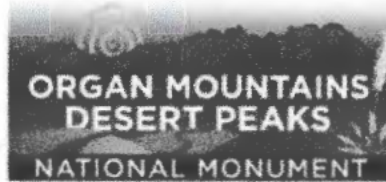


**From:** <Kashieka\_Minor@ios.doi.gov>  
**To:** [Randal\\_Bowman@ios.doi.gov](mailto:Randal_Bowman@ios.doi.gov)  
**Subject:** DCN: EST-00004760 - Antiquities Act  
**Date:** Tuesday, September 19, 2017 2:12:28 PM  
**Attachments:** [4760 in.pdf](#)

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Routing as directed from Exec Sec.



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OFFICE OF THE  
EXECUTIVE SECRETARY

August 14, 2017

Secretary of Interior Ryan Zinke  
Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

Secretary Zinke,

We hope you had an informative visit to Doña Ana County as a part of your Department's review of the Organ Mountains-Desert Peaks National Monument. While no one could fully appreciate the diverse values of the Monument in just two days - a monument that local citizens spent decades researching and advocating for - we hope you left with a better appreciation of the critical role this Monument plays in our regional economy, its deep social and cultural associations with our citizens, and the overwhelming support our communities have for keeping the Organ Mountains-Desert Peaks fully protected.

We are greatly troubled by the repeated inaccurate misrepresentations Congressman Pearce made to you regarding the Organ Mountains-Desert Peaks National Monument in his correspondence on May 25, 2017. It is disappointing to see our outgoing Congressman fundamentally misrepresent the impacts of the Monument and fail to represent the majority opinion of Doña Ana County citizens who want our Monument to stay protected. Four local governments have passed resolutions opposing any changes to our Monument including the Doña Ana County Commission, the Cities of Las Cruces and Anthony and the Town of Mesilla.<sup>1</sup> Close to 70% of local residents support its protection according to a recent poll.<sup>2</sup>

Given the significant responsibility you have been given to evaluate the fate of our protected public lands it is important that any decisions made be based on facts and not on misunderstandings or inaccuracies. Along with information detailing the Organ Mountains-Desert Peaks Monument's many attributes and community successes, we have attached a document detailing the extensive inaccurate statements made to you by Congressman Pearce.

Misstatements made by Rep. Pearce Include:

**RANCHING**—Rep. Pearce alleged that the OMDP National Monument "will have a devastating impact on ranching."

<sup>1</sup> <http://www.shreveporttimes.com/story/news/local/2017/07/07/city-anthony-adds-support-omdp/459729001/>

<sup>2</sup> <http://www.lcsun-news.com/story/news/local/2017/06/14/green-chamber-poll-residents-support-organ-mountains-desert-peaks-national-monument/394384001/>

FACT: The OMDP National Monument has had zero impact on local ranchers including the number of livestock permitted in the Monument according to a Congressional Research Service Memo dated July 14, 2017. (See attached report from the Congressional Research Service dated July 14, 2017)

TOURISM - Rep. Pearce alleged "There are a lot of voices claiming that the monument itself will bring tourism jobs and money. While there is no credible data to support this, I believe that rescinding the monument boundary to the Organ Mountains will preserve whatever tourism is created..."

FACT: Visitation to the Monument has increased 152% in just three years according to the BLM, which Rep. Pearce actively misstates and refuses to acknowledge. There are new Organ Mountains-Desert Peaks National Monument based tourist promotions including the City of Las Cruces' "Monuments to Main Street"<sup>3</sup> and the 306 mile mountain bike trail called the "Monumental Loop" which are promoting sites across the Monument.<sup>4</sup>

ECONOMIC CONCERNS— Rep. Pearce alleged that the OMDP National Monument may prevent the "Ghost City project west of Las Cruces that is projected to provide hundreds of jobs for the local area."

FACT: The so called "Ghost City" is not planned in the Monument, and has failed to come to fruition in spite of moving its planned location three times, and failing to meet any of benchmarks it has publicly stated.<sup>5</sup>

BORDER SECURITY - Rep. Pearce alleged "the Potrillo Mountains could easily become a drug and human smuggling corridor...given the restrictive language in the monument designation."

