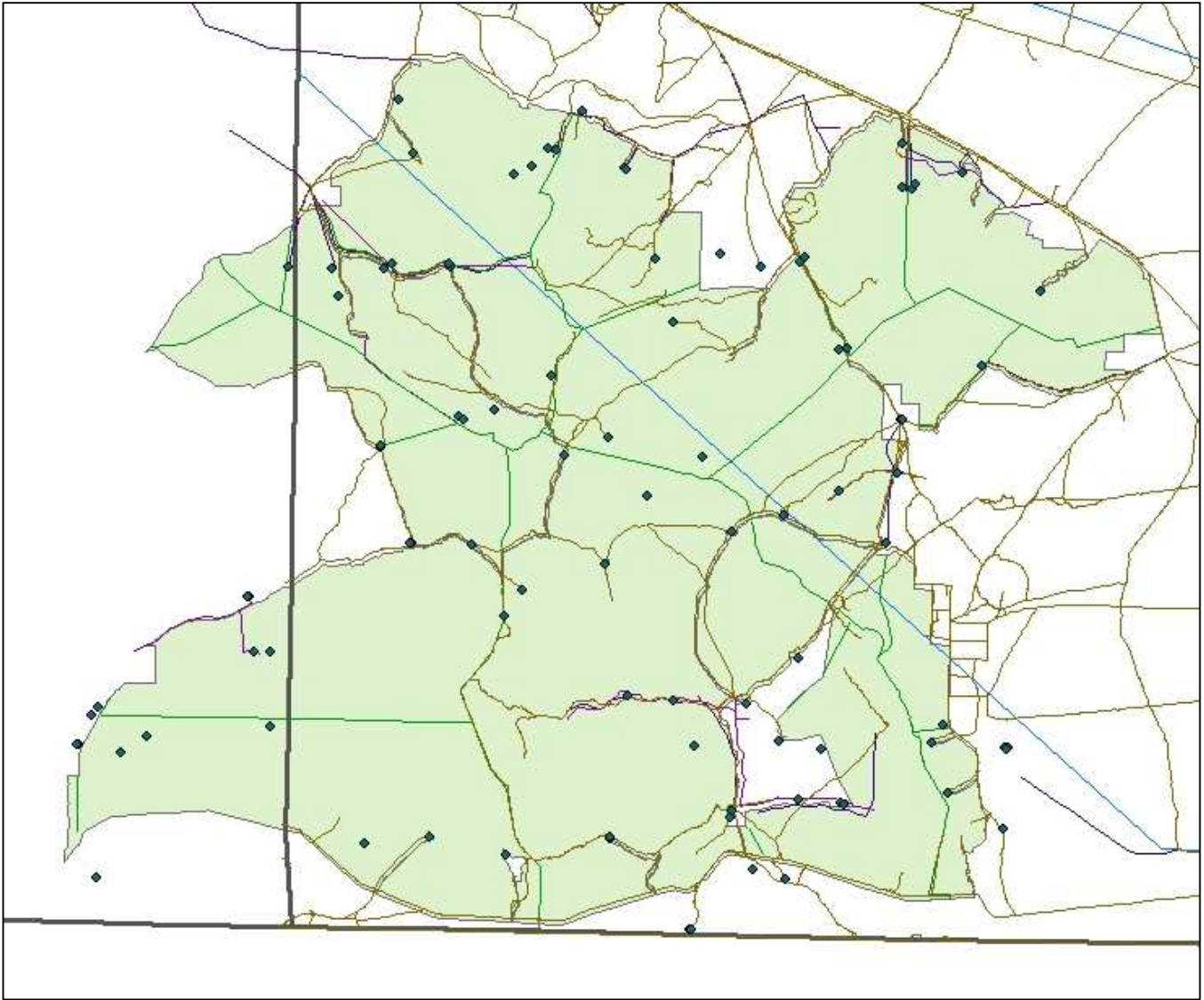


IMAGE 4 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, FENCES, PIPELINES, TRANSMISSION LINES, *PLUS IMPROVEMENTS AND INFRASTRUCTURE*

POTRILLO MOUNTAINS - RIGHTS OF WAY

There were no active mining claims or oil & gas leases within the defined area. Various existing right of way agreements, represented by red, green, and blue outlines are now visible. Some examples of these right of way agreements include water, telephone, roads, railroads, power, pipelines and communication sites. This data was obtained from the National Integrated Land System (NILS).

