

**THE CONSEQUENCES OF FEDERAL
LAND MANAGEMENT ALONG THE
U.S. BORDER TO RURAL COMMU-
NITIES AND NATIONAL SECURITY**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND
INVESTIGATIONS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

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OVERSIGHT HEARING ON THE CONSEQUENCES OF FEDERAL LAND MANAGEMENT ALONG THE U.S. BORDER TO RURAL COMMUNITIES AND NATIONAL SECURITY

Thursday, April 28, 2016
U.S. House of Representatives
Subcommittee on Oversight and Investigations
Committee on Natural Resources
Washington, DC

The subcommittee met, pursuant to notice, at 2:34 p.m., in room 1334, Longworth House Office Building, Hon. Louie Gohmert [Chairman of the Subcommittee] presiding.

Present: Representatives Gohmert, Labrador, Lamborn, Westerman, Hice, Radewagen, Mooney; Dingell, Gallego, Clay, and Grijalva.

Also present: Representatives LaMalfa and Gosar.

Mr. GOHMERT. The Subcommittee on Oversight and Investigations will come to order. The subcommittee is meeting today to hear the testimony of the consequences of Federal land management along the U.S. border to rural communities and national security.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. Therefore, I ask unanimous consent that all other Members' opening statements be made part of the record if they are submitted to the Subcommittee Clerk by 5:00 p.m. today.

[No response.]

Mr. GOHMERT. Hearing no objection, so ordered. I also ask unanimous consent that the gentleman from Arizona, Mr. Gosar, when he arrives, be allowed to sit with the subcommittee and participate in the hearing.

[No response.]

Mr. GOHMERT. If there are no objections?

Mrs. DINGELL. No objection.

Mr. GOHMERT. Hearing no objection, that will be allowed.

I will now recognize myself for 5 minutes.

STATEMENT OF THE HON. LOUIE GOHMERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. GOHMERT. Today we have the opportunity to hear testimony from witnesses that must live with the consequences of Federal land management every day of their lives. While there certainly are benefits to living near responsibly managed Federal lands: easy access to recreation, economic boosts from tourism, and the opportunity to work the land to provide for a family; there are also drawbacks that, in recent years, have increasingly threatened the very

existence of our rural communities; farming, ranching, and timber families; and the security of our Nation.

This committee has documented time and again the countless instances where the Department of the Interior and its land managers have conducted themselves with little or no accountability to our Nation or to the communities they directly serve. We have seen the devastating impact that draconian Federal timber harvest restrictions have had upon rural communities. Massive numbers of employees, making good livings for healthy families, lost everything, including their homes, when companies were put out of business by uncaring bureaucrats.

While the Federal Government's payments to offset those losses to these communities have kept schools open, we all know that these paltry measures are not enough. The real solution is to allow responsible forest management to proceed, so that we can put people back to work and focus on the business of restoring the health of our Nation's forests.

In addition to the abominable treatment of our timber communities and the tragically poor schools, which results from Federal land that provides no taxes and termination of healthy harvesting and replanting, our government has failed to deal with the unprecedented and tragic humanitarian and national security crisis that occurs each day along our Northern and Southern borders.

It is a fact that drug cartels and human traffickers have long used our unsecured borders to conduct their operations, and thousands of people have died as a result. Our unsecured borders also create a national security vulnerability that should not be tolerated. But because the Federal Government has chosen to favor environmental regulations over national security interests and human lives, this emergency continues.

The flow of traffic across our unsecured borders has caused very real and very negative impacts upon our borderlands. Tons of litter, debris, and abandoned vehicles dot the landscape; and vulnerable habitats that Congress has sought to protect have been trampled and destroyed.

Traffickers and drug lords could care less about bats, ocelots, or Sonoran pronghorn. Yet, land managers at the Department of the Interior have blocked Border Patrol from accessing these lands, so that they can secure our borders, enforce our laws, protect our lands, and save human lives, as well as our precious species.

To be fair, it does appear that Interior is finally beginning to recognize that a secure border benefits all Federal interests, and documents received by this committee indicate that there has been an increased dialogue between Interior and Homeland Security. However, the Department of the Interior has taken too long to provide border access through our border agents, and the integrity of our lands and national security are jeopardized.

For example, on April 11, the Department of the Interior and Homeland Security finally announced that three rights-of-way permits had been issued, so that DHS could improve communications equipment in the Cabeza Prieta National Wildlife Refuge. This area has long been a dangerous dead zone for our Border Patrol agents, and this technology, which covers less than 100

square feet at each of three locations, will finally give agents the ability to call for backup and assistance in unsafe situations.

The fact that Interior and DHS worked together seems like a great success, until you look at the history of this project and realize that the finding of “No Significant Impact” dates back to 2013. And this project has been on the books at Interior since, at least, 2011.

That’s right, Interior’s inability to work expeditiously with DHS for 5 years on this critical security project, that, again, impacts less than 300 square feet of Federal property, unnecessarily put the lives of our border agents in jeopardy for at least 5 years. If our Department of the Interior defines this as success, it explains why so few endangered species have been rescued.

I thank our witnesses for being here, and I am hopeful that they can bring some much-needed perspective to inform this committee. [The prepared statement of Mr. Gohmert follows:]

PREPARED STATEMENT OF THE HON. LOUIE GOHMERT, CHAIRMAN, SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS

Today we will have the opportunity to hear testimony from witnesses that must live with the consequences of Federal land management every day of their lives.

While there certainly are benefits to living near responsibly managed Federal lands—easy access to recreation, economic boosts from tourism, and the opportunity to work the land to provide for a family—there also are drawbacks that in recent years have increasingly threatened the very existence of our rural communities, our farming, ranching, and timber families, and the security of our Nation.

This committee has documented time and again countless instances where the Department of the Interior and its land managers have conducted themselves with little or no accountability to our Nation, or to the communities they directly serve.

We have seen the devastating impact that draconian Federal timber harvest restrictions have had upon rural communities—massive numbers of employees making good livings for healthy families lost everything, including their homes, when companies were put out of business by uncaring bureaucrats.

While the Federal Government’s payments to offset losses to these communities have kept schools open, we all know that these paltry measures are not enough. The real solution is to allow responsible forest management to proceed, so that we can put people back to work and focus on the business of restoring the health of our Nation’s forests.

In addition to the abominable treatment of our timber communities, and the tragically poor schools resulting from Federal land providing no taxes and termination of healthy harvesting and replanting, our government has failed to deal with the unprecedented and tragic humanitarian and national security crisis that occurs each day along our Northern and Southern borders.

It is a fact that drug cartels and human traffickers have long used our unsecured borders to conduct their operations—and thousands of people have died as a result. Our unsecured borders also create a national security vulnerability that should not be tolerated. But because the Federal Government has chosen to favor environmental regulations over national security interests and human lives, this emergency continues.

The flow of traffic across our unsecured borders has caused very real and very negative impacts upon our borderlands—TONS of litter, debris and abandoned vehicles dot the landscape and vulnerable habitats that Congress has sought to protect have been trampled and destroyed. Traffickers and drug lords could care less about bats, ocelots, or Sonoran pronghorn. And yet, land managers at the Department of the Interior have blocked Border Patrol from accessing these lands, so that they can secure our borders, enforce our laws, protect our lands, save human lives, AND our precious species.

To be fair, it does appear that Interior is finally beginning to recognize that a secure border benefits all Federal interests, and documents received by this committee indicate that there has been an increased dialogue between Interior and Homeland Security. However, the Department of the Interior has taken too long to provide border access to our border agents and the integrity of our lands and national security are jeopardized.

For example, on April 11, the Department of the Interior and Homeland Security finally announced that three rights-of-way permits had been issued so that DHS could improve communications equipment in the Cabeza Prieta National Wildlife Refuge. This area has long been a dangerous dead zone for our Border Patrol agents, and this technology—that covers less than 100 square feet at each of three locations—will finally give agents the ability to call for backup and assistance in unsafe situations.

The fact that Interior and DHS worked together seems like a great success—until you look at the history of this project and realize that the Finding of No Significant Impact dates to 2013, and that this project has been on the books at Interior since at least 2011.

That's right—Interior's inability to work expeditiously with DHS for 5 years on this critical security project that, again, impacts less than 300 square feet of Federal property—unnecessarily put the lives of our border agents in jeopardy for at least 5 years. If our Department of the Interior defines this as success, it explains why so few Endangered Species have been rescued.

I thank our witnesses for being here and I'm hopeful that they can bring some much needed perspective to inform this committee.

Mr. GOHMERT. At this time the Chair now recognizes Mrs. Dingell for 5 minutes.

STATEMENT OF THE HON. DEBBIE DINGELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mrs. DINGELL. Thank you, Mr. Chairman. I would like to start by welcoming the Ranking Member of our Full Committee, Mr. Grijalva, and thank him for taking time to add his considerable expertise to these proceedings. He knows Arizona well.

I want to extend my appreciation to all of the witnesses who took the time and effort to be here with us today. I am especially grateful to the Department of the Interior, who has testified about this same issue multiple times in this committee.

Securing the lands along our border is a serious responsibility, both at the Southern and Northern borders. I use this to remind everybody we have a Northern border, too, which we don't talk about as much. And I know it is one that neither the U.S. Border Patrol nor the Department of the Interior takes lightly.

I also know that both agencies understand the importance and value of our Federal lands along the border, not only to our Nation as a whole, but to local communities whose economy depends on them. As we have heard before, both agencies are committed to working together to ensure that both national security and Federal land management go hand in hand.

But some would have you believe that the only way to achieve border security is to throw our environmental protections out the window. They will have you believe that the only safe option is to militarize the borders with barriers and guns. There is one person, in particular, who will have you believe that the only way to ensure our safety is to build a concrete wall across the entirety of the U.S.-Mexico border, including our Federal lands, and that that wall should be paid for by Mexico, all \$25-billion-plus.

But what they may fail to mention, is that Congress has already required Customs and Border Protection to build nearly 700 miles of fencing across the border, much of which was built across Federal lands. As a result, a large portion of fence was built without consultation from the public, private landowners, or Federal

land management agencies. An alarming 37 laws were laid down, including fundamental environmental protections like the Endangered Species Act and the Clean Water Act. The fence has since caused major damage to American communities, local and regional economies, and has further threatened endangered species.

The migratory and breeding patterns of diverse animal species, like the wild jaguar, have been disrupted. The normal drainage of rainwater has been re-routed, causing flooding like that which caused the collapse of a 40-foot section of the fence in the Organ Pipe Cactus National Monument.

In communities along the border, the economic damage of the fence has also been substantial. In these communities, frequent crossing of the border is a way of life. Residents may live on one side of the border, while working, shopping, or eating on the other. The fence literally splits these residents' lives in two, and disconnects them from family and friends. Business owners have also suffered, as long wait times at designated ports of entry deter visitors. Private landowners have been forced to allow the fence to be built on their property with little compensation, drastically reducing their property's value and appeal.

Fences and walls are a harmful, knee-jerk reaction to a complex issue. As Pope Francis said, "We need to be focused on building bridges, not walls." Both Customs and Border Protection and the Department of the Interior understand that protecting the border, our wildlife, and our communities can be done in unison; but they must be done thoughtfully. Bypassing important laws and protections is both unnecessary and unhelpful.

I encourage the committee to work with these agencies to try to reach a meaningful, long-term solution.

I yield back my 32 seconds.

[The prepared statement of Mrs. Dingell follows:]

PREPARED STATEMENT OF THE HON. DEBBIE DINGELL, RANKING MEMBER,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Thank you, Mr. Chairman. I'd like to start by welcoming the Ranking Member of the Full Committee, Mr. Grijalva, for taking the time to add his considerable expertise to these proceedings. I want to extend my appreciation to all of the witnesses who took the time and effort to be here with us today. I am especially grateful to the Department of the Interior who has testified about this same issue multiple times in our committee.

Securing the lands along our border is a serious responsibility—both our Northern and Southern borders. And I know it is one that neither the U.S. Border Patrol nor the Department of the Interior takes lightly. I also know that both agencies understand the importance and value of our Federal lands along our border—not only to our Nation as a whole, but to the local communities whose economy depends on them. As we have heard here before, both agencies are committed to working together to ensure that both national security and Federal land management go hand in hand.

But some would have you believe that the only way to achieve border security is to throw our environmental protections out the window. They will have you believe that the only safe option is to militarize the border with barriers and guns. Some members of the other side of the aisle will even have you believe that the only way to ensure our safety is to build a concrete wall across the entirety of the U.S.-Mexico border, including our Federal lands. And that the wall should be paid for by Mexico—all \$25 billion plus.

What they may fail to mention, however, is that Congress has already required Customs and Border Protection to build nearly 700 miles of fencing across the border, much of which was built across Federal lands. As a result, a large portion of fence was built without consultation from the public, private landowners, or Federal

land management agencies. An alarming 37 laws were laid down, including fundamental environmental protections like the Endangered Species Act and the Clean Water Act. The fence has since caused major damage to American communities, local and regional economies, and has further threatened endangered species.

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Fences and walls are a harmful, knee-jerk reaction to a complex issue. As Pope Francis said, we need to be focused on building bridges, not walls. Both Customs and Border Protection and the Department of the Interior understand that protecting the border, our wildlife, and our communities can be done in unison, but they must be done thoughtfully. Bypassing important laws and protections is both unnecessary and unhelpful. I encourage the committee to work with these agencies to try to reach a more meaningful, long-term solution.

Mr. GOHMERT. I thank the Ranking Member. At this time the Chair recognizes the Ranking Member of the Full Committee, Mr. Grijalva, for 5 minutes.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you for your courtesy, Mr. Chairman, and thank you, Ranking Member.

Some of my colleagues, and certainly the presumptive Republican nominee for President, seem to envision a border region populated entirely by murderers, drug traffickers, and criminals, in general, who must be kept out of the country at all costs; but that is not the real world.

As measured by the Federal Bureau of Investigation crime statistics, U.S. border cities rank among the safest in the United States, and stand in stark contrast to the fragile, though improving, security situation in major Mexican border cities like Ciudad Juarez.

Fear-mongering, rhetoric, and political posturing only serve to sow fear and division. They further the marginalization, exploitation, and vilification of the U.S.-Mexican border region, as well as the people who live and work there. A great, great wall on our Southern border may grab headlines, but this simplistic and knee-jerk proposal represents only the latest in a series of reckless, legally dubious, and economically unsound—not to mention just plain dumb—campaigns carried out in the name of border security.

History shows border walls, no matter how great, do not work. The Great Wall of China and the wall in Berlin are a couple of examples that come to mind. In reality, many parts of the Southern border, as was mentioned by the Ranking Member, are already covered in fences and barriers—700 miles worth. The economic, environmental, political, and social impacts of the border wall fall short from the gorgeous and beautiful, as been described. The damage, however, is pretty great.

The border wall has had high human cost and increasingly negative impacts on species and ecosystems, which know no borders. In 2006, the Federal Government Accountability Office found that border crossing deaths doubled after the United States ramped up border security in the mid-1990s, even though there did not appear to be a corresponding uptick in undocumented migration during that time.

In the past 17 years, more than 6,500 people have died trying to migrate through the U.S. Southern border. Despite its popularized image as a lifeless, inhospitable region, the Southern border is an area rich in diversity of species, ecosystems, people, and culture. The fragmentation and destruction of the physical environment caused by the border wall threaten our cherished wildlife and environment.

As was mentioned by the Ranking Member, several species of wildlife have been observed and photographed stranded by the border wall, from pygmy owls, to desert bighorn, to jaguar. Studies have indicated that the border wall is a significant impediment to a variety of wildlife, including many imperiled species.

We must protect our borders. But a great, great wall across the entire Southwest border is not the answer. Our shared goals of protecting endangered species, building a resilient border economy, and securing the border are not mutually exclusive. In fact, border security is at its best when it is built on a healthy economy and a healthy environment. The realities of border residents demand us to be creative and not simplistic. We must devise thoughtful solutions that measure up to the real stature of the problem. Simple minded and unilateral actions, such as construction of a wall, are not real solutions.

Earlier this year, I introduced a bill, the "Border Security and Accountability Act of 2015." Among other measures, my legislation secures our Nation, prevents real criminal activity, upholds our basic values, and respects individual liberties at the same time. At the very heart of my legislation is a humane, accountable, and more effective border security strategy that understands the local and regional impacts of border security infrastructure. It respects civil and human rights; promotes commerce and trade, which is vital to the region; protects the environment; and supports the people that call the border region their home.

This is an approach we need. It is pro-family, pro-environment, pro-business, and, indeed, pro-security, without sacrificing one priority for another.

Again, Mr. Chairman, thank you for your courtesy, and I yield back.

Mr. GOHMERT. I thank the gentleman. At this time we will now introduce our witnesses.

To my left is Ms. Sue Chilton from the Chilton Ranch and Cattle Company in Arivaca, Arizona. Then we have Ms. Tricia Elbrock from Animas, New Mexico. And then Mr. Jon Andrew, the Inter-agency Borderlands Coordinator for the U.S. Department of the Interior. Then, skipping down to the end, we have Ms. Nan Walden, the Vice President and Counsel for the Farmers Investment Company and Green Valley Pecan Company, located in Sahuarita, Arizona.

Now I would like to invite the gentleman from Idaho, Mr. Labrador, to introduce our other witness.

Mr. LABRADOR. Thank you, Mr. Chairman.

I am pleased to introduce Commissioner Pinkerton today. Lee is currently serving his second term as a Boundary County Commissioner in my district. As the name tells you, Boundary County is at the boundary of the state, which is the boundary with Canada.

Prior to serving as County Commissioner, he served over 23 years with the U.S. Border Patrol. He served the final 8 years of his career in Spokane in the Spokane sector, which includes north Idaho. He chose to live in Idaho after he retired, and we are very happy about that. It has been a wise decision for him, and obviously, it has been a wise decision for the county. He has been doing a great job in the county.

Lee, we welcome you today, and we look forward to hearing your testimony.

Mr. GOHMERT. All right, thank you. I will remind the witnesses that your entire written statement is part of the record. But under the Committee Rules, oral statements are limited to 5 minutes. We have a timer there. When the yellow light comes on, you have 1 minute remaining; and when the red light comes on, you will need to conclude your comments immediately. And, as I said, we have the written statements and we are grateful for those submitted by the witnesses.

We were notified we were going to have a vote about 2:50 p.m. It got moved back earlier than we anticipated. So, why don't we go ahead and take one 5-minute statement, and then recess for the votes. I think there are two votes, is that correct?

OK, so Ms. Chilton, if you would present your oral statement for us, we would appreciate it.

**STATEMENT OF SUE CHILTON, CHILTON RANCH, ARIVACA,
ARIZONA**

Ms. CHILTON. Mr. Chairman and members of the committee, thank you very much. I really appreciate the opportunity to be here. My name is Susan Chilton. Our family ranch is adjacent to the town of Arivaca, Arizona, about 55 miles southwest of Tucson. The southern edge of our ranch is the international boundary. There is no wall for 25 miles, only a 4-strand barbed wire fence, easily cut or crawled through in seconds. That same little wire fence is all that separates us and our neighbors from armed Sinaloa drug cartel operatives.

Thanks to the failed Defense in Depth strategy of the Border Patrol, we live in a No Man's Land, essentially ceded to cartel control. Our town's main road is the de facto international boundary, even though it is actually 20 miles north of the boundary. Why can't the Border Patrol secure the border at the boundary?

First, the Border Patrol has faced NEPA obstacles to upgrading the barely, barely passable ranch roads leading south from Arivaca to the actual boundary. Recent U.S. Fish and Wildlife declaration of critical habitat for the jaguar along this drug importation corridor has blocked essential road improvements. Critical habitat for the jaguar is, in our opinion, a transparent ruse. The few jaguars reported anywhere in Arizona since the 1940s have been lone

males exiled from their northern-most outpost 150 miles south of the border, and thousands of miles from their core habitat. Not one female has been documented as present in more than 65 years—and the pictures you are seeing up there are drug packers and their environment right on our border.

How does this critical habitat ruse for the jaguar affect border security? In December, we took Commander Beeson of the Tucson Sector Border Patrol to our boundary corrals in what the Border Patrol knows is an active entry zone. Then we drove over the ranch roads to our neighbor's border ranch. It is 5 air miles away, however, it took us 3 hours to get there with Commander Beeson. That is because the roads are barely passable, and there is no road paralleling the border.

That means the Border Patrol cannot get to where it sees the activity. The wildlife that is actually benefiting from the jaguar habitat is located in Sinaloa, Mexico; and they are happy about that declaration, because that gives them a free drug import area.

Border Patrol officers do not have reliable communications in many parts of this No Man's Land. They cannot call for assistance if they encounter armed drug patrols coming north, so they do not really want to be down there alone.

In our No Man's Land, electronics and drone surveillance alone are totally inadequate, because, as the Border Patrol agent in charge of the Tucson Border Patrol Station told us right before he retired, "Even when I can see what is happening, I can't get there."

Border Patrol has no forward operating bases in this cartel route, so the time delay for reporting to the actual border in this area is between 2 and 3 hours. We have taken two groups of high-ranking Border Patrol officials to the border, shown them our private land with water, good sites for portable facilities, corrals for their horse patrol, and offered them the use of this private land for \$1 a year. My husband has offered to lend them the dollar if they can't afford it.