FACT: Border Security activities remain unaffected by the National Monument

1. The Antiquities Act does not have any language limiting law enforcement.<sup>6</sup>
2. The Presidential proclamation establishing the Organ Mountains-Desert Peaks National Monument specifically states "Nothing in this proclamation shall be deemed to affect the provisions of the 2006 Memorandum of Understanding between the U.S Department of Homeland Security, the U.S Department of the Interior, and the U.S Department of Agriculture regarding "Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders."<sup>7</sup>
3. The southern boundary of the Organ Mountains-Desert Peaks National Monument begins five miles from the border allowing an expanded border security buffer zone beyond the current Wilderness Study Area that is within a half a mile from the border. This adjustment was

<sup>3</sup> <http://www.monuments2mainstreet.com/>

<sup>4</sup> <http://www.bikepacking.com/routes/monumental-loop/>

<sup>5</sup> <http://www.demingheadlight.com/story/news/2016/07/14/cite-plans-explained-proposed-mock-city/87094890/>

<sup>6</sup> <https://www.nps.gov/history/local-law/anti1906.htm>

<sup>7</sup> <https://obamawhitehouse.archives.gov/the-press-office/2014/05/21/presidential-proclamation-organ-mountains-desert-peaks-national-monument>

incorporated as a result of collaboration with the U.S. Customs and Border Protection. (see attached letter from former CBP Commissioner Alan Bersin)

4. The Doña Ana County and Luna County Sheriff's have both stated that the Organ Mountains-Desert Peaks National Monument has not impacted their law enforcement activities. (see footnoted KVA story on 4-27-17 regarding Doña Ana County Sheriff's Department statement, and attached letter from the Luna County Sheriff)<sup>8</sup>

"DEVASTATING IMPACT OF MONUMENT" - Rep. Pearce alleged "I can show you the devastating impacts of this designation on the ground."

FACT: There have been zero documented negative impacts of the Monument, including those that opponents of the designation alleged prior to its establishment. Rather, the Monument has experienced a tremendous surge in visitation, and new publicity, tourism and economic activity associated with it. (See attachment related to the recent Congressional Research Service report on continued unimpeded ranching within the OMDP and footnote referencing the Las Cruces Sun News article documenting increase in visitation in the OMDP. Both documents show the complete inaccuracy of the statement that the OMDP has had a "devastating impact.")<sup>9</sup>

In closing, we hope that the information we have provided you will give a clear picture of the facts regarding the Organ Mountains-Desert Peaks National Monument. We urge you to support our county and state's strong desire to keep this national treasure, and its abundant cultural, scientific, and historic resources, fully protected.

  
Mayor of Las Cruces Ken Miyagishima

  
Mayor of Mesilla Nora Barraza

  
Mayor of Anthony Diana Murillo-Trujillo

  
Doña Ana County Commissioner Billy G. Garrett

<sup>8</sup> <http://www.kvia.com/news/new-mexico/trumps-executive-order-has-some-concerned-about-status-of-organ-mountains-national-monument/466687558>

<sup>9</sup> <http://www.lcsun-news.com/story/news/2017/05/21/organ-mountains-desert-peaks-national-monument-economic-impact/101788252/>





ORGAN MOUNTAINS-DESERT PEAKS NATIONAL MONUMENT

## The Organ Mountains-Desert Peaks National Monument

### A Monument of Diverse Lands and Rich History

<b>Organ Mountains</b>	<p>Iconic Mountain Range of Southern New Mexico</p> <p>Rare Plants and Animals</p> <p>Soldier Outpost and Site of a Civil War Surrender Shelter, Achenbach, Pena Blanca, and Hermit's Caves</p>
<b>Sierra de las Uvas</b>	<p>22 Miles of the Southern Overland/Butterfield Trail</p> <p>WW II Bombing Targets</p> <p>Bartlett - Garcia Conde International Boundary Survey</p> <p>Archaic, Puebloan, and Apache Native American Sites</p> <p>Historic Ranches and Stagecoach Stop</p> <p>Multiple Apache Raid and Related Burial Sites</p> <p>Critical and Diverse Wildlife Habitat</p>
<b>Robledo Mountains</b>	<p>Billy the Kid's Outlaw Rock Hideout</p> <p>Slot Canyons; Robledo, Chavez, and Geronimo's Caves</p> <p>Prehistoric Trackways and Petrified Forest</p> <p>US Army Heliograph Site</p> <p>Native American Petroglyphs and Pictographs</p> <p>Hand Built Civilian Conservation Corps Rock Dams</p>
<b>Picacho Peak</b>	<p>Southern Peak of the Robledo Mountains</p>
<b>Potrillo Volcanic Field</b>	<p>Kilbourne Hole, Apollo Astronaut Training Site</p> <p>Fumarole and Vents with Holocene Faunal Remains</p> <p>Volcanic Cones, Craters and Lava Flow</p> <p>Rock Art and Ancestral Puebloan Habitation Sites</p> <p>Rattlesnake Peak and Mega-fauna Rubs</p>
<b>Doña Ana Mountains</b>	<p>Popular Mountain Biking &amp; Rock Climbing Destination</p> <p>Native American Cultural Sites</p>

