

February 19, 2010

Senate Energy and Natural Resources Committee
U.S. Senate
Washington D.C. 20515

Dear Members of the Senate Energy and Natural Resources Committee,

I want to thank Senator Bingaman, Udall and Congressman Teague for conducting the Senate Energy Committee Field Hearing on Monday, February 15, 2010, in Las Cruces, NM, regarding S1689.

One observation, and a very significant one for that matter, is that both sides of the argument, those citizens who embrace all elements of S1689, and those citizens who would like to see modifications, all agree that the Organ Mountains be retained as a Wilderness Area and all other areas of Dona Ana County considered in S1689 be withdrawn from future development of any kind and retained as public lands.

The larger concern is under what designation these other lands best serve the public interest.

The three issues that seemed to generate the most discussion centered around National Security and Wilderness designations on or in close proximity to our National Border, the public safety issues associated with access to lands for flood control and water capture projects, and the historical use of lands.

As you know, when making decisions that have elements of risk, whether concerning national security or public safety, in nearly all cases, one cannot totally eliminate risk, but one can manage it.

In the case of the Potrillo Mountain Complex, although there appears to be some concession in S1689 for a buffer between the Border and the Potrillo Mountain Complex Wilderness area, the Wilderness area is still dangerously close to the Border and raises the probability of sheltering/fostering illegal activity and preventing law enforcement to aggressively take action.

If we know, and Border Patrol Agents both active and retired tell me so, that access and apprehension activity would be less hampered in an areas other than a Wilderness designation, i.e. NCA, and we can manage the risk better with a less restrictive designation, it would seem the prudent and responsible decision to make is to designate the Potrillo Mountain Complex as an NCA. As an NCA, we still preserve it, and law enforcement has greater and more flexible access.

With regard to the Broad Canyon Area and Organ Mountain NCA, Gary Esslinger with EBID, made an extremely compelling argument regarding the public safety risk associated with limiting access

and activity in those areas associated with flood control and water capture. Again, if we can manage the public safety risk by giving the Broad Canyon Area and Organ Mountain NCA designations that can allow appropriate and responsible access to effectively manage flood control and water drainage challenges, then, with the proper designation, we can preserve the area and give meaningful access to necessary agencies/groups to manage water issues.

This is precisely why Wilderness designated areas in already remote areas typically have very little border security or public safety concerns. On the other hand, Wilderness designations in close proximity to an international border or population centers raise credible national security and public safety concerns.

Regarding historical land use, a large area of land was recently designated Wilderness and NCA in Northern New Mexico by Congress and signed into law by the President with the majority of that land designated NCA to accommodate the historical activities associated with gathering Pinon nuts among other things. Cannot the same argument be made for the generations of Ranchers who have ranched these lands in Dona Ana County since our Territorial days. Is not ranching who we are in the Southwest and a big part of our culture. Do we want Wilderness Designated Areas to take away this part of our history as well?

As a final note, I believe as effective as the field hearing was, both sides of the argument could have benefited from understanding the town of Hatch's perspective on S1689 as well as having a representative from the Border Patrol, retired or active, comment on their recommendations and experiences.

With regard to Hatch, they not only experienced a catastrophic flood in 2006, but also chose to reverse their support entirely for the "Citizens Proposal." It would have benefited all at the Hearing to have understood first hand, why they reversed support.

With regard to the Border Patrol and Law Enforcement, the evidence of illegal activity associated with the Border Wilderness Areas in Arizona is scary. It seems there are those that want to ignore and dismiss that this same activity could occur in New Mexico. Best case scenario, even if the probability of what occurred along the Border in Arizona was less in New Mexico, would it still not be wise and prudent to establish an area designation that would give Border security the best probability to succeed and further minimize risk.

In closing, as you deliberate, assess and evaluate S1689, I respectfully request the Committee make the most responsible and common sense decision(s) for the good of the general public, not just Wilderness advocates.

Very Respectfully,

Tom Hutchinson

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Captain, USNR, Retired

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The Mesilla Valley Economic Development Alliance