What are some of the specific consequences of the failed strategy of Defense in Depth?

One, residents like us are exposed to encounters with heavily armed drug packers. In addition to the two burglaries we have personally suffered, we have rancher friends who were held hostage, robbed, and forced to drive the invader to the border just last fall. Another neighbor's 15-year-old daughter was the target of a home-invading south-bounder group in March. Another neighbor gave up in the face of these constant incursions and sold out to the Fish and Wildlife Service. The current Defense in Depth strategy converted former historic ranches into taxpayer-financed enlargements of cartel-controlled territory.

Recreationists, hunters, campers, fishermen, and picnickers are encountering signs put up in those areas that they may encounter illegal traffic, smuggling, and armed persons. Many would-be worker entrants suffer rape, mutilation, abandonment, or murder at the hands of the cartel. Just a few months ago, one individual, reportedly with a drug packing group, was incinerated 9 miles north of the border and just west of our ranch. The official and highly—

Mr. GOHMERT. Ms. Chilton, we need to—

Ms. CHILTON [continuing]. Improbable story is that he was trying to charge his cell phone by throwing a wire over a high power line. If you believe that, we don't. It is only a matter of time until terrorists—

Mr. GOHMERT. Thank you, Ms. Chilton.

Ms. CHILTON [continuing]. Discover what the drug packers have discovered, and that is that this is an open entrance to the United States.

Mr. GOHMERT. Our time is restricted, as I said. You are a minute over, so we need to move on. We are going to be able to take at least a couple of more statements. Thank you, Ms. Chilton.

[The prepared statement of Ms. Chilton follows:]

PREPARED STATEMENT OF SUSAN E. CHILTON, ARIVACA, ARIZONA

My name is Susan Chilton. I am a retired Arizona Game and Fish Commissioner. I chaired the Commission from 2004–2005 and am currently chairing the state board that reviews applications for the Commissioner's position and sends finalists' names to the governor for appointment. I have been an educator for more than five decades and an active amateur student of Arizona wildlife, southern Arizona wildlife habitats, and range botany.

My husband and I live near the historic borderland cattle ranching community of Arivaca, Arizona approximately 55 miles southwest of Tucson, Arizona. Our ranch is adjacent to the town of Arivaca and continues south to the international boundary with Mexico. Our fence at the southern edge of our family ranch is the international boundary. There is no wall, only a four-strand barbed wire fence—easily cut or crawled through in seconds. For a total of 25 miles east and west, that same little wire fence is all that separates us and our neighbors from armed Sinaloa drug cartel operatives who pass easily through that open door.

We and our ranch neighbors live in a No Man's Land essentially ceded to cartel control. Our town's main road is the de facto international boundary even though it is about 20 miles north of the actual border. Why?

The two Border Patrol stations responsible for different parts of our ranch are headquartered in Nogales and Tucson; the officers spend hours of their working day on Interstate 19 getting from their headquarters to the Border Patrol checkpoints, including the closest one on Arivaca Road about 20 miles northeast of our home. They spend some time driving east and west on Arivaca Road and a lot of time at the checkpoint. They are implementing the strategy known as Defense in Depth. That means that all of the hundreds of square miles of borderlands north of the unsecured international boundary between Nogales and Sasabe and south of Arivaca Road where we and our neighbors live are basically entrance routes controlled by Sinaloa Cartel-paid scouts.

Cartel scouts are supplied with military-grade equipment and a salary. They move from one site to another according to cartel strategy using mountains on our ranch and on those of our neighbors. Border Patrol removes them at times—with difficulty—but the scouts or their replacements quickly return to a new mountain-top assignment. The scouts guide the movement of people and drugs right through this No Man's Land.

Drug packing groups are directed across the unsecured boundary and along hundreds of trails through ranch pastures from Mexico north to GPS'd sites. At those ever-changing sites, the "merchandise" being imported to the lucrative American addiction market will be picked up by cartel-connected operatives from Tucson or Phoenix. The imported drugs will undersell competing drugs made or grown in the United States because raw material costs in Mexico for ingredients for meth or other illegal drugs and taxes, security, licensing, and accountancy and reporting costs for marijuana will cause the "domestic product" to be more expensive than the illegally imported version.

After depositing their loads, the packers become "south-bounders" headed back to Mexico.

Some of these south-bounders commit assaults, home invasions and burglaries to acquire items they can carry back. We have been burglarized twice with major losses of irreplaceable items.

Why is it difficult for the Border Patrol to actually be at the border and close this well-known entry route?

(1) Border Patrol has faced NEPA obstacles to upgrading the barely passable ranch roads leading south from Arivaca to the actual border. Recent declaration of critical habitat for the jaguar—a tropical cat—along this drug importation corridor by the USFWS created further barriers to road improvement and to installation of other facilities needed by the Border Patrol.

Critical habitat for the jaguar is, in our opinion, a transparent ruse: the very few wandering jaguars reported anywhere in Arizona since the 1940s have been lone males exiled from their northern-most outpost 150 miles south of the border and thousands of miles from their core habitat. Not one female has been documented as present in 65 years.

How does this critical habitat ruse affect border control? In December, we took Commander Beeson of the Tucson Sector Border Patrol to our border corrals in what the Border Patrol knows is an active entry zone and then drove over the ranch roads to our neighbor's border ranch just about 5 air miles west of us—another very active entry zone; it took 3 hours to get from our corrals to theirs following the only road because there is no road paralleling the border along this drug importation route. Meanwhile, approval for road improvements the Border Patrol deems essential, would certainly trigger lawsuits supposedly on behalf of wildlife like the jaguar. The “wildlife” that would actually be delighted by their efforts is a criminal outfit headquartered in Sinaloa, Mexico.

(2) Border Patrol has no forward operating bases in this cartel route so the time delay for reporting to the actual border on our ranch or that of our neighbors from either Nogales or Tucson is between 2 and 3 hours. We have taken numerous high ranking Border Patrol officers to our property at the border, shown them our private land with water, good sites for portable facilities and corrals for their horse patrol and offered them the use of this land for a one dollar (\$1.00) lease per year so they can have a forward operating base at a known incursion point . . . my husband has offered to lend them the dollar if they can't afford it . . . Years have passed and there is no action of which we are aware on this offer.

(3) In addition to the mobility limits of the lack of functional roads, Border Patrol officers do not have reliable communications when in this No Man's Land so they cannot call for assistance when needed. Last week, after first taking two journalists to two lengthy unfenced rural sections of the boundary, we then took them to the west end of the wall in Nogales to see the difference. They needed to personally see where the city wall ends and where the unsecured 25 miles begins. An event occurred along the Nogales wall road right in front of us; we stopped our truck and watched as three Border Patrol vehicles, called in by the patrolling officer who spotted the suspicious incursion, came flying down the road in less than 5 minutes, stopped the vehicle and got the occupants out. That was possible because they have a wall in Nogales, excellent communications capability there, and full time patrolling along on the very functional road next to the wall . . . right up to the point where it abruptly ends and the little 25-mile four-strand wire fence begins.

(4) Electronic devices and drone surveillance alone are totally inadequate because, as the just-retired Patrol Agent in Charge of the Tucson BP Station told us, “Even when I can see what is happening, I can't get there.”

What are some specific consequences to us of the failure of Federal agencies to prioritize and implement effective border control?

Human impacts

(1) Residents who live and work in this No Man's Land are exposed to encounters with heavily armed, meth-intoxicated drug packers; in addition to the burglaries we have suffered, we have rancher friends who were held hostage and robbed and forced to drive the invader to the border just last year and neighbors whose 15-year old daughter was the target of home invading south-borders in March of this year.

Other neighbors, some of whose ranches had been in their family for more than a hundred years, gave up in the face of constant harassment by drug packing criminals and damage and thefts by south-borders and sold out to the U.S. Fish and Wildlife Service's borderland refuge. The current failed “Defense in Depth” strategy—which essentially puts the Border Patrol 20 or more miles north of the boundary and the cartel at the line of scrimmage—effectively converted the formerly productive ranches into a taxpayer financed enlargement of the safe-passage zone for drugs.

(2) Recreationists are confronted with road signs put up by the Forest Service warning them that they may encounter illegal activities and smuggling throughout the portions of this unsecured drug route within the Coronado National Forest;

Arizona Game and Fish publishes explicit warnings alerting hunters of dangers they may encounter while hunting near the border; many people are reticent to hunt, fish, bird-watch, or family camp on formerly popular Coronado National Forest sites in the open drug corridors.

(3) Would-be workers from Mexico or other nations are forced to pay the cartel guides. Many of these poor people, especially women, suffer horrendous abuses, including deaths numbering over 2,000 bodies found in the Tucson Sector of the border since 1996, rape, murder, and mutilation. Additionally, some groups, after paying thousands of dollars to the cartel to be “guided” may be used as decoys to distract authorities and facilitate higher value drug packing.

Just a few months ago, one individual—reportedly with a drug packing group—was *incinerated* 9 miles north of the border and just west of our ranch; the official—and highly improbable—story circulated about this death is that he was “trying to charge his cell phone by throwing a wire over a high power line.” This is another example of a known recent death directly connected to the failure to secure the border. The official story raises the question of whether it is also possibly an example of agency policy to attribute deaths to accident, suicide or the stupidity of the victim rather than to failure to secure the border.

(4) Border Patrol officers working these areas face war-like risks. Rip crews setting out to hijack cartel contraband engage in fire fights with drug packers or Border Patrol agents pursuing them. One such situation to which the Border Patrol responded resulted in the murder of Officer Brian Terry. The canyon in which he was killed is a well-known cartel route in this No Man’s Land. It is just east of our pastures and on a neighboring ranch.

Environmental impacts

(1) Wildfires—some growing to hundreds of millions of dollars in damage to homes, ranch lands and businesses in border communities—are deliberately ignited by drug packers if they are pursued by Border Patrol; fire personnel reporting to a near-by fire which had begun spreading onto our home pasture told us they “couldn’t stay there fighting the fire at night because the area was too dangerous.” My husband kept fighting it . . . Hotshot firefighters on some borderland fires have armed guards as part of their contingent.

(2) Trash—an appalling amount has been dropped on the Coronado National Forest, the Buenos Aires Refuge, the Pajarito Wilderness, State School Trust lands and private ranch lands all in this open corridor and all crossed by trails from Mexico used by the cartel groups. A conservative total of trash dumped on this drug route to the United States is estimated at 12,750 tons between 1992 and 2015 using the Border Patrol’s own figure of 8.5 pounds per entrant and multiplying only by the number of individuals reported as apprehended. This figure can easily be tripled since most experts and independent reports indicate that few south-bounders are apprehended and reliable figures are not available for the pre-2008 period when larger numbers of work-seekers used this route.

(3) Cut water lines—we maintain many water lines and drinkers for both livestock and wildlife. These are essential since natural water is almost non-existent during the dry months of the year. We put escape ramps on the waters so wildlife does not drown and drinking fountains on many so people can drink—*we don’t want anyone to die of thirst here*. However, drug packers often cut the water lines which results in the loss of thousands of gallons of water and the dry-up of drinkers essential to both wildlife and livestock. This is an on-going maintenance cost and the lack of water if a tank is emptied can be fatal for cattle, wildlife or people.

(4) Cut fences mean cattle from Mexico can walk into the United States and ours can wind up in Mexico or wander into pastures that are not the ones scheduled for that rotation. The grazing rotation is carefully designed in collaboration with the Forest Service and based on university range research to ensure the best re-growth and production of forage, quality riparian conditions, and habitat for our wildlife. The drug packers cause much loss of time and labor getting cattle back into the proper pasture and repairing the cut fences; additionally and importantly, they undermine the scientific research and monitoring that informs our grazing management and that of our neighbor ranchers.

National impacts

(1) Citizens across this Nation will continue to bear the increasing *cost of cheap, wide-spread drug addiction* resulting from the failure to control our borders, of drug-damaged babies born to meth-using mothers and of the growing impact of heroin and other drugs on the health and well-being of our communities; the human and civic damage is every bit as terrible as a bombing attack—it’s just not as explosive, concentrated and easily visually conveyed with photography.

(2) National Security—it is only a matter of time until would-be terrorists realize what the cartel has already realized: this un-walled, minimally patrolled section of the border is welcoming them.

What do we know? We know the international boundary with Mexico is not secure and that drug packers are coming right through our property because we and others maintain hidden trail cameras that record reality; we—and the journalists to whom we show these photographic records of heavily laden drug packers and of south-bounders tossing incendiary devices to create a fiery barrier as they are pursued—cannot be told that the “border is secure” nor can we feel safe when we or our loved ones are working in pastures near the border.

What do we need? First, technology is NOT sufficient. We need:

1. A good wall with full-time patrolling to replace the current open, unsecured 25-mile gap between Nogales and Sasabe;
2. Forward Operating Bases manned like fire stations 24/7;
3. Functional roads to the border and along the new wall—a wall is of little use if the Border Patrol is no where around and can’t get to the incursion;
4. Prompt waiving or constructive dealing with issues of “wildlife connectivity and endangered species” that are currently abused to supersede national security
5. Better communications and quick response capability for the Border Patrol;
6. A feasible worker permit program which adequately vets temporary laborers and provides them with documents, appropriate worker protections, the right to come and go, and a legal, safe alternative to trying to get to a job by paying the cartel and suffering horrible treatment at the hands of the criminal operation.

These six essential requirements, supplemented by technology, would close this 25-mile open door before more human tragedies and national security threats bring us to our senses. We thank you for understanding that the smokescreen of cost obscures the much greater cost of deciding NOT to secure the border.

QUESTIONS SUBMITTED FOR THE RECORD TO MS. SUE CHILTON, CO-OWNER,
CHILTON RANCH, ARIVACA, ARIZONA

Questions Submitted by Representative Gohmert

Question 1. Ms. Chilton, you state in your testimony that Border Patrol needs to operate closer to the border. What is preventing that from occurring?

Answer. Mr. Chairman, many issues currently can be cited as reasons why the Border Patrol is not at the boundary in our area.

First, *executive policy* at the top levels supports a “Defense in Depth” strategy that allocates agents to urban center headquarters and assigns them daily to positions in the Station that are often very distant from the actual boundary. Actually getting to the border in the rural areas can take 3 hours from, for example, the Tucson Station. The agents primarily patrol paved roads 10, 20, 30 or even 50 and 100 miles from the boundary. The stated objective is to catch undocumented entrants and drug packers at “choke points” well north of the border.

In our area, this *strategy* allows cartel operatives to select among hundreds of potential trails through hundreds of square miles of rural territory with the guidance and real-time assistance of cartel-paid scouts who move among the many high-point look-out sites they can occupy in the little-patrolled square miles between the boundary and the “patrol roads.”

This strategy also consigns rural residents to a No Man’s Land with drug packing groups marching right through private property and dropping their loads at GPS’d sites for pickup by U.S.-based drug purveyor colleagues. We personally know two families—friends and neighbors—who were the victims of home invasions by south-bounders in the 6 months before my April 28 testimony. In one of those cases the young teenage daughter grabbed a gun and defended the home until her parents could get back; in the other, the elderly rancher and his wife were robbed and kidnapped by the invader who forced them to drive him and his loot to the border in Nogales. These are not immigrants seeking work; they have work facilitated by the current border strategy.

The “Defense in Depth” strategy is the first impediment that needs to be changed.

Second, if the strategy were changed tomorrow, other major impediments would need to be addressed: the first of these is the challenge of getting essential road improvements or road extensions so equipment, supplies for forward operating bases, technological aids and agents can *move to or along* the border. NEPA and other environmental laws are a major barrier to progress toward securing the border. Even if the NEPA process is scrupulously followed (years of work and delay during which the current open drug route stays wide open), legal challenges by open border advocates would follow on behalf of “wildlife connectivity with Mexico.”

Third, **Border Patrol contract/union arrangements need to be reformulated to facilitate effective staffing of forward operating bases.** Agents need to be at the international boundary, not hours away. Horse patrol and any other necessary transportation-and-maneuvering means need to be enabled and funded. Station Chiefs need not to be bound by rules that limit his/her ability to staff these forward operating bases with the individuals deemed most competent and willing to negotiate boundary terrain and capable of using effective means to apprehend crossers.

We understand that the present inability to offer overtime pay and current per diem limits to assignments greater than 50 miles from an agent’s reporting station are issues that need to be resolved. Agents who demonstrate ability and willingness to put in the extra physical labor that goes with patrolling in a more rugged environment need to be motivated to seek those assignments.

Question 2. In terms of border security, what impacts can we expect to see from the jaguar critical habitat?

Answer. Mr. Chairman, we already see impacts from jaguar critical habitat declaration. This declaration can be used as a “backstop” that has the effect of supporting the probability that cartel-favored rural segments of the boundary remain unimpeded by an effective wall and unpatrolled and inaccessible in terms of timely response. This “backstop” is, either intentionally or unintentionally, quite convenient for the cartel’s operations in the event that public pressure for a wall, forward operating bases, and roads to stop the flood of drugs from Mexico were to become stronger. The critical habitat declaration insures a basis for years of legal appeals against any action that could be asserted to have restricted “wildlife connectivity” with Mexico.

Clearly, cartel operatives are not taking pains to avoid affecting or intimidating wildlife; they are merely tromping through specially-designated areas (wildlife refuges, national conservation areas, national forests, wilderness or wilderness study areas, parks, etc.) with **greater freedom from pursuit** due to the restraints faced by Federal authorities. Agency officials will say otherwise, (“We have an MOU”) but individual agents know they must follow special rules when operating in any of the nationally established preserves. Border Patrol agents face restrictions and prohibitions on vehicular access in wilderness areas and, in other federally managed border areas, are hampered by off-road pursuit limits, lengthy delays of multiple years to obtain permission to improve or construct roads, lack of reliable communication capability, and the difficulty of getting back-up assistance. All of these and endangered species regulations impede effective apprehension of entrants, especially cartel-guided drug packers who are often led by heavily armed individuals. These special Federal “wildlife connectivity” areas go right *to the border* and become preferred drug highways. A map of Arizona reveals that very little of the boundary area is private property; the vast majority is under one Federal designation or another.

The total absence of verified female jaguars for more than half a century and the failure of the Fish and Wildlife Service to follow its own rules regarding the definition of “occupied habitat” (they ignored the biological requirement that you can’t preserve a species without females) are evidence that the habitat overlay is neither critical nor essential for the survival of the jaguar species; **it is a barrier to securing the border and another layer of protection for cartel operations, whether so intended or not.**

Question 3. Obviously, wildfires have a devastating impact and can be especially damaging to cattle ranches. Wildfires can start from a number of sources, why do you believe some of them were caused by illegal border crossers?

Answer. Why do we believe the costly border area wildfires are caused by persons entering southern Arizona illegally through rural sections of the boundary with Mexico?

Yes, those “human caused fires” near the border are probably 100 percent caused by undocumented crossers—mostly drug packers. Some are “come rescue me” fires

while others are “decoy fires” set to draw response away from cartel actions or “fire barriers” intentionally set to hamper pursuit.

We were told that the Forest Service actually apprehended some crossers who admitted starting a major fire (the Murphy Complex Fire), promptly turned them over to responsible authorities who . . . proceeded to return them to Mexico. They were not fined, charged, or jailed to our knowledge. If an American citizen were to be caught setting a similar fire, the legal consequences would be severe.

This spring so far, one 4,000-acre border fire on our pasture southwest of the house was fought (at taxpayer expense in personnel and equipment) about a month ago; another is burning *at this moment* in a border pasture southeast of our house. Forest Service personnel, including our Coronado National Forest Range Conservationist, were at our home this morning (6-2-16) going over the maps of the area and discussing with my husband where best to set backfires and to create defensive lines for the current “human-caused” fire. Both of these fires began very near the border in the major crossing canyons used by the cartel. There has been no lightning—the sky is cloudless, it is not hunting season and no one (in his right mind and legally here) is camping in these areas which feature large road signs warning recreationists that “Illegal activities and smuggling may be encountered in this area.”

The cost of NOT securing the border is never weighed against the much-decried cost of effective action to stop illegal entry. We could probably build a lot of the international boundary fencing and do necessary road work with the same amount of funds allocated in the last few years to fighting the major undocumented entrant-caused Arizona border fires (the Horseshoe, the Monument, the Murphy Complex—this one came right up to our ranch eastern boundary fence). More fires in the last several years plus those of this spring continue to ring up ever more taxpayer cost to say nothing of placing firefighters, area residents and property at risk. The cost of pursuing, incarcerating and prosecuting cross-border drug packers, the social and economic cost of dealing with drug addiction and the flood of meth, heroin, cocaine, and marijuana entering the Nation, the cost of finding homes for children born addicted to drugs and needing special care, the cost of educating a growing number of children who have access to cheap drugs and whose ability to plan for the future has been negatively affected by early teen drug use—all of these social costs are causing monumental damage to the social fabric of the nation. “No problem,” say some, “let’s prioritize wildlife connectivity with Mexico.”

We suggest that Congress request a GAO study to account for all of the aforementioned costs of NOT securing the international border at the boundary.