## **Rep. Pearce Repeatedly Misrepresents the Facts of the OMDP Monument and Is Pushing for an Unprecedented Abolishment and Rollback of National Monuments Across America**

- Rep. Pearce has issued many inaccurate statements about the OMDP National Monument.
- Rep. Pearce wants to abolish or reduce 24 of 27 National Monuments under review by the Trump Administration.<sup>1</sup>
- Rep. Pearce wants to reduce the Organ Mountains-Desert Peaks National Monument by close to 90%, including in the Organ Mountains by almost 25%.<sup>2</sup>

### **Rep. Pearce's Inaccurate Statements Regarding the Organ Mountains-Desert Peaks National Monument**

*On May 25<sup>th</sup> Rep. Pearce sent a letter to U.S. Secretary of Interior Ryan Zinke urging him to reduce the Organ Mountains-Desert Peaks National Monument from its current size of approximately 496,330 acres, to just 54,800 acres. In his letter, Rep. Pearce gave extensive inaccurate data to Sec. Zinke regarding the Monument and its impacts.*

### **BORDER SECURITY**

#### **Rep. Pearce statement to Sec. Zinke:**

"The Potrillo Mountains could easily become a drug and human smuggling corridor...given the restrictive language in the monument designation."

#### **FACT: Border Security activities remain unaffected by the National Monument**

1. The Antiquities Act does not have any language limiting law enforcement.<sup>3</sup>
2. The Presidential proclamation establishing the Organ Mountains-Desert Peaks National Monument specifically states "Nothing in this proclamation shall be deemed to affect the provisions of the 2006 Memorandum of Understanding

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<sup>1</sup> Western Caucus letter to Sec. Zinke

<https://westerncaucus.house.gov/sites/westerncaucus.house.gov/files/documents/6.30.17%20Final%20letter%20to%20Zinke%20Antiquities%20Review.pdf>

<sup>2</sup> <https://pearce.house.gov/organ-mountains>

<sup>3</sup> <https://www.nps.gov/history/local-law/anti1906.htm>

between the U.S. Department of Homeland Security, the U.S. Department of the Interior, and the U.S. Department of Agriculture regarding "Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders." <sup>4</sup>

3. The southern boundary of the Organ Mountains-Desert Peaks National Monument begins five miles from the border allowing an expanded border security buffer zone beyond the current Wilderness Study Area that is within a half a mile from the border. This adjustment was incorporated as a result of collaboration with the U.S. Customs and Border Protection. <sup>5</sup> (see attached letter from former CBP Commissioner Alan Bersin)
4. The Doña Ana County and Luna County Sheriff's have both stated that the Organ Mountains-Desert Peaks National Monument has not impacted their law enforcement activities. (see footnoted KVIA story on 4-27-17 regarding Doña Ana County Sheriff's Department statement, and attached letter from the Luna County Sheriff) <sup>6</sup>

## **RANCHING**

### **Rep. Pearce statement to Sec. Zinke:**

"The expansive footprint of the OMDP Monument will have a devastating impact on local ranchers... and will prevent farmers and ranchers from accessing certain parts of their allotments to do maintenance work. The western reaches of the monument envelop a number of ranchers, and may eventually limit the number of cattle those ranches can run. This could make certain ranches uneconomical, crushing a ranching industry..."

