

# Securing America While Protecting Public Lands—An Exercise in Collaboration and Cooperation

by Ron Colburn

In consideration of the markup of S. 1689, the “Organ Mountains Desert Peaks Wilderness Act,” a bill to be considered before the U.S. Senate, I want to commend Senators Bingaman and Udall for their efforts to forge legislation that works to protect both our international border with Mexico and our nationally valuable wilderness resources.

This bill is clearly the end product of many hours of consultative work, numerous meetings, and the collaborative efforts of those who legislate, those who protect our precious, publicly stewarded lands, and those who ultimately protect the homeland. It is apparent to me that the people—our American public, that is—have been the sounding board for the intended positive outcomes of S. 1689, and all walks, “both sides of the fence”—no pun intended—have been consulted, including the ranching and agricultural community; environmental and wildlife conservationist nongovernmental organizations (NGOs), and staunch supporters of protection of our borders and enforcement of our land’s laws.

I have been reflecting recently on the progression of public and interagency collaboration and cooperation that I have witnessed during a decade and more of this kind of much-needed dialogue. During the past thirty-one years, I have served as a member of the federal law enforcement community tasked with protecting America at its sovereign frontiers. I have learned much from my partners in land stewardship, such as the Department of Interior’s Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, along with the U.S. Forest Service of the Department of Agriculture. Most important, I learned that when we all worked together constructively, we were able to get things done and serve our country well.

In reviewing the proposed legislation, and its most recent amendment (s), I am pleased to see how the leaders of the various entities have recognized the shared interests and even parallel, shared missions of protecting public lands while protecting the borderlands. While it is not a perfect world, and pleasing everyone all the time is improbable, I can see the “stretch” that leaders are making, in order to do more to understand each other’s missions.

The unintended clash of our federal laws has proven at times to be a challenge over the past couple of decades. The National Environmental Policy Act, the Endangered Species Act, and the Wilderness Act

have governed, to varying degrees, how federal agencies conduct their missions on public lands and federally owned lands. Whether it is a U.S. military base or a strip of road along the border with Mexico or Canada, these laws apply.

We also must uphold the Immigration and Nationality Act, the U.S. code of criminal conduct, customs laws pertaining to tariffs and trade, drug enforcement laws, weapons trafficking laws, counterterrorism laws, and the Homeland Security Act. At times, these national priorities can come into conflict, and it is incumbent on leadership in these agencies, back in DC and on the ground, to coordinate and collaborate in order both to secure the border and protect our treasured natural resources.

When I began to meet frequently with our partners from state and federal land management entities in the late 1990s, I served as a representative of the Department of Justice and later the Department of Homeland Security. I am now retired, and in retirement find an interest in continuing the necessary public dialogue and supporting ongoing interagency collaboration. I am happy to borrow a quote from a top-level border security executive who in part recently stated:

With regard to ... concern for Senate Bill 1689, the Organ Mountains Desert Peaks Wilderness Act, please know that Senator Jeff Bingaman’s staff made significant efforts to incorporate the needs of the Border Patrol and national security into the maps and verbiage associated with the bill. We believe that it is now crafted in such a way as to allow good visibility of the border and installation of technology and tactical infrastructure where needed proximal to the border.

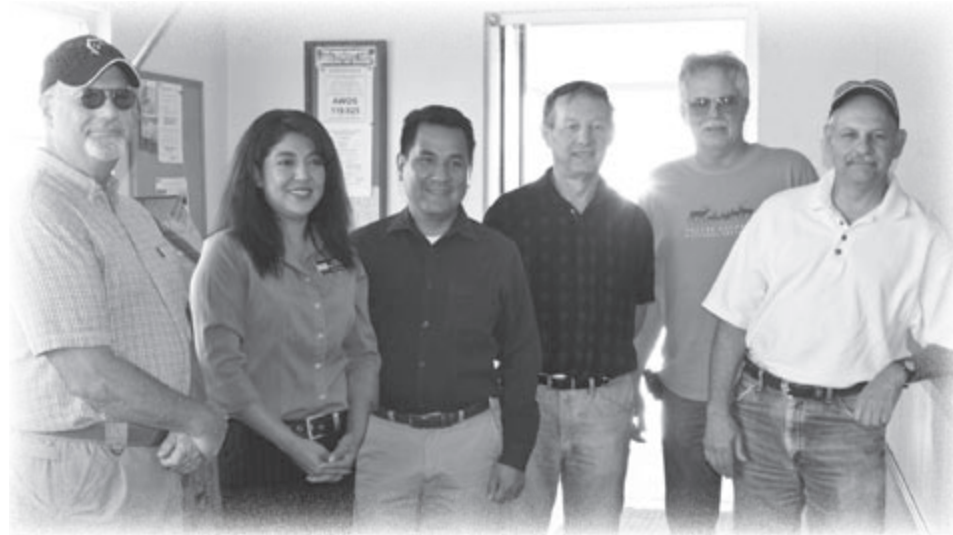
“Collaboration” and “cooperation” are two words that I rely on heavily when it comes to protecting America, and they are especially applicable in regards to the great debates on wilderness versus non-wilderness restrictions at and near the borderlands. I am pleased to have observed the missions of the individual agencies evolve over the years, as they recognize where their interests actually meet and even overlap in some places.