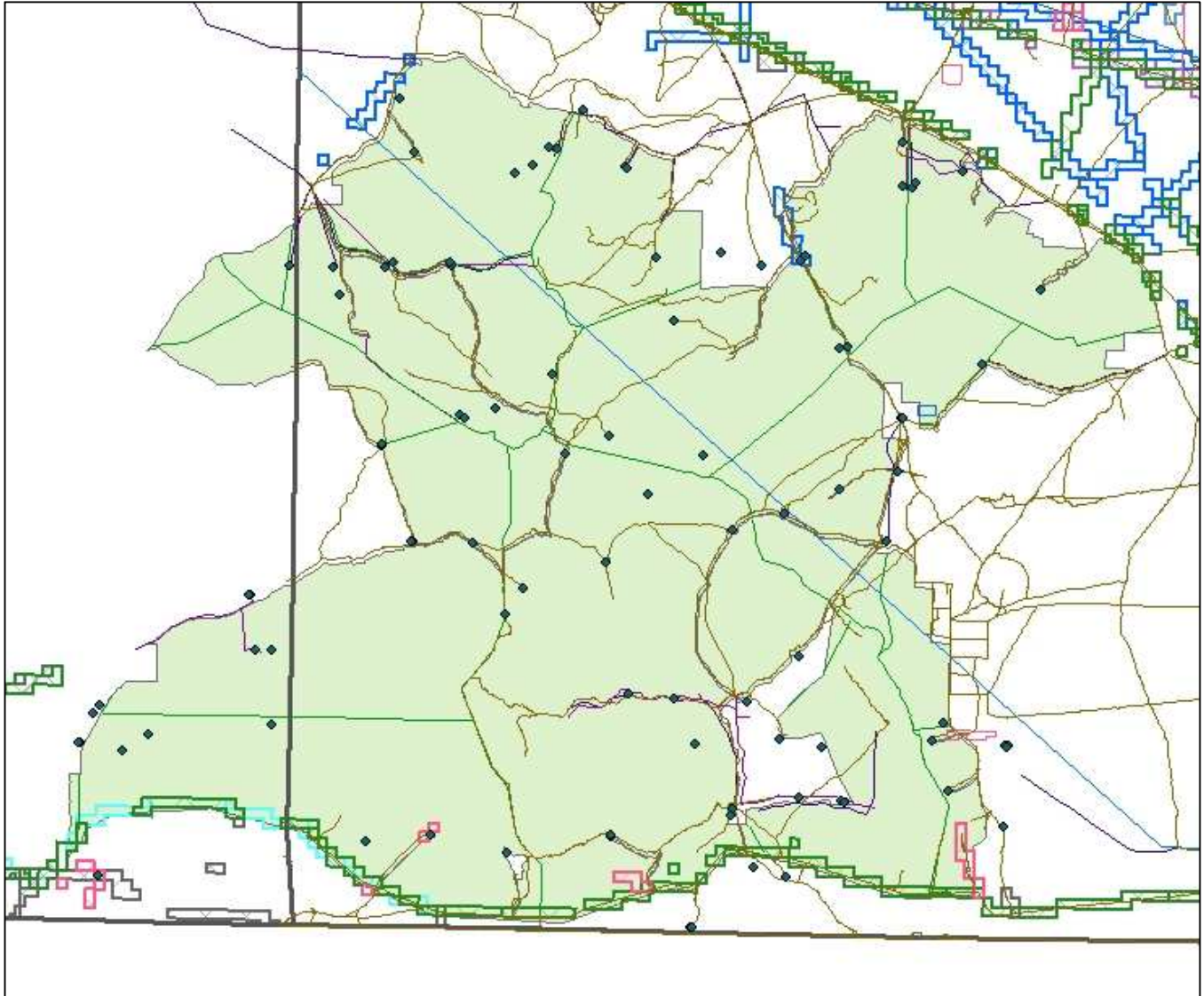


IMAGE 5 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, PLUS FENCES, PIPELINES, TRANSMISSION LINES, INFRASTRUCTURE, *PLUS RIGHT OF WAY AGREEMENTS*

POTRILLO MOUNTAINS - ABANDONED MINES

In this final image, points have been added for abandoned mines. There were no water retention sites in this area. This data was obtained from the National Integrated Land System (NILS).

