

Parallel Universes in Bootheel Country

The environmental movement controls too much of the Mexican border, limiting illegal immigration enforcement. The only similarity between members of this movement and locals who live and work here is a common language.

By Stephen L. Wilmeth

The monsoons finally came to the Bootheel of southwestern New Mexico in 2011. The drought that strangled the parched land until July had offered no meaningful precipitation since October 2010. Worry and frustration were constant and unrelenting. The drought made it worse, but it was only part of the problem.

In Pursuit of the Killer

The Bootheel was introduced to many Americans for the first time in the spring of 2010 when rancher Rob Krentz was killed on his southeastern Arizona ranch near the New Mexico line. Rob's murderer was tracked by neighboring rancher Warner Glenn and agents of the Border Patrol (BP) south across the San Bernardino National Wildlife Refuge to the Mexican border.

The hours that it took to trail the murderer revealed to the pursuers more than just tracks on the ground. They got to know him

in ways like nobody else. They knew how long his stride was. They knew his shoe size. They knew the tread on those shoes. They got to know his thought processes in an instinctive way.

Warner Glenn is one of the most elite trackers alive. He is a cowman who supports his ranch by outfitting. He is known for his mules, his hounds, and the diminishing art of mountain lion hunting. When Warner lost the track of Rob's murderer within a stone's throw from the border, he was frustrated. "The trail was corrupted by so much other sign. I think he took his shoes off and walked on across," he says, shaking his head. "We just weren't allowed to get on the trail in time."

The Conflict

The ranching community of the Bootheel finds itself in a location that is both blessed and cursed. It is blessed in that it is squarely in the path of one of the most consistent and

prominent monsoonal flows in the world. It is cursed in that it is contiguous to one of the most geographically appealing smuggling corridors in the world.

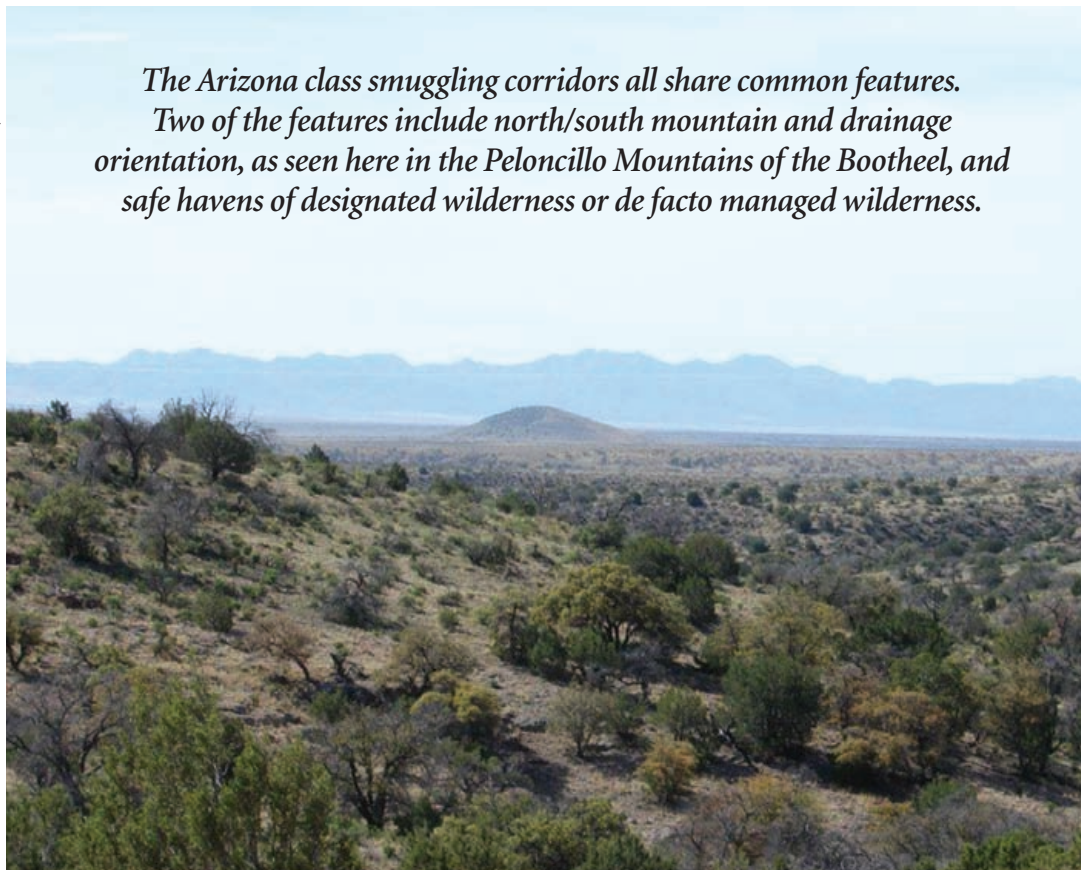
Much has been learned and revealed to the American people over the last year about the Arizona smuggling corridors. Their characteristics are specific. They have rugged north-south mountain and drainage orientation which provides channels of movement. They have east-west highway access both north and south of the corridor. They have high, strategically located points of observation for cartel observers and coordinators. They have minimum numbers of American inhabitants. They are heavily dominated by federal land-agency management. And they all have designated wilderness or de facto managed wilderness safe havens.

