

New Mexico Wilderness Alliance

All New Mexico All The Time

February 2016 Advisory Newsletter

We are indeed citizens of a nation with a complex legacy of land ownership. And so it is ever more necessary that we protect our wildest lands for the highest ideals of the United States and especially in honor of all those who have loved it, used it wisely for centuries, and been nurtured by it.

Several NM State lawmakers repeatedly try to pass bills to force our federal government to hand over public land to the state. *New Mexico Wilderness Alliance* warns this would likely result in its sale and extensive mineral resource development.

Wrapped in flags, patriotic rhetoric and civil rights icons, a diverse array of fringe elements do the bidding, perhaps unwittingly, of powerful corporate interests vested in taking our federal public lands away from us.

The publicized armed takeover of a wildlife refuge isn't about exercising rights within the democratic process to inclusively expand access—it's the exact opposite. It's an affront to our democratic ideals, using force and intimidation to take what belongs to all of us in public trust to give to a few for their private use. Depressing for sure—get ready for the blues if these interests prevail.

New Mexico Wilderness Alliance points to the Constitution of the United States to get the facts about public lands.

Federal public lands are lands in the U.S. under the jurisdiction of the U.S. Government. Upon statehood, all Western states formally waived their right in writing to any future dispute over jurisdiction of these lands.

The perpetrators and supporters of the 2016 standoff on the Oregon Wildlife Refuge are linked to a movement which does not acknowledge the federal government's jurisdiction over public lands. Here in New Mexico the federal - state relationship was tested in 1976 when the U.S. Supreme Court unanimously upheld the broad powers of the federal government to deal with federal lands in *Kleppe v. New Mexico*, asserting that "the complete power that Congress has over federal lands under this clause necessarily includes the

power to regulate and protect wildlife living there, state law notwithstanding." This case confirmed over a hundred years of consistent Supreme Court precedent which has stated that, "**the Constitution vests in Congress the power of disposition [of public land]...that power is subject to no limitations...no state legislation can interfere with this right or embarrass its exercise.**"

Is federal jurisdiction over public lands still the best option for conservation and a balanced approach to land management? We say YES!

The *New Mexico Wilderness Alliance* recognizes four realities that guide us in our resolve and activism to keep public lands federally managed:

1. The U.S. is the envy of the world for the amount of land held in public trust for its citizens—all of its citizens. It is wealth of unimaginable magnitude and it should be used conservatively and wisely to be preserved for future generations and all species.
2. Federal agencies are imperfect, like all institutions. None of those charged with management of public lands get it right all the time. However, even if it was legally possible, evidence suggests states or counties would likely manage these lands in favor of quick profit and without a balanced, sustainable-use approach.
3. Special interests complaining about the Bureau of Land Management and the Forest Service, for example, not adequately managing these lands are frequently the parties who chronically starve these agencies' budgets and constrain staff time and resources.
4. National laws for federal lands offer much stronger protections for citizen involvement in planning and management decisions. NM statutes and privately owned land offer virtually no opportunity for public engagement.

Is state or county control an affordable economic alternative?

We say an emphatic "NO". It is a chilling fact that proponents of state and county control never give details of how their "freedom" would be exercised. It is likely that in order to afford a comparable level of management and oversight the state would need to sell a certain amount of land to private interests, and would seriously increase the amount of energy production and revenues from the land.

Additionally, the Endangered Species Act protections would be weakened. The complete environmental analysis currently required is not required at the state level. Why risk the national

treasure to individual profit, resource exhaustion, corruption, and the flagrant discounting of biodiversity science?

What's a person to do when the upcoming election holds the future of public land transfers in its grasp?

We all need to know the facts and keep a long and conservation-minded view. This pressure alone can encourage new developments for energy without sacrificing land and habitat. Rational and well-meaning friends and family need you to lead this discussion with facts without ignoring the complicated history and management issues inherent in our public lands.

63% of New Mexicans oppose state takeover of public lands.

(Source: 2016 Conservation in the West Poll conducted by Colorado College)

As a member of *New Mexico Wilderness Alliance* you understand this. Thank you for trusting us to be a watchdog, educator and a public voice to federal agencies and our state and federal elected representatives.

While the Wilderness Alliance will continue to advocate for adequate funding and responsive and accountable management from our federal land management agencies, FIRST AND FOREMOST, we will stand strong on opposing effort to seize our nation's public lands.

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Please help us now with Wilderness protection in New Mexico.

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All gifts support local fieldwork, our tenacious role as the on-the-ground watchdog for our New Mexico wild land, and the voice of citizen conservation. You are with us every step of the way and we are grateful for the most generous contribution you can give.

Please make your tax deductible donation to New Mexico Wilderness Alliance. If you prefer to charge your gift to a credit card, please donate online at nmwild.org/donate

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Thank you for helping New Mexico Wilderness Alliance shine a light on Wilderness – it belongs!