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Border Security

Consequences of Federal Lands Management Along the U.S. Border to Rural Communities and National Security

**Statement
of
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House Committee on Natural Resources,
Subcommittee on Oversight and Investigations**

April 28, 2016

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 nations 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 one in every five 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 benefitted 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 on-line 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.

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