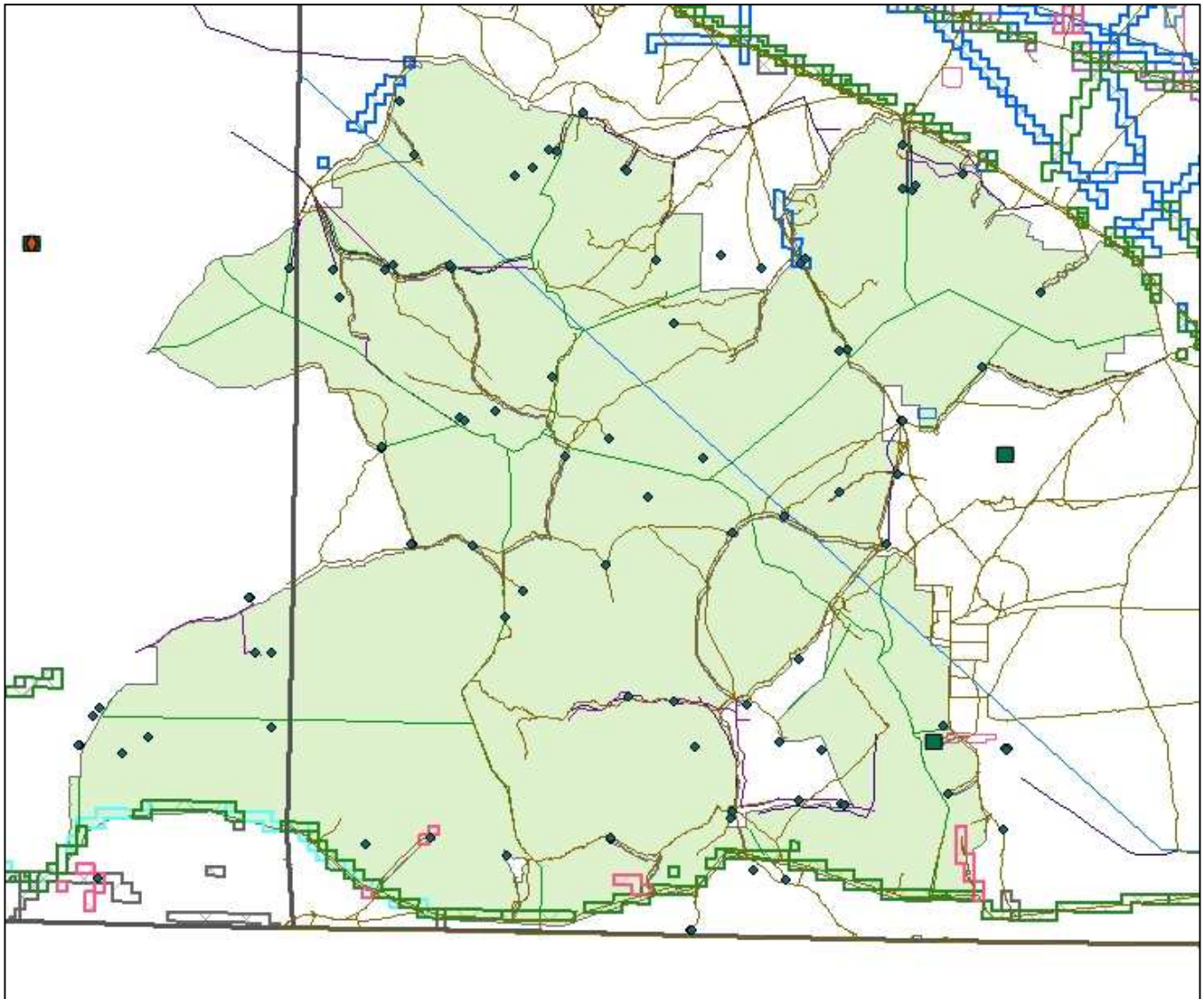


IMAGE 6 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, PLUS FENCES, PIPELINES, TRANSMISSION LINES, INFRASTRUCTURE, MINING CLAIMS AND OIL & GAS LEASES, RIGHT OF WAY AGREEMENTS, *PLUS ABANDONED MINES*

These images demonstrate the proliferation of human activity and existing rights in these areas.

EXHIBIT G – ORGAN MOUNTAINS WILDERNESS AREA EVALUATION

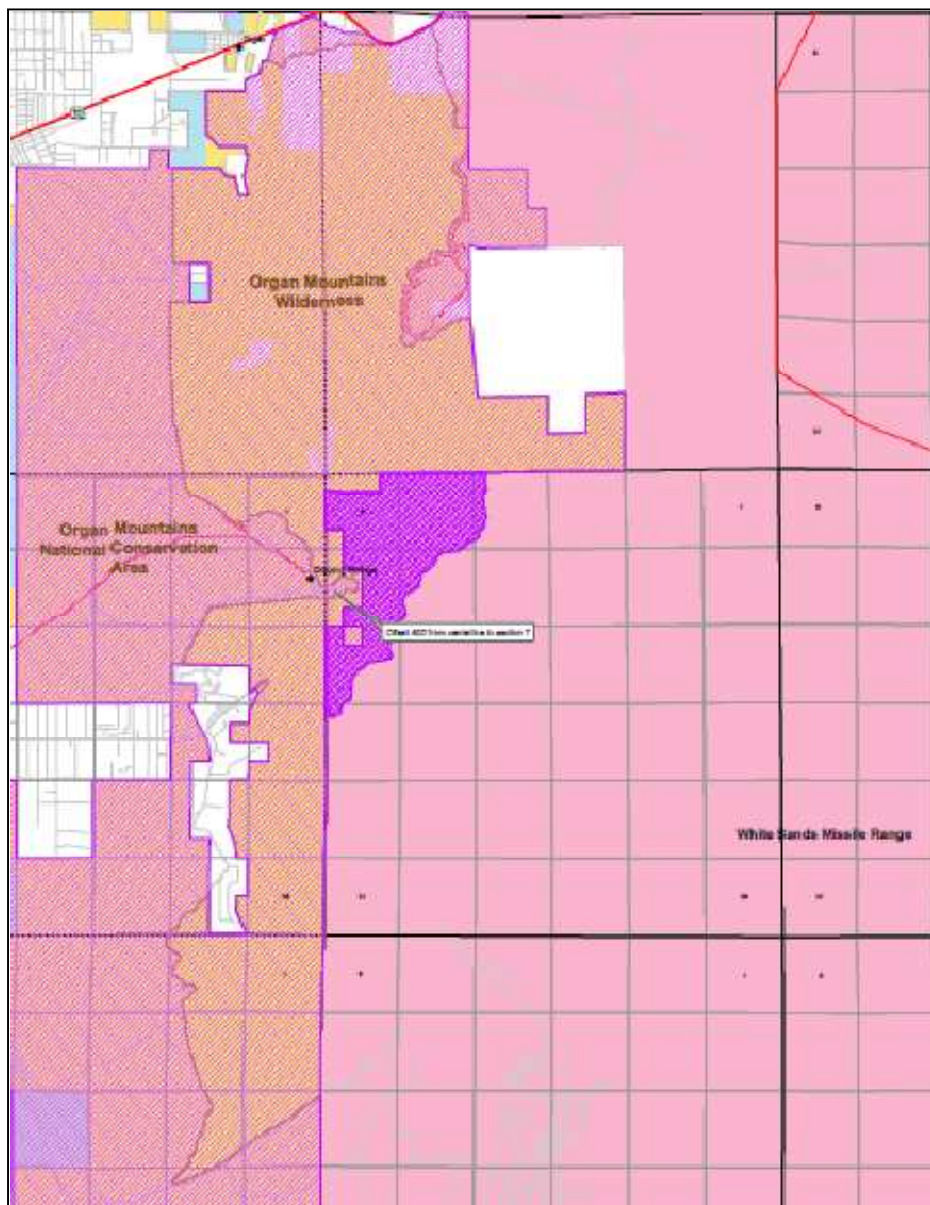
The following images are of the general footprint of the following areas:

- Organ Mountains Wilderness
- Visible portion of the Organ Mountains National Conservation Area

Note: because of the scale, these maps are zoomed in to the Organ Mountains Wilderness and do not include the entire Organ Mountains NCA. This area shown is representative of the entire Organ Mountains NCA.