Such a study would provide a much-needed counter-balance to the cries that it is “too expensive” to secure the rural segments of the boundary with Mexico.

Mr. Chairman, we know you, and some of your fine colleagues, understand the real problem of the current national policy of leaving open doors for Cartel “bilateral enterprises;” we only wish your recognition of this enormous issue were shared by all of your colleagues and by the current Administration.

Questions Submitted by Representative Grijalva

Question 1. Has the Border Patrol ever indicated to you why they have not taken you and your husband up on the offer of the use of your land to construct a forward operating base?

Answer. We thank you for asking your very relevant question regarding the Border Patrol’s response to our offer of 10 acres of private land about 200 yards from the international boundary. The site has corrals, water and an area for modular units to establish a forward operating base at the south end of California Gulch at a lease rate of \$1.00 per year.

We are aware that the Tucson Station and Tucson Sector of the Border Patrol have been in the process of trying to obtain permission from the Forest Service to improve the roads leading from Arivaca to the border. We were told by the just-retired Patrol Agent in Charge of the Tucson Station that the NEPA process had been underway for nearly 6 years. The need has been critical for that entire period and the result of this “process” is that some high priority approvals are still “pending.”

In order to begin establishing a forward operating base on the property we own at the boundary, the Border Patrol would need to be able to get facilities, supplies and personnel to the site—this would require improvement of Forest Road 217 and the spur connecting it to the border site. If you have been down these roads, you already know that even 5 to 10 miles an hour is a bone-jarring experience. Equipment and modular housing would not do well in transport without appropriate

road improvement. You are no doubt also aware that cell phone service is spotty and unreliable in border canyons and would require placement of equipment to ensure communication ability for the agents down California Gulch.

Effective operation at a forward operating base would also require a functional road along the border east and west of the site, especially connecting (toward the *west*) to Tres Bellotas Road and on to Sasabe and then *east* (from the site we own) to connect with the road along the border in Nogales. Timely response to detected entry efforts without road improvement is exceedingly difficult. In spite of the lack of border roads at the present, a forward operating base would still improve response time if horse patrols and all-terrain vehicles could at least maintain some control until roads paralleling the border could be completed. We have been told by various higher level Tucson Border Patrol personnel that they are looking into the forward operating base offer. There are no doubt other sites in the vicinity that they may be considering near the international boundary perhaps on Forest Service land. We have no knowledge of what other options for a forward operating base in the area they may be evaluating.

We are also aware that staffing and salary issues need to be dealt with so that agents who are stationed at forward operating bases are properly compensated for extended work periods (perhaps 3 consecutive days of 12-hour shifts with 12 hours off at the base, but they would not be wasting as much as 6 paid hours daily—that's how much time they would use up of their shift if they drove in each day from Tucson). Additionally, Station chiefs would need the flexibility to staff the site on the basis of their judgment as to which agents are best suited for the assignment.

If the Border Patrol were able to operate *at the international boundary* from this forward operating base location, it would greatly lessen three major existing problems:

First, these routes between Nogales and Sasabe would become less favorable for cartel operations. Those operations result in terrible mistreatment of would-be workers who are sometimes robbed, raped and used as decoys for the more lucrative drug loads. The current strategy results in a flood of drugs entering through this area. Additionally, if drug packing groups can be stopped from passage through this very active sector, the number of "rip crew" operations coming out of Tucson and other cities to attempt to hijack the high value loads would likely be reduced.

Second, we would have far fewer border fires—one 4,000-acre fire was set southwest of our home last month and put out at significant taxpayer expense—and one is ongoing southeast of our house at this very moment. My husband is there right now (6-2-16) to see where it is going and what action needs to be taken by the ranch to ensure the safety of the cattle and determine damage to essential waterlines and other infrastructure. The cost of personnel and equipment to fight these border fires would be saved if effective enforcement of the boundary were prioritized. These costs are, I believe, considered Forest Service costs when they are actually costs of the current Border Patrol strategy.

Third, the enormous quantities of trash being left on the Coronado National Forest and private and State Trust lands near the border would be greatly reduced. The trash is mostly plastic and cans, none of which is biodegradable for decades so it just piles up and the problem grows each year.

In the event one needs more reasons to secure the border and establish forward operating bases to accomplish that goal, we just today heard again a report of an Afghan entrant apprehended at the end of 2015 "crossing under a small fence" (like the 4-strand wire fence on the 25 miles of open boundary 5 miles of which is between our southern pasture and Mexico) along with a group of Pakistanis. The Afghani's name was located in a terrorist database.

Additionally we very recently heard from high level Border Patrol officials that Mexican fields formerly dedicated to raising marijuana are now being converted to opium poppies.

We sincerely hope that you will try to determine what can be done to address the open border situation that so heavily impacts your congressional district.

Mr. GOHMERT. Ms. Elbrock, you are recognized for 5 minutes.

STATEMENT OF TRICIA ELBROCK, ANIMAS, NEW MEXICO

Ms. ELBROCK. Thank you, Mr. Chairman and members of the committee, for the opportunity to speak to you today. My name is Tricia Elbrock, and I am here on behalf of my family, my neigh-

bors, members of the New Mexico Cattle Growers' Association, and every American that is threatened by the lack of security along our international border with Mexico.

My husband, Edward; my son, William Swift; and I own and operate Elbrock Water Service, Elbrock Drilling, and Elbrock Ranch, where we raise Beefmaster cattle and show lambs for youngsters in our region.

Like most all ranches in southern New Mexico, our ranch contains Federal land. In our case, it is Bureau of Land Management. In 1978, we started our water and drilling companies based in Animas, New Mexico, which serves all southeast Arizona and southern New Mexico, from Tucson to El Paso. Animas is nestled in what is called the Bootheel because of the way the area fits into New Mexico.

You may have heard recently about the kidnapping of one of our employees in December 2015 and, yes, this was a kidnapping, regardless of rumors to the contrary. Our man was working on one of the ranches we service that runs along the Mexican border. The event occurred over 2 days and involved an all-out man hunt before he was freed. The story sounds simple enough with an apparent happy ending, but it is not so. Our man is emotionally and mentally fragile.

Clearly, the border is not secure. Our families and employees are at risk all day, every day. There is a huge emotional toll on everyone because we live in constant fear of our lives, our employees, our communities, and our livestock. The flow of illegal drugs and those running them is endless. U.S. Border Patrol statistics say the traffic across the border is down. That simply is not the case. What we are seeing are drug runners and illegals from all over the world coming in droves across a border that has no deterrent at all. There are thousands of backpacks and boxes coming across daily. The assumption is that they are filled with drugs. The reality is that they could be carrying anything from explosives to nuclear weapons.

It is more costly to do any kind of business in our region. Our insurance was up for renewal in March. We could not find any other company that would even provide us a quote. Living and working near the border, we are labeled high risk. Nearly all of us in this area suffer break-ins almost routinely, with vehicles stolen many times. Many in our area have stopped reporting break-ins and theft to their insurance for fear of not being able to buy insurance at all. If we cannot buy insurance, we will probably have to go out of business. Without insurance, there will be no ranches and businesses to support our towns.

This brings us to an entirely different subject, the inability of our government to protect us brings down the value of our land. If we were to be forced out, we would have to take pennies on the dollar of what our lands are really worth.

Our lands, private, Federal, and state are strewn with litter, trash, human waste, and perhaps even drug drops that were not picked up. One neighbor had 20 head of cattle die last year from reasons that still have not been determined. They were not shot, they were not attacked by predators. There were no unusual plants that could have killed that many in one spot. They seemed to have

just fallen over dead. The prime theory is that they ingested illegal drugs.

Our region, from Arizona to Texas, has a wide variety of federally owned lands, ranging from BLM and Forest Service to wildlife refuges and monuments. Many of these Federal designations do not allow for appropriate surveillance. Mountains near us have been burned to the ground due to fires started by illegals. Federal land use regulations need an overhaul to address the specific and special needs of the borderlands. Law enforcement agencies and the Border Patrol need access to every inch of Federal lands to be able to protect our families and communities.

The agents are operating with at least one hand tied behind their backs. Instead of securing the border at the border, they are directed to patrol from 20 to 60 miles north of there. Those of us south of that arbitrary line are literally left in No Man's Land. The Border Patrol needs access to the border, which is often denied on borderlands.

We saw a 26 percent increase in our Federal land grazing fees this year and last. Our state land grazing fees went up by 21 percent last year and 25 percent this year. These formula-driven fees do not take into account the additional cost of doing business in our area.

In March, more than 600 people gathered in my small town of Animas, New Mexico, to plead to elected officials from Congress all the way down to county commissions and sheriffs to spend—I invited them, and I invite all of you—a few days with us to see first-hand what we deal with every day, from murder, to kidnapping, and property destruction. Come see what we put up with in our backyards. Would you all like that activity in your backyard? What other area of our Nation is sacrificed in this way?

We are in a war with drug lords and an invasion from countries from around the world, friend and foe. It is time to address this war and invasion with our troops. This is the United States of America. We are American citizens. We should not be forced to live this way. The Bootheel is no less America, and the people are no less American, than anywhere else. Is it fair for our community to be providing food for the Nation while being left to fend for ourselves from smugglers and invaders?

I thank you for this time and attention, and I will stand for questions.

[The prepared statement of Ms. Elbrock follows:]

PREPARED STATEMENT OF TRICIA ELBROCK, ANIMAS, NEW MEXICO ON BEHALF OF THE
NEW MEXICO CATTLE GROWERS' ASSOCIATION

Thank you Mr. Chairman and members of the committee, for the opportunity to speak to you today. My name is Tricia Elbrock and I am here on behalf of my family, my neighbors, members of the New Mexico Cattle Growers' Association (NMCGA) and every American that is threatened by the lack of security along our international border with Mexico.

My husband Edward, my son William (Bunch) Swift, and I own and operate Elbrock Water Service, Elbrock Drilling which includes a hardware store and Elbrock Ranch where we raise Beefmaster cattle and show lambs for youngsters in our region. Like most all ranches in southern New Mexico, our ranch contains Federal land. In our case it is Bureau of Land Management (BLM) lands.

Our water and drilling companies based in Animas, New Mexico, serves southeast Arizona and southern New Mexico from Tucson to El Paso. The business was start-

ed in 1978 and we presently employ 20 individuals. Animas is nestled in what is called the Bootheel because of the way the area fits into New Mexico.

You may have heard recently about the kidnapping of one of our employees in December 2015 and yes, it was a kidnapping regardless of rumors to the contrary. Our man was working on one of the ranches we service that runs along the Mexican border.

Our truck that he was driving was commandeered and he was forced to drive that truck, after the cartel delivered their drugs, to Willcox, Arizona where he was dumped out. The event occurred over 2 days and involved an all-out man hunt before he was freed. His life and the lives of his family were threatened if he called the police.

The story sounds simple enough with an apparent happy ending. Not so. Our man was roughed up physically and is emotionally and mentally fragile. All of our tools and materials were thrown out in the pasture, much of them destroyed, and we still don't have our truck back or an insurance payment to replace it.

Clearly the border is NOT secure. Our families and employees are at risk all day every day. There is a huge emotional toll on everyone because we live in constant fear for our lives, our employees, our communities and our livestock.

The flow of illegal drugs and those running them is endless. U.S. Border Patrol statistics say the traffic across the border is down. That simply isn't the case.

It is true that we are not seeing as many of the people of Mexico crossing the border looking for work as we have in the past. What we are seeing is drug runners and illegals from all over the world coming in droves across a border that has no deterrent at all.

There are thousands of backpacks and boxes coming across daily. The assumption is that they are filled with drugs. The reality is that they could be carrying anything from explosives to nuclear weapons.

It is more costly to do any kind of business in our region. The financial burden we have endured since the kidnapping is alarming. We had to regroup and figure out how to try and keep our employees safe. There was lost revenue for 2 months of not being able to send employees to areas near the border. It is now our policy to send two employees at a time, doubling our cost of doing business.

The value of the lost tools and materials was approximately \$13,000. Insurance paid us half of that value. The insurance company has refused to total the truck and we are still fighting on what they will pay us on both the truck and the equipment.

Our insurance was up for renewal in March. We could find no other company that would even provide us with a quote. Living and working near the border, we are labeled as HIGH RISK. Nearly all of us in the area suffer break-ins almost routinely with vehicles stolen many times. Livestock have been taken out of pens right near the house and butchered in the pasture.

Many in our area have stopped reporting break-ins and theft to their insurance for fear of not being able to buy insurance at all. If we cannot buy insurance we will probably have to go out of business. In today's world of lawyers, with no insurance and an injury of some kind, we would lose the business anyway. Our small towns are shrinking as it is with our young people leaving us to find work. Without insurance there will be no ranches and businesses to support our towns. Soon there will be no towns.

This brings in an entirely different subject. The inability of our government to protect us brings down the value of our land. If we were to be forced out, we would have to take pennies on the dollar of the land's real worth.

There is no insurance to cover the fences or water facilities and lines that are routinely destroyed in the border region. These damages occur even to the border fence, where there is one.

Workers' compensation insurance is a whole other subject. New Mexico's workers' comp system had no idea how to handle a kidnapping claim. How long will it take for our employee to recover from this trauma? Where does he go for treatment when you live 100 miles or more from medical care?

Workers' comp is mandatory in New Mexico. It is not cheap at this point in time. If insurance companies won't cover us, we are thrown into a "pool" where rates are doubled or tripled.

Our lands, private, Federal and state, are strewn with litter, trash, human waste and perhaps even drug drops that were not picked up. One neighbor had 20 head of cattle die last year from reasons that still haven't been determined. They were not shot. They hadn't been attached by predators. There were no unusual plants that could have caused death of so many in one spot. They seemed to just fall over dead. The prime theory is that they consumed illegal drugs.

Our region from Arizona to Texas has a wide variety of federally owned lands ranging from BLM and USFS Forest Service to wildlife refuges and monuments. Many of these Federal designations don't allow for appropriate surveillance. Mountains near us have been burned to the ground due to fires started by illegals. Federal land use regulations need an overhaul to address the specific and special needs of the borderlands. Law enforcement agencies and the Border Patrol need access to every inch of Federal lands to be able to protect our families and communities.

We saw a 26 percent increase in our Federal land grazing fees this year and last. Our state land grazing fees went up by 21 percent last year and 25 percent this year. These formula-driven fees do not take into account the additional costs of doing business where we are not provided the same protections that the rest of our Nation's citizens enjoy.

We all have had our differences with the Border Patrol from time to time, but our problems cannot be blamed on the folks on the ground trying to maintain the border. The agents are operating with at least one hand tied behind their backs. Instead of securing the border at the border, they are directed to patrol from 20 to 60 miles north of the border. Those of us south of their arbitrary lines are literally left in No Man's Land. The Border Patrol needs access to the border, which is often denied on Federal lands.

Our county governments are going broke due to the impacts of illegal traffic within their jurisdiction. Residents of my county are struggling to keep an 8-mile stretch of road that provides access to the border for the Border Patrol. There are no county funds for maintenance and there seem to be no Federal funds available to address this critical area. Neighbors who will suffer additional traffic, bringing who knows what on to their land, are pitted against those who will have less traffic and hazards.

On March 10, 2016 more than 600 people gathered in my small town of Animas, New Mexico to plead with elected officials from Congress all the way down to county commissions and sheriffs to demand Federal help to make us safe. I invited them and I invite each of you to come and spend a few days with us to see firsthand what we deal with every day ranging from murder, kidnapping and property destruction. Come see what we put up with in our backyards. Would you allow this kind of activity on your property? What other area of our Nation is sacrificed in this way?

We are in a war with drug lords and an invasion from countries from around the world, friend and foe. It is time to address this war and invasion with our troops.

It is time to focus border security on the border, not on New Mexico's Highway 9 or Interstate 10. We need more Border Patrol agents horseback in the hills and mountains. We appreciate the efforts of our elected officials since the March meeting, but it is going to take a grander approach to solve these issues.

This is the United States of America. We are American citizens. We shouldn't be forced to live this way. The Bootheel is no less America and the people are no less American than anywhere else. Is it fair for our community to be providing food for the Nation while being left to fend for ourselves from smugglers and invaders?

Thank you for your time and attention. I will stand for questions.

QUESTIONS SUBMITTED FOR THE RECORD BY REPRESENTATIVE GOHMERT TO
TRICIA ELBROCK, ANIMAS, NEW MEXICO

Question 1. How does continual illegal activity coming across the border impact the long-term viability of your community?

Answer. If border is not secure and drug cartel's activities continue, we will see people moving out of our area, no one moving in, and our small community will dry up. No more schools, businesses, no more post office. We are a poor county and we cannot withstand loss of any more residents.

Question 2. Ms. Elbrock, can you give us a sense of how the community is coping with the illegal activity crossing the border and coming into your neighborhoods?

Answer. We all are scared, packing guns daily, installing alarm systems in homes if they can afford one, and making sure that you are in home before dark. Certain areas you do not travel alone or after dark.

Question 3. We have heard from a variety of national leaders that the border "is more secure than it has ever been." In your experience living and working in the border region, how does this statement measure up?

Answer. We are far from being secured. Maybe in certain areas, but not in southwest New Mexico and southeast Arizona. We have daily activities with drug smugglers in our area. I invite our national leaders down here to our border to stay awhile and see what we put up with on a daily basis. No secret service or security guards. I think our leaders are living in their own little world in DC. Come out to the real world.

Question 4. In your testimony you described a recent meeting in Animas, New Mexico with a large number of ranchers and other community members. What did you take away from that gathering that needs to be conveyed to Congress?

Answer. Our border is not secure. Put our Border Patrol on the border, not 40–50 miles north. We need more horse patrol on the border. Stop the illegal crossing at the border, not on Highway 9 or I–10. We feel that Washington only remembers us during election years and that we are expendable down here. We are U.S. citizens and we demand our government to step up and do their job all along the borders. If our government is not going to do their job, then shame on them and we citizens will do whatever we have to do to protect ourselves, our families, and our properties. We think this drug smuggling is greater than anyone can imagine and it will take a united America to slow it down or stop it, if possible. If we work together and become united we can do this, but we cannot do it alone.

Does our government want to secure the border? We are starting to believe that they do not want to and to hell with all of us who live on the border.

Mr. GOHMERT. Thank you. We have time to get in one more statement before we have to go vote. So, Mr. Andrew, you have 5 minutes.

**STATEMENT OF JON ANDREW, INTERAGENCY BORDERLANDS
COORDINATOR, U.S. DEPARTMENT OF THE INTERIOR,
WASHINGTON, DC**

Mr. ANDREW. Chairman Gohmert, Ranking Member Dingell, and members of the subcommittee, thank you for the opportunity to appear before you today to discuss activities of the Department of the Interior along our Nation's borders.

As the Department's Interagency Borderlands Coordinator, I work to coordinate the activities of the Department and its land managing agencies with those of the Department of Homeland Security and, in particular, the U.S. Border Patrol, a component of Customs and Border Protection, to secure our international borders without undue damage to our Nation's natural and cultural resources.

We appreciate the attention that the subcommittee has given to the issue of securing our borders. DHS, including the CBP and Border Patrol, has been given the mandate to secure our international borders and deter illegal border-related activity. Interior has the responsibility for managing uniquely beautiful and environmentally sensitive lands along these borders.

Interior's land managing agencies, the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Indian Affairs, take very seriously their responsibility to these lands on behalf of the American people.

We also believe that these two objectives, securing our borders and conserving our Federal lands, are not mutually exclusive. We are not faced with a choice between the two. Instead, we can and should do both together in unison. In my testimony today, I would like to share with you a few examples of the ways that our

departments are working together to achieve our separate and important missions.

In March 2006, Interior, DHS, and USDA entered into a Memorandum of Understanding that provides the departments with guidance related to securing the borders, addressing emergencies involving human safety, and minimizing the environmental damage arising from illegal cross-border activities on Federal lands. The overall intent of the MOU is to provide the Border Patrol with the access it needs to secure the border, while providing for reasonable protection of natural and cultural resources. We believe the guidelines contained in the MOU have been effective in providing both Interior and CBP with the necessary framework to strike this important balance.

For example, work at Organ Pipe Cactus National Monument in Arizona, using guidance in the MOU, has provided for the establishment of temporary infrastructure—in this case, roads—which will assure the Border Patrol access for routine patrol functions. Simultaneously, the Border Patrol was able to identify roads which were not needed and could be closed and sensitive habitat restored. This cooperation has benefited the missions of both departments, as improved border security has also enhanced protection of our natural and cultural resources. We are remaining in close contact with the Border Patrol to make adjustments to this plan as the need arises.

In order to facilitate coordination with the Border Patrol, Interior established, at the headquarters level, the position I now hold. In addition, an Interior special agent is embedded with the Border Patrol in Tucson, Arizona, to assure coordination of law enforcement activities. The primary function of these positions is to coordinate and collaborate with Border Patrol sectors and Interior agency representatives on a regular basis.

Interior, USDA, and DHS have also worked together to establish an environmental and cultural stewardship training program. This training has proven very effective in providing Border Patrol agents with the basic orientation on ways they can help to protect sensitive resources along the border.

