

Chairwoman Lisa Murkowski  
Senate Committee on Energy and Natural Resources  
DSOB 304  
Washington, DC 20510

June 10, 2020

Dear Ms. Murkowski,

We are writing to you in opposition of the M.H. Dutch Salmon Bill S. 3670. Our organization, the Deming Soil and Water Conservation District, is made up of board members who are very knowledgeable in conservation practices in New Mexico. They are all involved in the agricultural community and their very livelihood depends on the health of our natural resources and in turn the citizens of New Mexico depend on the agricultural community for their food supply. The Gila watershed provides vital lands and waters that have allowed New Mexicans to carry on the deep heritage and necessary traditions of ranching, farming, and living in this landscape.

Please consider the following issues regarding this bill:

- The Gila Watershed was fully evaluated in 2002 for river designation and nine rivers were deemed eligible. The United States Forest Service settled a lawsuit in 2002 with environmental groups which resulted in a settlement identifying nine river segments as being eligible for some level of protection under the Wild and Scenic Rivers Act.
  - According to the USFS Plan Amendment, a team of professionals from various disciplines (wildlife, recreation, hydrology, fisheries, etc.) conducted the analysis for the Gila National Forest. These interdisciplinary teams systematically identified and evaluated the free flowing nature and existence of potential outstandingly remarkable values for rivers or river segments in the Gila National Forest. Ninety-nine rivers/river segments were evaluated and nine were deemed eligible. The determination that a river area contains outstandingly remarkable values was a professional judgment on the part of each member of the team. Technical information from organizations, individuals, and agencies familiar with specific river resources was sought and documented as a part of the process.

- This new designation is an attempt to rewrite history and designate over 400 eligible miles of river. The M.H. Dutch Salmon Greater Gila Wild and Scenic Rivers Act ignores the professional and public process of the USFS by designating rivers and river segments that have never qualified for protection under the Act currently or in the past.
  - The USFS planning process should proceed with participation by the public and Congress should review the Final Plan prior to Congress making any designation decisions.
  - These new designation decisions are attempting to bypass the NEPA process by designating over 400 miles of river without legal procedure.
  - This is a public NEPA governed process that has allowed all who wish to participate to make their voices heard.
  - The NEPA planning process also contains appeal rights where citizens can insure the USFS has conducted their planning process according to law and regulations.
  - The M.H. Dutch Salmon Bill S.3670 fails to consider the comments and concerns of those New Mexico citizens who live, work and care for these lands and rivers daily. While the senators accepted comments from the public through their own web site, there is no evidence these comments were considered, and it does not appear any substantive changes were made to the proposal as a result of comments submitted.
- The legislation lacks protective language for those who depend on these waters.
  - It is claimed by the sponsors that this Act will protect continued uses such as grazing and irrigating. Ranchers and farmers have been utilizing these rivers and their waters for over a century and the proposed legislation fails to protect the water right owner's ability to utilize their property rights.
  - Many of these rivers contain irrigation and grazing improvements which are necessary for the grazing and farming that is dependent upon the waters from these rivers to sustain our economy and the heritage of the area.
  - The legislation fails to provide specific provisions to allow these existing facilities to be repaired, replaced, or improved as is often necessary to allow users to utilize their water rights deemed under New Mexico State law.

- The legislation will put the USFS in charge of New Mexico water rights by controlling when, where, and if existing improvements can be modified, repaired, or replaced.
- The new legislation does not protect our legacy rights as producers of the land and water.
  - It claims to protect existing grazing and livestock improvements but fails to provide any certainty for grazing lease renewals, permit renewals for water improvements, fencing, or access to these rivers and their waters.
  - The legislation must be amended to ensure that responsible grazers are allowed to renew their permits for grazing, water facilities, and access must be protected and assurances provided for continued operations in the future.
- This legislation does not allow New Mexicans to retain their drinking water.
  - The M.H. Dutch Salmon Bill S. 3670 endangers New Mexico's ability to responsibly utilize our waters before they flow over the state line to Arizona where they will certainly be captured and utilized.
  - New Mexico's citizens deserve to benefit from the waters that originate in our mountains, to use these waters wisely and with conservation as a high priority.
  - This bill will put the USFS in charge of New Mexico's waters and will prohibit future use and development for New Mexico citizens.

As elected officials of the Deming Soil and Water Conservation District, this new legislation would have a devastating impact on our ability to work with constituents in our districts on projects that greatly affect their ability to sustain the conservation practices necessary to preserve the health and integrity of the Gila and Mimbres rivers. We appreciate your time and we hope that you will consider our concerns with this new legislation that highly impacts the utilization of the waters that the citizens of New Mexico depend upon.

Sincerely,

Rick Holdridge

Chairman of the Deming Soil and Water Conservation District