

A Modern-Day David and Goliath

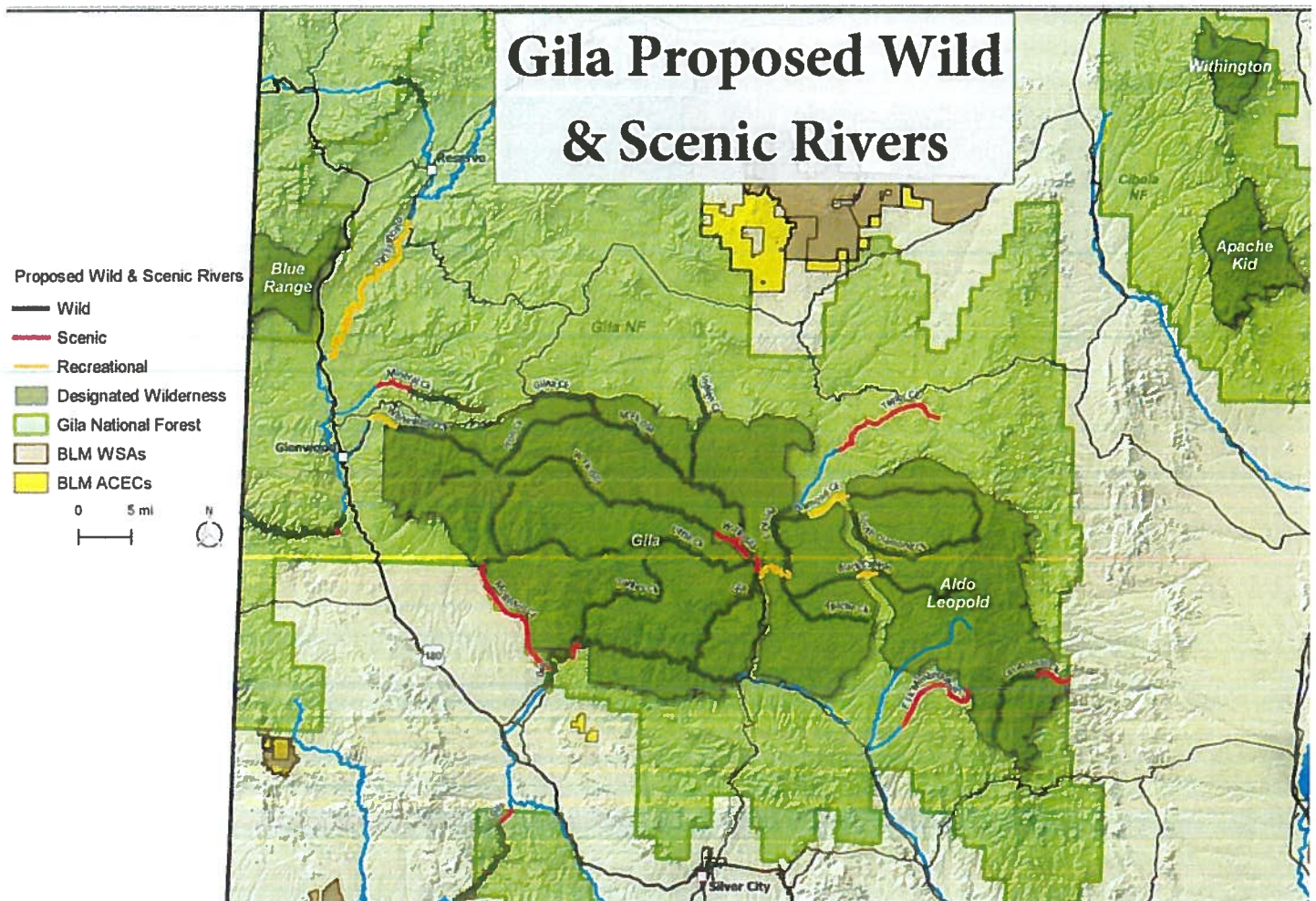
Wild and Scenic Designation of Southwestern Waters

By Dalene Hodnett, Director of Communications and Media Relations

A classic David and Goliath struggle is playing out in Southwestern New Mexico as local farmers and ranchers, families who have been in the area for generations, fight entrenched politicians and well-funded environmentalist groups over the destiny of local water.