These areas are in southeast Dona Ana County, east of Las Cruces and Interstate 25 and south of Highway 70. The eastern border of the Organ Mountains Wilderness adjoins White Sands Missile Range.

There do not appear to be any identified cherry stemmed roads in the proposed Wilderness area, although there are two areas of private property inholdings that show up in pink within the Wilderness boundary.



ORGAN MOUNTAINS WILDERNESS AREA OVERVIEW – S.1689 MAP

ORGAN MOUNTAINS - BOUNDARY, INHOLDINGS, CHERRY STEMS

The first image shows the complete footprint of the Organ Mountains Wilderness (green) and the Organ Mountains NCA (pink), based on boundary information available from the Dona Ana County mapping department prior to the introduction of S.1689.

The white areas inside the boundary represent private property inholdings (the community of Talavera). The pink area shown with a cherry stem in the northwest portion of the Wilderness is an EPA Superfund site. The separated pink area west of the Organ Mountains NCA is the location of "A" Mountain, and has been excluded from the current NCA proposal.

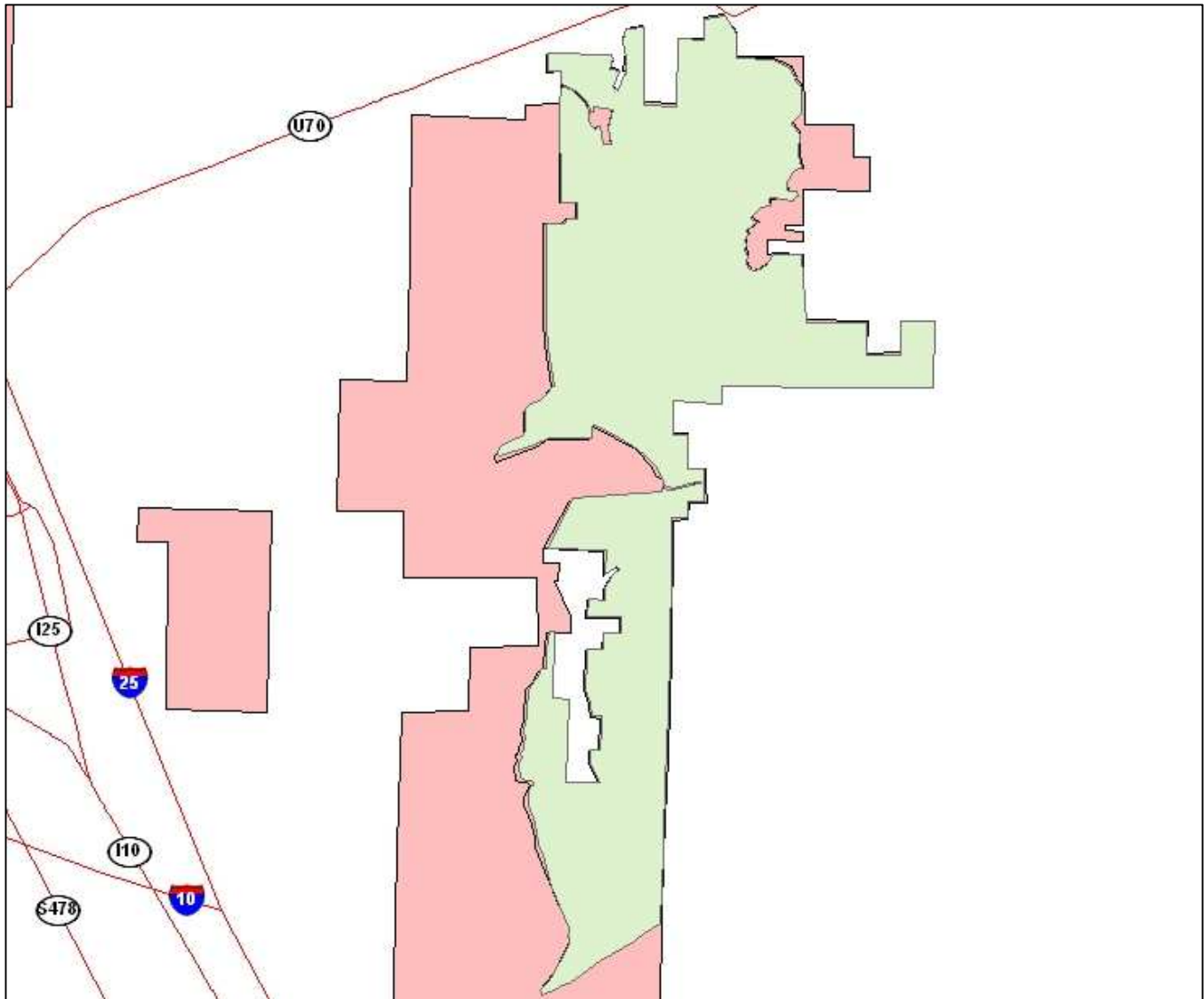


IMAGE 1 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS

ORGAN MOUNTAINS - ROADS

This image now includes existing roads based on United States census data.