We have also worked to streamline the regulatory process wherever possible, a recent example being the expedited Section 106 review process under the National Historic Preservation Act. The agreement for the Southwest border was signed in 2015, and a similar agreement is expected to be signed for the Northern border in the next few weeks.

Furthermore, the Border Patrol, in cooperation with Interior and USDA, established the Public Lands Liaison Agent position for each of its 20 sectors. Interior land managers communicate and collaborate on issues of mutual interest or concern with these agents on a regular basis. Border Patrol agents frequently conduct joint patrols with Interior law enforcement personnel on Interior-managed lands during anticipated peak periods of illegal activity. These are designed to reduce border-related crime and target alien smuggling and drug trafficking organizations operating on Federal lands.

DOI has also authorized the placement of border security infrastructure on DOI lands. Examples include remote video

surveillance system towers, integrated fixed towers, rescue beacons, housing for Border Patrol agents, forward operating bases, equipment storage facilities, horse corrals, mobile surveillance systems, and tactical communication equipment.

Chairman Gohmert and members of the subcommittee, thank you for your continued interest in the Administration's efforts to secure and protect the border region and its natural and cultural resources.

This concludes my statement, and I am happy to answer any questions you might have.

[The prepared statement of Mr. Andrew follows:]

PREPARED STATEMENT OF JON ANDREW, INTERAGENCY BORDERLANDS COORDINATOR,
U.S. DEPARTMENT OF THE INTERIOR

Chairman Gohmert, Ranking Member Dingell and members of the subcommittee, thank you for the opportunity to appear before you today to discuss activities of the Department of the Interior along our Nation's land borders. As the Department's Interagency Borderlands Coordinator, I work to coordinate the activities of the Department of the Interior and its land managing agencies with those of the Department of Homeland Security (DHS), and in particular the U.S. Border Patrol (Border Patrol), a component of Customs and Border Protection (CBP), to secure our international borders without undue damage to our Nation's natural and cultural resources.

INTRODUCTION

We appreciate the attention that the subcommittee has given to the issue of securing our borders. DHS, including the CBP and Border Patrol, has been given the mandate to secure our international borders and deter illegal border related activity. The Department of the Interior (Interior) has the responsibility for managing uniquely beautiful and environmentally sensitive lands along these borders. As manager of 1 in every 5 acres of the United States, Interior's land managing agencies, the Bureau of Land Management (BLM), the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), and the Bureau of Indian Affairs (BIA), take very seriously their responsibility to these lands on behalf of the American people.

We also believe that these two objectives—securing our borders and conserving our Federal lands—are not mutually exclusive; we are not faced with a choice between the two. Instead, we can, and should, do both together in unison.

We are proud of the strong working relationship—based on cooperation and a mutual commitment to accomplishing our important agency missions—among all of our partner agencies.

In my testimony today, I would like to share with you the many ways that our Departments are working together to achieve our separate and important missions.

MEMORANDUM OF UNDERSTANDING

Federal agencies with law enforcement presence on Federal lands along the borders include Border Patrol, a component of CBP; Interior's various Bureaus, the BLM, NPS, FWS, and, in certain circumstances, the BIA; and the U.S. Department of Agriculture (USDA) U.S. Forest Service (USFS). These agencies have developed a cohesive, cooperative approach to border security.

In March 2006, Interior, DHS, and USDA entered into a Memorandum of Understanding (MOU) entitled *Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders*. This MOU provides the Departments with goals, principles, and guidance related to securing the borders, addressing emergencies involving human safety, and minimizing the environmental damage arising from illegal cross-border activities on Federal lands. The MOU contains provisions related to the development of an efficient means of communication, cooperative identification of patrol routes and operations, conduct of joint enforcement operations, cooperation in the development of environmental and cultural resources awareness training, access by Border Patrol agents to Federal lands along the border (including access in exigent circumstances), and guidance on construction and maintenance of tactical infrastructure. The MOU also addresses expedited completion of environmental compliance documents, including documents required by the National Environmental Policy Act and the Endangered Species Act.

Our goal is to provide flexibility and realistic options for patrol and infrastructure access to Interior lands by CBP while continuing to maintain an emphasis on protection of Federal trust resources such as endangered species, cultural resources, tribal interests, national wildlife refuges, national parks, public lands, and designated wilderness. We believe the guidelines contained in the MOU have been effective in providing both Interior and CBP with the necessary framework to strike this important balance.

The MOU has been very useful in providing a framework for Interior agencies to work with the Border Patrol to help the Border Patrol fulfill its mission while mitigating impacts on sensitive resources managed by Interior agencies. For example, work at Organ Pipe Cactus National Monument in Arizona using guidance in the MOU has provided for the establishment of temporary infrastructure, in this case roads, which will assure the Border Patrol access for routine patrol functions. Simultaneously, the Border Patrol was able to identify roads which were not needed and could be closed and the sensitive habitat restored. This cooperation has benefited the missions of both Departments, as improved border security has also enhanced protection of our natural and cultural resources. We are remaining in close contact with the Border Patrol to make adjustments to this plan as the need arises.

Since entering into this MOU, the three Departments have continually and successfully collaborated to administer the tenets outlined in the MOU at both the Headquarters and the field levels. The Departments have also worked collaboratively to address concerns regarding coordination to continually improve our efforts to secure our borders while conserving the environment. For example, the Departments have entered into additional MOU/MOAs that address issues including road maintenance, secure radio communication, environmental coordination, and sharing of geospatial information, among others. Annual meetings are convened to discuss the need to revise the 2006 MOU but all participants have agreed that no revisions are currently needed.

COORDINATED FEDERAL RESPONSES TO ILLEGAL ACTIVITY ON FEDERAL LANDS

Regular Management Collaboration

In order to facilitate efforts with the Border Patrol to address the challenges presented by illegal cross-border activity on our lands, Interior has established at the headquarters level a department-wide coordination structure. This includes the establishment, within Interior's Office of Law Enforcement and Security, of an Interagency Borderlands Coordinator for environmental coordination. In addition a Special Agent is embedded with the Border Patrol in Tucson, Arizona to assure coordination of law enforcement activities. The primary function of these positions is to coordinate and collaborate with Border Patrol Sectors and Interior agency representatives on a regular basis.

Additionally, at the headquarters level, Interior, USDA, and DHS have worked together to establish training modules such as the Environmental and Cultural Stewardship Training program. This online module is now required training for all Border Patrol agents. It has proven very effective in providing Border Patrol agents with a basic orientation on ways they can help to protect sensitive resources along the border.

Interior has also worked with DHS and the Forest Service to develop a streamlined process for evaluating impacts on cultural and historic resources that is required under Section 106 of the National Historic Preservation Act. The agreement for the Southwest border was signed in 2015 and a similar agreement is expected to be signed for the Northern border in the next few weeks.

On the Ground Collaboration

Collaboration also takes place with the Border Patrol at the field level. The Border Patrol, in cooperation with Interior and USDA, established a Public Lands Liaison Agent (PLLA) position for each of its 20 Sectors. Interior land managers communicate and collaborate on issues of mutual interest or concern with these PLLAs on a regular basis. Meetings between the land managers and the PLLAs are held every few months, or more often if needed, to facilitate open and regular communication, cross-training, and sharing of intelligence.

In addition, Border Patrol agents frequently conduct joint patrols with Interior law enforcement personnel on Interior-managed lands, including national parks, wildlife refuges, and public lands. This close coordination provides staff with training and orientation on each agency's mission, while enhancing homeland security activities and resource-related investigations.

Law enforcement patrol operations have been conducted during anticipated peak periods of illegal activity, through joint actions such as *Operation Trident Surge* in

Arizona or *Operation Take it Outside* in California. The operations included the BLM, NPS, FWS, USFS, and the Border Patrol, and consisted of intelligence-supported joint patrols on Interior and USFS managed lands. The operations were designed to reduce border-related crime and provide additional intelligence to Border Patrol to identify and target Alien Smuggling Organizations and Drug Trafficking Organizations operating on Federal lands. Interior law enforcement officers focused on resource mission-related violations during this operation. This effort served to deter illegal smuggling into the United States.

These few examples typify the ongoing, collaborative dialogue and strong relationships that Interior agencies and personnel have developed with our colleagues in Border Patrol. As discussed in more detail below, the cooperation and collaboration evident in these operations across the border areas, including areas within national parks, wildlife refuges, and public lands, has led to reduced environmental impacts on Federal lands along the border.

ADDRESSING THE IMPACTS

The deployment of CBP personnel, equipment and infrastructure along the Southwest border has led to significant improvements in border security. These improvements have both enhanced the security of our Nation, and lead to overall healthier conditions on Interior lands along the border. Many of the natural and cultural resources under Interior's responsibility have been adversely affected by illegal activities due to accumulations of trash, establishment of illegal roads and trails, and overall degradation of the environment. By deploying personnel, equipment, and infrastructure, CBP operations have reduced cross-border illegal activity and the environmental impacts of this illegal activity in a number of areas.

Examples of infrastructure put in place by CBP include: Remote Video Surveillance System towers, Integrated Fixed Towers, rescue beacons, housing for Border Patrol agents, Forward Operating Bases (FOB), equipment storage facilities, horse corrals and mobile surveillance systems such as the Ground Based Operational Surveillance System (GBOSS) used in Arizona. Tactical communication needs are critical to the security of Border Patrol agents and Interior personnel and we have worked closely to assure adjustments can be made in placement and maintenance of these facilities when they are present on Interior managed lands. Maintenance of roads and fences have also become more routine through issuance of permits and rights-of-way by Interior's land managing agencies.

During deployment of additional border security resources, Interior worked closely with the Border Patrol to avoid or mitigate impacts to the environment by coordinating border security work with local Federal land managers. These mitigation activities have had no impact on the ability of the Border Patrol to protect the border.

We have made and are continuing to make significant progress and we recognize DHS's leadership on these issues.

CONCLUSION

As detailed in this testimony, we are committed to the collective efforts that Interior, DHS, and USDA have taken to meet the intent of the 2006 Interagency MOU and the shared commitment by our Departments to fulfill the mission of each agency. We believe that we have been and will continue to be successful in securing our borders and conserving our Federal lands.

Chairman Gohmert, and the members of the subcommittee, thank you for your continued interest in the Administration's efforts to secure and protect the border region and its natural and cultural resources. This concludes my statement, and I am happy to answer any questions that you might have.

QUESTIONS SUBMITTED FOR THE RECORD TO JON ANDREW, INTERAGENCY
BORDERLANDS COORDINATOR, U.S. DEPARTMENT OF THE INTERIOR

Questions Submitted by Representative Gohmert

Question 1. In 2010, the CAO issued a report detailing delays encountered by Border Patrol when trying to do their jobs on Federal land. What specifically has been done to improve those delays?

Answer. A wide variety of measures have been put in place to ensure that the U.S. Border Patrol (USBP) has the access it requires to provide border security. To enhance communication with the USBP, the Department of the Interior (DOI), including its bureaus, the U.S. Fish and Wildlife Service (FWS), the Bureau of Land

Management (BLM), the Bureau of Indian Affairs (BIA), and the National Park Service (NPS), have instituted, with USBP, biweekly conference calls at the headquarters level, and regular conference calls at the field level on specific projects or issues such as the planned construction of Remote Video Surveillance towers in South Texas. DOI has also convened executive level annual meetings to review status of work under the 2006 MOU and exchange information among DOI Bureaus, USBP and the U.S. Forest Service.

Additionally, at the field level, the maturation of the Borderland Management Task Force (BMTF) program and the deployment of USBP Public Lands Liaison Agents in each sector has helped communication and coordination on day-to-day operational activities. BMTFs meet on a regular basis to discuss issues and concerns related to the environment and border security.

To facilitate access for the USBP, DOI bureaus have authorized the use of lands and facilities in many locations. For example, the FWS has authorized horse corrals and boat storage on national wildlife refuge lands in south Texas in close proximity to the border; NPS has authorized the occupancy of residential housing at Big Bend National Park and the construction and operation of forward operating bases on Organ Pipe Cactus National Monument; and FWS, NPS, and BLM have each variously authorized the placement of communication and surveillance equipment in national wildlife refuges, parks and public lands.

DOI has developed, in cooperation with the U.S. Forest Service and the USBP, wilderness management training for the USBP, and additional internal training to orient USBP agents on environmental concerns.

A specific example where these measures have worked exceptionally well is at Organ Pipe Cactus National Monument. The NPS identified access requirements in wilderness with USBP to ensure that the agents had the access needed for security, while also identifying roads that could be closed and restored to their original condition.

Question 2. When did the process of updating Border Patrol communications equipment at Cabeza Prieta National Wildlife Refuge commence? To your knowledge, why is that equipment important? Has the new equipment been installed?

Answer. The Cabeza Prieta National Wildlife Refuge (Refuge) shares 56 miles of international border with Mexico and is a major travel corridor for illegal drug smuggling. The U.S. Customs and Border Protection's (CBP) Office of Information and Technology first began discussions with the Refuge in late 2008/early 2009 regarding the upgrade of existing equipment and installation of new equipment. Lack of repeater towers created significant gaps in communication for law enforcement officials while in pursuit of cross border migrants and smugglers, posing a serious threat to the health and safety of visitors and government personnel, and mission critical operations. Discussions continued with the goal of finding ways to address these concerns, while minimizing disturbance of a protected landscape (wilderness area). The environmental planning process began in October 2012 with CBP's preliminary draft environmental assessment.

The Service and CBP believe the replacement of the existing Land Mobile Radio (LMR) equipment with "state-of-the-art" digital technology compliant with Project 25 National Telecommunications and Information Administration standards at Buck Peak and the installation of new equipment at Granite Mountain and Christmas Pass would improve communications interoperability, over-the-air rekeying, and advanced encryption. The Service will co-locate LMR equipment at the CBP sites allowing for improved communications and coverage for both parties. LMR equipment was installed at Christmas Pass on May 18, 2016. It is anticipated that the other two sites, Buck Peak and Granite Mountain, will be installed in the fall of 2016.

Question 3. On a day-to-day basis how would you describe your responsibilities as Borderland Coordinator for Interior and to what extent do you communicate with the Border Patrol?

Answer. The focus of the Borderland Coordinator for DOI is to coordinate and communicate with the USBP as needed to facilitate access to DOI-managed lands in such a way as to minimize impacts on DOI natural, cultural and trust resources. In this role, I have nearly daily contact with Department of Homeland Security (DHS) and USBP personnel. I attend BMTF meetings, and assist with training and orientation of USBP agents. For specific projects of larger scope, I may become directly involved with monitoring progress of the project, attending meetings and participating in conference calls. I participate in a bi-weekly conference call with DHS and USBP personnel at the headquarters level to resolve issues and facilitate completion of projects.

Question 4. The BLM has insisted on issuance of right-of-way permits to authorize Border Patrol to maintain existing roads on BLM lands in New Mexico, Arizona, and California. This requirement has cost the taxpayers for onerous environmental compliance and delayed needed maintenance of critical roads for more than 3 years. What is preventing your office from directing BLM to issue Special Use Permits immediately to enable Border Patrol to maintain these existing roads in the same manner that BLM has issued Special Use Permits for road maintenance to other government entities? Now that the 2006 MOU is 10 years old, why do delays like this remain?

Answer. We understand and share your interest in making sure that the U.S. Customs and Border Protection (CBP) maintains critical roads and access in order to protect our Nation's borders. However, BLM does not have the authority to permit the type of road work sought by CBP under a special use permit or a memorandum of understanding. Instead, the BLM is working closely with the CBP to support this very important mission through a right-of-way permitting process. BLM is working diligently with CBP to get their right-of-way application processed, which by law requires environmental review and public involvement.

Question 5. At Organ Pipe Cactus National Monument, the National Park Service insisted that no Border Patrol surveillance towers be constructed in designated wilderness. As a result, towers were placed as far as 20 miles north of the border. This limitation imposed by DOI has had a significant adverse effect on the capability of this technology to locate and interdict illegal traffic at the border. Would the Department support construction of surveillance towers in designated or proposed wilderness areas under minimum tool provisions?

Answer. The towers now in place at Organ Pipe Cactus National Monument have been very helpful in preventing and interdicting illegal activity. DOI is ready to discuss placement of additional towers if DHS determines there is a need and a specific proposal is developed. We would seek to balance placement of this infrastructure to avoid or minimize impacts on endangered species and wilderness and to mitigate any remaining impacts on the environment. Specifically with regard to designated wilderness and in accordance with law, a minimum tool analysis would be required prior to construction.

We are currently coordinating with DHS on construction of additional towers in Sonoita and Douglas, Arizona which were previously reviewed and approved. Planning is continuing for placement of towers on the Tohono O'odham Nation. We are not aware of any proposals for additional tower work in southwest Arizona.

Question 6. In Idaho, Border Patrol has experienced more than 4 years of delay and costs exceeding \$1 million for environmental compliance to enable maintenance and repair of 5.6 miles of existing road in Idaho Panhandle National Forest. The sole issue of any consequence is potential impacts to the listed grizzly bear. Given that there are already hundreds of miles of roads within the 1.4 million acre Selkirk Grizzly Bear Recovery Zone, and that the bear is already making steady progress toward recovery within the zone, does the Department have any data to support a conclusion that maintenance and repair of this additional 5.6 miles of road in marginal grizzly bear habitat or the subsequent use of the road exclusively by law enforcement personnel an estimated 30 times per year would have any significant impact on grizzly bear?

Answer. The action described is one component of a larger management effort. In 2013, the U.S. Fish and Wildlife Service (FWS) and Forest Service (FS) completed the ESA consultation on the Land and Resource Management Plan for the Idaho Panhandle National Forest (IPNF) (Revised Plan). The purpose of the Revised Plan is to provide direction for the IPNF land management by guiding programs, practices, uses, and projects. The Revised Plan provides guidance for project and activity decision-making on the IPNF for approximately the next 15 years, including motorized access management within the Selkirk and Cabinet-Yaak Grizzly Bear Recovery Zones. Over the past few years, U.S. Customs and Border Protection (CBP) has sought to utilize the road for security purposes and has been engaged with the FWS and FS to identify a path forward that will allow all agencies to meet their respective missions and goals. The agencies continued to discuss this as the land management plan was revised. The action described impacts not only to threatened grizzly bears but endangered Woodland caribou as well.

The FS and CBP are developing a draft joint EIS NEPA document. The draft EIS will lay out different alternatives that will facilitate CBP's access along the Canadian border to meet the United States' security interest, while enabling the FS to meet its forest management standards relative to grizzlies and caribou. Once the EIS is finalized and an alternative is selected, the FS and CBP will submit a joint

Biological Assessment and the FWS will conduct an ESA section 7 consultation on the proposed action. The upfront coordination should allow for the development of alternatives that minimize the negative impacts to grizzlies and caribou while meeting the goals of FS management and CBP's security needs.

Question 7. There have been periodic claims in the press that border fence construction has resulted in impacts to wildlife. Is the Department of the Interior aware of any peer-reviewed, scientific studies which document impacts of border fence construction or operations on native wildlife populations?

Answer. Yes, DOI is aware of some peer-reviewed articles and other publications that have shown the impacts of border fence construction or operations on native wildlife populations, including the following articles:

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Question 8. Your testimony stated: “The deployment of CBP personnel, equipment and infrastructure along the southwest border has led to significant improvements in border security. These improvements have both enhanced the security of our Nation, and lead to overall healthier conditions on Interior lands along the border.” Do you agree that the best mitigation for border security activities is in fact a secure border?

Answer. Mitigation activities consist of actions taken to offset the impacts of the placement or construction of border security infrastructure, including walls, vehicle barriers, and pedestrian barriers, on the landscape or on wildlife. In certain locations, placement of border security infrastructure has greatly curtailed illegal activities and has improved conditions for wildlife and habitat, e.g., Buenos Aires National Wildlife Refuge. In other locations, the construction of border security infrastructure would block or deter to movement of wildlife and would be considered to have negative impacts. Consequently, the placement of border security infrastructure itself would not be considered a mitigation measure.

Question 9. Your written testimony states that “mitigation activities have had no impact on the ability of the Border Patrol to protect the border.” Would you please clarify that statement? The GAO has clearly documented through interviews and investigation that there has definitely been an impact. Are we to understand from your testimony that there have never been impacts, or that there haven’t been impacts lately? If there haven’t been any lately, please define “lately.” Your oral testimony seemed to contradict the very definitive “no impact” statement in the written testimony. When questioned by Mr. Labrador about whether Border Patrol had been hampered, you stated that you “hope not” and that conversations with your fellow witness Commissioner Pinkerton had been “educational” with regard to access on the Northern Border. The committee appreciates your candor, but would also like to provide you the opportunity to clarify your definitive “no impact” statement with your refreshingly honest response that you “hope” Interior activities haven’t hampered border security and that information gained from Commissioner Pinkerton was educational in such a way as to give you reason to question your written statement. Please respond with your updated and current understanding of whether or not there has been “no impact” to border security related to Interior activities, mitigation, prohibitions and delays.

Answer. Mitigation activities consist of actions taken to offset the impacts of the placement or construction of border security infrastructure, including walls, vehicle barriers, and pedestrian barriers, on the landscape or on wildlife. In this context, a specific example of a mitigation activity would be the revegetation of a previously disturbed site or the adjustments in the proposed locations of security infrastructure. These mitigation activities are conducted in concert with the USBP to ensure that we are not impacting the ability of the USBP to accomplish its mission.

