

VALLEY CAR WASH, LLC

Phil Harvey, Jr.

P.O. Box 40

Mesilla, NM 88046

505-524-9316

Fax: 505-525-2448

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Senator Pete V. Domenici  
328 Hart Office Building  
United States Senate  
Washington, DC 20510-3101

Dear Sen. Domenici,

I am writing in support of the Dona Ana County Planned Growth, Open Space, and Rangeland Preservation Act of 2008. This Act, drafted by the People for the Preservation of Our Western Heritage (PFPWH), offers hope for the protection of public lands in Dona Ana County, as well as other places in New Mexico, without the excessively restrictive federal wilderness designation being forced upon us. As you know, wilderness areas restrict and, to a large extent, eliminate public access to the areas. There are viable alternatives to wilderness that do not have the far-reaching ramifications of federal wilderness designation, and will still protect open space.

With over 702,000,000 acres of federally designated wilderness in the U.S., and 4.4 million acres of federal and NMSU land already restricted from access by the general public, there is simply no need to tie up more land as virtually unusable wilderness. We are already seeing how drug runners, illegal immigrants, and potential terrorists are using federal wilderness areas along the Mexican border, such as Organ Pipe and Cabeza Prieta in Arizona, to enter the US, and because of the restrictions of wilderness designation, the Border Patrol and DEA officers are "hog-tied" with respect to making motorized, regular patrols in these areas, thus allowing the illegal activities to often continue, unchecked. In short, wilderness designations anywhere near our border with Mexico constitute a threat to our national security and, as such, must not be made.

The flooding that occurred in 2006 shows that Dona Ana County is in desperate need of better flood control measures. However, federal wilderness designation will negatively impact the ability of EBID to appropriately manage water resources in the county. With severe restrictions on motorized vehicles, road building, and construction of flood control measures, there will be an extremely detrimental impact on water management, flood control, and water capture, particularly in the Broad Canyon, Robledos, and Las Uvas

areas, which have been proposed by the NMWA for wilderness designation. We cannot afford to let these areas of significant watershed for the county to be off-limits to the activities that are so vital for flood control and water management.

One of the most far-reaching impacts of federal wilderness designation is on the ranchers. It is widely known that there are many environmental groups supporting wilderness designation that have publicly stated that it is their intent to “get the cattle and ranchers off the public land” and federally designated wilderness is one of their major tools to achieve this objective. Ranchers have property rights, including water rights, grazing allotments, and deeded land) that will be greatly compromised by wilderness designation. Ranching is already an economically challenging business, and the additional burdens, both physical and administrative brought on by overbearing wilderness regulations, can cause many operations to become economically unviable. It must be noted that most of these federal rangelands have been managed for over 150 years by ranchers who have been caring stewards of the land. This fact, in itself, proves that open space and ranching go hand-in-hand. Even the notion that these areas that have been ranched and managed for so long by ranchers are being proposed as wilderness, indicates there is, in fact, no need for wilderness designation. While they are beautifully preserved open space, these areas do not, in spirit or in fact, meet the requirements for federal wilderness designation. To do so would actually compromise the original intent of the Wilderness Act of 1964. It is the ranchers that have cared for and with good management practices, maintained these areas as beautiful, desirable open space.

It must be said that if ranching is eliminated, then wildlife will be negatively impacted. Ranchers have promoted and cared for wildlife for many years, as part of good stewardship of the land. The development of water on the federal lands, done mostly at private expense by ranchers, gives wildlife its lifeblood and allows wildlife to roam over much broader territory. There is only one naturally occurring, permanent watering site in all of western Dona Ana County. All the rest are there because of cattle and the ranchers who own them, and they are totally maintained by ranchers, at private expense, benefiting wildlife of all types and kinds for the general public.

Another point that few people realize, but one that was well-proven several years ago in research done on various plots of land and transects on federal range, I believe by the Range Improvement Task Force, is that rangeland that is left ungrazed by livestock has a deteriorating condition of the roots of most grasses and smaller plants. In other words, on two plots of federal land, side-by-side, one grazed, the other fenced and not grazed by cattle, the roots of the grass, and the health of the grass, in general, was worse on the ungrazed plot, such that most clumps of grass could easily be pulled up by the roots. The grazed areas had much healthier, stronger root structures on the grasses found in those areas. Ungrazed land frequently has been known to go back to brush, and is often of much less value for livestock grazing. These ungrazed lands also pose a much higher risk of catastrophic wildfires, because there is so much dry matter left unharvested. As we watch thousands of acres being destroyed by fire in the west, along with many homes, it must be said that mismanagement of those lands by federal agencies is one of the primary

causes of the fires being so destructive, and often those fires start in wilderness areas. Grass is a renewable resource that when left unharvested, deteriorates and goes away.

The draft legislation submitted by the PFPWH has many benefits above and beyond what wilderness designation would accomplish. First, this bill legislatively eliminates the development and disposal of the lands, thus protecting open space and views. At the same time, law enforcement and border patrol will have meaningful and effective access, allowing National Security to be elevated to a prescribed character of the land designation. Positive and productive use of the lands will be allowed, while allowing proactive conservation efforts for rangeland and wildlife, and ranchers will be allowed to continue their operations. Instead of arbitrary, emotion-driven wilderness designations, science-based conservation measures will be implemented, blending stewardship with permanent retention of open space. Private property rights will be protected, access to existing roads will be preserved, irresponsible off-road vehicle use will be prohibited, and hunters, horseback riders, and other recreationists will have access to the areas. This bill also allows the community benefit of flood control devices and early warning systems, as well as the improvement and expansion of water conservation, water distribution, water capture, and water recovery projects. Livestock's importance in wildlife habitat will be recognized, allowing ranchers to continue their practices that enhance and promote wildlife.

This bill allows the land to be cared for in a well thought out manner, not just over-protecting selected areas that will shut out the people from enjoying them, as they should be allowed. Ranching has a great heritage in Dona Ana County, and this bill protects the social fabric and historical use of the lands and at the same time, promotes and preserves open space in a sensible fashion, providing opportunities for all segments of the public to participate in the ethical enjoyment of these lands.

I urge you to strongly consider this draft legislation as a sensible, feasible solution to the wilderness dilemma we have been faced with here in Dona Ana County.

Sincerely,

Phil Harvey, Jr.