

# U.S. Senators Tom Udall & Martin Heinrich

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## Organ Mountains–Desert Peaks Conservation Act



Organ Mountains-Desert Peaks, PHOTO: Mike Groves - MikeGrovesPhotography.com

The Organ, Sierra de las Uvas, Robledo, and Potrillo Mountains are among the many scenic landscapes in Doña Ana County that define Southern New Mexico and the rich culture of its people.

The *Organ Mountains-Desert Peaks Conservation Act*, introduced by U.S. Senators Tom Udall and Martin Heinrich, complements the Organ Mountains-Desert Peaks (OMDP) National Monument which was established by President Obama in May 2014. The bill would provide permanent protection for outstanding opportunities for a wilderness recreational experience, a kind of experience that is becoming harder and harder to find in our fast-paced world. It would also enhance hunting and other recreational opportunities, while preserving traditional uses such as livestock grazing as well as protecting sensitive areas from development and vandalism. At the same time, the bill would further protect iconic vistas, ecological resources such as watersheds and wildlife, and the ability to explore the landscape and cultural resources like petroglyphs and historic sites.

This legislation will preserve some of New Mexico's most special places and experiences for us now and for generations to come, while further promoting tourism in the region. By protecting these and other areas from development, we will preserve healthy habitat for game and sensitive species, quality grazing land, and the unique geologic formations that surround us. This legislation will also increase the flexibility for the Border Patrol to conduct operations and protect military missions into the future.

Many individuals and groups were consulted during the drafting of this legislation, including grazing permittees and private landowners within the proposed areas; electric, natural gas, and pipeline utilities; local governments and community leaders; local law enforcement agencies; sportsmen, heritage, veteran, conservation, and archaeological organizations; flood control and irrigation authorities; airport authorities; the New Mexico State Land Office; and federal agencies, including the Bureau of Land Management, U.S. Border Patrol, White Sands Missile Range, and Fort Bliss.

*"This bill strikes the right balance between securing our border and protecting treasured landscapes like the Organ Mountains for generations to come. Designating these wilderness areas is a final and necessary step toward ensuring the monument's many treasures will remain protected. I look forward to seeing how this will continue to draw visitors to the Las Cruces area and add to the already positive economic impact of the monument designation."*

**–U.S. Senator Tom Udall**

*"This legislation furthers the community's vision for one of Southern New Mexico's most iconic landscapes by protecting several of the most rugged and unique areas in the monument as wilderness. In addition, management changes south of the monument will create additional flexibility for the Border Patrol and improve security at our nation's southern border. Protecting these special places as wilderness will serve as a national example of community-driven, landscape-scale conservation that will preserve New Mexico's culture and natural resources and protect our outdoor recreation economy. I give my heartfelt gratitude to the diverse coalition and stakeholders from southern New Mexico who worked for so many years to make the Organ Mountains-Desert Peaks National Monument a reality. I have no doubt that future generations will be grateful for their efforts."*

**–U.S. Senator Martin Heinrich**

## **Questions & Answers**

### **Why was wilderness designation selected to protect this land?**

Wilderness Study Areas (WSAs) were created decades ago; some in New Mexico were formalized as early as 1980. Wilderness designation permanently protects areas and kinds of recreational opportunities that are becoming harder to find; prioritizes those areas for management planning, execution, and funding; and decreases the uncertainty and additional rules managing WSAs. Wilderness areas, like national monuments, carry significant prestige in the public lands system, which helps increase visitation and economic impact.

## **What does a wilderness designation mean?**

Wilderness areas offer places Americans can enjoy when they want to get away from the increasing mechanization of modern society and experience solitude or primitive and unconfined types of recreation. Therefore, motorized equipment and mechanized transportation are generally prohibited within wilderness areas but there are exceptions for emergency, safety, security, grazing, and administration. Hunting, grazing, foot travel, travel by horseback, and the use of wheelchairs are all allowed in wilderness areas. Additionally, key routes for public access and grazing activities will remain open for vehicle use based on specific provisions in the *Organ Mountains-Desert Peaks Conservation Act*.