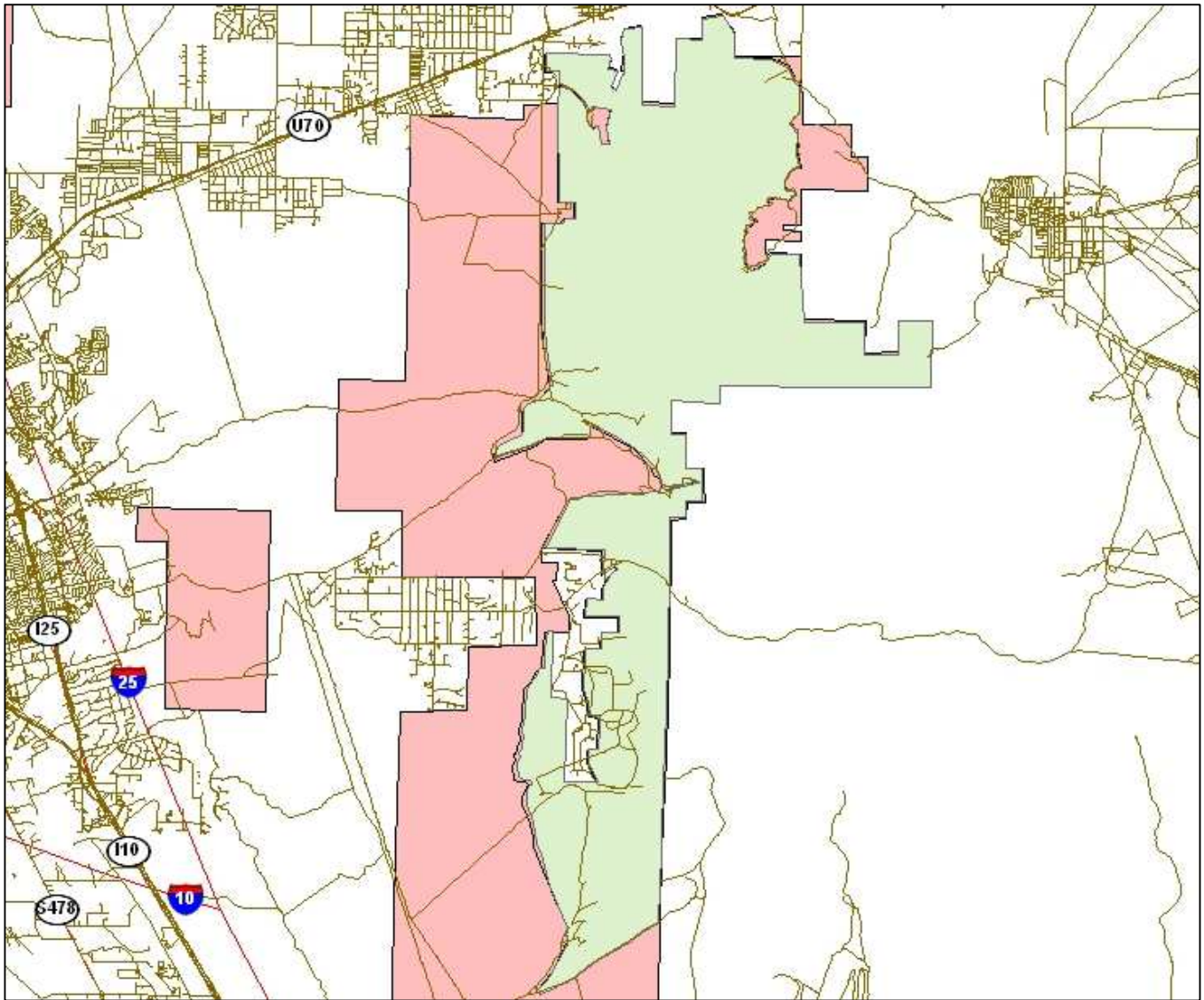


IMAGE 2 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS - *PLUS EXISTING ROADS*

ORGAN MOUNTAINS - FENCES, PIPELINES, TRANSMISSION LINES

In this image, we see the addition of fences, pipelines and transmission lines. Fences are represented by green lines. Pipelines are represented by purple lines. Transmission lines are in light blue.

