

The Case of Grant County
Wilderness, Wolves, and Wets
Rancher, Miner, Lumberman
By Stephen L. Wilmeth

Thank you Grant County Farm Bureau for asking me to speak tonight.

You need to know I am not enamored with public speaking, how undesirable a talent it normally is to possess, and how little good it generally does. Like your namesake, General Grant, I will suggest that most of our public men and women should follow the good example which I have always set ... by not speaking.

I do appreciate the honor of returning to the place of my birth. It has been a big circle, many things have changed, and not for the better. Having been a few places I will say that Grant County of the '60s and before was not just a good place it was a grand place. I will also say that the Cliff Valley with its backdrop of the Mogollon Mountains is one of the great places on Earth.

It was here in Grant County one of the great American tragedies occurred and hastened the loss of what could have been, what should have been, and what may be impossible to recover.

To describe it, lets' start in the Mississippi watershed.

There is a book out by Miriam Horn entitled *Rancher, Farmer, Fisherman*. Miriam spent several years researching the book starting in Montana on a cattle ranch. She dropped south into Kansas and studied a heartland farm. She then boarded a river boat on the Mississippi and gained understanding of the significance of what that

waterway, that grand farm to market road, means to the nation. She finished her journey in Louisiana learning what it took to be a shrimper and a deeper water gulf coast fisherman.

Her journey chronicled the history of people and the land and the water they call home. None of her five subjects would likely call themselves conservationists, but they certainly are dedicating their lives to protecting their way of life and their resources.

Horn does her best to elevate the notion that traditional, conservative Americans are hostile to environmental issues. She makes the case by the interaction of her subjects and how they finally understood and took proactive approaches to social and environmental constraints waged against them. In Montana, it was how to live with legislation protecting 300,000 acres of public lands much like we now face in Dona Ana County. In Kansas it was how to deal with declining water supplies and what is viewed as harsher chemicals including nicotine derived pesticides. In Louisiana, it was the success of grassroots leadership that helped shape and revise fishery policies.

The upshot is that the elitist buzz word, sustainability, is not limited to hardcore greens and environmentalists. On the contrary, the stewards out horseback, on their tractors, and on their boats and barges understand it better than anybody. Moreover we, the people with dirty hands, understand our survival is a mosaic of constant change in partnership with our resources.

We aren't stupid, but we live in a world that is highly suspicious of us left unsupervised with the stewardship of

those resources, God given resources, that can make us free and independent people.

Grant County is a best example of that fundamental problem. You are not free and independent men and women and it appears it will only get worse.

Your county has largely become a managed, landscape scale system driven by formula and theoretical paradigms. That has been magnified since 1970 when *ecosystem* became the buzz word. What you have been robbed of is that ecosystems, by their very nature, are complex, and must be addressed by diverse practices not landscape scale land use policies. That is the role of the land steward and that is the conflict between our dominant and growing federal system and what should remain the focus of our system ... you, the cornerstone of the constitutional model.

Rancher, Miner, Lumberman

For a land so rich in resources, Grant County and southwestern New Mexico is measured at high risk by social standards. In fact, your neighbor, Luna County, makes the nation's top 20 list of most at risk counties because it meets a population threshold. If Hidalgo and Catron Counties had more people, they would rank even higher. That ranking considers such things as job opportunities for youth, polarization of age within the demographics, and wages.

Thomas Jefferson threw a fit when his Declaration of Independence committee colleagues John Adams and Benjamin Franklin suggested changes to his draft. He objected to the suggestion of changing Property as in *Life, Liberty and Property* to *Life, Liberty, and the Pursuit of Happiness*. His objection should be similar to ours.

What is *Pursuit of Happiness* in the context of the Declaration of Independence and the Preamble to our Constitution? How can we define *Pursuit of Happiness* in what should be a purely objective document? It can't be done.

Jefferson knew what *Property* was but he was one of the few. I have become convinced there were only two or three of the Founders and Framers who understood the significance of what *Property* meant in constitutional context. It is so important that its absence from our system today has elevated the possibility of our collapse. This presidential race is but one indicator.

I believe Property, as in private property as in LAND is THE insurance policy in the defense of the return of King George style tyranny. I also believe the erosion of our property rights had its roots right here in Grant County like no other place in this nation.

The story started in 1884, when Peter McKindree and Emily Jane Shelley, arrived on Mogollon Creek at the end of their long journey overland from Texas. When they arrived that fall, they bedded their cattle on the unfenced bench above the creek and tied their horses to trees because there was nothing else there. Not a shed, not broken down corral, and certainly not a house greeted their arrival. There had never been a permanent resident on that bench above the creek. They were the first.

They lived in a tent. That was replaced by a dugout, which was replaced by a single room log cabin. Peter built a little three room frame house for Emily and their four children in 1887. From her son, Tom's memoirs, she thought she had moved into a mansion.