I am proud of the fact that I played a leadership role in drafting the national Memorandum of Understanding between

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the Department of Interior, the Department of Agriculture, and the Department of Homeland Security, which was signed in 2006. This document has since served as the baseline for interagency cooperation among those departments. It took us over two years to hammer out that Memorandum, and, while it hasn’t pleased everyone all the time, it has been essential in working out the tough challenges in effectively administering our nation’s laws.

To deter illicit cross-border trafficking is to deter environmental degradation—it’s as simple as that, in many instances. There



are many miles of publicly stewarded lands that are abutted by and are adjacent to the international boundary of the United States. In Arizona alone, where I served as a Chief Patrol Agent, one can find national monuments, national wildlife refuges, Native American tribal lands, U.S. military training ranges and bases, federally protected riparian areas, water boundaries, federally leased farmlands, and U.S. forest lands. Over 90 percent of the sector in which I served as Chief, the Yuma Sector, contained federally stewarded lands along the border.

In order to accomplish this dual task, we need to keep in mind the importance of “access” and “balance.” In short, the U.S. Border Patrol needs access to the borderlands and beyond to protect the American people, infrastructure, and public lands. Section 287 of the Immigration and Nationality Act provides language allowing law enforcers to go anywhere, within twenty-five miles of the border, in the conduct of their duties. In turn, this must be balanced with the Wilderness Act requirements that prohibit motorized vehicular access on certain lands along and near the border, which can be challenging to national security needs, if not addressed in a deliberate, intelligent, and cooperative manner.

There can be no compromise in securing America against those who would do us harm. But commonsense solutions can be achieved. I believe that the collaborative process can produce righteous outcomes in protecting America while also protecting our pristine wildlands. In my opinion, S.1689 demonstrates that this can be done.

There may be times where Wilderness designation is not the best pathway. Many of these lands are already well protected by federal regulations yet still provide access to our ranchers, sportsmen, hikers,

and law enforcement. The one group that absolutely does not respect laws or the lands that the laws are designed to protect is the criminal element—the cross-border traffickers; the smugglers. They will do whatever it takes to further their criminal schemes; deterioration of public lands and resources does not enter their equations. In this, we can be united, and in this we can find balance.

I look forward to further pursuit of this noble cause: the interagency process of collaboration and cooperation achieving access and balance in securing our border and our natural heritage.

Note: Ron Colburn is the former national Deputy Chief of the U.S. Border Patrol; he retired in November 2009 after over thirty-one years of service. He represents the third of four generations in his family who chose a career in protecting America’s borders. He also served as the Director for Law Enforcement, Homeland Security Council, Executive Office of the President, the White House. He now serves as a consultant with the Command Consulting Group, Washington, DC. He resides in Arizona.

## No More Wilderness Excuses

By Don Paterson

It has been five years since the debate about wilderness in Doña Ana County began in earnest. These discussions have taken many twists and turns over the years but, thankfully, have resulted in the development of a sound and widely-supported proposal for protecting sensitive wildlands in our community. As a wilderness supporter, I have been proud to participate in a diverse coalition of organizations and citizens who have fought for the central vision of protecting the Organ Mountains and nearby public lands. There has been a lot of information disseminated to the public recently with regard to the Organ Mountains - Desert Peaks legislation sponsored by Senators Bingaman and Udall—sadly, some has been intentionally misleading and misguided at best. Given this deluge of conflicting views, it would be understandable if many folks are confused about the “real story.”

I am writing to address key facts about the legislation, S. 1689, specifically comments made in recent op-eds talking about border security and wilderness.

Since the beginning of this debate, wilderness opponents have used every excuse in the book to fight any wilderness protection in our county. Now, even as the head of the U.S. Customs and Border Protection has issued a letter stating that the Organ Mountains – Desert Peaks Wilderness Act would enhance the security on our border, the fear tactics continue. It’s time that we understand the real facts about this bill, as well as about the agenda and history of those that have opposed all wilderness protection in this county from the beginning.

### Border Facts

First off, it’s vitally important that Doña Ana County residents be presented with a few basic facts about the border. The most important is that we have relatively little illegal immigration that occurs in the county and, specifically, very little that entails crossing the Potrillo Mountains, one of the proposed wilderness areas. This has been repeatedly established by the Border Patrol. The landscape is very rugged and unforgiving and there is no water.

Secondly, the Potrillo Mountains are already a Wilderness Study Area (WSA) and, as such, have been managed as if a wilderness area since 1980. This designation and the area’s management have never been stated to be a detriment to our border security by either the ranchers or the Border Patrol. Only after every other argument failed, are the wilderness opponents trying to fabricate this concern.