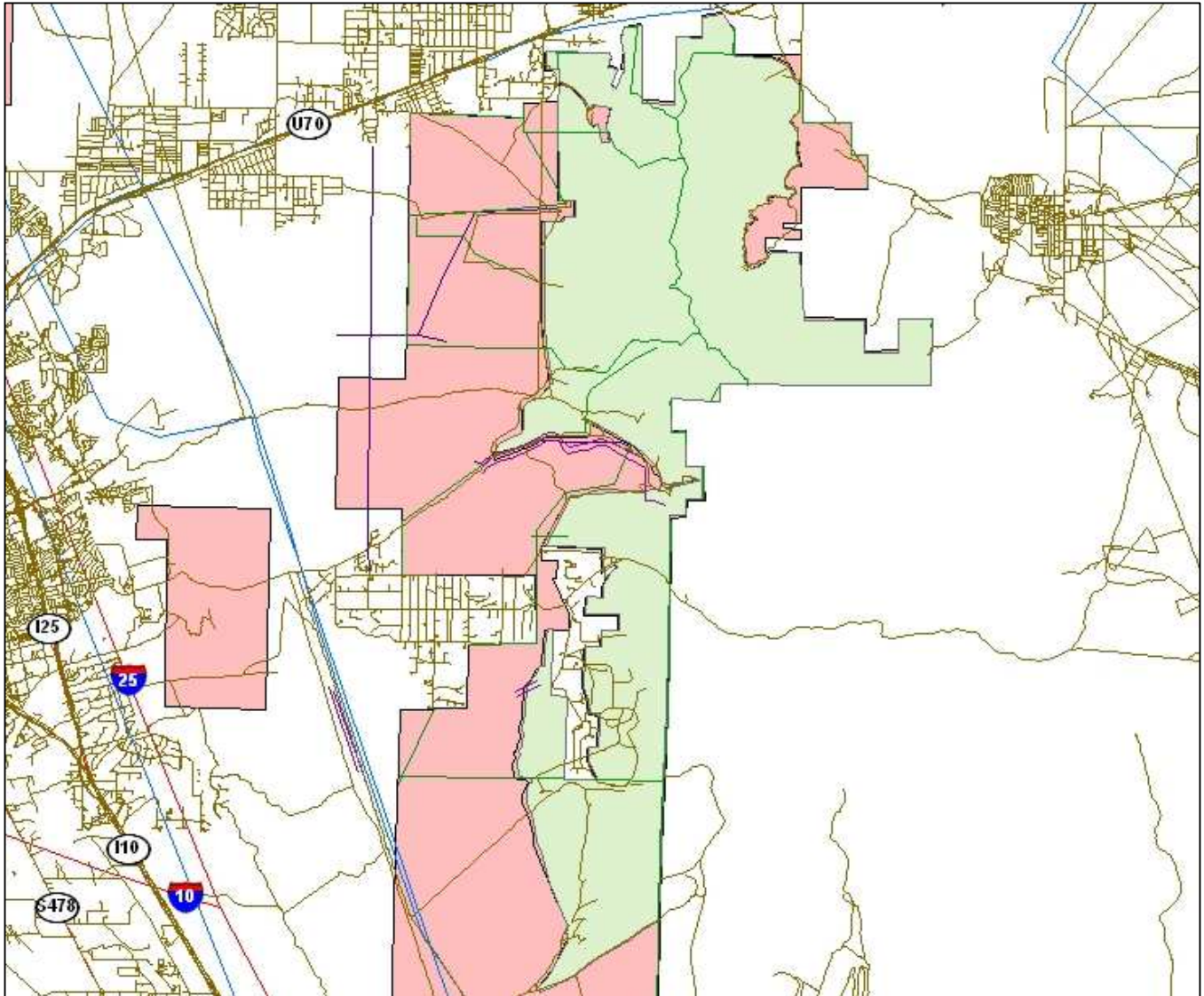


IMAGE 3 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, *PLUS FENCES, PIPELINES, TRANSMISSION LINES*

ORGAN MOUNTAINS - IMPROVEMENTS AND INFRASTRUCTURE

Points representing wells, troughs, earthen tanks, windmills, buildings, corrals, water pipelines, and other ranch improvements and infrastructure are now overlaid on the image.

