

WRITTEN TESTIMONY

Jerry G. Schickedanz

Chairman, People for Preserving our Western Heritage

HR4334

Organ Mountains National Monument Establishment Act

Subcommittee on National Parks, Forests and Public Lands

June 28, 2012

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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 designation 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 permanent preservation and protection of the Organ Mountains and other special areas in our county.

We further support H.R.4334, “Organ Mountains National Monument Establishment Act.”

COMMUNITY EXPECTATIONS

During the stakeholder meetings held in 2006 and 2007, participants agreed on a list of nine community concerns and expectations for management of our public lands. Primary attention was focused on the Organ Mountains.

1. Retention of open space

Almost everyone is committed to the preservation of 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.

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.

Every group and every stakeholder representative supported the prevention of unlawful off-road vehicular traffic.

5. Continued access for all segments of the public.

Most participants were opposed to the closing of existing roads on public lands.

6. Perpetuation of traditional ranching operations.

There is a growing understanding that in-tact 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. These initiatives are at risk under overly restrictive federal lands legislation.

8. Enhancement of wildlife and rangeland health.

Scientific study has confirmed the improvements to plant and wildlife communities can 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 as described in the 1964 Wilderness Act.

Concerns Generated by other proposals

While there may have been consensus on community expectations, there has not been consensus on how to protect these lands in Dona Ana County. There have been proposals ranging from designating the 58,000 acre foot print of the Organ Mountains as a National Conservation Area, 240,000 acres of wilderness plus 100,000 acres of national conservation area, to a 600,000 acre proposal of a national monument that would side step the legislative process through a proclamation to be signed by the President under the 1906 Antiquities Act.

It is incredulous to think that there is an active proposal to restrict use on 600,000 acres without the benefit of public hearings or debate. That proposal will impact 59% of the livestock grazing permits and 70% of the range cattle in the county. It would surround 24,000 acres of state trust lands and a large number of private land holdings. There has not been an opportunity for citizens who would be impacted to have any input into the proclamation or any type of explanation of the economic impacts that a land designation of this magnitude would have on the community of either positive or negative impacts. The New Mexico experience of National Monuments have important impacts that should be addressed (Appendix A).

H.R.4334, the Organ Mountains National Monument Establishment, would bring the proposals for protecting the Organ Mountains back into perspective and reasonableness.

How HR4334 Addresses Concerns

H.R.4334, in its simplicity, deals with many of the issues surrounding previous proposals and narrows the scope of the protection to only the Organ Mountains (58,512 acres), instead of a potential 600,000 acres.

Livestock and Grazing

The purposes section identifies and names livestock and watershed as resources worthy of protection, conservation and enhancement. These are commonly ignored in other national monument designations. Grazing of livestock has been a recognized resource and use of public lands since the beginning of the recorded history of New Mexico with the first livestock brought to this area in 1598 by Don Juan de Oñate. Livestock have been part of the landscape, economy and tradition since that time and are still important in Dona Ana County.

H.R.4334 would assure the continuation of ranching under the umbrella of this national monument, something not common to national monument designation. Livestock is recognized as a resource on equal footing with other named resources and grazing is specifically noted in Sec 6 (c) for continuation under the jurisdiction of the Bureau of Land Management.

It is worthy to note that one family has continuously owned and operated ranches in the Organ Mountains since W.W. Cox arrived in 1888 and acquired the San Augustine Ranch, named for the San Augustine Peak located within the original ranch boundaries. Over time, and with the help of sons and daughters, Mr. Cox was able to expand his holdings into the Tularosa Basin. During World War II and at a time when family members were serving the country in foreign combat zones, one who would be lost in battle, the family ceded most of their holdings to the

federal government for the establishment of White Sands Missile Range and the expansion of Fort Bliss. W.W. Cox was a prominent Dona Ana Count citizen, serving at one time as County Treasurer. Members of succeeding generations have played prominent roles in community and livestock organizations. We believe it would be most fitting to recognize the contributions of this pioneer family by naming this national monument in their honor.