The expanding disclosure of conflicting federal-agency missions has also been revealed. Concurrent with Rob's death, three

letters surfaced from the U.S. Fish & Wildlife Service (FWS) regional director, Benjamin Tuggle, to the BP's chief patrol agent, Robert Gilbert, describing strict protocol for BP's entry into San Bernardino. Tuggle made it clear that BP was only allowed mechanical access into San Bernardino if human life was threatened, and he instituted a protocol for auditing BP actions. If the results demonstrated that mechanical entry was not warranted, all access would be denied and BP would have to request access on the basis of a special-use permit.

The antagonism of the Forest Service, the Park Service and FWS to BP is not limited to San Bernardino. It is pervasive all across the border, particularly in the BP's Tucson Sector. This is

The Arizona class smuggling corridors all share common features. Two of the features include north/south mountain and drainage orientation, as seen here in the Peloncillo Mountains of the Bootheel, and safe havens of designated wilderness or de facto managed wilderness.



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Malpai Borderlands Group in 1994, photographed inside Warner and Wendy Glenn's hay barn at the Malpai Ranch near Douglas, Ariz.

where half of all the human smuggling apprehensions, half of all the drug interdictions, and the vast majority of the loss of human life occurs. This is ground zero in the conflict that has made the Mexican border the most dangerous in the world.

In Search of a Sanctuary

By the early '90s, the ranching community of the Bootheel was fearful that if something wasn't done, their days of historic land stewardship were numbered. At that time, the war at their front was not a simmering cartel drug war. It was the expanding environmental war on their existence. They sought help and shelter within the movement itself, thinking that they could control their destiny by being part of the process.

In 1994, a deal was struck that united the ranchers with The Nature Conservancy (TNC) in a venture named Malpai Borderlands Group (MBG). The original 20 members were photographed by Jay Dusard in what is now a famous picture inside a hay

barn at the Malpai Ranch (from which the group's name was taken). The union was built around ecological preservation of the landscape through the concept of a grass bank system that would buffer the drought-

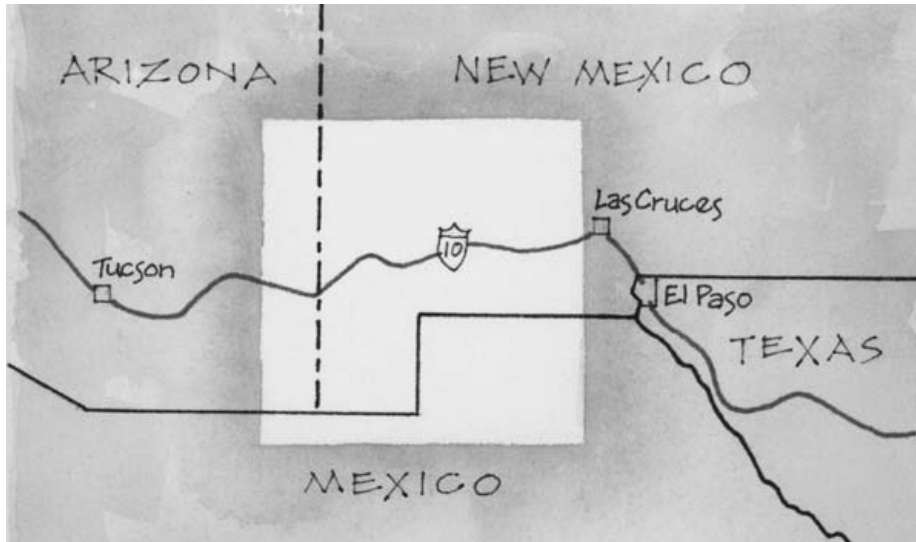
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monsoonal patterns. The centerpiece of the union was the Gray Ranch.