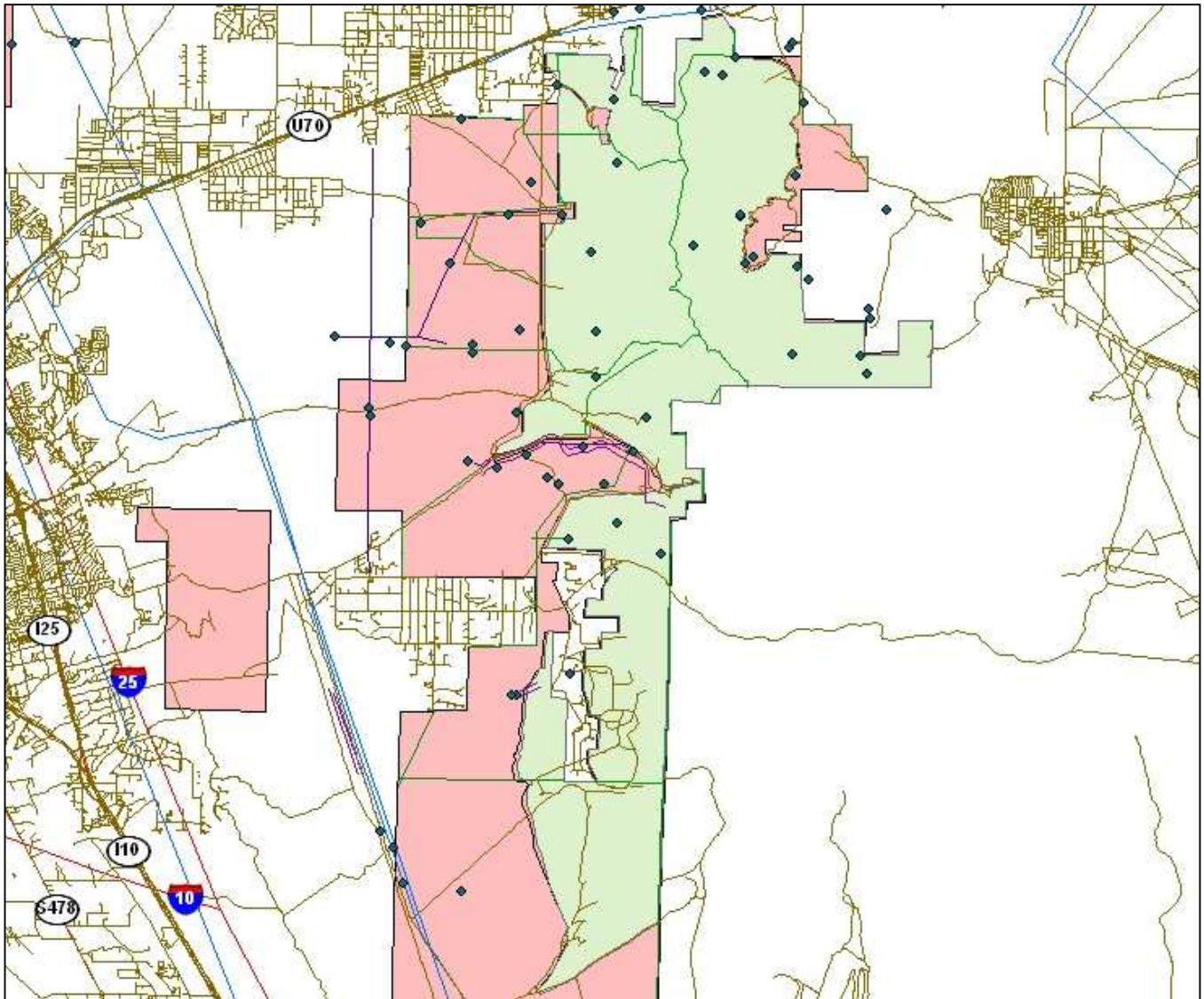


IMAGE 4 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, FENCES, PIPELINES, TRANSMISSION LINES, *PLUS IMPROVEMENTS AND INFRASTRUCTURE*

ORGAN MOUNTAINS - RIGHTS OF WAY

There were no active mining claims or oil & gas leases within the proposed Wilderness area, however there were some in the southern portion of the NCA (not shown on this map). Various existing right of way agreements, represented by red, green, and blue outlines are now visible. Some examples of these right of way agreements include water, telephone, roads, railroads, power, pipelines and communication sites. This data was obtained from the National Integrated Land System (NILS).

