

# Committee on Resources

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**Testimony of  
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Before the Committee on Resources  
Subcommittee on National Parks, Recreation and Public Lands  
U.S. House of Representatives

Hearing on H.R. 3176 - Ojito Wilderness Act

July 20, 2004

Chairman Radanovich, Members of the Committee and staff, thank you for the opportunity to testify today. My name is Jim Scarantino and I am the Chair of the Coalition for New Mexico Wilderness. My private law practice is one of the more than 400 individual business and organizational members of the Coalition that supports the protection of additional wilderness in our state. Other Coalition members include a wide range of businesses, ranging from plumbers to guides and outfitters to hoteliers and retailers. Our Coalition also includes New Mexico conservation and wildlife groups as well as several business organizations, such as the Sierra County Economic Development Council and the Albuquerque Convention and Visitors Bureau which itself represents over one thousand businesses.

On behalf of the Coalition, I would like especially to thank Representatives Wilson and Udall and their professional staffs for the hard work that has gone into this legislation. They have worked in partnership with a broad range of stakeholders and listened to the concerns and recommendations from all interested parties to develop this popular proposal. I would also like to thank our Bureau of Land Management (BLM) State Director, Linda Rundell, for her leadership, her friendship and her willingness to work with the conservation community. Finally, I personally want to express my warm appreciation for the privilege of having worked with three governors of the Pueblo of Zia over the past several years. A true bond of friendship has developed among us, and I believe we have set a remarkable standard in how conservation organizations can and should work with Native Americans to protect our American landscape for generations to come.

H.R. 3176 IS POSITIVE, BI-PARTISAN LEGISLATION THAT ENJOYS BROAD SUPPORT FROM NEW MEXICO BUSINESSES, LOCAL GOVERNMENTS, GOVERNOR RICHARDSON, OTHER STATE OFFICIALS, THE PUEBLO OF ZIA, NATIVE AMERICAN ORGANIZATIONS AND CONSERVATION GROUPS.

The proposed Ojito Wilderness has received unanimous and bi-partisan endorsements from the Sandoval and Bernalillo County Commissions and the Albuquerque City Council. New Mexico Governor Bill Richardson, Lt. Governor Diane Denish, State Land Commissioner Patrick Lyons, and a significant number of members of the New Mexico State Legislature, including those representing the Ojito and neighboring areas, have written letters of support for the measure. The Albuquerque Convention and Visitors Bureau – recognizing the importance of tourism and wilderness recreation to our state's economy - has endorsed the Ojito Wilderness. The All Indian Pueblo Council, National Congress of American Indians, New Mexico Wildlife Federation and the Native Plant Society of New Mexico, have also offered their support for the proposal, just to name a few of the organizations endorsing this legislation.

I would like to provide some specific comments on the two separate titles in this bill, which deal with lands to be purchased by the Pueblo of Zia and the designation of the Ojito Wilderness Area, respectively.

Section 5 of the Ojito Wilderness Act – Land Held in Trust for the Pueblo of Zia

H.R. 3176 would designate the 11,000-acre Ojito Wilderness area and allow the Pueblo of Zia to purchase

certain adjacent public lands that hold important religious and cultural sites for the people of Zia and are part of the Pueblo's traditional homeland. The Ojito area and surrounding land are currently managed by the BLM. The Zia people have a longstanding interest in acquiring land adjacent to the Ojito area in order to reconnect two separate pieces of their Reservation and to ensure the preservation of this rugged and beautiful region.

Under the bill, the lands to be purchased and held in Trust on behalf of the Pueblo will remain open to the general public and will be managed as open, undeveloped space in perpetuity. We commend the Zia Pueblo for its conservation-minded land management practices and are pleased to be working in partnership with them toward our common goal of protecting the Ojito Wilderness and surrounding land for future generations.

All lands involved in the proposal will be open for recreational use and scientific research, but will be protected from cross-country off road vehicle use, mining, new roads, and other development that would be inconsistent with the goals of this legislation. The existing Area of Critical Environmental Concern (ACEC) that encompasses the Ojito area and includes additional environmentally sensitive land primarily to the south and east would remain in public ownership and continue to be managed by the BLM.