Senate Bill 3670, the M.H. Dutch Salmon Greater Gila Wild and Scenic River Act, was introduced by Senator Tom Udall (D) on May 7, 2020 and was co-sponsored by Senator Martin Heinrich (D). The bill states it is meant to “protect for current and future generations of people in the United States the outstandingly remarkable scenic, natural, cultural, wildlife, fish, recreational, scientific, historic, cultural, ecological, and other values of certain segments of the Greater Gila River watershed and other rivers in the Gila National Forest.”

“Protect it from what?” asks Buddy Eby when discussing the proposed Wild and Scenic designation for approximately 436 miles of river and 440 acres of land along the Gila, San Francisco and Mimbres rivers. Eby, a fourth-generation farmer and rancher from Faywood, points out that his family has farmed and ranched along the Mimbres for over a hundred years, caring for the river and the land. “Families have built livelihoods along this river, using it for orchards, vineyards and haying operations,” says Eby. “We’ve developed conservation projects along the river and have kept it from eroding farmland, we’re much better stewards than anyone sent by the federal government.”



SB.3670 would amend the 1968 Wild and Scenic Rivers Act to designate certain segments of the Gila River system as components of the National Wild and Scenic Rivers System. The 1968 Wild and Scenic Rivers Act protects rivers in five major ways:

- It bans the construction of new federally-licensed dams and other harmful water development projects;
- It ensures water quality is maintained and, where possible, enhanced;
- It creates a federally-reserved water right for the minimum amount of water necessary to maintain a river's special values;
- It restricts activities that would harm a river's special values;
- And it requires the development of a Comprehensive River Management Plan (CRMP) to guide management along designated rivers for a period of 10-20 years.

Rivers are classified in one of three categories depending upon the extent of development and accessibility along each section:

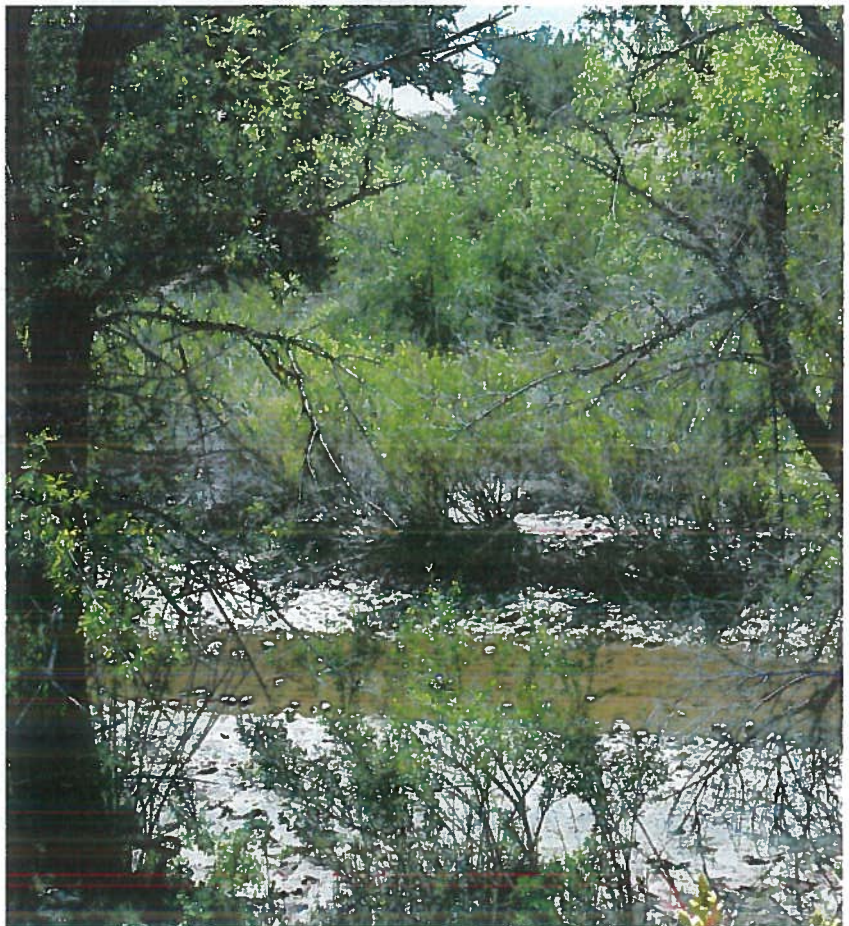
- Wild rivers are free of impoundments and generally inaccessible except by trail, with watersheds or shore-lines essentially primitive, and waters unpolluted.
- Scenic rivers are free of impoundments with shorelines or watersheds still largely primitive, and shorelines largely undeveloped, but accessible in places by roads. These segments are more developed than "wild" rivers and less developed than "recreational" rivers.
- Recreational rivers are readily accessible by road or railroad, may have some development along their shoreline, and may have undergone some impoundment or diversion in the past.

