

S. 1689 WILDERNESS LEGISLATION TALKING POINTS

BORDER SECURITY

When land is designated as Federal Wilderness under the 1964 Wilderness Act there are many prohibitions:

- no permanent road within any Wilderness area
- no temporary road within any Wilderness area
- no use of motor vehicles
- no motorized equipment or motorboats
- no landing of aircraft
- no form of mechanical transport (including bicycles)
- no structure or installation within any such area

These prohibitions **do not allow** for Border Patrol or Sheriffs Office to do routine patrols in Wilderness. They are not allowed to have sensors, radio transmitters, microwave towers in Wilderness. The only way for officers to travel in the Wilderness is by walking or riding horseback, unless it is an emergency (health and safety of persons).

There is an MOU between the US Department of Homeland Security, US Department of the Interior and US Department of Agriculture that is intended allow non emergency entry, but it has not been tested in New Mexico because there is not Wilderness in Dona Ana County. In practice, a MOU does not have equal legal standing with legislation.

Currently, Border Patrol and Law Enforcement officers can enter into the Wilderness Study Area located in Dona Ana County because they are not yet designated as Wilderness. But if and when they are designated Wilderness by Congress, then the full prohibitions of the Wilderness Act go into effect.

ACCESS

Currently, access is limited on 54% of lands in Dona Ana County (US Dept. of Defense, US Fish and Wildlife, US Dept of Agriculture, State of New Mexico, NMSU, Private land, US Bureau of Reclamation, US National Park Service). As a result, citizens have access to 46% of Dona Ana County which is Bureau Land Management Land.

The proposed Wilderness would limit vehicular/motorized access on over **562 square miles** of BLM land.

If the proposed legislation becomes law, only 31% of the total acreage in the county will be available for unrestricted access by the public. Or put another way, **69% of the total acreage in the county will effectively be off limits to the general public.**

FLOOD CONTROL AND WATER MANAGEMENT

If waivers or concessions are not made in the Organ Mountains-Desert Peaks Wilderness Act to accommodate flood water dikes, dams, diversions, maintenance of existing dams, constructions of new dams, **more flooding of homes** can be expected in flood prone areas such as Hatch, Anthony, and Vado.

The planned new High School in Las Cruces is adjacent to a wild arroyo that will need construction of protective dams up into the proposed National Conservation Area for adequate protection of flood waters.

Planned projects for water monitoring and water capture will be impossible, or at best substantially more difficult and costly.

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ALTERNATIVE LAND PROTECTION DESIGNATIONS

There are other ways to protect lands in Dona Ana county other than Wilderness designation.

We can protect the Potrillos the same way we protected Valle Vidal. The Valle Vidal Protection Act of 2006 was sponsored by then Congressman Udall and heavily supported by Senator Bingaman. It is a one page bill that protects 101,794 acres in the Carson National Forest in Taos and Colfax Counties. It simply withdraws the federal land from disposal and the mining laws, but does not close the area to vehicular access.

The Valle Vidal bill was lauded by New Mexico Wilderness Alliance as a means to forever protect those lands. The Valle Vidal is truly a natural gem, it is much more scenic than the border desert lands. We don't understand why the same type of legislation is not appropriate in Dona Ana County

STATE LAND

There is a substantial amount of state land within the proposed areas slated for Wilderness designation. This land is producing revenue for the State Land Trust which provides interest Dollars for education in New Mexico.

If the ability of that land to produce revenue for the State Land Trust is affected by the designations, **it will have a direct impact on schools and education.**

PROPOSED LAND DOES NOT MEET 1964 WILDERNESS BILL INTENT

Abstract definition of Wilderness: "A Wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain".

Practical definition of Wilderness: An area of Wilderness is further defined to mean in this Act of an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic or historical value." (Public Law 88-577 (16 U.S.C.1131-1136)

Man has been in this valley for thousands of years with nomadic Indians, 1598 with Onate settlements and Anglo settlements following. Their imprint can be seen in all of the proposed Wilderness areas. Roads are abundant in the Potrillos, ranch improvement such as fences, windmills, roads buildings, corrals, dirt tanks and other improvements.

PROTECT THE LANDS FOR THE PEOPLE, NOT FROM THE PEOPLE

Please see www.PeopleForWesternHeritage.com for additional information