#### Section 4 of the Ojito Wilderness Act - Designation of the Ojito Wilderness

The Ojito Wilderness area that would be designated by this Act is located less than an hour's drive northwest of Albuquerque. It is currently managed by the Bureau of Land Management as a Wilderness Study Area. As part of its New Mexico Statewide Wilderness Study in the 1980s, the BLM found the entire Ojito to be suitable for wilderness protection. Then Secretary of Interior Manuel Lujan formally recommended the area to Congress for wilderness designation in 1991.

The approximately 11,000 acres of public land that make up the proposed Ojito Wilderness are characterized by dramatic landforms and rock structures, multi-colored badlands, a high density of cultural and archeological sites, paleontological resources, and a wide array of plant and wildlife species.

The steep-sided mesas, remote box canyons, deep arroyos, and rough terrain of the Ojito area provide excellent opportunities for solitude and recreation including bird watching, photography, hiking, game bird hunting and camping. Visitors to the area can enjoy dramatic views of Cabezon Peak and the Jemez Mountains.

The area exhibits a high density of cultural and archeological resources, including petroglyphs, kivas, and other PaleIndian, Archaic, Pueblo, Navajo and Spanish cultural sites.

The Ojito area provides nesting habitat for birds of prey, swifts and swallows. Other wildlife species in the area include mule deer, antelope, and mountain lion.

Significant paleontological sites have been found in the proposed Ojito Wilderness, including one of the largest dinosaur skeletons ever discovered – that of a *Seismasaurus*. Consequently, the area is important for scientific research and study and makes an ideal outdoor classroom for students of all ages.

The Ojito Wilderness Act represents a homegrown, locally developed and locally supported proposal that builds on New Mexico's long and proud tradition of community collaboration and bi-partisan support for open space and wilderness protection.

This tradition started with Aldo Leopold's efforts to set aside the Gila Wilderness in southern New Mexico in the 1920s and continued through the 20th century with the work of people like Senator Clinton Anderson, a sponsor of the Wilderness Act of 1964, Representative and later Secretary of the Interior Manuel Lujan, Senator Jeff Bingaman and our state's senior Senator, Pete Domenici. Also, the late Representative Joe Skeen towards the end of his distinguished life worked to protect public space and wild lands in the Organ Mountains outside Las Cruces.

Elliot Barker was another New Mexican who worked hard to protect the wild lands of our State. He was a one-man coalition for wilderness and in his person displayed the broad range of interests that have

supported wilderness in New Mexico. He was a rancher, a hunter and fisherman, and an accomplished horseman who claimed to have ridden 120,000 miles in western wilderness. He was a wildlife biologist, a law enforcement officer, a businessman, an author, a respected State official, and, throughout his life, a lover of the wild lands which contribute so much to New Mexico's character, and the character of her people.

Ronald Reagan was also a supporter of New Mexico wilderness. During his Presidency he signed legislation permanently protecting for New Mexicans and all Americans the Bisti, De-Na-Zin, Cebolla and West Malpais Wilderness Areas. The Bisti and De-Na-Zin were New Mexico's first BLM Wilderness areas and the first stand-alone BLM Wilderness areas in the country. During his two terms, President Reagan signed legislation authorizing the designation of 10.6 million acres of wilderness from the snow-capped peaks of California's mountains to the quiet woods of Pennsylvania.

I am happy to say that these traditions continue with the legislation before you today.

The Ojito area is eminently qualified as a wilderness and passage of this legislation would build on the legacy of New Mexicans working together to set aside special areas on our public lands in their natural state for future generations.

Protecting wilderness helps maintain and enhance our state's unique culture. So much of what defines New Mexico is the result of our wild lands, and our ties to special places like Ojito. Protecting new wilderness areas in New Mexico – particularly an area like Ojito that is easily accessible to our state's population centers – provides a range of benefits to New Mexicans. These benefits include recreational opportunities and a chance to enjoy a place that provides quiet and solitude – a contrast to the day-to-day challenges of urban life.

New Mexico's unique landscapes enhance our quality of life and create a powerful draw for new businesses relocating to our state by providing the kind of environment where people want to live, work and enjoy free time with their families.

On behalf of the Coalition for New Mexico Wilderness, we look forward to working with the Committee and its staff and the offices of Representatives Udall and Wilson on this important legislation. Again, we particularly thank our Representatives for their leadership on this bill and hope to be able to work with them and others in our delegation to see this measure approved this year.

Thank you for the opportunity to present testimony today. I am happy to answer any questions that you may have.