The original 1968 act states that "Alterations to existing systems and new water projects that require a federal permit may be allowed as long as they don't have an adverse effect on the values of the river."

Haydn Forward, a supervisor for the San Francisco Soil and Water Conservation District is concerned about how conservation efforts would affect the "values of the river." "That's why the New Mexico Association of Conservation Districts has passed a resolution opposing the Wild and Scenic designation," says Forward. "If the bill were to pass, a river management plan would be created and overseen by the federal government. It is then up to that manager's discretion what flood control projects would and would not be allowed along the river." Any maintenance done by irrigators would have to meet the "scenic" aspect of the act. Additionally, although the bill states that it would not affect any "existing points of diversion or existing water distribution infrastructure," there are concerns that if diversions are damaged by a flood, irrigators may not be given permission to re-build them. That would leave ranches, such as the NAN Ranch, high and dry.

Located near Faywood, the NAN Ranch was founded in 1870 when John Brockman began growing corn, alfalfa and cattle forage with irrigation water from the Mimbres. Added to

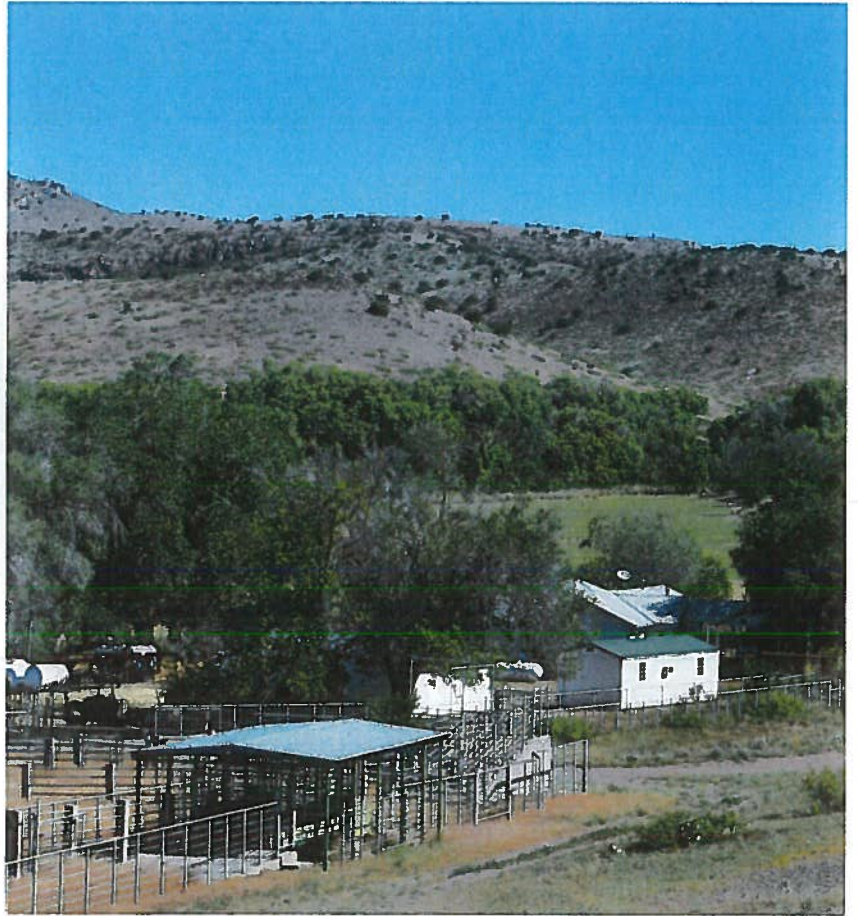
The Mimbres River as it passes through the NAN Ranch



the National Register of Historic Places in 1988, the ranch is currently owned by members of the Lang and Burford families, descendants of W.B. (Bill) and Clara Hinton, who brought the NAN Ranch into the family in 1948. Betty Lang, who lives at the ranch, says “This ranch has been irrigating pastures to feed cattle for over 150 years. If we don’t have access to the river we would cease to exist.” Lang has maps dating back to March 19, 1907 that show existing ditches and granted water rights. “The Salmon Act mandates that projects will be evaluated based on their impact to the river and one of their goals is a permanent flow of water. That’s almost impossible since in certain sections it goes underground, and in the summer it dries up without runoff or rains.”