With regard to access on the Northern border, the issue raised by Rep. Labrador is best addressed by the U.S. Forest Service, the agency with administrative jurisdiction of the land in question. DOI is available to assist in consultation under the Endangered Species Act, as appropriate.

Questions Submitted by Representative Grijalva

Question 1. In their hearing memorandum, the majority members cited a U.S. Fish & Wildlife Service announcement about the installation of radio repeaters at Cabeza Prieta National Wildlife Refuge on April 11, 2016. It appears that the Border Patrol notified the Refuge of their desire to install these radio repeaters in 2013, yet the radio repeaters are just now being installed. Is the majority correct that the environmental review process for this equipment took 3 years to complete?

Answer. Discussions between U.S. Customs and Border Protection (CBP) and the U.S. Fish and Wildlife Service (Service) began in late 2008/early 2009 regarding the potential installation of a Land Mobile Radio (LMR) communications system on Cabeza Prieta National Wildlife Refuge (Refuge). Discussions were preliminary and required logistical decisions regarding where radio equipment would go and specific design features required to meet operational need and minimize visual disturbances that negatively impact wilderness values, as well as determining the footprint and required access to and from the sites for maintenance.

In October 2012, the environmental review began when CBP issued a preliminary draft Environmental Assessment (EA) followed by a draft EA. This document was released for public review on May 29, 2013. At this time, CBP initiated Section 7 consultation per the Endangered Species Act of 1973. The Service made a determination, in accordance with the National Wildlife Refuge System Improvement Act

of 1997, that the project was compatible with the purpose of the Refuge and a Minimum Requirements Analysis in accordance with the Wilderness Act of 1964 was completed. These documents were incorporated into the final EA and into the Finding of no Significant Impact (FONSI) issued by CBP in September 2013. The Service completed its own FONSI on December 3, 2013, thus completing the environmental review of this project.

On September 12, 2013, CBP made a formal request for a right-of-way permit and in December 2013, the Service issued CBP a special use permit to conduct a geotechnical survey of three proposed sites in preparation for developing engineering drawings and to determine the appropriate grounding solution and foundation design parameters for each site.

In January 2014, right-of-way paperwork was submitted to the Service. However, due to changes in personnel both at CBP and within the Service, the project was paused until January 2015, when CBP contacted the Service requesting status of the right-of-way (ROW) permit. The Service identified the information still needed from CBP to complete the ROW permit, including drawings and maps with precise locations for the LMR sites. The Service developed a draft ROW permit in December 2015. Both parties signed and finalized the ROW permit in February 2016.

The original FONSI developed by CBP called for deploying and testing the efficacy of the LMR repeaters at Buck Peak and Granite Mountain and then installing the Christmas Pass LMR repeater after a determination was made that it was needed. In October 2015, the local Yuma Sector Border Patrol requested that a temporary repeater be allowed on Christmas Pass rather than wait for the other repeaters to be installed. Because of the changes from the original proposal in the EA and FONSI, both the CBP and Service developed a categorical exclusion document to comply with the National Environmental Policy Act (NEPA) and the Service completed a new Minimum Requirements Analysis per the Wilderness Act. The Service issued a special use permit to CBP on May 9, 2016, and CBP completed installation of the temporary LMR repeater at Christmas Pass on May 18, 2016.

The CBP is currently obtaining equipment and material that will be staged in Tucson with the intent of beginning installation of a LMR repeater on Buck Peak in September or October, 2016. Per various environmental constraints, September through December is the only window open for installation.

Mr. GOHMERT. Thank you. At this time we need to go vote. There are three votes scheduled. We will resume, hopefully, no later than 30 minutes. We will try to get back sooner, if we can. Thank you. We are in recess.

[Recess.]

Mr. GOHMERT. The hearing is now called back into order. When we recessed, we had just finished with Mr. Andrew's statement.

At this time, Mr. Pinkerton, you are recognized for 5 minutes to make an oral statement to the committee. Thank you for being here.

**STATEMENT OF LEALAN PINKERTON, COMMISSIONER,
BOUNDARY COUNTY, BONNERS FERRY, IDAHO**

Mr. PINKERTON. Thank you, Mr. Chairman. My name is LeAlan L. Pinkerton, I am a Commissioner for Boundary County, Idaho. I thank you for inviting me here today.

Today, I intend to give you an overview describing the consequences created in the management of our national forests, which are essentially impacted or directed by rulings from the bench, the Endangered Species Act, biological opinions, and the volumes of National Environmental Policy Act requirements.

First, national security issues. The U.S. Border Patrol shoulders a daunting task, patrolling the rugged and remote land masses of the Selkirk, Purcell, and Cabinet mountain ranges, as well as all areas in between. The overwhelming majority of the area is moun-

tainous and timbered. Access is vital to the success in securing the border and affords the Border Patrol the ability to secure these remote areas, maintain a secure border, and expand into adjoining areas.

The Border Patrol has a number of tools available for patrol activities. However, none of them provide the advantages as well as a vehicle. Unabated, the existing road and trail system supports the operational requirements of patrol. Access restrictions create a debilitating effect, and vast areas of the border go infrequently monitored or go without patrol all together. Resource managers have placed these restrictions primarily because of ESA standards and biological opinions to limit motorized traffic into recovery zones of the grizzly bear.

The Forest Service and the Fish and Wildlife Service categorize all motorized access as an administrative trip, albeit, the Border Patrol's mission is not administrative in nature. Nevertheless, each patrol into the recovery zone is subject to the limits of the administrative trip cap being shared among all agencies.

The land managers have put up gates on roads, have not provided keys, removed culverts, decommissioned roads, et cetera. They seldom give any notification or forewarning. All these agencies have been tasked with cooperating among one another through the Memorandum of Understanding signed by each agency's Secretary in March of 2006. However, it is also my belief that this region's Fish and Wildlife and U.S. Forest Service have deliberately ignored the spirit of this directive.

An example of this is the Bald Creek Road closure. This closure can add up to 3½ hours of travel in making responses, rendering about 25 miles of border unsecurable. This type of conflict is largely repetitive in many locations and jurisdictions along our Northern border. The security of our Nation's borders and our citizens is paramount. Border security should not continue to be compromised because of wildlife and natural resource restrictions.

Rural county issues—about 495,000 acres, or 61 percent, of Boundary County consists of Federal land. Roughly 90 percent of that is bound by restrictions. Only about 50,000 acres of Federal land remains available, with limited access for forest management to supply our natural resource-driven economy. Boundary County's economic vitality is dependent upon the timber industry, as it has been for the last 100 years. There is no shortage of timber, and wildlife habitat is abundant.

However, much of the timber is aging to the point of over-maturing, in need of harvest to control disease and loss. My county, at one time, had over seven saw mills in varying sizes, providing employees with a family wage job. We now are down to two, one medium and one large. Infrastructure is leaving. The volume of timber provided to these steadily decreased over the years that have gone by. The forest district, prior to 1990, averaged a harvest volume of 30.8 million board feet per year. During the time frame of 2001 to 2010, the district averaged 14.4 million board feet per year, and most of these projects were appealed and several were litigated. This is merely a snapshot of how much influence the courts have in forest management. Due to litigation, the courts essentially make critical forest management determinations.

Today, harvest targets are approximately 20 million board feet per year, or about 25 percent of our local timber supply. Timber growth volumes, however, continue to increase by several times beyond targeted harvest amounts. Aging timber is more and more susceptible to disease, insect damage, and weather damage, which increases the likelihood of catastrophic wildfire.

The majority of the national forest in Boundary County has been identified by fire hazard assessments as being at high risk for wildfire. Annually, the Forest Service spends countless millions for wildfire suppression while habitat is suffering from the effects. My community does not hold any animosity toward the listing of any wildlife species, but they do take offense to the restrictions that come along with it.

These restrictions have been created by agency rules, litigation, and antiquated science—science that has been tagged as the best science available. The counties of Idaho have continually tried to correct and protect our access to Federal lands. But, ultimately, any change must come from Congress.

I could have bored you with statistics, but they cannot explain the whole story. Now is the time to really look at positive changes to the Acts that guide how Federal lands and wildlife are managed. I urge you to make the necessary changes for the sake of all our citizens.

In conclusion, sir, I thank you for listening and for your consideration of these matters. It has been my distinct honor to be here before you to speak today.

[The prepared statement of Mr. Pinkerton follows:]

PREPARED STATEMENT OF LEALAN L. PINKERTON, BOUNDARY COUNTY
COMMISSIONER, DISTRICT 1, BOARD OF COMMISSIONERS, BOUNDARY COUNTY, IDAHO

Please allow me to begin with thanking you for inviting me here today to offer my testimony regarding the Consequences of Federal Land Management along the U.S. Border to Rural Communities and National Security.

My name is LeAlan L. Pinkerton. I am currently serving in my second term as Boundary County Commissioner, District 1, Board of Commissioners, Boundary County, Idaho. I have served in this capacity since January, 2013.

Prior to being elected into office, I was employed by U.S. Immigration and Naturalization Service and the Department of Homeland Security, U.S. Border Patrol for over 23 years. The final 8 years of my career was concluded in Spokane, Washington, where I retired from the position of Assistant Chief Patrol Agent of the Spokane Sector in May, 2010.

Today, I intend to give you an overview describing the consequences created in the management of our national forests, accepting that much of the management decisions are significantly impacted or directed by rulings from the bench, the Endangered Species Act (ESA), biological opinions, and the volumes of National Environmental Policy Act requirements.

First, National Security Issues

In Boundary County, Idaho the U.S. Border Patrol shoulders the daunting task of patrolling the rugged and remote land masses of the Selkirk, the Purcell, and the Cabinet Mountain ranges as well as all areas in between. The overwhelming majority of the area is largely mountainous and timbered with occasional valleys and farming districts. Unquestionably, access is vital to achieve any measure of success in securing the border. This access affords the Border Patrol the ability to secure these remote areas, the maintenance of a secure border and expansion into adjoining areas needing control.

The Border Patrol has a number of tools available to support patrol activities, such as the use of ATV's, horses, snowmobiles, sensors, etc. However, none of these tools provide the advantage, timeliness, communication ability, or officer safety, as a vehicle. Unabated, the established existing road and trail system can support the operational requirements for the patrol function. Conversely, access restrictions

placed by the resource managers: U.S. Forest Service (USFS) and the U.S. Fish and Wildlife Service (USFWS); creates a debilitating effect on such activities. Largely, vast border areas are infrequently monitored or go without patrol all together.

Resource managers have instituted these restrictions primarily as a result of ESA standards and biological opinions governing motorized traffic into the recovery zone of the Grizzly bear. Managers assert allowable "administrative trips" and "open road density standards." Accordingly, in one Grizzly Bear recovery management area (Bog Creek), the maximum allowable annual "administrative trips" are capped at 57 motorized trips per year. These trips are combined for the use of all agencies and jurisdictions, with no law enforcement exemption. The USFS and USFWS categorize the Border Patrol's access as an "administrative trip," albeit the Border Patrols mission is not "administrative" in nature. Never-the-less, each patrol into the recovery zone is subject to the limits of the "administrative trip" cap (57) being shared among all agencies.

The USFS and USFWS managers have affected a number of measures to inhibit the Border Patrol's ability to access the border areas. They have placed gates on roads not previously gated. They have not provided keys in a timely fashion. They have changed locks on gated roads currently in use without providing keys in advance. They have removed culverts, decommissioned roads, dug tank traps and placed large boulders in roadways, etc. The USFS seldom gives any notification or fore-warning that such measures were scheduled or taking place.

All these agencies have been tasked with cooperating among one another as formalized through the Memorandum of Understanding titled "Cooperative National Security and Counter-Terrorism Efforts on Federal Lands along the United States Border", written and agreed upon in March of 2006 and signed by the Secretary of Interior, Secretary of Agriculture, and Secretary of Homeland Security. However, it is also my belief that this region's USFS and USFWS have deliberately ignored the spirit of this directive.

Simply put, the USFS and USFWS have placed the recovery of the Grizzly Bear, Caribou, Linx and other wildlife species as a priority above our Nation's security.

As an example, in 2006 while I was still employed as an Assistant Chief Patrol Agent of the Border Patrol in the Spokane Sector, I pushed for access along the border on the forest road in the Selkirk Mountains known as "Bog Creek." This road intersects a number of roads in the border area providing approximately 25 miles of border coverage. It has been in existence for decades but was gated and closed to public traffic in the mid-1980s. Subsequently, as a result of the lack of maintenance, a culvert clogged up and a portion of the road caved away. The Border Patrol had routinely used this road for patrol purposes since its construction. But, since the area is within the Grizzly Bear Recovery area, the USFS and USFWS do not want to allow traffic on this road. Nor do they want to fund the repairs or maintenance needed to bring it back into serviceable condition for vehicular use. As a result the Border Patrol cannot use vehicles to patrol this entire length of border. In response to any incursion within this border area, the Border Patrol must traverse around the mountain range to the south then back to the north over distances that require a minimum of 3.5 hours of travel time. Throughout this particular area, no degree of security can be achieved without the use of Bog Creek Road. No level of deterrence to potential cross border illegal activity can be established, nor can any measure of control be obtainable.

Although, this type of conflict is largely repetitive with regards to operations of the Border Patrol within the Spokane Sector and Boundary County, Idaho, it is not isolated to this agency or locality. It is an ongoing affair, or tactic, being used by the Federal land and wildlife management agencies in countless locations and jurisdictions along our Northern border. These same conflicts apply to our Local Sheriff's Department, Emergency Medical Services, Wild fire Response, Search and Rescue units, just to name a few.

I exclaim, as an elected official and a citizen, that the security of our Nation's borders and our citizens is paramount. Border Security should not continue to be compromised merely to support the proliferation of any species of wildlife or natural resource.

Rural Community Issues

Boundary County consists of a total land area of approximately 810,572 acres comprised of 495,219 acres (61 percent) Federal land; 107,267 (13.2 percent) acres state land; and 208,056 acres (25.6 percent) privately owned land. Roughly 90 percent of the Federal property within Boundary County is bound by numerous restrictions and road closures imposed upon it because of the Endangered Species Act (ESA), recommended wilderness/road-less rule, the lack funding for road maintenance, and the lack funding for timber harvest administration, etc. Approximately

50,000 acres of Federal land remains available with limited access for conventional forest management to supply our natural resource driven economy.

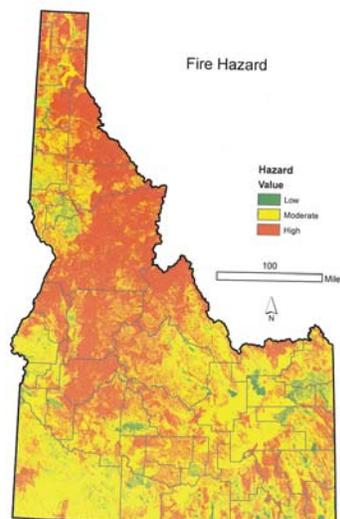
Boundary County's economic vitality is dependent upon the timber industry as it has been for the last 100 years. There is no shortage of timber resources as our forests continue to produce trees, and wildlife habitat is abundant. However, much of this timber is aging to the point of over-maturing. Please understand that even though the timber in our forest is renewable it still has a maximum life span. Much like a farmer's crop, there comes the day that it is time for harvest. Delay will only promote loss and quality defects in the resource. The longer the delay, the more dramatic the damage will be. Vast areas of our forest suffer the effects of the lack of management through conscientious harvest.

My county at one time had, at minimum, seven saw mills of varying sizes that provided employees with a family wage job. We are now down to two mills, one large and one medium. The volume of timber provided to these has steadily decreased as the years have gone by.

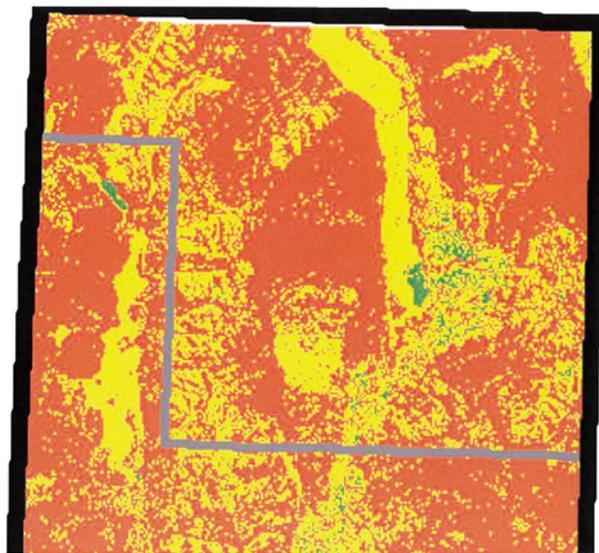
The forest district prior to 1990 averaged a harvest volume of 38.8 mmbf per year. Then, 1991 through 2001, harvest volumes reduced to 19.8 mmbf per year and nearly all the planned projects were appealed by non-governmental special interest groups. During the time frame of 2001 to 2010 the district averaged 14.4 mmbf and most of the projects were appealed and several were litigated. This is merely a snapshot of how much influence the courts have in forest management. Due to litigation, the courts have essentially been placed into the position of making critical management determinations regarding our national forests. Special interest groups currently hold the health of our forest for ransom.

In the current 5-year plan, within Boundary County the USFS has increased the harvest targets, from the levels of the recent past, to approximately 20 million board feet (mmbf) per year. Largely due to efforts of the state of Idaho, timber industry advocates, the Kootenai Tribe of Idaho, and local collaborative partners such as the Kootenai Valley Resource Initiative. The Community Forest Landscape Restoration Act designation (CFLRA) funding is also a significant attributing factor. This volume of harvest also represents less than 25 percent of the harvested timber supplying our local mills. However, the forest growth volumes continue to increase by several times beyond the targeted harvest amount.

Areas of blown down timber consisting of millions of board feet of timber are being left to waste. Ageing timber is becoming more and more susceptible to disease, insect infestation and weather damage. All of these contribute to the overwhelming threat and likelihood of catastrophic wild fire. The overwhelming majority of the National Forest in Boundary County is identified by the Idaho Department of Lands, fire hazards assessment as being at a high risk of wildfire. See attached maps. Simply put, instead of benefiting from timber harvest, the USFS spends countless millions for wild fire suppression while the habitat is suffering from the effects.



BOUNDARY COUNTY, IDAHO



BOUNDARY COUNTY, IDAHO IS DEPICTED AS THE AREA NORTH OF THE GRAY BOUNDARY LINE

BRITISH COLUMBIA, CANADA IS LOCATED TO THE NORTH OF BOUNDARY COUNTY, IDAHO

Most of the roads that I drove in years past have been closed or gated. My community does not hold any animosity toward the listing of any wildlife species, but, they do take offense to the restrictions that come with it. These restrictions have been created by agency rules, litigation through the courts, the threats of litigation or from antiquated science—science that is tagged as the “best science available.”

The counties of the state of Idaho have continually tried to correct and protect access to our Federal Lands, but ultimately any change in the Federal Land management must come from Congress. The agencies that have responsibility to manage land and animals are simply applying what has been handed to them by the rules and processes that are currently in place. Court actions have also added to the inability to manage our lands.

I could have bored you with statistics, but they cannot explain the whole story. Now is the time to really look at positive changes to the Acts that guide how the Federal lands and wildlife are managed. I urge you to take the bull by the horns and make the necessary changes, for the sake of the citizens of my county, my state, and our country.

In conclusion, I thank you for listening and for your consideration of these matters. It has been my distinct honor to be here and to speak before you today.

QUESTIONS SUBMITTED FOR THE RECORD BY REPRESENTATIVE GOHMERT TO LEALAN PINKERTON, COMMISSIONER, BOUNDARY COUNTY, IDAHO

Question 1. What are some of the challenges on the Northern border that you believe are generally misunderstood by the public?

Answer. Generally, the most prevalent misunderstanding by the public is the fact that the Border Patrol has statutory authority to enter onto and pass through private lands within 25 miles of the border, without warrant, for the purposes of patrolling the border.

Also, the public believes that the Border Patrol has unfettered access to the border area throughout the National Forest. Yet, the Federal land and wildlife management agencies are currently restricting or eliminating public access along the Northern border.

Another misconception by the public is that the Border Patrol wants roads in the National Forest closed to the public. To my knowledge, that has never been true.

The public has always been a cherished force multiplier for law enforcement efforts. With more public use of an area, the more opportunity there is that someone will witness a cross border criminal event and report it to the authorities. However, recently the public has been hearing that since the Bog Creek road (5 to 6 miles) is being reopened by the Border Patrol, there will be closures of an additional 25 miles of roads in the National Forest to meet road density standards of the grizzly bear recovery.

Question 2. Mr. Pinkerton, the 2006 Memorandum of Understanding provides for access to Federal lands, including wilderness, when agents are in "hot pursuit." However, if you are unable to patrol an area, due to wilderness or endangered species restrictions aren't we giving cartels a head start? Is there a more reasonable way to approach this?