Finally, according to the head of Border Patrol, the Organ Mountains – Desert Peaks Wilderness Act will actually improve

our border security. Even though the Potrillo Mountains are a vast and pristine ecosystem—not easily crossed by illegal immigrants or drug smugglers, Senators Bingaman and Udall have taken the extra step of creating a security zone along their southern border that the Commissioner for U.S. Customs and Border Protection, Alan Bersin, calls an “enhancement” to the Border Patrol’s current ability to monitor this area. In plain speak, Commissioner Bersin’s comments mean that, if we pass the Organ Mountains – Desert Peaks Wilderness Act, we are actually improving our current border security. If we don’t pass this bill, we are allowing the objections of an extreme ideological few, like Mr. Cooper, to undermine and prevent this enhancement to our border security.

### Fear Tactics

Since the Border Patrol has said the Organ Mountains – Desert Peaks Wilderness Act will improve our border security, why are the opponents of this legislation still trying to convince us it will lead to mayhem? As the old saying goes, “consider the source.”

Recently, at several forums, wilderness opponents stated flatly that “we should not have any protected lands within 100 miles of the border.” If such a ridiculous one size fits all policy were enacted, our country would immediately have to close White Sands National Monument, the Gila Wilderness, Big Bend National Park, and the Guadalupe Mountains National Park. Have you heard about any of these places being illegal immigration or drug smuggling corridors? Given this radical position of local wilderness opponents, no form of protection of the Potrillo Mountains would satisfy their extreme argument short of defeating this legislation in its entirety. Of course, this is the ultimate goal of this fear tactic.

### A History of Excuses

The wilderness opponents’ organization, People for Preserving Our Western Heritage (PFPOWH), had a very different tone for much of this five-year debate. For most of this time, their total opposition to wilderness was reflected in their proposed plan to REMOVE wilderness protections from EVERY Wilderness Study Area in Doña Ana County including in the Organ Mountains. Their plan also mandated a SELL-OFF of 65,000 acres of land for “community growth.” PFPOWH’s main partner at the time, the Las Cruces 4 Wheel Drive Club, even went so far as to publish a list of all the reasons wilderness was bad for our county, stating comically that “we don’t need wilderness on both sides of our community.”

For their part, People for Western Heritage also published their own anti-wilderness laundry list, with

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one item ironically saying the Organ Mountains and local public lands didn’t measure up to “pure wilderness.” Incredibly, they contradicted themselves by both criticizing wilderness as being too restrictive on ranchers while simultaneously saying, “if only these areas were bigger and had fewer roads, we would support it.” We see this same disingenuous double speak today.

In what can only be called a revolving door of excuses to oppose wilderness, it was only relatively recently that wilderness opponents have tried to settle on border security as their Trojan horse to stop wilderness protection for the Organ Mountains, Potrillos, and other important public lands. Like the other arguments before it, we should not buy it.

### A Story of Compromise

Since the beginning of this wilderness protection effort, middle ground has been sought, concessions have been made, and compromises have been achieved. Important agreements were reached with sportsmen regarding roads and access throughout the protected lands. Compromises were made and a subsequent agreement was reached with the former Las Cruces Homebuilders Association Board of Directors that their press release at the time called “historic.” Through Senators Bingaman and Udall, extensive outreach, collaboration, and compromises were reached involving everything from flood control to power and gas lines.

Back in 2006, every single affected rancher was also reached out by wilderness proponents. Instead of responding to that outstretched hand, opposing ranchers and off-roaders called wilderness supporters “eco-terrorists” and attempted to spread the same malicious and unfounded innuendo about our support for wilderness designation that they are now spreading about border security. Their choice then, as it is now, was to fight and to call people names. In spite of their often belligerent behavior, Senator Binga-

man’s staff spent countless hours with each rancher talking about their needs and, most times, making adjustments to the legislation to accommodate their expressed concerns. In total, the Senators removed miles and miles of ranching infrastructure from the bill, even though wilderness designation would not have impacted or impaired their operations.

### Closing Thought

I wholeheartedly agree that it would be nice if all the stakeholders in Doña Ana County were in complete agreement with each other on every single issue, but that is not reality. We cannot control the behavior of others, particularly of those who have made an ironclad bond to fight any and all wilderness legislation. The vast majority of stakeholders are in consensus supporting this important legislation, and recent polling shows that a very high majority of local residents are comfortable with the proposal. By any standard, this is as high a threshold of support as any wilderness bill passed across our great country,

I am proud to say this has been an incredibly inclusive process that has brought about important compromises and historic legislation. Wilderness will be one of Doña Ana County’s best and most enduring legacies. As for border security, this bill will make things better. Don’t take my word for it, listen to the words of the Border Patrol’s leadership and local staff: “The provisions in this bill would significantly enhance the flexibility of the U.S. Customs and Border Protection (CBP) to operate in this border area” – Alan Bersin, Commissioner of the U.S. Customs and Border Protection.

It’s time we move beyond the revolving door of excuses and fear, and all get behind this historic legislation.

Don Patterson, Vice-President of Back Country Horsemen of America, Lower Rio Grande Chapter. Mr. Patterson has been a registered Republican since President Eisenhower.