### **FACT: Ranching activities remain unaffected by the National Monument**

1. There is ranching in all parts of Monument, and there have been no changes in the permitted numbers of livestock allowed since its designation. (See attached report from the Congressional Research Service dated July 14, 2017)
2. The history of BLM managed national monuments in America clearly show that every single one contains ranching with the exception of Tents Rocks National Monument that did not have ranching prior to designation. (See attached document titled "Permitted Uses in Western National Monuments")

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<sup>4</sup> <https://obamawhitehouse.archives.gov/the-press-office/2014/05/21/presidential-proclamation-organ-mountains-desert-peaks-national-monument>

<sup>5</sup> <https://blm-egis.maps.arcgis.com/apps/webappviewer/index.html?id=0ec2e3e6e13c4321b4eef2a9a74f43f8>

<sup>6</sup> <http://www.kvia.com/news/new-mexico/trumps-executive-order-has-some-concerned-about-status-of-organ-mountains-national-monument/466687558>

3. The Presidential proclamation establishing the Organ Mountains-Desert Peaks National Monument clearly maintains current cattle grazing policies "Laws, regulations, and policies followed by the BLM in issuing and administering grazing permits or leases on lands under its jurisdiction shall continue to apply with regard to the lands in the monument." <sup>7</sup>

## **ECONOMIC CONCERNS**

### **Rep. Pearce statements to Sec. Zinke:**

1. "The Monument may prevent the "Ghost City project west of Las Cruces that is projected to provide hundreds of jobs for the local area."  
**FACT: The so called "Ghost City" is not planned in the Monument, and has failed to come to fruition in spite of moving its planned location three times, and failing to meet any of benchmarks it has publicly stated.** <sup>8</sup>
2. The Burlington Northern Santa Fe Railroad is considering new rail crossing, but needs a new rail line in the area. The current footprint would prevent this new line, as the designation does not permit new rights of way."  
**FACT: There is no commitment by the BNSF to build a new rail line, nor a stated conflict with the boundaries of the OMDP preventing such development.** <sup>9</sup>

## **ENERGY POTENTIAL**

### **Rep. Pearce statements to Sec. Zinke:**

1. "The west mesa is an ideal location for future solar energy development"  
**FACT: The BLM identified Solar Energy Zone is outside of Monument boundary.** <sup>10</sup>

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<sup>7</sup> <https://obamawhitehouse.archives.gov/the-press-office/2014/05/21/presidential-proclamation-organ-mountains-desert-peaks-national-monument>

<sup>8</sup> <http://www.demingheadlight.com/story/news/2016/07/14/cite-plans-explained-proposed-mock-city/87094890/>

<sup>9</sup> <http://www.lcsun-news.com/story/news/local/county/2016/12/27/rail-planning-could-lead-relocation-some-bnsf-tracks/95890716/>

<sup>10</sup> [http://blmsolar.anl.gov/maps/data/allocations/Solar\\_PEIS\\_ROD\\_NM\\_map.pdf](http://blmsolar.anl.gov/maps/data/allocations/Solar_PEIS_ROD_NM_map.pdf)



## **TOURISM**

### **Rep. Pearce statements to Sec. Zinke:**

"There are a lot of voices claiming that the monument itself will bring tourism jobs and money. While there is no credible data to support this, I believe that rescinding the monument boundary to the Organ Mountains will preserve whatever tourism is created..."

**FACT: Visitation to the Monument has increased 152% in just three years according to the BLM, which Rep. Pearce actively misstates and refuses to acknowledge.**<sup>11</sup>

1. The BLM has documented a 152% increase in visitation to the Monument, resulting in over 80,000 additional visitors in the last year alone. The BLM has a map allowing visitors to document their origin. This map has shown visitation coming from around the country and globe.
2. There are new Organ Mountains-Desert Peaks National Monument based tourist promotions including the City of Las Cruces' "Monuments to Main Street" and the 306 mile mountain bike trail called the "Monumental Loop" which are promoting protected sites outside of the Organ Mountains. It's a documented fact that tourists are not only visiting these areas, but spending money at businesses and communities throughout Doña Ana County. These sites include Kilbourne Hole and the Robledo, Sierra de las Uvas, Doña Ana and Potrillo Mountains.<sup>12 13</sup>
3. The Monument has garnered international publicity since its designation including being recommended as a travel destination by Lonely Planet, Los Angeles Times, Outside Magazine, and Readers Digest.<sup>14</sup>

## **"DEVASTATING IMPACT OF MONUMENT"**

### **Rep. Pearce statements to Sec. Zinke:**

"I can show you the devastating impacts of this designation on the ground."

