

AFFIDAVIT
of
Wray Schildknecht

STATE OF NEW MEXICO }
 }
COUNTY OF CATRON }

I, WRAY SCHILDKNECHT, do hereby declare and affirm in this Affidavit the following:

1. Affiant is over the age of eighteen years, makes this affidavit on his own personal knowledge, and is otherwise competent to testify as to the truth of the matters set forth herein. Affiant's mailing address and telephone number is HC 30 Box 460, Winston, New Mexico, 505/772-5546.

2. Affiant was born April 30, 1936 in Carlsbad, New Mexico and is therefore a citizen of the State of New Mexico and has been a resident of that state for the majority of his life.

3. That in his professional capacity Affiant is a consultant providing research and documentation services. Affiant holds a Bachelor of Science Degree in Wildlife Science and has performed services for New Mexico Department of Game and Fish, U.S.D.A. Forest Service, Cartron County, Otero County, and Lincoln County, New Mexico.

4. Affiant affirms that the Heart Bar Ranch in Grant and Catron Counties, New Mexico was purchased by the New Mexico State Game Commission in 1951, including the grazing rights on the forest reserve lands known in the Forest Service records as the Glenn Allotment. The cattle were removed by 1952, and there have been no cattle on this allotment for 44 years.

5. Affiant was a member of a party which conducted a three-day field tour and an inspection of the Glenn Allotment on June 12 - 14, 1995. Other members of the party were Ronald J. White, New Mexico Department of Agriculture, Kit Laney, President of the Gila Permittee's Association and owner of the Diamond Bar Ranch, Matt Schneberger, Vice President of the Gila Permittee's Association, and David Snow and his wife, Becky Campbell Snow, guides and outfitters at Gila Hot Springs, New Mexico. On July 8-9, 1995, the other members of the party made another field tour and inspection, but Affiant did not go on that trip.

6. Affiant affirms that the field inspection was conducted for the purpose of evaluating the range which has been under wilderness designated status and has been subject to the combined elements of: (1) no livestock on the range for 44 years; (2) no timber harvest since 1924; (3) a policy of fire suppression; and (4) a policy of minimal elk management.

7. Affiant affirms that a report of this inspection trip was prepared by Mr. Ronald J. White, Director, Division of Agricultural Programs and Resources, New Mexico Department of Agriculture, and published in December 1995 under the title

The Ailing Gila Wilderness: A Pictorial Review, and which is made a part of this Affidavit.

8. Affiant declares that he was present when each of the pictures were taken on that trip, and those photographs accurately depict the current conditions of the Glenn Allotment. Affiant also declares that the Evaluation and Assessment of the conditions on the Glenn Allotment are accurately presented by Mr. White in his document, which is summarized as follows

“The small and large tributary canyons are severely eroded and scoured down to beds of cobble, stones, small and large boulders, and bedrock from their headwaters to their confluences with the West Fork. The banks and floodplains of the water courses are eroded with soil and trees washed away. Currently, because of erosion and the dry soils, the woody plant species normally associated with riparian areas, such as willows, alders, and cottonwood trees are absent, or only remnants remain. The “former” riparian areas are now being invaded and taken over by woody plant species, such as ponderosa pine and juniper trees, that are adapted to drier soils.

“...The upland watershed areas of the Glenn Allotment are in dismal condition. Dense stands of juniper trees on mesas, piñon-juniper tree woodlands on ridges, and spindly, unhealthy ponderosa pine trees in dense thickets have all literally taken over the country.

“...Understory shrubs, grasses, and forbs (weeds) are sparse throughout much of the country. Perennial grasses that do occur are often not healthy, vigorous plants. Elk have concentrated in and around the parks and meadows. These areas have been heavily grazed and are deteriorating. Further, many of the young ponderosa pine and juniper trees encroaching into meadows have been heavily browsed, indicating an unhealthy situation.

“...Another result of the degraded upland watersheds is the damaged tributary canyons and creeks that flood as they are inundated by excessive water runoff. The consummate result is the devastated West Fork of the Gila River into which the tributaries drain....The lower 13 miles of the West Fork reviewed for this report have been damaged beyond belief.”¹

9. Affiant affirms and agrees that Forest Service management of the Glenn Allotment, i.e., the complete removal of livestock grazing, coupled with fire suppression, has been a disaster to the ecological well-being of that entire management unit.

10. Affiant affirms that the Forest Service has been consistently cutting the permitted numbers of livestock on allotments within the Gila National Forest for over a decade, based on their hypothesis that reduction in or elimination of cattle grazing

¹White, Ronald J., *The Ailing Gila Wilderness: A Pictorial Review*, New Mexico Department of Agriculture, December 1995, pp. 7-8.

alone will permit riparian area conditions to reach the standards established by the Forest Service.

11. Affiant declares that the Forest Service has had an excellent living laboratory in the form of the Glenn Allotment in which to (1) study all the parameters involved in the deterioration of that range; (2) test their hypotheses relating to the impact of cattle grazing on the range; and (3) validate the Forest Service's range utilization and riparian condition standards and guidelines.

12. Affiant declares that the Forest Service has only minimally utilized the research opportunities present in the living laboratory of the Glenn Allotment and does not have sufficient data to substantiate its management decisions relative to cattle numbers, utilization standards, and riparian standards.

13. Affiant is firmly convinced that the Forest Service has a deliberate agenda to destroy the viability of cattle ranching on the forest reserve lands under their administration. They have made no attempt in the last 44 years to manage the range on the Glenn Allotment to determine the cause of the deterioration of the range, nor have they made any attempt to take management actions to reverse the deterioration. Yet they have consistently declared that cattle numbers must be reduced on other allotments. They justify their decisions primarily on the basis of "ocular" judgments of their field personnel, and cannot support their findings with solid, scientifically acceptable data. They make cuts in cattle numbers which cause the livestock operations to no longer be viable economic business units. They have destroyed any semblance of security or tenure in the grazing permit, which causes financial institutions to not be willing to accept the grazing permit as loan collateral.

14. Affiant declares that the conditions on the Glenn Allotment alone demonstrate that the Forest Service has violated its Congressionally mandated administrative responsibilities of *"...securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States;..."*²

15. Affiant is firmly convinced that not only has the Forest Service failed miserably in meeting its charter given by Congress, its actions have become destructive to the needs of both the people of rural communities adjacent to the forest reserve lands and the people of the states of the Union as a whole. The Forest Service is implementing a policy of ecosystem management which is oriented in deed (if not words) to a preservation management policy. All productive uses of the land, with their associated income to offset the costs of Forest Service management, are being reduced or eliminated. The burden of costs of administration of the land by the Forest Service are thus being placed more and more solely on an already bankrupt federal government.

I, Wray Schildknecht, declare and affirm under the penalties of perjury, under the laws of the United States of America and the laws of the State of New Mexico that the foregoing is true and correct to the best of my knowledge.

— Affiant Sayeth Further Not —

²Organic Administration Act of 1897, 30 Stat. 11.

Dated this 8th day of April, 1996

Affiant Signature Wray Schildknecht

The foregoing instrument was acknowledged before me this 8th day of April, 1996, by Wray Schildknecht

My commission expires: 09/17/98 BillioAnn Klendzge
Notary Public