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Gila News Update

The summer was long and dry this year, I am sure we weren't the only ones to notice. Between shuffling cattle around and finding feed to hauling water four or five hours a day there wasn't much time for anything else. Luckily we were blessed with enough rain to get our feed going well and have yet to see a real freeze though it has been down to 35 in the mornings. We will be able to hang in there another year though without substantial winter moisture, we will have to haul water again. That won't be as easy next year since several of the fences in our roaded pastures were burned up in the various accidental and controlled burns that occurred on our allotment this year. I am sure those of you in the desert regions are having a much harder go of it lately and the idea of forest fire and fence building is minor compared to the challenges facing many of you.

There has been some bad news in our community, as you may

have read in Caren's column we lost Auggie Shellhorn, Catron county commissioner and a dedicated and dear member of our little ranch community in the Gila forest. Auggie was well liked and respected by anyone who took the time to get to know him. Many of us were extremely distressed to hear of his passing and spent a lot of time reflecting on how he spent the last year of his life defending his family ranch from destruction and quietly battling bureaucrats.

Auggie spent a lot of time on the Mexican wolf program as a representative for the county. Hopefully, he would be pleased to hear that funding for the lawsuit is slowly rolling in and that the ranching communities in the southwest may finally have a venue for airing their grievances over the blatant NEPA violations perpetrated by the US Fish and Wildlife Services in planning and carrying out this program.

The most recent obstruction to the participation process described in NEPA is the obvious refusal of the agency to conduct the required five-year review. Instead the agency seems determined to skip that NEPA requirement and go straight to plan B, a wolf recovery plan. Recovery can mean anything the agencies want it to or anything

they are sued into doing. Whether it is 500 wolves or 2500, no one knows yet.

Invitees to the recovery team include the NMCGA, AZCGA and the Coalition of AZ NM Counties as well as livestock representatives from neighboring states, Colorado, Texas and others that have seen no wolf problems as of yet. The local livestock organizations with on the ground wolf experience were simply left off the invitation list.

This apparent oversight cemented my belief that the GAGS, Green Advocacy Groups that were instrumental in initiating and directing the outcome of the reintroduction simply didn't want us involved in a meaningful way and the agency granted their wishes. That has been the problem all along, we can say what we want and have superficial participation if our larger organizations can find time and funds to send someone to yet another meaningless conference. But when it comes to actually mitigating real ranch issues, nothing that slows the program or actually helps ranchers is ever considered. Our place seems to be unwilling providers of beef for the breeding stock of wolves on the ground.

Private Rights Government Lands

Hopefully by early next year we will have a system developed to help ranchers to research their chain of title and how it attaches to the private rights on federal lands.

The most important document used by Wayne Hage in the US Court of Claims was his chain of title. Two Gila Ranchers are taking different routes to claiming their private rights in the allotments they depend on to keep their ranches solvent. The well-known Diamond bar case is consistently butchered in the urban media who all too often rely on the convenience of GAG press releases for story sources. One baseless accusation often cited in the news stories is that the tenth circuit court of appeals decision issued in 1997 denied the Laney's claim of private rights on the allotment, however, this accusation isn't accurate. Here is what the court actually said.

In entering summary judgment for the United States, the district court held plaintiffs obtained no legal right of possession or use merely because their predecessors historically grazed cattle on the land. Nor did the court find it material that plaintiffs' water rights may have long been

vested under New Mexico law, stating: "[W]hether Plaintiffs own certain water rights . . . does not change the fact that such rights do not deprive the Forest Service of its statutory authority and responsibility to regulate the use and occupancy of National Forest System lands for livestock grazing through the issuance of grazing permits." Id., Doc. 9 at 15. The court enjoined plaintiffs from grazing livestock in the Gila and Apache National Forests until they obtained authorization from the Forest Service.

The recent Hage ruling in the court of claims says the exact opposite and the federal appeals courts might now find it very material that the Laney' own what is now known as fee interest rights in that allotment. In fact, in arguing the Hage case government attorney's tried to use the 10th circuit Diamond bar ruling against the Hage's to no avail. However the Laney's have chosen to couch the argument in terms of jurisdiction and whether the USFS has the jurisdiction to stop them from using the rights they paid the state and county taxes on thorough the permitting system.

The courts seem a bit confused about this one and seem inclined to research it thoroughly prior to issuing another rash decision.

The second case is a takings case that will also follow in the footsteps of the Hage ruling. It is exciting that New Mexico ranchers are willing to take the initiative to secure their rights on these lands and educate people on the history of fee interest private rights that used to be well understood throughout the west. Ranchers depend on these allotments, they evolved as economic stabilizers to the local governments and communities. It is time to put pressure on the federal government to recognize that the old system is the way congress intended for these lands to be managed.

e in the suit is currently being discussed. Coupled with the recent rash of Wildlands project press releases promoting their borderlands plan, the intent for these lands is pretty clear. The question remains however. Where will they put the people? At least it is out in the open now though whether urban communities can recognize it for what it really is, an attempt to reduce private property to a minimum in areas that the Wildlands program intends to see as wildlife corridors. There is also the question that if they do recognize it, will they be inclined

to help the rural areas to put a stop to it or will urban centers simply see this giant land grab attempt as a noble gesture and participate in beheading the constitutional rights of rural Americans. We do live in interesting times.

Permit Buyout

The permit buyout is still simmering in the National Public Lands Grazing Campaign's cauldron. NPLGC is another coalition of gags that want congress to fund a massive buyout of federal lands permits.

The NMPLC don't seem to be up on the issue since a permit is simply a fairly worthless piece of paper while if they recognize the fee interest rights on the allotments are far more valuable in the US court of claims they win our argument for us. Federal grazing allotments are more valuable than any amount of money congress may someday allocate to the ill-advised buyout plan.

Turncoats

On that same issue, stories abound of ranchers that seem to support the plan to fund a buyout. While there may be a few ranchers that legitimately support some kind of compensation for decades of labor, the majority of those that support such a

program are simply the same people that we see in the wolf recovery arena promoting a wolf friendly beef product to ingratiate themselves and receive gag money with no regard for the welfare and well being of their neighbors and communities.

Several individuals, who shall be nameless, even work behind the scenes for gag's to discredit their neighbors. A lot like the drugstore cowboys of the eighties, most simply own the wardrobe for the photo shoots and documentary programs that all too often seem to come their way.

I hope to be back on track with a monthly column now that the summer rush is over. Please hang in there and support your neighbors any way you can during this long dry spell.

Laura