The Gray has been owned by a number of wealthy men including William Randolph Hearst. Its 500 sections are dominated by the

skyline and the rain shadow of Big Animas Mountain. When it was put on the market by a wealthy Mexican national in the early '90s, a number of hopeful buyers lined up, including federal agencies. The problem of acquisition for the feds, though, was the availability of funding and increasing warnings by Department of Interior legal counsel against the rising scrutiny of such acquisitions orchestrated through environmental organizations, particularly TNC. The problem was solved by an acquisition by TNC and the reconveyance of title back to one of the heirs of the Budweiser fortune.

MBG was formed by recruiting ranches through conservation easements. Those easements are contracts placed on the member ranches that limit future land use by the ranchers while allowing them to retain title. They can ranch, but they are limited by binding covenants from pursuing other enterprises. Compensation for the easements came either in the form of cash payments or guaranteed grazing on the Gray.



Bootheel country straddles Arizona, New Mexico and Mexico.

De Facto Wilderness?

BP demonstrated in the neighboring El Paso Sector that it could control illegal alien entry by putting enough boots on the ground, improving technology, adding infrastructure, and allowing full and unencumbered access anywhere and at any time within 25 miles of the border. Without those four components, control was not possible. BP does not have all those components in the Tucson Sector or in the Bootheel.

How bad is it? The comparison is from 54 apprehensions per border mile per year south of Deming, N.M., where the lesson was learned, to 500 per border mile per year in the Bootheel, to the out-and-out war in the Tucson Sector, where the rate is more than 900 per border mile per year.

The Bootheel is different from the rest of the El Paso Sector due to the absence of full and unencumbered access. Unlike the border west from El Paso, MBG land is not dominated by federal lands. Fifty-seven percent is private, 20 percent is state lease land, 11 percent is Forest Service, and seven percent is BLM. For various reasons, BP has not enforced its statutory authority to enter private lands within 25 miles of the border on MBG lands. They have not challenged locked gates that are ostensibly in place to maintain the ecological covenants of the conservation easements on those lands.

The stated intent to manage MBG lands as “working wilderness” appears to be in place. The data support the expansion of Arizona smuggling corridors complete with their safe havens of designated wilderness or de facto managed wilderness.

The Dilemma

The ranchers of MBG sought refuge from environmental and ecological assault. It was started by the environmental movement, but it was joined by the federal land-management agencies. There is growing evidence that the BP has also been the target of similar federal actions. In an infamous discussion along Interstate 10 between a rancher and the sector chief from El Paso, it was learned that BP agents involved with the Bootheel operations have been required to attend environmental sensitivity training. Their actions and their speech are indicative of such training and focus.

Why are federal agents charged with border security being forced to attend environmental sensitivity training? Isn't it their priority to defend the border and the American people? And if BP is required to undergo this special training, what about equal measures of sensitivity training for the other values set forth in the Federal Lands Policy and Management Act (FLPMA)?

All westerners must be aware the law that altered the management of lands west of the 100th meridian—from a matter of disposal to a matter of retention—set forth eight managed values, not two. The promised values are: scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archeological. There is no authorization to elevate the management of environmental and ecological values but it is

abundantly clear that the federal land agencies manage for those two values at the expense of all others.

The Path

History will show that MBG ranchers face multiple foes. They face the intent of the environmental community to force their extinction, and they face the attempt by the same forces to emasculate the actions of the BP to protect the border. They also face their government's lack of resolve to enforce the promises of FLPMA and the constitutional mandate to protect the border.

Rob Krentz's death remains unsolved. The apprehension of his murderer may never occur and action to prevent similar tragedies is currently stalled. Promised by New Mexico senators Bingaman and Udall, a Forward Operating Base (FOB) that would put BP on the border is hovering between the regulatory processes and dispute among the parties. Several hundred local citizens signed a petition to locate the FOB on a BLM parcel of land clearly within sight of the border. The agency and environmental preference would tuck it away in a canyon bottom 20 miles from the border.

That location flies in the face of BP metrics and the concept of a visible and physical deterrent to entry. The Border Patrol has revealed that if illegals are not apprehended within five miles of the border, 80 percent will gain entry. So why would BP not place the FOB right on the border to discourage illegals? The conclusion seems to be that conservation easements don't allow the overt presence of man!

Those MBG ranchers have been in the Bootheel for 150 years. If the FLPMA values are evaluated, it becomes abundantly clear that the ranchers are the “history” of the area. Rather than being protected by their government, they resorted to the only course of action that gave them any hope for their future. Will the protective conservation easements they signed be their salvation or their demise? ■

Stephen L. Wilmeth is a rancher from southern New Mexico: “What needs to be done is to elevate national security into FLPMA as one of the managed values...and manage for eight values rather than two.”

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