Water Rights

Water has been a precious commodity in the settlement of the arid west. Water has been used for beneficial purposes in New Mexico prior to the settlement by the Spaniards. Coronado's expeditionary record refers to the cultivation of crops such as cotton and corn by the Pueblo Indians of the middle Rio Grande Valley and the watering of livestock from acequias as early as 1582.

The Treaty of Guadalupe Hidalgo in 1848 and the Gadsden Purchase in 1853 specified protection of landowners and occupiers, under the laws of Spain and Mexico. Appropriation of water for beneficial use was further clarified in the New Mexico State Constitution in 1911.

Section 3 of this bill protects the existing water rights of individuals and the United States government upon enactment of this act.

Flood Control

Massive flood events have occurred along the Rio Grande since the beginning of time. Through the years, man has worked to control the flood events and capture the valuable water for beneficial use for crops, livestock, and personal use. Early day treatments were to build massive dams to capture the flood water and then dispense it out for crop use over a longer period of time following the flood event. This method was to block the arroyos and canyons at the mouth. However; this did nothing to prevent the destructive force of flood water and did not address the cause of flooding up stream. Current strategy is to work further up the stream beds and watershed area with smaller flood control and water spreading structures. This requires the ability to have access up stream to construct flood water dams, maintain and repair existing structures and implies the need for vehicle access to accomplish the work.

Section 6 (b) (2) addresses the use of motorized vehicles in the construction, maintenance, operation or management of flood control or water conservation systems.

Motorized Vehicle Use

Motorized vehicle use in production agriculture, recreation and travel has become a necessary part of modern society. The ability to compete in production agriculture requires the use of mechanized equipment and not animal drawn implements. Recreation on our federal lands has developed through the use of mechanized vehicles both to recreate and to travel back and forth to a camp or home. Off-road use by these vehicles is contrary to regulation and law.

We are opposed to unauthorized off-road travel. The bill gives authorization for motorized vehicle use for construction and maintenance of range improvements or performing standard ranching operations.

Roads

The bill protects the national monument area from any new roads except for public safety or natural resource protection. This will protect the current character of the land that local citizens are concerned about.

Rights of Way

If it were to become necessary to consider a new utility rights-of-way in the monument, the bill would not preclude that. The monument would be protected under the National Environmental Policy Act of 1969, which contain restrictive and stringent rules that must be complied with in the event that a right of way needed to be addressed.

We do not have a crystal ball that can predict the future needs in the way of new energy development, and this bill has the foresight to recognize that and allow a solution.

Land Withdrawal

Land use is a very current topic in areas of growth and development such as Las Cruces and surrounding Dona Ana County. Protection of the Organ Mountains from commercial development and housing has been a topic of contention from the beginning of the stakeholder meetings.

This bill protects land within the 58,512 acre boundary from disposal, trade, development, sale, mineral exploration, leasing or mining including geo-thermal. This will alleviate the concern of

many in Dona Ana County relative to the possible detrimental use and destruction of the view shed of the Organ Mountains.

Release of Wilderness Study Areas

Major portions of the Organ Mountains have, since the early 1990's, been under the designation of Wilderness Study Area. The designation protected the area from any use that would impair the wilderness character of the land until action by Congress. The bill will release the land areas in question from being under the jurisdiction of the wilderness study area regulations. These lands will continue to be protected from development and or disposal by inclusion in the proposed national monument.

Legislative Process for National Monument Designation

The deliberate and seemingly slow process for something to be enacted into law can be very frustrating in the short term. However, the deliberate process allowing for public input and debate to be put into writing and voted on by both houses of Congress and signed by the President has stood the test of time. There are seldom mistakes in the result of this process because it is transparent and has many opportunities for improvement of the initial concept. We are in total agreement with this tried and true outcome described in the constitution developed by our forefathers. Bills that are passed through this type of scrutiny will generally stand the test of time.

Therefore; we support the passage of HR4334 to settle once and for all the permanent protection of the Organ Mountains.

We do, however, have three recommended changes to the bill:

- Law enforcement should be guaranteed unfettered access to the monument**
- Hunting should also be guaranteed in the monument, and**
- The title should be changed to "Organ Mountains-Cox Family National Monument" as a lasting tribute to this stalwart pioneering family and to the legacy of livestock ranching in the Southwest United States.**