Senator Udall has said the legislation was drafted with input from the community members, including private landowners, tribal entities and outdoor recreation enthusiasts, but many locals disagree. Hazel Donaldson grew up in the area and argues that local voices are being drowned out by elitists who want to use the area for a recreational playground. “This totally ignores those whose living comes from the river, in favor of tourists who come to visit then leave.” It would also negatively impact locals since section seven of the original act states that federal funds cannot be used above or below protected sections of the river if the river will be impacted. Designation opponents point out that this clause eliminates logging projects in the national forest meant to prevent fires through thinning projects.

Others are concerned about never-ending lawsuits from environmentalist groups, such as the New Mexico Wilderness Alliance who wrote the 400 page blueprint



Above: The NAN Ranch with irrigated pastures in the background. Below: Irrigation ditches on the NAN Ranch have watered cattle pastures for over 150 years. These ditches were lined with concrete by the Civilian Conservation Corps in the 1930’s.

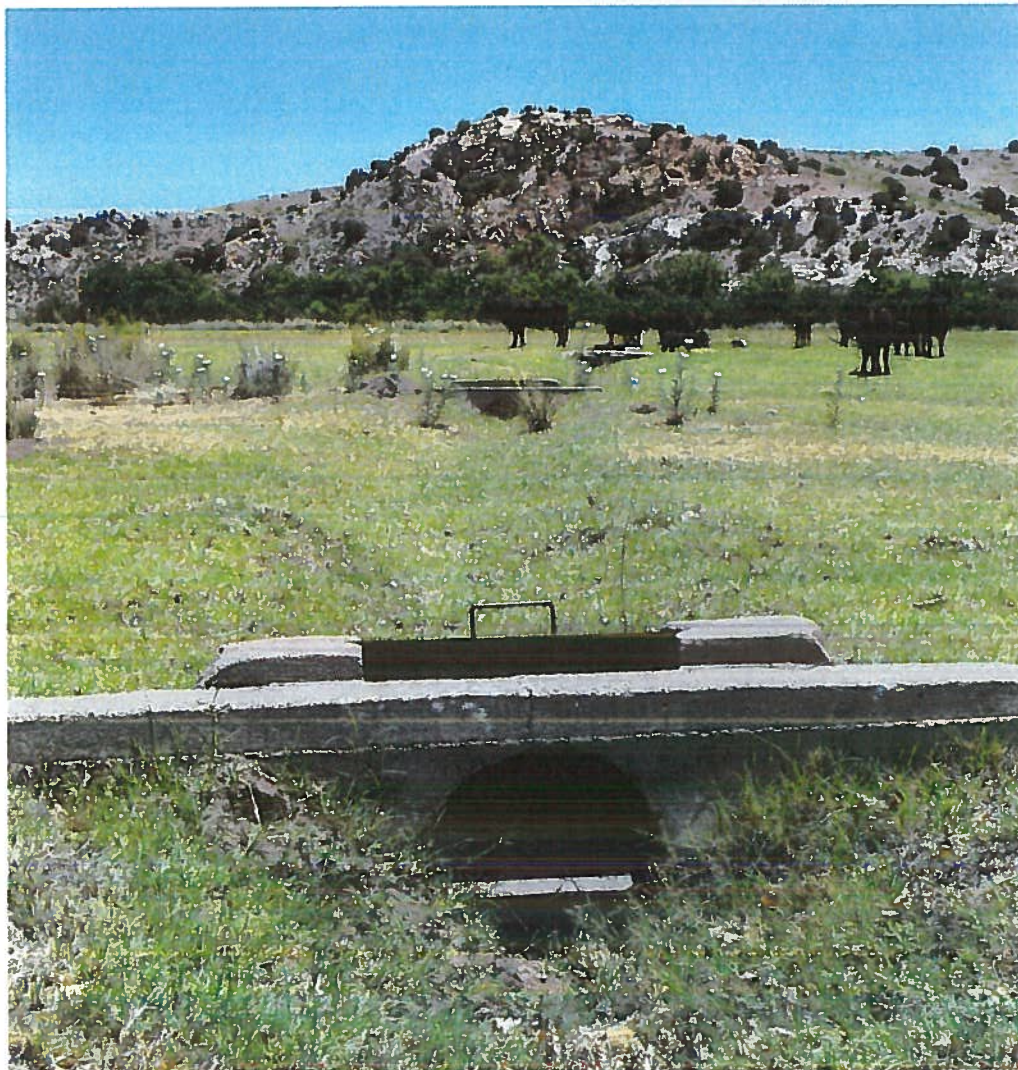


after which the bill is modeled. Candy Luhrsen, member of Grant County Farm & Livestock Bureau, says that even if the river management plan includes input from local residents, it will never be strict enough to meet environmentalists demands. "And they'll keep suing until their agenda is met, which is to take producers off of the land."

Forward points out that a study was done in 2002 and the Gila River system was evaluated for wild and scenic characteristics by a group of foresters, hydrologists and geologists. At that time only nine of 99 river segments were eligible according to the Wild and Scenic Rivers Act of 1968. All of these nine sections were within the Gila Wilderness, except for one which is in Whitewater Canyon and features the Catwalk Recreation area. "If only nine portions contained the proper characteristics for



Deer grazing in NAN Ranch pastures.



A series of irrigation gates allowing flood irrigation of pastures.

designation in 2002, how can a group of volunteers now identify 69 of those same portions as meeting the requirements? The only thing that has changed is the political environment," says Forward.

Forward, who has conducted a series of presentations for landowners in the area who will be affected by the designation, also expresses concern about private property rights on either side of the river. "The 1968 act states that when a river is declared wild and scenic, there is a quarter mile corridor that runs on either side of the river that is considered federal property. That quarter of a mile stretch begins at the high-water mark."