The log cabin and the frame house are still there preserved by the modern day 916 steward, Terrell Shelley, Peter and Emily's great-grandson. Terrell and his wife Charlene now represent 132 years of Shelley stewardship on Mogollon Creek, and, if that doesn't equate to sustainability, nothing does.

The time line now becomes important.

From 1884 through 1898, the Shelleys created basic infrastructure, contended with Indians, fought drought, reacted to markets, raised children to adulthood, and made Mogollon Creek home. The lands they lived on, especially the lands north of what they called the "high ridge" which was the upper Mogollon and Turkey Creek watersheds in their entirety, became known to the family as "the wilderness". That was the parlance they adopted. It was remote requiring pack strings and extended stays. What they didn't know was they were on the cusp of the dominance of a new landlord, the federal government.

In 1899, legislation was enacted that created the Gila Forest Reserve. That legislation captured the majority of Shelley country which probably did not qualify as Article X lands of the Treaty of Guadalupe Hidalgo, but, rather, unclaimed lands of the New Mexico Territory. In either case, title to them prior to statehood remained a function of the Territorial Government and was administered out of the General Claims Office. Records indicate that gaining title to lands was an exercise in futility. It took up to 50 years to gain title to such lands outside of the inner workings of the government.

Remember, that was pre-statehood. There was still no elected representation when the Forest Reserve was

transferred to the USDA in 1905 and the land became known as the Gila National Forest. The Shelleys were simply swept along. There was no recourse. There was no matter of public comment or certainly no opportunity of objection without representation or means to fight the action.

So, after 21 years of commitment laced together with sheer guts and sweat, the family had a new landlord.

In 1906, grazing records were started and the hand of the great white father in Washington was placed upon their backs. From 1899 through 1922, Peter Shelley continued to expand his operations adding cattle numbers as he created infrastructure. At the beginning of the second decade of that span, the Forest Service started controlling fires with their of full suppression science policy following the devastating fires of the northern tier states in the 1910 when many people were killed in monster fires. Leading up to the 1916 Stock Grazing Act, pressure was applied to Congress to allow administrative fencing on ranches that were operating under the thumb of the federal landlord.

Here is a point of great importance and you must remember it when you are confronted with the reminder that the Gila was overgrazed by cattlemen.

The population of feral cattle in the Gila at the turn of the century was fairly substantial. Those cattle arrived variously, but the promotion by the federal government to support various war efforts and to establish Indian reservations created an economic vacuum for beef. The Texans responded and brought cattle to New Mexico in numbers that mixed with existing feral cattle from the Spanish and Mexican occupation. The only markets for

cattle during that period were adult steers that could make the long walks to market. Look at where New Mexico was to national markets. There was no market for cows, bulls, and calves. Without being able to build fences by Forest Service policy, the management of mixed ownership of cattle became a nightmare. It also contributed to the erroneous environmental declaration that ranchers systematically overgrazed the land. Ranchers who managed their operations weren't going to kill unbranded or unclaimed cattle because of civilized range standards. Under those conditions, overgrazing occurred in walking distances from scarce waters especially in times of drought. Where water didn't exist there were no cattle which adds insult to ignorance surrounding the claim that ranchers overgrazed the land.

From famed Gila forester Henry Woodrow's diary, we now know that even though there was congressional approval for fencing since 1916, the Gila ranchers weren't allowed to begin until 1922. The tardy federal landlord, like the tardy General Claims Office which effectively disallowed earlier title transfers, was claiming they didn't have enough help to get fencing permitted. They didn't have enough staff. Their desks were too full of paper.

Land stewardship suffered.

The decade of the '20s sewed the seeds of major destruction. Many will say the crash of 1928 was the biggest debacle, but history will demonstrate that wasn't the case for the Gila. The year of pending destruction was 1922, the year Aldo Leopold arrived. He thought it a wondrous place. He even got to fight fire along side Supervisor Wynn, Mr. Woodrow, and colorful "local

cowboys” that included the Shelley boys. He ate their camp prepared meals. He heard their discussions and their love for “the wilderness”. There is no evidence he stayed on any fire long enough to declare it out, but his summer on the Gila gave rise to a watershed event much bigger than the Indians, drought, and markets since 1884.

Through a regional administrative action, not federal legislation, Leopold crafted the document creating “wilderness”. In 1924, the Gila was the first national forest to have such a designated area. The effects of the designation wouldn’t be felt for several years, but when it came it was catastrophic.

The impact to the 916 and the Shelley family leading up to chaos of the Depression began with the drought of the late ‘20s. That, of course, elevated the impact of the market crash which affected the entire economy. Peter Shelley was carrying ranch debt, but he had also incurred debt on the purchase and development of farms at Cliff and the establishment of a hardware and grocery business. It was the latter that really put him in a bind in that he carried a large segment of the community who couldn’t pay their bills during the Depression.