Answer. Yes, by removing patrol from the tool kit, the criminal element absolutely has the advantage, both strategically and tactically. With a small amount of counter-intelligence gathering, a criminal organization can make very effective movements with little fear of an encounter with law enforcement. They can stage caches of equipment, scout routes, and plan activities during hours with low law enforcement presence. Just to name a few.

It is important to remember that "Wilderness" and a "Multiple Use Forest" are significantly different. Wilderness in general is primitive, lacking roads and void of infrastructure. Motorized or mechanical access is most often impossible and strictly prohibited. Routine patrolling in a wilderness area is not authorized by the 2006 memorandum. Along the Northern border it is mountainous and mostly timbered. If there is no road, there is no effective means to pursue via a vehicle. In rare cases, there are possibilities to continue a hot pursuit on an ATV or motorcycle, but even those modes of transportation would be capable in very few instances.

In a Multiple Use Forest, roads are prevalent and vehicular access can be made with ease. However, with road closures due to the sensitive wildlife recovery efforts, vast areas of the border cannot be effectively patrolled, once again giving advantage to the criminal element.

Therefore, the most practical approach is to give law enforcement agents the access they need to perform their mandatory function using the existing roads within close proximities to the border—without trip restriction restraints.

Question 3. How have regulations on timber harvest impacted your county's ability to provide critical services?

Answer. With the reduction of timber harvest volumes our county has experienced the loss of numerous saw mills over the past couple of decades. As a result many family wage jobs no longer exist in the county job market. Young people most often leave the area after graduation from high school in search of jobs that can provide them with financial opportunities.

Our county does not have any public transportation. All the fire and ambulance services operate as volunteer or on call entities. Even our county jail has been unable to expand to keep up with the needs of the community.

Question 4. If your community were allowed to resume responsible timber harvest, would you need forest funds from the Federal Government? What does the unpredictability of Federal funds do to your ability to strategically budget in your county?

Answer. With an ample amount of timber harvest, our county would eventually be able to do without forest funds from the Federal Government. Unfortunately, it would take some time before that would be possible. Most of the needed infrastructure that once existed here is gone. As saw mills were closed, the equipment was sold off and moved from the area. It would take years for the market to drive the return of the costly modern specialized equipment, and even more time to get these large industrial establishments built.

The unpredictability of Federal funds has a significant adverse effect on our county being able to budget accordingly. Many of our departments must continue to consider how they would operate if the funds come late or do not come at all. Numerous times employee positions have gone unfilled or delayed for extended periods since the funding could not be counted on in a timely fashion. County road construction projects have been pushed back or eliminated because of the budgeting restraints. These are just a few examples of a long list of budgeting predicaments created by the unpredictability of the Federal funding.

Mr. GOHMERT. Commissioner, thank you very much.

At this time, Ms. Walden, you are recognized for 5 minutes.

**STATEMENT OF NAN STOCKHOLM WALDEN, VICE PRESIDENT
AND COUNSEL, FARMERS INVESTMENT COMPANY AND
GREEN VALLEY PECAN COMPANY, SAHUARITA, ARIZONA**

Ms. WALDEN. Thank you, Chairman Gohmert, Ranking Member Dingell, and committee members. On behalf of Farmers Investment Company (FICO) and the Green Valley Pecan Company, I appreciate the opportunity to address you today on public lands issues in the vicinity of the border.

I am happy to be associated with the hard-working farmers and ranchers that are here with me at the table. Thanks to them and us, I might add, we have the cheapest and safest food supply in the world, and we work hard at it.

FICO is a major agricultural enterprise founded by my husband's father, Keith Walden, almost 75 years ago. Today my husband, Dick, is President and CEO. I am General Counsel, and both our children, the third generation of Waldens, are active in the company. We employ 260 permanent workers, many of whom are also second- and third-generation employees for us, mostly of Mexican-American descent. Spanish is the chosen language in our plant and on our farm; and we do hire some additional workers during the harvest season, usually 50 to 60, which are integral to our operation.

We are the largest integrated grower and processor of pecans in the world. Our pecans are known worldwide for their quality. The FICO headquarters is located just over 40 miles north of the border, and our home ranch is just less than 30 miles from the border. We have a horse and cattle operation with 160 acres of private land and a 6,000-acre state grazing lease. Our proximity to the border gives us firsthand experience with border security challenges, and we know the difficult job the Border Patrol and other agencies are tasked to undertake.

Like many Arizonans, we also have a special relationship with our land. Both our business and ranch are located near the Coronado National Forest, a major recreation venue for the residents of Tucson, Green Valley, and the surrounding areas. I had some brochures passed out so you could see how beautiful this land is, and how historic.

I want to point out that, in our West, our public lands are significant economy drivers. Current Border Patrol strategies, particularly permanent checkpoints, are adversely impacting rural communities and public lands.

I agree with the Chiltons, that we would like to see the border secured at the international border, but border security legislation should not compromise the protection of civil rights and quality of life for those living in the border region. After all, Mexico is our third-largest trading partner. We buy pecans, for example, from growers in Mexico; our employees travel back and forth to do this, my husband travels back and forth to do this. This is good for Mexico and it is good for the United States.

And finally, comprehensive immigration reform is essential and inexorably linked to border security.

I think that any examination of border security issues related to public lands must consider the economic value that it adds. For example, in our area, tourism spending generates \$3.6 billion in economic activity annually, and employs over 30,000 individuals in southern Arizona. Wildlife activities, including hunting and fishing alone, generate over \$1 billion annually. While public safety is a paramount concern, we must also consider the economic consequences of legislation addressing border security. As you know, all too well, these are very complex, multi-layered issues.

I mentioned our concern about permanent fixed checkpoints, which drive traffic into our farms, ranches, and communities. I have personally witnessed high-speed chases right through my front lawn—except we have gravel in Arizona, we don't have lawns—and it really is questionable, some of these chases and tactics undertaken by the Border Patrol in areas that are populated.

That is not to say that we do not appreciate their efforts, but I think the rapid staffing up and, sometimes, lack of training for people have caused situations where we have Border Patrol lost on our property within a quarter-mile of the major freeway, or asking us for directions. So that needs to be considered, as well.

My understanding and my experience is that we have an excellent ranch liaison, and that the relationship between the Border Patrol and public land managers has evolved into a very constructive and well-coordinated one, as Mr. Andrew described.

I realize there is a perception by some that the Border Patrol is locked out of public lands. But I tell you, people who spend time on public lands in our area find this assertion amazing, because we see the Border Patrol everywhere on a daily basis, and in our communities.

I also want to say that the Homeland Security enjoys what is characterized as “the broadest waiver of law in American history,” that Congresswoman Dingell referred to. We are very concerned about some of the pending bills in the House that would unilaterally waive laws, and deny those living in the border region protections of those laws. And our employees have suffered, as a result of some of those laws.

I would be happy to answer any additional questions. Thank you.
[The prepared statement of Ms. Walden follows:]

PREPARED STATEMENT OF NAN STOCKHOLM WALDEN, VICE PRESIDENT AND COUNSEL FOR FARMERS INVESTMENT CO. (FICO), FARMERS WATER CO. (FWC), AND THE GREEN VALLEY PECAN COMPANY, SAHUARITA, ARIZONA

I. INTRODUCTION

Chair Gohmert, Ranking Member Dingell, members of the committee, I am Nan Stockholm Walden, Vice President and Counsel for Farmers Investment Co. (FICO), Farmers Water Co. (FWC) and The Green Valley Pecan Company in Sahuarita, Arizona. I appreciate the opportunity to address the committee on public lands issues in the vicinity of the U.S./Mexico border.

FICO is a major agricultural enterprise founded by my husband's father R. Keith Walden almost 75 years ago. Today, my husband, Dick Walden, who is the President and CEO of the company, and the third generation of Waldens, including daughter Deborah and son Rich, are active in the company.

We employ 260 permanent workers, many of whom also are second and third generation FICO employees, whom we consider family, as well. During harvest season, we hire an additional 50 to 60 workers, making us one of the larger employers in Pima County.

FICO is the largest integrated grower and processor of pecans in the world. We are also the largest producer of organic pecans. Research has shown that pecans are rich in antioxidants, can lower harmful LDL cholesterol, and contain 19 essential vitamins and minerals, as well as being an excellent source of protein. FICO sells pecans to food manufacturers including makers of cereals, health bars, ice creams, candies and bakery goods, to retail chains that package our nuts under their label, and directly to customers—both here and abroad. We also buy pecans from other growers in the United States and Mexico.

FICO owns approximately 11,000 acres in southern Arizona, of which about 7,500 acres are irrigated and under cultivation for pecan nuts, a tree native to North America.

The FICO headquarters is located just over 40 miles north of the border, and our home ranch is just less than 30 miles. Our property in Amado is a horse and cattle operation that includes 160 acres of private land and a 6,000-acre state grazing lease. We are well aware of the importance of public lands to agriculture and ranching.

Consequently, we have the firsthand experience with border security challenges, and we know the difficult job the Border Patrol is tasked to undertake. The Border Patrol has responded to calls on both our farm and our ranch. I might add that our Border Patrol Tucson Sector Ranch Liaison, Jake Stukenberg, does an excellent job helping us cooperate with Border Patrol.

Like many Arizonans, we have a special relationship with our public lands. Both our business and ranch are located near the Coronado National Forest, a major recreation venue for residents of Tucson, Green Valley, and the surrounding area. I have ridden horses, and hiked on the Coronado and have visited many of the other public lands in southern Arizona under the management of the National Park Service, the U.S. Fish and Wildlife Service and the Bureau of Land Management.

I also serve on the Board of Directors of the National Immigration Forum, a non-partisan organization that works with diverse constituencies especially business, faith and law enforcement leaders advocating for immigrants and responsible immigration policy. This policy must reflect immigrants' contributions to our Nation's history, culture and growth, and their continuing contributions to our country's economy, especially in the agriculture and ranching sectors in rural communities.

The views I am offering today are informed by this context.

II. ECONOMIC CONTRIBUTION OF PUBLIC LANDS

Any examination of border security issues related to public lands must consider their economic value to rural communities. In southern Arizona, our public lands are significant regional economic contributors. For example, according to the Arizona Office of Tourism, tourism spending generates \$3.6 billion in economic activity annually and employs over 30,000 individuals in southern Arizona.¹ In 2012, a local tourism agency found that our natural environment is the number one reason visitors come to our community.²

Public land uses related to wildlife activity are also significant in our region. In 2011, watchable wildlife recreation activities, such as birding, generated over \$702 million in economic activity and supports in excess of 3,300 jobs in the four county border region.³ According to the most recent data available from the Arizona Game and Fish Department, hunting and fish add over \$324 million in economic activity and almost 2,300 jobs in this same four county border region.⁴

Moreover, southern Arizona has a legacy of ranchers working collaboratively with other stakeholders to address common challenges. These examples include collaborative efforts such as the Malpai Borderlands Group and the Altar Valley Conservation Alliance. Both of these groups work with land management agencies and the Border Patrol to maintain working landscapes, including improving grazing lands,

¹Arizona Travel Impacts 1998–2014p. (2015, June). Retrieved from https://tourism.az.gov/sites/default/files/documents/files/AZImp14pFinal_1.pdf. Report prepared by Dean Runyon & Associates.

²DeRaad, B. (2/2014). *Visit Tucson Memo To Larry Hecker, Chairman, Pima County Bond Advisory Committee*. (Memorandum). Tucson, AZ. <http://webcms.pima.gov/common/pages/UserFile.aspx?fileId=78818>.

³Tucson Audubon Society: The Economic Contributions of Wildlife Viewing to the Arizona Economy: A County-Level Analysis. 2013. Southwick Associates /Arizona Game & Fish Department. <http://www.tucsonaudubon.org/images/stories/News/TAS-AZ-WildlifeWatching-Analysis-2011-130718.pdf>.

⁴Silberman, J., Ph.D. (n.d.). *Economic Importance of Hunting and Fishing* (Arizona Game and Fish Department/Arizona State University). https://www.azgfd.com/PortalImages/files/wildlife/FISHING_HUNTING%20Report.pdf.

while also protecting wildlife, managing fire to benefit the landscape, dealing with drought and erosion control and other challenges.

While public safety is of paramount concern, we must also consider the economic consequences of our actions.

III. IMPACT OF PERMANENT BORDER CHECKPOINTS ON RURAL COMMUNITIES AND PUBLIC LANDS

FICO has long-standing concerns about the effectiveness of permanent Border Patrol checkpoints and their impacts on the surrounding community including nearby public lands. We met often with former Rep. Jim Kolbe, and I served on Rep. Gabrielle Giffords' Citizens' Advisory Committee on Checkpoints.

Those of us that live in areas surrounding the checkpoint have, for years, been exposed to the degradation of our public safety because of them—high-speed car chases through our neighborhoods, gunshot victims and the like. I have experienced a high-speed chase by Border Patrol through my front driveway in Sahuarita, AZ that I am sure would have killed an employee or me had I not been in my home office at the time. The result was that a couple and two young terrified kids were apprehended, but there were no weapons or drugs found in their car.

My neighbor at the Agua Linda Ranch was pushed down on the ground by Border Patrol agents around 10 p.m. one night when he was near his ranch house, changing the irrigation set on his vegetables, dressed in his pajamas, despite the fact that he identified himself as the owner of the property.

Our neighbors and ourselves have had many similar experiences of livestock buzzed by helicopters flying too low over pastures, gates left open, fences cut and crossers asked to dump all their belongings on our property, which were left there, not confiscated. We have had numerous examples of Border Patrol agents being unfamiliar or lost on our ranch property, which is within a quarter mile of the major North/South Interstate, I-19.

A senior member of our team who happens to be Mexican-American was stopped by the Border Patrol 40 miles north of the border on her way from her home to work. She was driving a late model SUV with two young daughters in the back in car seats. When she asked why she was stopped, the Border Patrol Officer replied, "You fit the profile."

"What profile is that?" she asked.

"Driving a late model SUV and obeying the traffic laws and speed limit," was the reply.

Sharing these stories with you does not at all mean we do not appreciate the efforts of the Border Patrol. Rather, proper training is crucial to Border Patrol agents working successfully with rural communities. We have noted that because Border Patrol has significantly increased staffing levels in recent years, there is a lot of transferring agents from one sector to another, high rates of turnover, and lack of uniform training.

The Border Patrol strategy, "Defense in Depth," calls for retreating 30 or so miles from the border with fixed checkpoints. This strategy has us living in a No Man's Land and underestimates the intelligence of the enemy we are fighting—the drug and human smugglers. The assumption that these criminals will not circumvent fixed checkpoints and traverse through our neighborhoods, our ranches, our communities and our public lands is not based in reality.

There have been several in-depth examinations of the effectiveness and impacts of the Border Patrols checkpoint strategy.

GAO, August 2009⁵—This GAO report confirmed that the Border Patrol was proceeding without adequate information on the effectiveness of fixed checkpoints and their adverse impacts on the public safety and quality of life of southern Arizona. GAO found that there were "information gaps and reporting issues" because of insufficient data, the agency was unable to compare the cost effectiveness of checkpoints to other strategies, and the Border Patrol had misrepresented its checkpoint performance. It also found that of all the apprehensions of illegal immigrants in the vicinity of the I-19 checkpoint in a certain fiscal year, "94 percent occurred in the areas surrounding the checkpoint, while only 6 percent took place at the checkpoint itself." In other words, these statistics make it clear that the checkpoint was driving criminal activities into the areas surrounding the checkpoint.

⁵United States, Government Accountability Office (GAO). (2009). *Checkpoints Contribute to Border Patrol's Mission, but More Consistent Data Collection and Performance Measurement Could Improve Effectiveness* (GAO-09-824). Washington, District of Columbia.

Udall Center for Studies in Public Policy, the University of Arizona, December 2012⁶—After undertaking a detailed statistical analysis this study found that the I-19 checkpoint is having a significant impact on the property values of the community surrounding this facility. This means that rural communities in the vicinity of the checkpoint, like Tubac, Arizona, are bearing a disproportionate economic burden for this border security tactic.

Tubac is in a rural area 20 miles from the border. It has become a major draw for tourists and businesses due to its historical, cultural, artistic and recreational facilities. Yet we know of many visitors and potential residents who have canceled vacations or real estate purchases due to concerns about the permanent checkpoint and appearance of extreme militarism in the area.

GAO, December 2012⁷—This report found, among other things, that because of data limitations the Border Patrol is unable to compare the effectiveness how resources are deployed among sectors. Each sector collects and reports the data differently thus precluding comparison. Policymakers and Border Patrol leadership are unable to effectively assess the effectiveness of tactics such as the checkpoint.

FICO believes that fixed permanent checkpoints threaten public safety in addition to resulting in significant economic consequences. It is clear in our view that they drive illegal activities away from the checkpoint into surrounding areas including Federal public lands. Any policy review of border security issues related to public lands must consider the impacts of these checkpoints.

IV. LEGISLATION REGARDING BORDER SECURITY AND PUBLIC LANDS

I would now like to turn to legislative efforts to address border security issues related to public lands. We are blessed in Arizona with magnificent national forests, national monuments, national wildlife refuges and historic sites at or near the U.S.-Mexico border. As noted earlier, these public lands are vitally important to our quality of life, recreation, and the local economy.

The very significant increase in Border Patrol agents assigned to the Southwest has led to many Border Patrol agents now working and even living on these public lands.

My understanding is that the relationship between the Border Patrol and the public land management agencies has evolved into a very constructive and well-coordinated relationship. The public land agencies have law enforcement staff with a deep knowledge of the landscape routinely work with Border Patrol agents. Land managers acknowledge the need for Border Patrol presence to patrol these lands and have developed both national and local procedures and processes that respect the Border Patrol's needs. Border Patrol agents may always use motorized vehicles in the interests of assuring public safety and national security.

The General Accountability Office (GAO) has undertaken studies that have examined the intersection of border security and environmental law. Not surprisingly and especially in the earlier years of increased Border Patrol presence, these reports documented some delays in border security infrastructure projects as the result of working with land management agencies. However, despite such incidents, "most patrol agents-in-charge told us that border security status of their jurisdictions had not been affected by land management laws. Instead, factors other than access delays or restrictions, such as the remoteness and ruggedness of the terrain or dense vegetation, have had the greatest effect on their abilities to achieve or maintain operational control."⁸ For example, GAO testimony presented in 2011, relying on two 2010 GAO reports, noted that patrol agents-in-charge at 22 of the 26 stations on the Southwest border with Federal lands in their areas reported that no portions of these stations' jurisdictions have had their border security status . . . downgraded as a result of land management laws."⁹

GAO also noted examples of Federal interagency coordination, which they found strengthened border security. Some examples of this include the placement of the

⁶Gans, J., M.S., M.P. (December 2012). *The Border Patrol Checkpoint on Interstate 19 in Southern Arizona: A Case Study of Impacts on Residential Real Estate* (Rep.). Udall Center for Studies in Public Policy, The University of Arizona.

⁷Government Accountability Office (GAO). (2012). *Key Elements of New Strategic Plan Not Yet in Place to Inform Border Security Status and Resource Needs* (GAO-13-25). Washington, District of Columbia.

⁸"Southwest Border: Border Patrol Operations on Federal Lands," Statement of Anu K. Mittal, Director, Natural Resources and Environment, U.S. Government Accountability Office, April 15, 2011, p. 16.

⁹*Id.* P. 17.

forward operating bases on Organ Pipe Cactus National Monument and Cabeza Prieta National Wildlife Refuge and improvements to Forest Service roads to facilitate border security operations on the Coronado National Forest.¹⁰

I realize that there is a perception by some that the Border Patrol is “locked out” of public lands. People who spend time on public lands in southern Arizona find this assertion rather amazing, as there is considerable evidence of the Border Patrol’s presence, including regular patrols and law enforcement actions. It is a fact that CBP already has access on all Federal lands.¹¹ Several thousand Border Patrol agents currently patrol public lands, the Tohono O’odham Nation, and the Barry Goldwater range in southern Arizona. There are Forward Operating Bases where agents live and work on Organ Pipe Cactus National Monument (95 percent wilderness) and Cabeza Prieta National Wildlife Refuge (93 percent wilderness). Here are some of the statements Border Patrol agents have made in relationship to this issue:

“But claiming agents would have to stop at wilderness designated areas or go around them is completely wrong,” said Border Patrol spokesman Ramiro Cordero. “Border Patrol is already permitted to monitor and enforce within wilderness areas,” Cordero confirmed Tuesday.

“We’re still allowed to patrol anywhere . . . if there’s any danger or pursuit; we’re not going to stop. There’s no truth that we cannot go in (to wilderness areas). The Federal authority gives us the authority to go anywhere,” Cordero said.¹²

Or more recently, the then Deputy Chief of the Border Patrol (now Acting Chief) had this to say in response to questions posed in the Senate Homeland Security and Government Affairs Committee:

Senator Tester: Does the Border Patrol have access all along the border—on public and private lands?

Deputy Chief Vitiello: We’re on the border everywhere—both private and public lands.

Senator Tester: What about Glacier National Park?

Deputy Chief Vitiello: Same answer, no particular problems.

Senator Tester: I don’t want to put words in your mouth, but I do want to ask—do you need anything special to work in these areas? Any special tools?¹³

Deputy Chief Vitiello: No, no additional tools.

