



## **TESTIMONY TO SENATOR BINGAMAN**

**Greater Las Cruces Chamber of Commerce**

**JOHN L. HUMMER**

**Written Testimony**

**February 15<sup>th</sup>, 2009**

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 20<sup>th</sup>, 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.