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<sup>11</sup> <http://www.lcsun-news.com/story/news/2017/05/21/organ-mountains-desert-peaks-national-monument-economic-impact/101788252/>

<sup>12</sup> <http://www.bikepacking.com/routes/monumental-loop/>

<sup>13</sup> <http://www.monuments2mainstreet.com/>

<sup>14</sup> <https://www.lonelyplanet.com/usa/las-cruces/attractions/organ-mountains-desert-peaks-national-monument/a/poi-sig/1493939/1314525>

**FACT:** There have been zero documented negative impacts of the Monument, including those that opponents of the designation alleged prior to its establishment. Rather, the Monument has experienced a tremendous surge in visitation, and new publicity, tourism and economic activity associated with it. (See attachment related to the recent Congressional Research Service report on continued unimpeded ranching within the OMDP and footnote referencing the Las Cruces Sun News article documenting increase in visitation in the OMDP. Both documents show the complete inaccuracy of the statement that the OMDP has had a “disastrous impact.”)<sup>15</sup>

### **800 BUSINESSES OPPOSED TO THE MONUMENT**

*Representative Pearce has also allegedly submitted the names of approximately 800 people and businesses opposed to the Organ Mountains-Desert Peaks National Monument. This is a years old list of people who were allegedly opposed to a prior piece of proposed wilderness legislation introduced by Senator Jeff Bingaman. This inaccurate list includes individuals who support the Organ Mountains-Desert Peaks National Monument.*

**FACT:** Rep. Pearce’s list of businesses and people opposed to the Monument is not accurate and contains Monument supporters.<sup>16</sup> Current polling and governmental resolutions show that a strong majority of Doña Ana County citizens and businesses support the Organ Mountains-Desert Peaks National Monument.

1. A recent poll conducted in April by the Las Cruces Green Chamber of Commerce showed that 66% of Dona Ana County residents support the Monument, including majorities of Republicans, Democrats, and Independents. Only 16% of those polled oppose the Monument.<sup>17</sup>
2. The Cities of Las Cruces, Mesilla, and Anthony and the Doña Ana County Commission have all passed Resolutions supporting the Monument and opposing any reduction to it.<sup>18</sup>

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<sup>15</sup> <http://www.lcsun-news.com/story/news/2017/05/21/organ-mountains-desert-peaks-national-monument-economic-impact/101788252/>

<sup>16</sup> <http://www.lcsun-news.com/story/opinion/letters/2017/07/12/letters-who-were-800-omdp-foes-cited-pearce/470640001/>

<sup>17</sup> <http://www.lcsun-news.com/story/news/local/2017/06/14/green-chamber-poll-residents-support-organ-mountains-desert-peaks-national-monument/394384001/>

<sup>18</sup> <http://www.shreveporttimes.com/story/news/local/2017/07/07/city-anthony-adds-support-omdp/459729001/>



**U.S. Customs and  
Border Protection**

JUN 1 2010

The Honorable Jeff Bingaman  
United States Senate  
Washington, DC 20510

Commissioner

Dear Senator Bingaman:

I write to thank you for your efforts to address border enforcement concerns in S. 1689, the Organ Mountains-Desert Peaks Wilderness Act. The provisions of this bill, including your recent changes to address the operational needs of the Border Patrol, would significantly enhance the flexibility of U.S. Customs and Border Protection (CBP) to operate in this border area.

As you know, the existing wilderness study area along the southern boundary of the West Potrillo Mountains provides CBP with 1/3 of a mile in which to perform its activities. The most recent changes that you have made to the bill would provide five miles between the U.S.-Mexico border and the area with full wilderness protections. Three miles of this zone would allow normal public access, and an additional two miles would allow restricted use by the public. Throughout the entire buffer zone, CBP could operate motor vehicles, build infrastructure, and carry out other activities as it would on any non-wilderness Bureau of Land Management land.

I also appreciate other security-focused modifications that you have made to the bill, including:

- Explicit provision to allow the East-West way, which will be closed to the public, to be accessible to CBP and other law enforcement personnel;
- Clarification that no provision of the bill would restrict CBP from pursuit of suspects within the wilderness area, including the use of motorized vehicles in hot pursuit; and
- Clarification that nothing prevents CBP from conducting low-level overflights above the wilderness area.

The security-related enhancements to this bill are the result of careful consultations between your office and CBP in New Mexico and Washington, DC. While the solutions identified in this bill are specific to this particular area of the border, the collaborative process should be a model for future consideration of wilderness designation along the border.

Sincerely,

A handwritten signature in black ink that reads "Alan Bersin". The signature is written in a cursive, flowing style.