I also want to remind the subcommittee that the Department of Homeland Security currently enjoys what the Congressional Research Service has characterized as the “broadest waiver of law in American history.”¹⁴ That authority is still in effect and is still being used in Arizona. That provision has no sunset provision.

However, despite the Border Patrol’s statements and their lack of advocacy for additional authority to waive laws, there are two bills pending in the House that would unilaterally waive laws. H.R. 1412, the misnamed Arizona Borderlands Protection and Preservation Act (which, among other things, applies to a portion of southeast California and all of Nevada), eliminates the rule of law for all actions of Customs and Border Protection on public lands. The bill’s stated purpose is to “give” access to U.S. Customs and Border Protection (CBP) on Federal lands “*notwithstanding any other provision of law.*” In other words, these law enforcement

¹⁰“Border Security: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands,” November 18, 2010. Memorandum from Stephen R. Viña & Todd Tatelman, Legislative Attorneys, Am. Law Division, Cong. Research Serv., on Section 102 of H.R. 418, Waiver of Laws Necessary for Improvement of Barriers at Borders, (Feb. 9, 2005).

¹¹This includes wilderness areas. “Per the 2006 MOU [Memorandum of Understanding], Border Patrol agents have the authority at any time to conduct motorized off-road pursuit in the event of exigency/emergency involving human life, health, safety of persons within the area, or posing a threat to national security.” Statement for the Record, U.S. Customs and Border Protection, before the House Committee on Natural Resources, Subcommittee on National Parks, Forests, and Public Lands, ‘National Security and Federal Lands Protection Act,’ Department of Homeland Security, July 8, 2011.

¹²“Wilderness impact on border security debated,” Las Cruces Sun News, May 11, 2010.

¹³Senate Homeland Security and Government Affairs Committee, Hearing on Border Fencing, Infrastructure and Force Multipliers, May 13, 2015; at <http://www.hsgac.senate.gov/hearings/securing-the-border-fencing-infrastructure-and-technology-force-multipliers>, 1:25:55–1:28:30.

¹⁴Memorandum from Stephen R. Viña & Todd Tatelman, Legislative Attorneys, Am. Law Division, Cong. Research Serv., on Section 102 of H.R. 418, Waiver of Laws Necessary for Improvement of Barriers at Borders, (Feb. 9, 2005).

agencies will be given unprecedented police powers to stop “all” illegal entries. The bill exempts state and private lands, which would still enjoy implementation of the full panoply of laws while public lands would be relegated to a secondary position in which Americans living hundreds of miles from the border would not have the same Federal protection of their civil rights and quality of life that exist elsewhere in the country.

H.R. 399, also pending in the House, similarly waives laws—in this case, specifically, the Administrative Procedures Act, the National Environmental Policy Act, the Wilderness Act, the Endangered Species Act, the National Park Service Organic Act, the National Historic Preservation Act, the Antiquities Act, the Arizona Desert Wilderness Act, the National Wildlife Refuge System Administration Act and several other laws—on public lands within 100 miles of the U.S. borders with Mexico and Canada. Again, this proposal is ill advised, unwarranted and not sought by the very agency it purports to assist. Rather, it appears to be a very specific assault on public lands and environmental laws.

While waiver of laws to protect our Nation’s citizens, public lands, wildlife, and historic and cultural treasures could, in my view, seldom if ever be justified, it is especially inappropriate at this point when the number of apprehensions of unlawful border crossers has declined to the lowest level in 40 years.¹⁵ The Fiscal Year 2015 Customs and Border Protection Border Report found Southwest border apprehensions had declined 30 percent in the last year and almost 80 percent below its peak in Fiscal Year 2000.¹⁶ A March 2016 GAO study also found that the overall effectiveness rate of the Border Patrol increased in eight of the nine sectors on the Southwest border—including a 20 percentage overall effectiveness rate increase in the Tucson sector—between Fiscal Years 2006 and 2011.¹⁷

DHS continues to deport individuals at significant levels following several record-breaking years. In Fiscal Year 2015, ICE announced it had deported 235,435 individuals. As of September 2015, the Obama administration had deported more than 2.1 million individuals.¹⁸ This pace far surpasses the 1.57 million individuals deported during the 8 years President George W. Bush was in office.¹⁹

In this body, H.R. 4303, the Border Security and Accountability Act of 2015, appears to be a more comprehensive approach. Among other things, this legislation requires the Secretary of Homeland Security to develop and implement a comprehensive border security strategy and plan to implement this strategy, invest in our ports of entries, consult with border communities as well as local and state law enforcement agencies from Southern border localities, and work with Mexico. It would also restore the full rule of law to our borderlands. This more comprehensive approach is worthy of consideration.

V. COMPREHENSIVE IMMIGRATION REFORM

As longtime business owners who live and work within 30 to 40 miles of the border, I cannot emphasize enough the inexorable link between border security and comprehensive immigration reform.

We understand the gravity of the border situation—the drug-associated violence, human smuggling, and environmental impacts—as well as the impacts of some enforcement activities on our commerce and property values.

We also know the effects of poorly crafted or implemented Federal or state policies that create a climate of fear and discrimination among the civilian population—business and commerce decline and families suffer.

That makes your job all the more challenging and important—and we thank you for hearing from the people like us who live this situation daily, and for those of you who have visited the border and talked to residents and those who work and travel on both sides of the line.

¹⁵ American Immigration Lawyers Association, *What’s Going on with Immigration Enforcement? Fewer Border Crossers, More Asylum Seekers*, 23 December 2015.

¹⁶ U.S. Customs and Border Protection, *Fiscal Year 2015 CBP Border Security Report*, 22 December 2015. https://www.dhs.gov/sites/default/files/publications/CBP%20FY15%20Border%20Security%20Report_12-21_0.pdf.

¹⁷ Government Accountability Office (GAO), *Southwest Border Security: Additional Actions Needed to Assess Resource Deployment and Progress*, GAO-16-465T, 1 March 2016. <http://www.gao.gov/products/GAO-16-465T>.

¹⁸ U.S. Immigration and Customs Enforcement, *ICE Enforcement and Removal Operations Report Fiscal Year 2015*, 22 December 2015. <https://www.ice.gov/sites/default/files/documents/Report/2016/fy2015removalStats.pdf>.

¹⁹ O’Toole, Molly. “Analysis: Obama Deportations Raise Immigration Policy Questions.” Reuters. Thomson Reuters, 20 Sept. 2011. <http://www.reuters.com/article/2011/09/20/us-obama-immigration-idUSTRE78J05720110920>.

In 2008, I testified before the House Subcommittee on Homeland Security, regarding the importance of comprehensive immigration reform. Much of what we told you in 2008 remains a problem today.

We must remember and appreciate the contributions of our legal immigrants and those in our area who are of Mexican-American descent, without whom agriculture and ranching could not flourish in the United States. The health care industry, restaurant and hospitality industry, construction, mining and many other sectors depend on continued renewal of both entry level and skilled labor from other countries.

Mexico is our third-largest trading partner, behind Canada and China. The U.S. and Mexican economies are interdependent. As Mexico strengthens its institutions and economy, the benefits flow into our country, and there is less pressure for illegal migration.

In our experience, the paths for both permanent and temporary legal workers in the United States are long, crooked and in some cases dead-ends. Since 1986 we have not uniformly enforced immigration laws, nor have we adequately dealt with ways to efficiently permit temporary workers, and provide a timely path to citizenship for those who merit it. Agricultural and other visa programs are impractical and unworkable.

Polls show that most Americans favor comprehensive immigration reform, including a path to citizenship and that these levels of support have remained constant for more than a decade.²⁰

National security experts under both Republican and Democratic administrations,²¹ assert that the most effective border security strategy is comprehensive immigration reform. We must fix the immigration system by providing legal avenues for workers to enter the United States when needed and allow families to reunify. The 1986 Immigration Reform and Control Act, which resolved the status of most undocumented immigrants at the time, did not adequately address the demand for legal immigrant labor. Because there continues to be a demand for immigrant labor, individuals from other countries who seek a better life are drawn to our Nation that is full of opportunity.

By providing more avenues for these individuals to come to the United States through legal means, law enforcement and border officials will be able to spend fewer resources toward immigrants migrating for economic reasons and more resources toward genuine criminal and terrorist threats that could harm our communities. Smart enforcement and border security, coupled with comprehensive immigration reforms, can improve security at the border.

VI. CONCLUSION

We appreciate the professional efforts of the Border Patrol and we certainly believe in securing our Nation's borders, preferably at the border or in the immediate vicinity.

We also value our Nation's public lands and understand the significant contribution they make to our local and national economy as well as to quality of life. Protection of our public lands is part of protecting our national security; the two are certainly not in conflict.

We urge Congress to stop trying to achieve the infeasible—100 percent apprehension of all border crossers—and to cease blaming public land managers and environmental laws for border security problems.

Rather, Congress should enact comprehensive immigration reform that addresses our society's need for lawful immigrants, and, at the same time protects and enhances the public lands our growing population needs for recreational, economic and spiritual needs.

²⁰In U.S., 65% Favor Path to Citizenship for Illegal Immigrants. (2015, August 12). Retrieved April 26, 2016, from <http://www.gallup.com/poll/184577/favor-path-citizenship-illegal-immigrants.aspx>.

²¹Molnar, P. (2013, April 8). Panetta Lecture Series: Border security experts say immigration reform is vital. Retrieved April 26, 2016, from <http://www.santacruzsentinel.com/article/zz/20130408/NEWS/130408557>.

QUESTIONS SUBMITTED FOR THE RECORD BY REPRESENTATIVE GRIJALVA TO NAN STOCKHOLM WALDEN, VICE PRESIDENT AND COUNSEL, FARMERS INVESTMENT COMPANY, AND GREEN VALLEY PECAN COMPANY

Question 1. In your testimonies, both you and Mrs. Chilton were quite critical of the Border Patrol's "Defense in Depth" strategy and you both cite personal testimony. However, Mrs. Chilton appears to believe that a significant part of the reason for the "Defense in Depth" strategy, as opposed to a "protect the border at the border" strategy, is that the presence of public lands and environmental laws hinders the Border Patrol's ability to work at or near the border.

You appear to have a good relationship with the Border Patrol Ranch Liaison in your area and have clearly talked with other Border Patrol agents. In conversations with them, have you ever heard it suggested that the reason they are not focusing their resources and personnel at the border is because of public lands and associated laws?

Answer. In numerous conversations with Border Patrol agents they have never suggested to me that laws regarding public lands hinder their access.

Moreover, the 2009 GAO study I refer to in my testimony documents that Border Patrol has major "information gaps and reporting issues" which causes Border Patrol to misrepresent the effectiveness of checkpoint performance compared to other strategies.

Question 2. Can you give a specific example of how the I-19 checkpoint has adversely affected the local economy in your area?

Answer. I know from talking to realtors and merchants in the Tubac area, south of the checkpoint that visitors and potential buyers of homes and ranches complain about having to traverse the checkpoint daily. There are often traffic backups there. One realtor told me that a number of his buyers have actually signed a contract to purchase a house, then rescinded it when they discovered the checkpoint was a permanent fixture they would have to drive through from Tubac or points south to reach the nearest hospital, drugstore or dry cleaners.

Other economic impacts on property values and businesses have been documented in the Udall Center/University of Arizona study by J. Gans, (December 2012) *The Border Patrol Checkpoint on Interstate 19 in Southern Arizona: A Case Study of Impacts on Residential Real Estate*.

Mr. GOHMERT. Thank you, Ms. Walden. At this time we will begin questioning. And I will hold my questions and first recognize the gentleman from Idaho, Mr. Labrador, for 5 minutes.

Mr. LABRADOR. Thank you, Mr. Chairman, and thank you to the witnesses for being here today.

The balancing of interests between the mission of our Federal land management agencies and the critical mission of the Department of Homeland Security in securing our borders is a topic that is all-too-often ignored. In fact, it is something that some people do not even think about.

I have to be honest. I practiced immigration law for over 10 years. When I first came to Congress, somebody told me that we were having a problem at the border with allowing Border Patrol agents from pursuing suspects on Federal land and that, in fact, many people would go through the Federal land because they knew the Border Patrol agents would not follow them; I laughed out loud, literally laughed out loud. I said, "That is impossible." After having practiced law for so many years, I had not even heard of this issue.

There is no doubt that our borders are porous, and there is no doubt that Customs and Border Protection, and specifically the U.S. Border Patrol, is on the front line in harm's way. They are trying to keep watch over our Nation. This is not the appropriate

setting to debate immigration policy, but we must remember that border security goes way beyond just illegal entrants.

At the Northern border, in the state where I live, we have a lot of issues with trafficking of children, child pornography, and many other issues. It is not just about illegal immigration. It is our duty to ensure that the drugs, weapons, people, and materials that threaten our national security are intercepted and repealed.

So, Commissioner Pinkerton, based on your experience, how secure is the Northern border today?

Mr. PINKERTON. I would not consider it secure in any fashion. As a matter of fact, if you date back to the 1970s, it is probably somewhere in the same realm, as far as being secure. It is not secure, to answer.

Mr. LABRADOR. In his testimony, Mr. Andrew spoke about agency collaboration and Memorandums of Understanding. Are you familiar with any MOUs between the Department of Homeland Security and the Department of the Interior agencies?

Mr. PINKERTON. Yes, sir. It was signed in 2006 by all three agency secretaries.

Mr. LABRADOR. And have those MOUs provided better coordination?

Mr. PINKERTON. No, sir, not in my opinion. As a matter of fact, I believe it has been damaging to the mission of the Border Patrol. It has put the position of the Border Patrol in somewhat of a compromise, and—

Mr. LABRADOR. How? How has it compromised the mission of the Border Patrol?

Mr. PINKERTON. Well, sir, the Border Patrol is a law enforcement faction, and they have to run their operations based on law enforcement needs. The land management agencies, for the most part, are not. Sometimes the Border Patrol has to share sensitive law enforcement information with a biologist, so to speak, because of the restrictions on a road that may be back there.

The cooperation among the agencies has been somewhat one-sided against the Border Patrol, in my experience.

Mr. LABRADOR. Your testimony references administrative, motorized trips through a grizzly bear recovery zone in northern Idaho. How is Border Patrol affected by the caps in administrative trips?

Mr. PINKERTON. Well, I think the term itself is something that should bring your attention—"administrative." The trips behind these gates for the Border Patrol are not administrative in nature. An administrative trip would be for—let's say a biologist to go back there and check on a collar that fell off of a bear, or put batteries into something that they are using to gauge traffic for the animals, or something of that sort—that is an administrative trip. For the Forest Service, to do a timber scale, or timber sale stand exam, so to speak. But for the Border Patrol, it is a matter of a tactic that they are needing. It is not administrative in nature. It could be a life and death situation of a matter of a few seconds.

Mr. LABRADOR. Thank you. I am troubled, Mr. Andrew, by your statement that, "Mitigation activities aimed at protecting the environment during border security deployment has had no impact on Border Patrol's ability to protect the border." Are you referring to

the entire border when you make such a statement, or just the Southern border?

Mr. ANDREW. I think I was referring to it in general. There are, obviously, some issues that Mr. Pinkerton has pointed out that we need to work on. But in other areas, implementation of the MOU has been very—

Mr. LABRADOR. What statistics or data can you provide to support that general claim?

Mr. ANDREW. Statistic? Well, I would use an example such as Organ Pipe, where we used the MOU to provide Border Patrol with road access. We met with them and asked them where they needed access. They mapped it out, and we marked the road so they would have that; and that includes in wilderness.

So, it has worked well in some places. At Bog Creek in Idaho, it has been a challenge, to be honest. We are getting better at it. I think we are on the right track now. We have had some discussions here with Mr. Pinkerton that have been very educational for me.

Mr. LABRADOR. Do you think Border Patrol agents are hampered by denied access to certain areas?

Mr. ANDREW. I hope not. It is not my intention. I work to assure that the Border Patrol has the access they need when they need it. I can't say that we are perfect with it, but I am very willing to work on making that better, wherever needed.

Mr. LABRADOR. Thank you. I yield back.

Mr. GOHMERT. I thank the gentleman. At this time the gentlelady from Michigan, Mrs. Dingell, is recognized for 5 minutes.

Mrs. DINGELL. Thank you, Mr. Chairman.

Ms. Walden, as a representative of a border state, myself, I am sympathetic to the concerns that our witnesses have raised about ensuring safety and security along the border. However, important environmental laws do not need to be sacrificed in order to have Customs and Border Protection do its job.

Unfortunately, they have been sacrificed in order to build a fence, and there have been consequences. Wildlife almost always migrate north to south when climates change, in order to find a more suitable environment depending on the climate shift. In an era of climate change, particularly in the U.S. Southwest, where temperatures are rising and droughts are increasing, blocking off the entire northerly route for migrating species will devastate their ability to move, adapt, and survive.

You alluded to some of the ways that fences hurt wildlife in your testimony. Can you go into further detail on this issue for us?

Ms. WALDEN. Yes, I will. I think that we are seeing examples of migrating wildlife. We are in a major biological diversity area in this valley. You are correct, that they do migrate north and south and south to north. And, as I pointed out in my testimony, it brings a great deal of economic activity to our region, which is important as well—from hunting, bird watching, wildlife watching, photography, et cetera.

Building more walls and more roads—many ranchers like ourselves are concerned about this, because when you build more access areas like roads, the smugglers use them, too. This is an

example of what is so complicated about walls and roads. I think our former governor said, "When you build a 12-foot wall, we will find a 14-foot ladder." And, literally, when you cross over at the ports, you see big trucks with extension ladders on the top of them going all through parts of town.

So, I would just say that the simple answers are not always so simple. I live daily with the consequences that my neighbors here describe, and I am concerned, too. But we have to work together so that we do not destroy the most important resources our country has for future generations.

Mrs. DINGELL. Thank you. Mr. Andrew, it is important to say that no amount of crime is acceptable, and it is not. I would be terrified if I had been kidnapped. As we try to reduce these instances, we have to look at the big picture.

One of the questions that the core of the Majority claims about crime along the border is whether the crime rate has improved since the Bush years. The Majority has cited an example from a GAO study on public lands and Border Patrol access to try to demonstrate that the Memorandum of Understanding is not working, and that CBP is still held back from doing its job. But the GAO study was written back in 2010. Can you tell me whether each recommendation from that GAO report has been implemented?

Mr. ANDREW. Yes, thank you for that question. There were two recommendations. One had to do with preparing programmatic documents, and we have prepared a number of those. There was a Northern border EIS that we cooperated with Homeland Security on; there was a Section 106 programmatic agreement that we negotiated with the DHS and the Forest Service for the Northern and Southern border that expedited reviews under the Historic Preservation Act; and there have been a number of smaller ones on individual units where we provided rights-of-way or special use permits for road maintenance and access.

The other recommended action, I believe—and this is 1138, the report from 2010—was an environmental cultural stewardship training that was called for, and we completed that 3 years ago, and that has worked quite well.

Mrs. DINGELL. Thank you. Ms. Walden, I am going to try to ask a question fast. Since then, the GAO has taken another look at crime along the Southern border. In a 2013 report, they found that GAO's analysis of data for the Southwest border counties with sufficiently complete data show that, generally, both violent and property crimes were lower in 2011 than in 2004.

For example, the violent crime rate in three states' border counties was lower by at least 26 percent in 2011 than in 2004; and in another state, lower by 8 percent in 2011 than in 2005. Is that consistent with your experience as a resident and business owner?

Ms. WALDEN. Absolutely. We are never going to eliminate crime 100 percent; but we have seen a sharp decline in crime and violence, particularly in the last 5 years.

Mrs. DINGELL. Thank you, Mr. Chair.

Mr. GOHMERT. Thank you, Mrs. Dingell. At this time the Chair recognizes the gentleman from Georgia, Mr. Hice, for 5 minutes.

Dr. HICE. Thank you very much, Mr. Chairman. Thank you for having this hearing, and to each of our panelists, we appreciate you being here.

I must say that I am disappointed that the Department of Homeland Security declined to provide a witness for us today. I serve on Oversight and Government Reform, and the Subcommittee on National Security. Last month, we had a hearing there in which Ronald Vitiello, who is the Acting Director of Customs and Border Patrol, was there. I have a clip. I wanted you to see a little bit of my questioning to him, which is very applicable to today's hearing. [Video shown.]

Dr. HICE. All right. Mr. Chairman, thank you and the staff for providing that clip. His answers were extremely vague. In fact, they were not answers to the question. When we are dealing with border security, answers like, "As soon as possible" doesn't cut it. It just doesn't cut through it.

So, Mr. Andrew, I would like to come back to you with some of the same questions that I asked Mr. Vitiello last month. What is a reasonable time for the Border Patrol to wait for a permit from Interior?

Mr. ANDREW. Well, it is a difficult question to answer in a general way. Some of the activities that Border Patrol would request, such as placement of a mobile surveillance vehicle, it could be very quickly; in a day or two, we could have pre-approved sites—

Dr. HICE. What is a reasonable time for a permit?

Mr. ANDREW. Well, it depends on the degree of what is being proposed. If it was something like a—

Dr. HICE. OK. What about, say, a radio tower, a communications tower?

