

## Guest Column

# Rancher wilderness views remain unheeded

## Border security issues still a significant problem

By **Jerry G. Schickedanz**  
For the Las Cruces Bulletin

In the July 9 edition of the Las Cruces Bulletin, Don Patterson, vice president of the local chapter of the Back Country Horsemen, wrote a guest column titled "Wilderness bill will improve border security." His sub-heading of "Opponents offer nothing but excuses" was directed toward the organization of People for Preserving Our Western Heritage (PFPOWH).

I am also a wilderness supporter. I support wilderness designations that adhere to the wilderness criteria as outlined in the 1964 Wilderness Act that established New Mexico's Gila Wilderness.

If the land doesn't meet those criteria, then let's protect the new land under different criteria and not degrade the image of unspoiled wilderness. PFPOWH repeated that request in the hearing in Washington, D.C., Oct. 6, 2009, and many times since. On the PFPOWH homepage it clearly states, "We support permanently preserving and protecting the Organ Mountains and the special areas in our county."

Patterson implied that the Organ Mountains-Desert Peaks Wilderness Act (S.1689) would "enhance" the security of the border. He quoted a June 1 letter from Alan Bersin, Commissioner, U.S. Customs and Border Protection (CBP) to U.S. Sen. Jeff Bingaman, but he did not include the full quote and, consequently, misrepresented the full meaning and intent of the statement. The complete quote is, "The provisions of this bill, including your recent changes to address the operational needs of the Border Patrol, would significantly enhance the flexibility of CBP to operate in this border area."

### Border Patrol restricted

The accurate interpretation of that statement is that S.1689 will "significantly enhance" the "flexibility" to "operate" in the proposed "Restricted Use Area" of the Potrillo Mountain Wilderness. It says nothing about the "security" of the border.

The 1964 Wilderness Act clearly states, "there shall be no temporary

road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport and no structure or installation within any such area." It is very plain that Border Patrol cannot operate freely in a federally designated wilderness area without either an exception or waiver to the act.

There is a Memorandum of Understanding (MOU) between CBP and the Department of Interior (2006) that will allow for entry into the area under hot pursuit. It does not allow for routine proactive, preemptive patrol, except by horseback or on foot. It is also important to recognize that a MOU has no legal standing to override federal law.

The writer further states that it is reported "very little illegal immigration occurs in the county and Potrillo Mountains." But we must understand why this phenomenon may be happening. The Potrillos have been in a Wilderness Study Area (WSA) designation since 1982. Wilderness proponents often refer to WSAs as "temporary wilderness" and state that the areas are "managed the same as wilderness." That is blatantly untrue.

These WSAs are managed under the Interim Management Policy for Lands under Wilderness Review, Bureau of Land Management (BLM), 1979. This policy quotes Section 603(c) of the Federal Land Policy and Management Act of 1976 (FLPMA) to "manage the study areas so as to not impair their suitability for preservation as wilderness." The lands are to be managed under the "non-impairment concept" which states that "existing facilities/uses which did not disqualify the area from wilderness inventory may remain." This means that activities which were occurring at the time of WSA designation such as routine border patrols, use of current roads and routine maintenance of improvements by ranchers could continue to take place until Congress acts to place the area into a wilderness designation. Border Patrol and law enforcement activities are currently able to keep illegal activity in check in the Potrillo

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Mountains and, thus, one explanation for the low apprehensions.

The following is a quote from a June 18, 2010 letter to PFPOWH from Alan Bersin, commissioner CBP. Bersin states, "The U.S. Border Patrol ... supports the creation of wilderness areas where they do not negatively impact the ability to protect America at its borders. However, when wilderness designations are in enforcement areas, they can substantially affect the ability to conduct necessary daily operations and limit the construction of infrastructure." Bersin makes it clear that he recognizes the impacts of wilderness designation on routine patrols, constructing infrastructure and other routine operations.

Patterson also states "if we don't pass the bill, we are allowing the objection of an extreme few, like Tom Cooper." Cooper is a member of the PFPOWH coalition with a membership of more than 800 businesses and organizations with endorsement from many professionals and leading community organizations. That hardly qualifies as an "extreme few," especially when compared to the New Mexico Wilderness Alliance published coalition of less than 200 businesses and organizations.

Patterson states that during a local forum, the wilderness opponents stated flatly that "we should not have protected lands within 100 miles of the border." Such a statement was never made. The accurate quote from the National Association of Former Border Patrol Officers is that they are "opposed to wilderness

designation within 100 miles of the border." They support other means of land protection that does not exclude routine Border Patrol and other law enforcement activities. There is, in this regard, a significant difference between federal wilderness and other protective land designations.

### Concerns unheard

Ranchers have been "talked to," but it is abundantly clear they have not been "listened to." The referenced meetings resulted in a large element of dissatisfaction by ranchers. For example, at a meeting with Bingaman's staff and Dudley Williams, rancher in the Potrillos, Williams requested to be allowed to use a current road that crosses the ranch east-west through the middle of his ranch. He stated that if the road was closed, he would have an approximately 150-mile round trip by vehicle to fully inspect his ranch.

The staff person replied "that they were not concerned about rancher convenience." A compromise could have been made by cherry-stemming the road and making two adjacent wilderness areas. The staff did this for hunters by cherry-stemming out a road and creating the White Thorn and Cinder Cone Wilderness. However, no such concession or compromise was made for the rancher.

Furthermore, the most recent reversions to S.1689 grant exclusive use of an east-west road through the center of the ranch to the Border Patrol. However, the rancher's request was again ignored. The staff's verbal response and resulting action taken in S.1689 hardly leads to good feelings about the proponents' "outstretched hand."

### Token compromise

Patterson's article further states, "no form of protection of the Potrillo Mountains would satisfy ... the opponents." PFPOWH has been on record numerous times stating that we support the recommendations of the Greater Las Cruces Chamber of Commerce. Their recommendations to Sens. Bingaman and Tom Udall include wilderness for the Organs, Robledos and the Las Uvas. They asked for a different

designation for the Potrillos area that would have a less restrictive access provision and a different designation for Broad Canyon because of flood control issues. What supposed compromise have the wilderness proponents backed? Only the token buffer strip along the southern border of the Potrillo Mountains area. They are unwilling to consider any protective land use designation other than federal wilderness which leaves no room for compromise from their position beyond minimal "boundary adjustments."

Patterson implies that we have stooped to name-calling, but we have only reported facts that we have seen in print and actions by certain individuals who are proponents of wilderness. The New Mexico Wilderness Alliance (NMWA) in their Summer 2007 newsletter had an article on the founding board members of NMWA. The article stated that "Dave Foreman provided many, if not most, of the philosophical underpinnings that guided the work of NMWA." Foreman was a founder of NMWA and was listed on the Board of Directors through 2005. He also cofounded the radical environmental group EarthFirst. He wrote the book "EcoDefense A Field Guide to Monkey Wrenching" and has been arrested by the FBI on conspiracy charges for eco-terrorist activities, to which he pleaded guilty.

### Unbiased forum sought

I could devote many more pages of comments regarding the assertions in the guest column by Patterson, but will conclude with this: we would encourage Bingaman and Udall to have an open and unbiased public forum without limiting the input from those in our community on land protection designations for Doña Ana County. Let's find out what local citizens actually see as the issues, and what local citizens want in the way of land protection.

Our organization would welcome an honest dialogue on the issues with everyone at the table to hammer out a grassroots land protection bill that can be supported by our community instead of the land lockup bill we currently have before us.

Jerry G. Schickedanz is chairman of People for Preserving Our Western Heritage.

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