Alan Bersin  
Commissioner



## Congressional Research Service

Informing the legislative debate since 1914

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### MEMORANDUM

July 14, 2017

**To:** The Honorable Tom Udall  
Attention: Stephenne Harding

**From:** Carol Hardy Vincent, Specialist in Natural Resources Policy, 7-8651

**Subject:** Livestock Grazing in Organ Mountains-Desert Peaks National Monument

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This memorandum responds to your request for a brief memorandum addressing livestock grazing in the Organ Mountains-Desert Peaks National Monument in New Mexico. Your questions included what if any effect the establishment of the monument has had on livestock grazing on monument lands.

Information in this memorandum may be of general interest to Congress. As such, this information may be provided to other congressional requesters, and may be published by CRS in products for general distribution to Congress at a later date. Your confidentiality as a requester will be preserved in any case.

Please do not hesitate to contact me if you have additional questions.

**Proclamation for the Organ Mountains-Desert Peaks National Monument.** The Organ Mountains-Desert Peaks National Monument was designated by President Obama on May 21, 2014 (by Presidential Proclamation 9131).<sup>1</sup> The monument is managed by the Bureau of Land Management (BLM); the lands within the area were being managed by BLM prior to the establishment of the monument. With regard to livestock grazing, the proclamation establishing the monument provides that: “Laws, regulations, and policies followed by the BLM in issuing and administering grazing permits or leases on lands under its jurisdiction shall continue to apply with regard to the lands in the monument, consistent with the protection of the objects identified above.”<sup>2</sup> This provision essentially provides that authorities governing livestock grazing on BLM lands generally will continue to apply to lands within the monument. It makes explicit that the application of livestock grazing authorities is to be consistent with protection of the objects in the monument that were identified by the proclamation. In proclaiming the monument, President Obama identified a variety of objects and attributes in the area, including archaeological resources, paleontological research areas, historically significant areas, geologic features, and diverse animals and vegetative communities.

**BLM Monument Management.** BLM manages a total of 27 national monuments,<sup>3</sup> including Organ Mountains-Desert Peaks, under multiple authorities. They include the Federal Land Policy and

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<sup>1</sup> See *Presidential Proclamation—Organ Mountains-Desert Peaks National Monument*, May 21, 2014, on the White House website at <http://www.whitehouse.gov/the-press-office/2014/05/21/presidential-proclamation-organ-mountains-desert-peaks-national-monument>.

<sup>2</sup> *Ibid.*

<sup>3</sup> Information on provisions of monument proclamations for selected monuments managed by BLM, including Organ Mountains-Desert Peaks, is contained in CRS Congressional Distribution Memorandum, *Livestock Grazing in BLM National Monuments*, (continued...)



Management Act of 1976 (FLPMA),<sup>4</sup> the Taylor Grazing Act of 1934,<sup>5</sup> the individual presidential proclamations and statutes that designated the monuments, and resource management plans. Under FLPMA, BLM lands are generally managed for sustained yield of multiple uses. However, some lands are withdrawn (restricted) from one or more uses or managed for a predominant use. Under the Taylor Grazing Act, BLM regulates and apportions livestock grazing within grazing districts. Of the 248 million total acres managed by BLM, 155 million acres were available for livestock grazing and 139 million were used for grazing in FY2015.<sup>6</sup>

BLM develops resource management plans governing use and protection of lands under its jurisdiction. These plans sometimes address livestock grazing, among other land uses and activities. BLM typically develops a plan for each monument under its management.

**Management Plan for and Grazing in Organ Mountains-Desert Peaks National Monument.** The proclamation for Organ Mountains-Desert Peaks calls for the development of a management plan for the protection and restoration of identified objects, but no management plan for the monument has been developed to date. BLM also has not issued interim guidance regarding livestock grazing within the monument. The agency has indicated that such guidance is not necessary, as livestock grazing on lands in the monument is being managed under existing authorities.<sup>7</sup>

To date, there have been no changes to livestock grazing on the ground as a result of the establishment of the monument, according to BLM. For instance, there have been no changes to terms and conditions of grazing leases and permits, or the number of acres grazed, as a result of the monument proclamation, according to the agency. However, BLM has asked livestock permittees to “enhance their communication” with the agency on maintenance activities that occur on linear features (e.g., pipelines) and roads.<sup>8</sup>

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May 30, 2014, available from Carol Hardy Vincent. In addition, provisions of monument proclamations pertaining to livestock grazing for 21 land-based monuments under review by the Secretary of the Interior are addressed in CRS Report R44886, *Monument Proclamations Under Executive Order Review: Comparison of Selected Provisions*, by Carol Hardy Vincent and Laura A. Hanson.