In response to banks calling loans, he sold cattle. He sold a big portion of his herd “north of the high ridge”, his wilderness cattle. The first five years of the Depression era resulted in terribly hard times. To make it work, Peter’s sons and grandsons worked without a paycheck. That was followed by Peter’s death in 1935 when executor, Tom Shelley, stripped the rest of the cattle off the wilderness and sold farms to settle the estate.

Just before the war, Tom's family was jolted with another catastrophe when youngest son and favored little brother, Vernon, died of a ruptured appendicitis. Vernon's personality and joyous nature had always been contagious. For a family that survived the decade on sheer will, Vernon's passing devastated them.

That was followed by the onset of World War II and the Shelleys signaling to the Forest Service they were finally to a point they could start restocking their Mogollon Creek Allotment, the wilderness. In a blow that defied war time logic and civilized behavior, the Forest Service denied the reinstatement. From a letter Terrell Shelley found in the families archives, the Forest Service declared the absence of Depression era improvements on lands they were allowed to keep as rationale for denial of restocking. More than 5½ Townships of country occupied by the family for 60 years starting 16 years before the turn of the century was taken. They were incredulous. They were devastated. The tragedies of the '30s had been bridged, beef was in high demand, and the Forest Service denied reinstatement of livestock on federal lands on the premise that lands outside of the eviction were left unimproved through the Depression.

Let's think about that.

We can say it was an abuse of power. We can say that was a precursor to elevating federal regulations over legislation, or we could shelve the niceties and describe Forest Service management for what it has always been, but, let's describe it for what it was and remains ... an American tragedy of huge proportions.

The First family of Wilderness, the very folks that coined the name in the modern use, was evicted without recourse, without warning, and without cause from country they had occupied 15 years before the national forest reserve, and 21 years before the Forest Service existed.

What happened thereafter, the rest of the story, needs someday to be revealed.

Modern Wilderness

In 1964, the Wilderness Act was passed and the nation's first wilderness area, the Gila Wilderness, was officialized. That was 20 years after the Forest Service, in what can only be described as the environmental propensity that has no constitutional or market corrective oversight, evicted Grant County and the nations' first family of Wilderness. It was interesting to note that, during a congressional field hearing held in New Mexico in the run up to its passage, New Mexican wildlife manager, Elliot S. Barker, arose and asked New Mexico Senator Clinton P. Anderson how many more ranching families he expected to run off the land. The senator disavowed any such intention, but, if you are familiar with the legislation, you will know that under special provisions (5) one of the two exceptions was inserted noting that "where established prior to September 3, 1964, (the grazing of livestock) shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture".

That is in the law because of the Shelley incident and the Barker reminder. The Forest Service wasn't going to right a wrong. They got what they wanted. They eliminated the Mogollon Creek Allotment in a letter dated May 18, 1944. Without an active allotment on file, neither they nor

Anderson were about to allow the First Family of American Wilderness to return to their historic range.

As to the promise not to run more families off the wilderness, Anderson's promise rings hollow. In his research, NMSU's John Fowler found there were 24 active allotments in the original wilderness core in 1960. By 2000, half of those were gone and cattle stripped from that historic range. Moreover, the other 12 allotments suffered a whopping 87% reduction in cattle numbers. Fowler could not find any trends of reduction caused by drought or market conditions. His conclusion was that Forest Service management alone was the reason.

What that demonstrates is that the Wilderness syndrome, once introduced and allowed to take root, destroys heritage industries. It isn't just cattle that face the consequences. The timber industry faces the same thing. So does mining, and, those three industries, livestock, mining, and timber, formed the nucleus of the heritage industries that set the foundation for southwestern New Mexico prosperity.

Moreover, your future, the future of this quadrant of the state, is a primary target for more wilderness designations. You might have hugely interesting mineral and rare earth deposits along with forests languishing between despair and smoke, but you have no legal right to them or a claim to what was once unique customs and culture. You live in a federal protectorate state that is going to battle you at an ever increasing rate. Your existence isn't equal to the original colonies, or, for that matter, any state eastward from here because Wilderness, that abstract condition of liberal bliss, has us cornered.

Its influence is much greater than anyone heretofore has comprehended except families that face its wrath. Under another name it claimed the lands of the Tularosa Basin during and since World War II. The same argument can be made for hundreds of other national monuments, national parks, Indian Reservations, and military reserves.

It has us without protection and we will only drop deeper into the depths of despair by relying on federal handouts. Just look at the state budget woes if proof is needed. This state depends on the largesse of the federal government for nearly 40% of its budget. We aren't independent. We stand in a welfare line that is only getting longer.

