

Testimony of
Jose J. Varela Lopez
On behalf of the
New Mexico Cattle Growers' Association
Before the
U.S. House of Representatives Committee on Natural Resources
Subcommittee on Public Lands and Environmental Regulation
Oversight Hearing on
"Threats, Intimidation and Bullying by Federal Land Managing Agencies, Part II"

On July 24, 2014

Chairman Bishop, members of the Committee, thank you for the opportunity to come before you today. My name is Jose Varela Lopez. I live on my family ranch southwest of Santa Fe, New Mexico. I am the 14th generation of my family to do so and I pray daily that I will not be the last.

I am president of the New Mexico Cattle Growers' Association, the executive director of the New Mexico Forest Industry Association, the immediate past chairman of the New Mexico Soil & Water Conservation Commission, vice chairman of the Santa Fe - Pojoaque Soil & Water Conservation District and a former Santa Fe County Commissioner.

We are here today to talk about the bullying and abuse of citizens at the hands of the federal government. Unfortunately, this is a story that is all too familiar ranging from the IRS scandal, the mistreatment of veterans, the failure to protect dignitaries in foreign lands, the protection of private information, the collapse of security on the Mexican border, and most recently the failure of the CDC to protect their employees.

You can add to that the treatment of Americans by the U.S. Forest Service, the U.S. Fish & Wildlife Service, the Bureau of Land Management, the U.S. Army Corps of Engineers and others. I am not here to tell you that every employee of these agencies is rogue, but I can tell you that the agencies are permeated with employees that wantonly violate the rights of the rural citizens of this country and their small businesses, entities that provide economic stability to the majority of the counties in our great nation.

As Cattle Growers' President, we are dealing daily with individual and collective efforts to remove families like mine from the land. The worst part is that we have no recourse.

New Mexico has been a hot spot not only for catastrophic wildfires resulting from the lack of management by federal agencies but also for species listings which affect natural resource users.

Endangered species "protection" is the biggest culprit. At the moment the Fish & Wildlife Service is considering critical habitat for the lesser prairie chicken, the New Mexico meadow jumping mouse and two varieties of garter snakes. Expansion of the Mexican wolf habitat is expected as early as tomorrow. We have had 764,000 acres in New Mexico and Arizona recently designated critical habitat for the jaguar although only a few male jaguars have been sighted in the U.S. over the last 60 years. We are awaiting listings and designations for the Canadian lynx and the wolverine even though those species do not exist in our state.

Additionally, the Fish & Wildlife Service is taking their power to a whole new level directing their employees in Region 8 **NOT** to follow the current law, but rather to direct their resources to a program created by a secretarial order issued in December 2010. We have not yet located similar orders for the rest of the nation, but are confident they are out there.

But that is just half the story. New Mexico has been a hot bed for special land use designations. The most recent transgression is the Organ Mountains/Desert Peaks National Monument encompassing some 550,000 acres in the southern part of the state bordering Mexico. Add that to the recent Rio Grande del Norte National Monument of 250,000 acres and the Rio Mora National Wildlife Refuge and Conservation Area of 800,000 acres.

There are also proposed designations for a national monument on Otero Mesa of up to a million acres, the La Bajada National Monument of about 130,000 acres, Hondo/Columbine Wilderness at 60,000 acres, Pecos Wilderness expansion of approximately 120,000 acres and the transfer of the 89,000 acre Valles Caldera National Preserve from a multiple use property to the National Park Service. Add to that existing wilderness designations and wilderness study areas of 2.8 million acres and 4.6 million acres of inventoried roadless areas, areas of critical environmental concern, special management areas and national conservation areas.

In my own case, the BLM has been buying up private lands near my family ranch within the boundaries of an Area of Critical Environmental Concern that they designated as part of their Resource Management Plan. They now refer to our ranch as an in-holding, meaning that we are now surrounded by federally managed land and ostensibly the next "willing sellers". What this designation has done is de-valued our land and effectively prohibits any type of future development on the ranch that is not consistent with the BLM's Area of Critical Environmental Concern. My takings protest to their headquarters was to no avail.

Each of these listings and designations provide the opportunity for federal overreach and the violation of our rights as citizens. And there is no recourse. Federal agents are literally taking the food out of the mouths of rural families and Americans as a whole.

If I believe my civil or constitutionally guaranteed rights are violated by a local or state agent, I have the right to my day in court where a judge and/or a jury have the opportunity to hear both sides of the story. If those agents have crossed the line, they are held personally liable. Not so with federal agents.

Under current law, federal land management employees hold the same immunity from the law as diplomats, and are above any law. That is patently inequitable, can be discriminatory and violates the humanitarian ethics we strive to live by. There is no accountability for those who use the power of their employment against people like me.

A report done by the U.S. Department of Agriculture in June of 2013 documents the fact that U.S. Forest Service employees in Regions 2 and 3 routinely violate the civil rights of allotment owners in New Mexico and Colorado. The report states that a detailed Corrective Action Plan must be developed within 60 days of receipt of the report. As of today, to my knowledge, nothing has happened.

The hierarchy of the Forest Service and the BLM is such that it seems nearly impossible for there to be justice for natural resource users. In the case of the Forest Service there is no recourse. A district ranger is generally the prosecution, judge, jury and executioner. Decisions go up the chain of command, but are rarely overturned.

The BLM does provide at least some way to appeal to higher levels, but allotment owners go to those higher levels at their own peril because retaliatory action at the field level is a real and constant threat.

In closing, our government agencies are punishing natural resource users through unnecessary land use designations and restrictions, prompted mainly by radical environmental groups. This preservationist mentality is making it difficult if not impossible for renewable resource users to make a living, and is in effect extinguishing the customs and culture of our country's land based people. Besides, how do you preserve a renewable resource?

Thank you for your time and attention. We look forward to working with you to resolve these issues so our families can continue to feed ourselves and the rest the world.