<sup>4</sup> 43 U.S.C. §§ 1701, et seq.

<sup>5</sup> 43 U.S.C. §§ 315, et seq.

<sup>6</sup> These figures are the most current that are available.

<sup>7</sup> This information was conveyed by BLM to CRS on June 30, 2017.

<sup>8</sup> This information was conveyed by BLM to CRS on June 30, 2017. Grazing permittees might install, use, maintain, or modify range improvements or developments on BLM lands, such as fences, pipelines, and wells, under certain terms and conditions. These improvements or developments could enhance livestock grazing as well as have other land benefits (e.g., improving resources and habitat). See the BLM regulations at 43 CFR 4120.3.

**KELLY GANNAWAY**  
SHERIFF



**JOSE MARTINEZ**  
CAPTAIN

**LUNA COUNTY SHERIFF'S DEPARTMENT**

2462 J STREET, S.E.  
DEMING, NEW MEXICO 88030  
PH: (575) 546-2655 FAX: (575) 546-8533

July 6, 2017

Dear Secretary Zinke,

As law enforcement professionals responsible for protecting the citizens of Doña Ana and Luna County, we write in strong support of keeping the entire Organ Mountains-Desert Peaks National Monument intact, without any reductions. The monument's final boundaries were developed after a process of sustained collaboration with our offices and others, and the interests of law enforcement and public safety are well represented in the final product. As a result, the monument's designation in 2014 has not created new challenges for us, nor have local trends changed due to the monument.

The needs of law enforcement and border security were taken very seriously in the creation of the Organ Mountains-Desert Peaks National Monument. The proclamation language and map went through several rounds of major changes in order to best accommodate law enforcement needs.

Designation of the national monument has not weakened the authority or ability of the Border Patrol to do its job, and does not change the jurisdiction of local, state, or federal law enforcement agencies. Designation also allows for continued collaboration among law enforcement agencies.

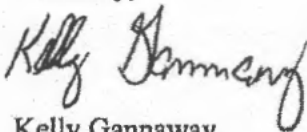
National monument management has not affected any of our law enforcement tools. There is no new restriction on the use of motorized transportation or equipment. Existing road access remains for routine patrols. Off-road travel is not allowed on BLM lands in Doña Ana County, New Mexico regardless of land designation. However, off-road travel or use of aircraft or other tools by federal law enforcement in exigent circumstances is allowed by both the proclamation and the 2006 Memorandum of Understanding (MOU) between the Department of Homeland Security, Department of Agriculture, and Department of the Interior regarding "*Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders*." Page 6 of the proclamation makes clear that in emergencies, motor vehicle use in the monument shall be permitted off of designated roads and that additional roads or trails may be established if necessary for public safety.

Based on detailed discussions with law enforcement agencies, including discussions of law enforcement sensitive information, various parcels of land were removed from the original draft proposals and the final monument boundary. Areas of higher activity based on topography and existing infrastructure as well as strategic surveillance points were excluded from the monument. The Senators also significantly increased the buffer from the border. Based on discussions with Border Patrol and DHS headquarters, the monument begins approximately five miles from the border, whereas the existing Wilderness Study Area reaches to within a third of a mile of the border. Further, as a result of feedback from the Doña Ana County Sheriff's Office and others, the monument excludes land necessary for closing critical radio coverage gaps along the border. The required infrastructure has been built and has enhanced officer effectiveness and safety.

The Las Cruces District Office of the Bureau of Land Management hosts one of the most effective and collaborative Border Management Task Forces in the nation. The relationships between federal, state, and local law enforcement and land managers in the Organ Mountains-Desert Peaks area are strong. Furthermore, the Border Patrol has consistently reported to that group and congressional offices that the monument has had no impact on their operations or local border-crossing trends.

Three Commissioners of Customs and Border Protection wrote letters in support of the senators' previous legislation to protect these lands, upon which the monument boundaries were based. We lend our voices to that of our colleagues. As a result of law enforcement's in depth involvement, the monument designation has safeguarded our necessary law enforcement activities as well as our cultural and natural heritage.

Sincerely,



Kelly Gannaway  
Sheriff, Luna County

I Concur  
Meh  
D. A. 7/27/17