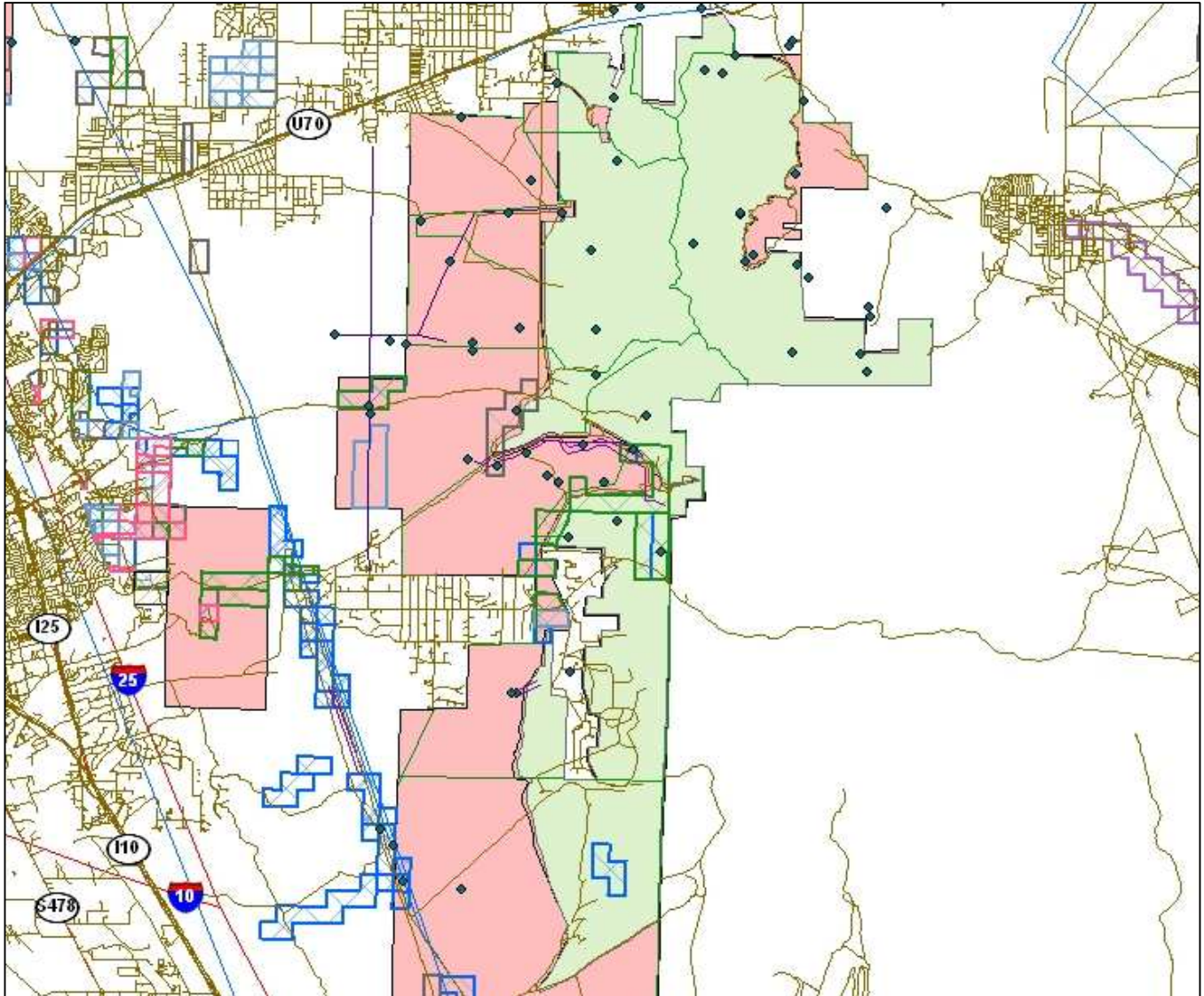


IMAGE 5 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, PLUS FENCES, PIPELINES, TRANSMISSION LINES, INFRASTRUCTURE, *PLUS RIGHT OF WAY AGREEMENTS*

ORGAN MOUNTAINS - ABANDONED MINES

In this final image, points have been added for abandoned mines. There were no water retention sites in this area. This data was obtained from the National Integrated Land System (NILS).

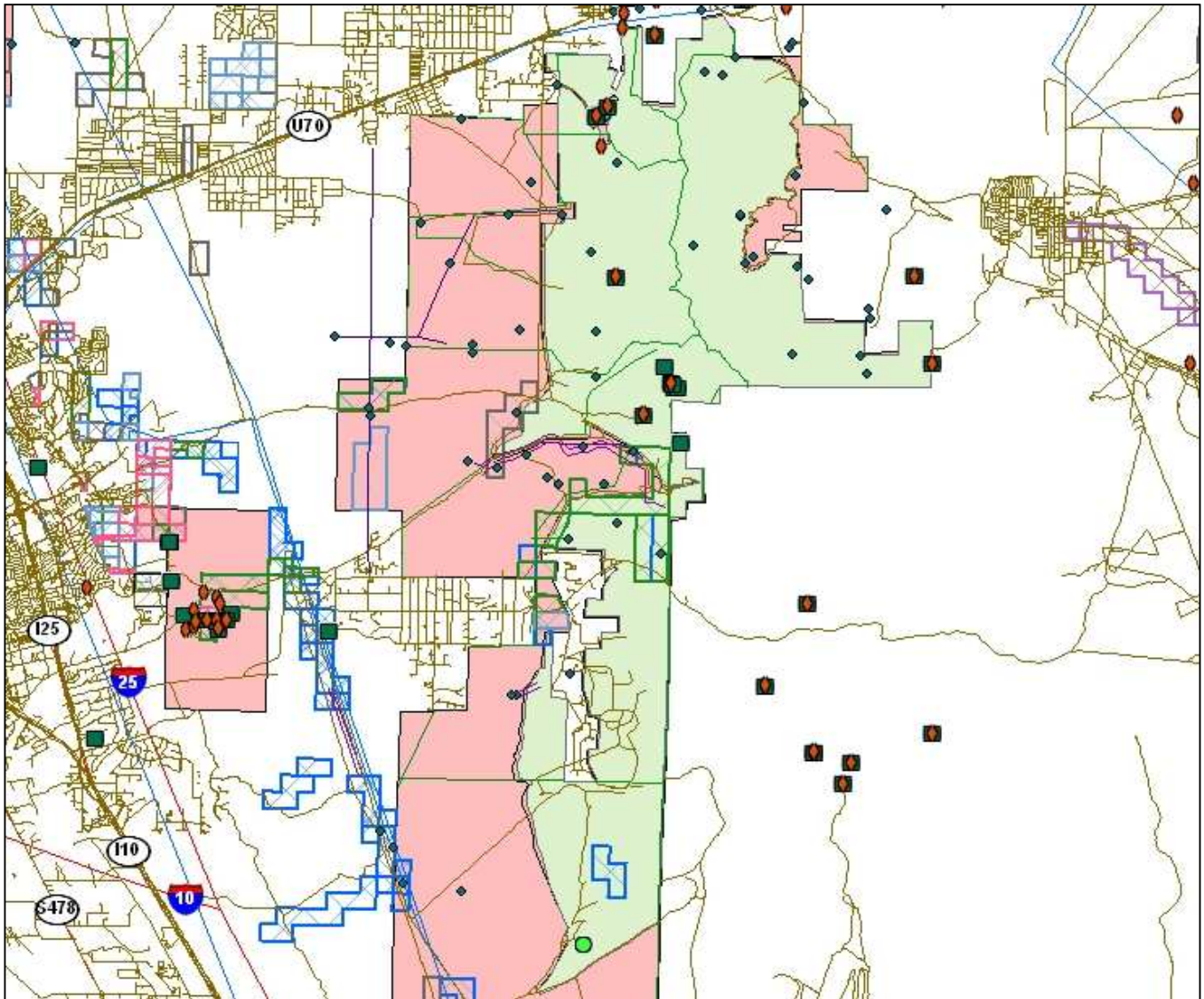


IMAGE 6 – ORIGINAL PROPOSED BOUNDARY, INHOLDINGS, CHERRY STEMS, EXISTING ROADS, PLUS FENCES, PIPELINES, TRANSMISSION LINES, INFRASTRUCTURE, MINING CLAIMS AND OIL & GAS LEASES, RIGHT OF WAY AGREEMENTS, *PLUS ABANDONED MINES*

These images demonstrate the proliferation of human activity and existing rights in these areas.