While Catron County Commissioners agreed with local land-owners in their opposition to the bill, Grant David and Goliath cont. pg. 16

Harvest Handful - Produce Subscription Boxes

By Dalene Hodnett, Director of Communications and Media Relations



The pandemic has brought many changes to our lives, some good, some bad and some new. Jamie Viramontes with Red Mountain Produce in Deming hopes her “something new” will help her community connect with area food producers. “Harvest Handful” is the name of a new subscription produce box introduced by her family’s farm where recipients will receive several pounds of produce along with recipes. “We grow chile, onions, watermelons, pecans and pumpkins and our neighbors were always asking if they could come just pick a little bit,” says Jamie, a graduate of NMSU with a degree in Ag Business and a minor in Marketing. “This seemed like the perfect way to get them just a taste of what we grow while growing awareness of the importance of local farmers.”

Red Mountain Produce is a family affair and Jamie keeps the books and completes FSMA documentation while her husband Cole runs the 800 acre farm. The packing shed is in its fifth year and they sell both retail and to local restaurants. While the boxes are not a direct response to the coronavirus pandemic, Jamie says the circumstances around COVID-19 have heightened consumers’ appreciation of local farmers and their valuable role in the food supply chain. “I think people are realizing that while organic is nice, locally grown produce actually has a much smaller carbon footprint and is better for the area economy.”

You can subscribe by emailing Jamie at redmountainproduce@gmail.com. For \$80 you can choose a seasonal subscription with boxes delivered twice a month from July through October. Or you can try a one month subscription for \$40 or an individual box for \$25. Boxes will be delivered locally, or to Las Cruces at a main drop off point. While the boxes feature Red Mountain Produce items, Jamie wants to expand to include curated collections of local fruit, honey, wine and other items from partner farms.

Let’s hope that the turn to local is a lasting positive result of these trying times.

David and Goliath cont. from page 8

County Commissioners did not. After Grant County’s 4-1 vote in favor of the designation, Heritage Waters was formed. Their web site, heritagewaters.org states “We believe there are abundant legislation proposals, activist group actions, and social trends that can negatively impact our rural citizens...Our goal is to provide an organized platform against these actions and to furnish a voice for rural people.” They encourage you to access their website and join their effort to protect local waters.

Heritage Waters members Hazel Donaldson, Kathy Davis and Buddy Eby.