Wolves

One of the symptoms of the tradeoff of being chronically attached to the federal teat is living with wolves.

In lieu of self sufficiency and the political clout to make our own decisions, we long ago traded off our right to self governance. Actually, I don't believe New Mexico ever had equal footing with other states, but that isn't just this state. It is every state west of that 98th Meridian where government land ownership dominates, but we are actually lucky in that regard. Only half of this state is owned by one form of government or another. States like Nevada and Alaska run over 90%, but the point is we became vulnerable to what must now be termed the great passion laws, the environmental laws, that gave rise to the Endangered Species Act and the arrival of the wolves. It doesn't matter these are wolf/ dog hybrids and the act doesn't cover them. They are here. It doesn't matter they

are disruptors of customs and culture. They are here. It doesn't matter that the management of the hybrid is corrupt and unconstitutional. They are here.

They are here for the same reason the Shelleys were evicted. They are here for the same reason you can't freely manage your God given and abundant resources.

That brings a point up, and let's digress briefly.

Standing in stark juxtaposition to the Gila Wilderness tragedy have long been several local private land ranches. Let's use the H-Y as the example. The Means family are land stewards of long standing. When Jupe was alive, I spent a fair amount of time around him. He was a mentor and a most welcome cheerleader for me in my agricultural career in California. I would hear from him and he would drop timely, appreciated suggestions. What stood out more than his personality, though, was the quality of his ranch. I heard the cat calls and the sniping about he had the best ranch to start with, but I have come to believe that is nonsense. Best ranches exist in every corner of the land. Best ranches are a function and commitment to stewardship. They exist by life long devotion to a mission with money and effort piled back into them for productive gains. The efficiency of placing that money came from a deep and abiding loyalty to the ranch itself. Remember, already tonight we have established that ecosystems, by their very nature, are complex and must be addressed by diverse not standard practices.

The H-Y remains the epitome of an ecosystem, and it and other similar private lands ranches are the true paradigms of what wilderness can be not the imposter named *Gila Wilderness*.

Wets

But to carry this point further in this journey into Grant County history, Jupe, like Peter Shelley and his descendents, also knew the true value of Wets. Now, I know that too many of you in this audience grew up around wets and recognize that the use of the term today may have uncouth derogatory implications, but you also know how important wets were and remain to the economy of Grant County. Before redistribution, trusts, retirement pensions and welfare became the largest provider of funding in your county, wets and copper were the economic drivers.

If there weren't enough wets each year, the economy suffered. If there were abundant wets, improvements could be made, a few guarded, extras could be bought or exchanged. Fences could be built, staves could be cut, and, generally, everybody benefited.

There aren't, though, as many wets today. In their absence, the very unique customs and culture of old Grant County face continued decline. I find great despair in that because I think what wets create in a man is as important as what they do for the economy and the ecosystem.

We have already discussed John Fowler's research demonstrating the precipitous decline of wets across the Gila since 1960. Their decline is piled upon you and this county by the same forces that brought you the wolf, and future and more numerous wilderness areas, a world in which you won't be welcomed.

More wets are always preferred to less, and if you get too many of them you can always knock one in the head and put it in the freezer, or, if they are ugly you can ship a load along with the rest of your dries. **The point is you**

don't have enough cattle in this county. You are being systematically diminished along with the declining health of landscape scale forest system and public lands and we don't have alternatives. If this election goes south, it will only get worse. We'll be fighting each other as we seem to be doing more and more.

I used to think it was only where wilderness, the government, environmental groups and ranchers converged that ranchers were the ultimate losers. I know now that you can substitute any productive citizen in the place of rancher in that algorithm and it will be similar. Productive citizenry, like the ranchers, miners, and lumbermen of Grant County's past, have demonstrated a very high extinction rate when they come under the rule of government.

Heck, I am now a national monument rancher, probably a walking dead man, just like my great great grandparents and too many other Grant County families that came here under supremely hard conditions and spent life times trying to create something that existed theretofore only in their dreams. They were never wealthy or privileged people. They were simply courageous people.

But, if you did get to take back the Gila, the most important tool in your arsenal would be those wets and dries, yes those cattle, that will make the best engineered paths to water and feed, give a lot more than they get, and demonstrate real measures of ecosystem health. Jupe consistently got over 90% calf crop ... I read in Tom Paterson's testimony the other day in Washington his wolf presence doesn't allow those numbers. The spread is the profit for the ranch.

Which ecosystem is healthier? There would be no comparison when truth and science converge and free and independent men are trusted to govern their own actions. A Grant County free of corrupted wilderness doctrine, wolves allowed to exist only on their economic merit, and more wets could contribute to a fascinating place ... maybe better than 1960.

Thank you, for letting me be here tonight for this reminder of your world, Grant County, and its story of Wilderness, Wolves, and Wets.