## **How is the national monument designation different from wilderness?**

National monuments conserve, protect, and enhance different kinds of resources than wilderness. Both designations prohibit the sale of public lands and mineral development (though valid existing rights are maintained and can be developed), and both allow for the continuation of hunting and grazing, amongst other activities. The primary difference is the general avoidance of developing new infrastructure and using motorized and mechanized equipment in wilderness, whereas there is no such guidance for national monuments.

## **Will the National Park Service take over if part of the OMDP National Monument is designated as wilderness?**

No, all of the federal land proposed for monument and wilderness designation is currently managed by the Bureau of Land Management (BLM), and the BLM will continue to manage these lands.

## **How will private property be impacted by the wilderness designations?**

The designations have no impact on private property rights. The federal government has no role in managing private property and is not seeking to purchase private land within the designated areas. If the Bureau of Land Management (BLM) is approached by a willing landowner proposing to sell property within wilderness areas to the BLM, the agency can consider the transaction on a case-by-case basis. The BLM must provide reasonable access to inholdings within wilderness areas.

## **How does the proposal affect wildlife management and hunting?**

Nothing in this legislation would affect the jurisdiction of the State of New Mexico with respect to fish and wildlife located on public lands in the state. Hunting would continue to be subject to State law. The wilderness designation will ensure that these areas will continue to provide unmatched wildlife habitat and hunting opportunities for generations to come.

## **How will wilderness affect cattle grazing?**

The legislation directs the BLM to continue existing grazing on the new wilderness areas. Wilderness designation does not affect permitted numbers, which are subject to the same guidelines as in undesignated areas. According to the Congressional Grazing Guidelines established for wilderness areas, the BLM has the authority to allow permittees to maintain improvements on their allotments using motorized vehicles and equipment when necessary. Further, this legislation specifically leaves existing roads leading to all water wells, troughs, and corrals completely open for motorized access.

### **Do these designations hurt the Border Patrol's ability to do their job?**

The Border Patrol has been consulted many times during the development of the bill, and the bill them will not only allow law enforcement agencies to continue doing their job but also improve their ability to work, especially north of Highway 9, by affording new flexibility. Among the provisions included to specifically address Border Patrol and local law enforcement needs are: release of existing WSA and creation of a buffer to approximately 5 miles from the international border, including the ability to install new infrastructure there; exclusion of specific sites necessary for surveillance infrastructure; clarification that the agreement outlined in the 2006 Memorandum of Understanding with land managers is not affected by this bill; protection for low level overflights; selection of appropriate designations near checkpoints; and the designation of a road specifically for law enforcement use.

### **How does wilderness designation affect emergency response?**

Emergency response can continue to take place. The Wilderness Act of 1964 explicitly allows the use of motor vehicles and motorized equipment, landing of aircraft, and installation of structures in wilderness areas if required for emergencies involving the health and safety of people within the area. Similarly, necessary measures can be taken to control fires, insects, and diseases. Further, the legislation specifically allows the installation of data collection equipment in these wilderness areas to assist with flood warning and control or water reservoir operation activities.

### **How will wilderness designation affect military operations?**

Military operations will not be affected. Language in the bill clarifies existing policy that nothing that originating outside the wilderness boundary (such as light, sound, etc.) is disallowed based on wilderness management, military overflights can continue, and new airspace units or routes can be established over the wilderness areas. As well, Fillmore Canyon will be open to public use as well as military training, and will not become wilderness.

### **How will designation affect restoration projects in the area?**

Restoration activities can still take place once these areas are designated as wilderness, and the bill directs the BLM to conduct a watershed health assessment and identify restoration opportunities as part of its management plan for the OMDP National Monument. Designation helps prioritize these areas for receiving funding for grassland and watershed restoration projects and other management activities.

### **Will BLM and the New Mexico State Land Office exchange lands in the monument or wilderness areas?**

At the request of the New Mexico State Land Office, the bill directs the Secretary of the Interior to work with the Commissioner of Public Lands of New Mexico to enter into a mutually satisfactory agreement within 18 months after enactment of the legislation to guide the exchange of BLM and State lands. The bill does not require the State Land Office to exchange property with the BLM, however. As well, if an exchange does not occur, the State Land Office is under no obligation to change management procedures on land included within the boundaries of federally protected areas, and existing access to State property will not be affected.