Mr. ANDREW. Well, in south Texas we, have remote video surveillance towers that we are working with Border Patrol right now, about 30 for the first wave.

Dr. HICE. What is a reasonable time?

Mr. ANDREW. To give you the time frame, they began their planning for it probably a year ago, something like that. And they have engineering work to do, contracting work, and so on. So, we are trying to run the environmental reviews for that, and we are successful so far with running those in parallel.

Dr. HICE. All right. These are simple questions. I am wanting yes/no type answers. What is a reasonable time to expect? What about for road maintenance? What is a reasonable time?

Mr. ANDREW. Well, with road maintenance we have dealt with right-of-way permits, so they can do that as needed now in most locations.

Dr. HICE. OK. What about the mobile surveillance system? You referred to that.

Mr. ANDREW. Yes. For example, Organ Pipe again. The G-BOSS antennas that came from Afghanistan were deployed within days of the request.

Dr. HICE. What about forward operating bases?

Mr. ANDREW. I was going to mention that one. There was one I was involved in about 3 years ago, the boundary camp on Cabeza Prieta, between Cabeza Prieta and Organ Pipe. We received word that this needed to be built in about March of that year. It was in

place by the end of the fiscal year; so that was about 6 to 8 months, I think.

Dr. HICE. You have mentioned yourself—and, Mr. Chairman, I will yield back. Obviously, my time has expired. But the environmental issue—it seems clear to me that we are placing environmental priorities over our national security with all of this; and it is inexcusable, when permitting and some of these other requests take so long that what is needed for border security is no longer applicable.

With that, I yield back. Thank you, Mr. Chairman.

Mr. GOHMERT. Thank you, Mr. Hice. At this time the Chair recognizes the gentleman from Arizona, Mr. Grijalva, for 5 minutes.

Mr. GRIJALVA. Thank you, Mr. Chairman. And just for the record, I agree with my colleague that it is unfortunate that Homeland Security could not have a representative here at this hearing. Maybe they are overwhelmed with all the other hearings that are going on that they are required to be at.

But, let me read this part from their written testimony, “CBP and, by extension, the Department of Homeland Security, enjoy a close working relationship with the Department of the Interior and the Department of Agriculture that allows us to fulfill our border enforcement responsibilities while respecting and enhancing the environment.” It goes on to explain what that relationship is and what the Memorandum of Understanding is.

As was mentioned by Mr. Andrew, the pursuit issue is a non-issue, because that is not impeded at all by any regulation or any impediment by Interior or the Department of Agriculture. I think that is important, and I wish they would have been here to validate those comments in their written testimony, so that we could ask the questions that my colleague was asking and that I intended to ask him, as well.

At this point, if I may, Mr. Chairman, I ask unanimous consent to enter some documents into the record.

Mr. GOHMERT. Without objection.

Mr. GRIJALVA. I will use part of my time for that. I submit the following documents: a January 2007 brief documenting the environmental impacts of the border fence; a May 2011 study documenting how barriers along the border would increase the number of species at risk; a 2014 study on the unintended environmental consequences of border fencing and immigration reform; a 2007 *New York Times* article, “Environmental Consequences of the Border Wall in South Texas”; a 2016 article on how a border wall would hurt the U.S. economy; a July 2013 report on why the U.S.-Mexico border is critical for the U.S. economy; a June 2011 study documenting the cost of border security; a May 2013 report on the importance of an economic relationship of Mexico and the United States; a May 2013 report on the fallacy of enforcement only; a December 2014 report documenting CBP programs that do not achieve intended results or recognize all the cost of operations; an October 2011 report on why immigration enforcement without reform wastes taxpayer dollars; a May 2010 report on why immigration enforcement without immigration reform will not work; a September 2013 report on widespread Border Patrol abuses in the Southwest border; a May 2013 report on family separation and

immigration enforcement; an April 2014 report on reconciling tough and human enforcement; a December 2015 report on documented and lengthy detention, deplorable conditions, and abuse and for-profit holding detention centers; a July 4, 2014 report on humanitarian challenge at the border; and a report that discusses immigration and border politics throughout the history of this Nation.

I mention that because Ms. Walden—and thank you for being here—talked about the multi-layered complexity of this issue that we are dealing with. And simplistic solutions are not going to do the job.

Ms. Walden, you worked on the border and your family has been there for generations. As you look at the economic benefit to a good, vibrant economy in the region, and also the issue of enforcement, people want to make those mutually exclusive items. Are they?

Ms. WALDEN. We have to work together. I just want to stress that. Our economies along the border are dependent on each other, Mexico and America. We could not do our farming and ranching without the labor, again, that mainly is of Mexican-American descent. They have the skills, they have the work ethic, and they have the ability to work hard on the farm; and, as we all know, that is hard work.

So, it is very important that we respect the culture, economy, trade, and inter-relationship between these two countries, and also to realize the climate of fear that some of these policies create among our workers when they are stopped and harassed unnecessarily by Border Patrol, for example. I could provide many examples of this, some of which I put in my testimony. But that does not do anyone any good. It detracts from our mutual goal, which is to lift up the economy of Mexico and to create a thriving economy and opportunities here in the United States.

Mr. GRIJALVA. I yield back, Mr. Chairman.

Mr. GOHMERT. Thank you, Mr. Grijalva. At this time the Chair recognizes the gentlelady from American Samoa, Mrs. Radewagen, for 5 minutes.

Mrs. RADEWAGEN. I want to thank you, Mr. Chairman and the Ranking Member. I, too, would like to welcome the panel. Thank you for appearing today.

Mr. Andrew, going all the way back to the 2010 GAO report on Border Patrol access to Federal land, the agents in charge of four separate stations reported that land management laws are impacting the security status of their jurisdiction. What have you done to work with these stations to ensure that environmental restrictions are not endangering the country?

Mr. ANDREW. Thank you for the question. There are a number of things that have happened since that report was prepared. One example, in cooperation with Border Patrol, was the establishment of public lands liaison agents in each sector and borderland management task forces that meet periodically in each of the sectors. That has helped to build relationships between us and the Border Patrol, and to better understand what their mission is and what their concerns and needs are. And, frankly, we have just gotten

better at knowing each other and understanding what the needs are, and figuring out ways to get that work done quicker.

Mrs. RADEWAGEN. Ms. Chilton, in your conversations with Border Patrol, how do they explain leaving vast areas, such as your ranch, unprotected?

Ms. CHILTON. Mr. Chairman and ma'am, thank you for that question. I cannot explain why they have made the decision to secure the line so far from the boundary. I can tell you what difficulties they have faced, which is that, what we see on the ground, in terms of permit time, for the actions that they have told us they need to take in order to carry out their mission—that means road improvement, a road paralleling the actual border. Right now, the road paralleling the border is 20 miles from it. It is in no way functional.

They need forward operating bases. Those discussions have been ongoing with the Forest Service and perhaps with Fish and Wildlife, because part of this is Fish and Wildlife property, part of it is Forest Service, and part of it is private land. On private land, they have the go-ahead. On Federal land, it has been more than 5 years, and those roads are not one tiny bit improved over what they were 5 years ago.

There is no forward operating base, although we made that offer of our private property years ago. We have taken high-level Border Patrol officials to that site and shown them. One thing one said to us was, "My, it looks different down here from what it looks like from the air." It was his first visit to the actual border in a section that they know is very actively used for drug traffic.

The issues of wildlife, plants, and biological opinions are being allowed to be a smoke screen that covers up the fact that we have decided, nationally, not to secure the border.

Mrs. RADEWAGEN. Thank you, Ms. Chilton. My time is short.

Commissioner Pinkerton, as someone with decades of experience in border security, particularly on Federal land, how do environmental restrictions hamper border security operations, and how has this problem become better or worse?

Mr. PINKERTON. Well, I would echo that the Memorandum of Understanding has been put in place to solve some of these problems. To be able to improve upon border security, the access is of the utmost importance.

Where these roads exist, I don't believe you should have to go through and get another environmental impact statement put on it before you can drive a vehicle across it again. I don't believe your law enforcement should be hampered by having to stop every 4 or 5 miles to open another locked gate, which is quite difficult, especially when there is a foot or two of snow.

All of these elements add to eliminating the ability for the Border Patrol agents to respond to a corresponding area at an appropriate time. To improve it, make these short little hurdles go away and put the Border Patrol back in a place of patrolling.

Mrs. RADEWAGEN. Thank you, Mr. Chairman. I yield back.

Mr. GOHMERT. I thank the gentlelady. At this time the Chair recognizes the gentleman from Arizona, Mr. Gallego, for 5 minutes.

Mr. GALLEGO. Thank you, Mr. Chair. This question is for Ms. Walden.

I have to say, I am a little puzzled by this gathering. This is supposed to be a hearing about public lands at the border, but one of the witnesses barely mentions public land and the testimony is mostly about other problems with border management. Another witness talked about an incident, a scary incident, no doubt, but an incident that did not appear to happen on public lands. Half of the testimony of the third witness has nothing to do with being close to the border, but just about how we should be cutting down our national forests. So, it does make me wonder, "What is the agenda here?" But we will try to work together on that.

Ms. Walden, in your testimony you describe some of the effects of the existing 700 miles of fence and wall. Some on the other side of the aisle have expressed support for a bigger wall, a 35- to 50-foot wall along the entire Southern border. But would a bigger wall actually stop these unauthorized border crossings?

Ms. WALDEN. In my opinion, no. As our former Governor Napolitano said, "When you build a 12-foot wall, they will find a 14-foot ladder, or they will tunnel under it, or they will find other ways to get around, if we don't have a comprehensive system of identifying who is valid to be in this country and who should not be."

Mr. GALLEGO. Thank you.

Mr. Andrew, I have seen estimates that constructing a wall could cost upwards of \$25 billion. Since my colleagues on the other side of the aisle cannot seem to find money to help ease some of the humanitarian crises among, for example, our people in Puerto Rico; they cannot find \$1.9 billion just to fight Zika, which is clearly a problem that is coming over the border; and cannot pass a budget even when the top-line budget number was already settled last year, I am going to guess that they would not be able to find over \$25 billion for a 2,000-mile wall. So, that leaves Mexico, as we keep hearing in the Presidential election.

In all the interactions you have had with CBP, who could not be here today because the Republicans have slashed their funding, according to the letter they sent to the Chairman in response to the invitation to testify, have you ever heard anyone from the agency or from DHS talk about how they are going to pay for that wall?

Mr. ANDREW. No, I have not.

Mr. GALLEGO. OK. Well, I hope the next time we have a scatter-shot hearing like this, we can at least invite Mexico, so that we can hear them describe why they want to build a wall around their border, or how they will fund it. Or we could invite Mr. Trump. And I yield back.

Mr. GOHMERT. I thank the gentleman. At this time I yield to Mr. Gosar from Arizona for 5 minutes.

Dr. GOSAR. Well, I should attend this hearing more often to be entertained by the other side. Wow, interesting.

Hey, Sue, how are you doing?

Ms. CHILTON. I am doing just fine.

Dr. GOSAR. Good seeing you again. I am very appreciative of you and your husband taking my staff and I down there to the border, and on your property. I certainly appreciate it.

So, you know, Sue, I was taken back when we came down there, how—we went to the fence, and we saw this barbed wire fence that, if I wasn't a decrepit old guy, I could just jump right on over.

Ms. CHILTON. Yes.

Dr. GOSAR. I am taken back by that. In your opinion, is the border secure?

Ms. CHILTON. Mr. Chairman, Mr. Gosar, of course not. And on the subject of the wall, of course you could find a 14-foot ladder to get over a 12-foot wall, if no one is there patrolling it. But that is the issue. You have to have the combination that makes the border secure. That means—yes, the wall; yes, a road patrolling it; yes, better communications for the Border Patrol; and yes, forward operating bases.

You cannot do half of a medical recipe to solve a problem and hope you are going to get the patient cured. You have to do the whole thing, and that is the case on our border, too.

Dr. GOSAR. That is exactly right. And it is also about enforcing the rule of law. And if we were here at the expense of the taxpayer to empower Mexico's economy—I don't find that in my Constitution here, and that is what I thought I heard, is that we are here to build the economy of Mexico. I hope that is not the case. The case is we should be caring about this country; and if you are not supposed to be here, you are supposed to enforce the border aspects.

Now, the other thing I was taken back by is the amount of trash. Is that good stewardship of our Federal lands, Sue?

Ms. CHILTON. Most definitely, Mr. Chairman and Mr. Gosar, trash is an issue; it is an environmental issue. The Border Patrol itself has told us that the persons crossing leave an average of 8.5 pounds per person. My husband multiplied that times the number of people that were reported to be apprehended in the area, and I might have to consult with him about how many tons of trash it was. By the time he multiplied it, it was, I think, 12,000 tons of trash, just in our sector.

Dr. GOSAR. Yes. I want to make sure I didn't miss anything. So, for the drug cartels, we have a sensitivity training in regards to conservation and endangered species. Are you familiar with any of that?

Ms. CHILTON. I understand your question very well. No. The wall, or whatever protection we have from the Border Patrol, also protects the species. Right now the species are laid open to the traffic that comes through. The Sinaloa Cartel is not saying, "Oh, no, let's not go there, that is a wilderness area." They are saying, "Oh, yes, let's go there, that is the part they can't patrol."

Dr. GOSAR. Yes. It is a sad quandary. And last time I looked, you were a citizen of the United States, right?

Ms. CHILTON. Oh, most definitely.

Dr. GOSAR. And your property was in the defined parameters of the United States of America, right?

Ms. CHILTON. Yes, sir.

Dr. GOSAR. And you are entitled to the same protections as somebody, let's say, in Glendale, Arizona or in Springfield, Illinois?

Ms. CHILTON. It looks like we are entitled to it, but don't have it.

Dr. GOSAR. Yes, that is unfortunate.

Mr. Andrew, I have just a short amount of time. In your testimony, you state and I quote, "We believe that we have been and will continue to be successful in securing our borders and conserving our Federal lands." Massive numbers of aliens are crossing our borders illegally and damaging our Federal lands. You find that as a term of success?

Mr. ANDREW. Not when it is put that way. I was referring to the Department of the Interior lands that I am responsible for that have improved in recent years, in terms of traffic and trash and—

Dr. GOSAR. You still counted that as success.

Mr. ANDREW. I count it as an improvement. It is a work in progress, for sure.

Dr. GOSAR. And would you say that more empowerment of local and Border Patrol actually facilitates that?

Mr. ANDREW. Oh, I would agree. We have seen great benefits from the Border Patrol's—

Dr. GOSAR. And would you also say that enforcement of the current laws by U.S. attorneys, let's say down in Tucson, would actually help, too, instead of allowing people to just go free?

Mr. ANDREW. Increased border security benefits public lands, for sure, yes.

Dr. GOSAR. Thank you very much.

Mr. GOHMERT. I thank the gentleman and I will recognize myself for 5 minutes.

Ms. Walden, you pointed out a couple of times that this Administration, including Secretary Napolitano, has said if you build a 12-foot wall, people will use a 14-foot ladder. I want to applaud the Obama administration in their new jobs program that was announced this morning. Obviously, it is a jobs program in the ladder market, because they announced this morning that they want to increase the height of the fence around the White House by 5 feet. Obviously, that is a jobs program to build taller ladders for the Washington, DC area. And hopefully there will be plenty of people employed both to raise the height 5 feet around the White House, and then also to construct the ladders.

As I have mentioned to the Secret Service head before in another hearing in another committee, either the fence around the White House does not work and needs to be completely removed; or it is true that fences actually do work, when constructed appropriately, and we should have one to protect ourselves on the border.

Ms. Walden, you had also mentioned that you see the Border Patrol everywhere. And I would humbly submit, that is part of the problem. They can be seen in areas where the public can go. The problem is the drug traffickers go in the area where you cannot readily go without getting arrested or getting in trouble. And those are the areas the drug traffickers are the only ones that get to use. That is why we see the footage from the Chiltons' cameras showing drug traffickers just having free access back and forth.

Mr. Andrew, I wanted to ask you, last year I made a request from both the DHS and the Department of the Interior for documents and communications related to Border Patrol access to Federal land and cooperation on the declaration of the Organ

Mountains-Desert Peaks National Monument in 2014. Were you aware of that request?

Mr. ANDREW. Yes, Mr. Chairman.

Mr. GOHMERT. Do you know how many of your own personal documents were supplied by the Department of the Interior?

Mr. ANDREW. I don't know the page number. Not a lot—

Mr. GOHMERT. Basically, there were two. That seems rather improbable; but as I mentioned, we made a request for the same type documents from the Department of Homeland Security, and it was the same document request that the Interior Department got, and they provided a vast number of documents to you, from you.

So, I just wanted to ask. Are you aware that the possibility exists in the next administration that people who refused or obstructed legitimate production requests could be answering with their jobs, if not more? You realize that is a possibility when you get a request, right?

Mr. ANDREW. I didn't know that, no. But I do now.

Mr. GOHMERT. Yes. Well, let me ask you this. When did Interior notify the Border Patrol that the Organ Mountains-Desert Peaks National Monument would be created?

Mr. ANDREW. I don't think I could answer that. I was not really involved in the designation, so—

Mr. GOHMERT. Well, our document from the day of the proclamation shows that you were unable to supply the proclamation to the Border Patrol because it was being—and I am quoting—"held close." But ultimately, the Border Patrol did not get to have input, as the memorandum suggested that there would be.

I know everybody keeps talking about the Memorandum of Understanding. But when a national monument is just about to be declared by executive action, it really seems that if border security, national security, or people like the Chiltons' security is being considered, that Border Patrol would be asked for input. And apparently, that did not happen until it was too late.

I enforce the rules of time on myself, and my time has expired. The witnesses have been gracious. We had to go through a vote, you were gracious to wait for us to come back. I know that there are additional questions that some of us may have, and I would ask that questions be submitted within 10 days and provided to the witnesses. Any requests for questions that there may be, I would ask and require those be answered within 10 days after they are received by the witnesses.

Anybody have a problem with that, of our witnesses?

Mr. ANDREW. No, Mr. Chairman.

Mr. GOHMERT. Mrs. Radewagen, I understood you had a question. Is that something you could submit to the witnesses in writing?

Mrs. RADEWAGEN. Yes, Mr. Chairman.

Mr. GOHMERT. OK. Let's do that. I have some questions, too, that I would like to submit. We will combine our questions and submit to the appropriate witnesses.

We appreciate everyone's patience today. Once again, I want to thank the witnesses for coming. We know you do not do this because of the pay you get, since you do not get paid; but we know

you care about your country, and that is why you are here. Thank you very much.

At this time, the hearing is adjourned.

[Whereupon, at 4:33 p.m., the subcommittee was adjourned.]

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE COMMITTEE'S OFFICIAL FILES]

1. Written Statement from U.S. Customs and Border Protection at the Department of Homeland Security in regards to the hearing.
2. Letter from the Department of Homeland Security addressed to Chairman Gohmert declining invitation to testify at the hearing, and directing U.S. Customs and Border Patrol to assist the subcommittee.
3. Written Statement from Roger McManus, Tucson, Arizona, in response to the hearing.
4. Video Clip from Rep. Jody Hice, showing his questioning of a Mr. Vitiello from DHS regarding permitting delays on Federal lands.

Submissions by the Hon. Raúl M. Grijalva

5. American Civil Liberties Union, Regional Center for Border Rights—Report: Guilty Until Proven Innocent: Living in Mexico's 100-Mile Zone (May 2015).
6. American Civil Liberties Union of Arizona—Statement of James Duff Lyall, Staff Attorney, at Congressional Ad-Hoc Hearing: Redefining Border Security: Border Communities Demand to be Heard in the Comprehensive Immigration Debate (Sept. 2013).
7. American Immigration Council—Special Report: Children in Danger: A Guide to the Humanitarian Challenge at the Border (July 2014).
8. American Immigration Council—Special Report: *Hieleras* (Iceboxes) in the Rio Grande Valley Sector: Lengthy Detention, Deplorable Conditions, and Abuse in CBP Holding Cells (Dec. 2015).
9. Diversity and Distributions—Academic Journal Article: Conservation biogeography of the US-Mexico border: a trans-continental risk assessment of barriers to animal dispersal (2011).
10. The Desert Sun—Editorial: How a Border Fence Destroyed a Tight Community: An Existing U.S.-Mexico Border Fence Split Two Neighboring Rural Towns, Cutting Ties and Dividing Families (2016).
11. U.S. Department of Homeland Security, Office of Inspector General—Report: CBP's Use of Unmanned Aircraft Systems in the Nations Border Security (May 2012).

12. U.S. Department of Homeland Security, Office of Inspector General—Report: U.S. Customs and Border Protection’s Unmanned Aircraft System Program Does Not Achieve Intended Results or Recognize All Cost of Operations (Dec. 2014).
13. BioBriefs—Academic Journal Article: The Environmental Impacts of a Border Fence (January 2007).
14. AS/COA, Get the Facts—Fact Sheet: Our Border & the Economy (July 2013).
15. American Immigration Council—Immigration Impact—Editorial: How a Border Wall Would Hurt the U.S. Economy (March 2016).
16. American Immigration Lawyers Association—Report: Border Security: Moving Beyond Past Benchmarks (January 2013).
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