

**TESTIMONY OF
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FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE
Before the
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
United States House of Representatives
Concerning
EFFECTS OF ILLEGAL BORDER ACTIVITIES ON THE FEDERAL LAND
MANAGEMENT AGENCIES
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Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to appear before you today to discuss the impacts of illegal border activity on National Forest System lands. I am accompanied today by John Twiss, Director of Law Enforcement and Investigations for the Forest Service, and Heiko Bornhoff, Special Agent for the Coronado National Forest in Arizona.

INTRODUCTION

The Forest Service manages almost 193 million acres of National Forests and Grasslands in the United States and Puerto Rico. The National Forest System lands provide opportunities for over 211 million people who visit and use these lands each year. Law enforcement is an integral part of the Forest Service mission of protecting the public, employees, natural resources and agency-administered property.

The events of September 11th and many other terrorism and criminal incidents have changed how the Forest Service law enforcement, and have emphasized the importance of working with our partner agencies in the Department of Homeland Security. The Federal agencies addressing these border issues recognize the need to work together. Because U.S. Customs and Border Protection is responsible for securing the nation's borders, the Secretaries of Agriculture and the Interior have recently signed a Memorandum of Understanding (MOU) with the Border Patrol with the overall goal of making the United States borders more secure. The MOU outlines roles and responsibilities in order for all agencies to become more effective and efficient in the ways we address health and safety emergencies, and reduce environmental damage caused by illegal border-crossing on or affecting public lands. The Forest Service has a strong relationship with the Border Patrol. Chief Dale Bosworth and LEI Director John Twiss continue to meet with Chief Aguilar of the Border Patrol regularly. Chief Aguilar understands the role the National Forest System lands can play in improving border control and actively supports working with us to identify mutual priorities and actions. A fundamental tenet shared by all is that interagency cooperation along the international borders is required to accomplish our missions. While the the Department of Homeland Security has responsibility for patrolling our borders and taking

appropriate actions with cross-border violators, the Forest Service works in conjunction with the other federal land management agencies to respond to the effects of illegal activities on the public lands.

There are 1.5 million acres of National Forest System lands within 50 miles of the Mexican border. The Forest Service also manages lands that are contiguous to 940 miles of northern border with Canada, the most of any federal land management agency. Therefore, management of border issues is a significant concern for the Forest Service. Chief Dale Bosworth recently visited the southwest border area in August 2005 to witness the effects of illegal border activities first-hand.

I'll be speaking to you today about the significant impacts to National Forest System lands in California and Arizona along the southwest border with Mexico. We have experienced adverse impacts from illegal immigration for many years in these two states, although currently our most impacted forest is the Coronado National Forest in Arizona.

The Cleveland National Forest in California continues to experience cross-border violators creating unwanted trails and leaving large numbers of abandoned campfires and large amounts of trash on the Forest as they travel through the area. The Border Agency Fire Council was established in 1995 including members from California state agencies, Federal land management agencies, county public safety agencies, and their Mexican counterparts. The Border Agency Fire Council works cooperatively together to protect human lives and natural resources along the California-Mexico border. Since 1997, the Cleveland National Forest has staffed a border fire prevention and resource protection crew to remedy impacts created by cross-border violators. Their primary job is to find and extinguish illegal campfires before they expand and become wildfires. Each year these fire prevention efforts have helped reduce resource damage and wildfire costs. Despite these efforts, in 2005, over 370 acres of the National Forest burned due to illegal campfires and over 4 tons of trash was removed from the National Forest, much of which can be attributed to illegal immigration.

While the types of impacts we are seeing on the Cleveland and Coronado National Forests are similar, the magnitude and intensity of impacts on the Coronado National Forest are far greater. Therefore, I will focus the remainder of my testimony on the Coronado National Forest.

CORONADO NATIONAL FOREST

Sixty miles of the Coronado National Forest are contiguous with the Mexican border. The natural and cultural resources on the Coronado have regional, national and international importance. There are 12 separate and uniquely distinct mountain ranges, eight designated wilderness areas, containing approximately 203 threatened, endangered, or sensitive species. These resources are suffering significant adverse impacts due to illegal border traffic.

The Border Patrol's Tucson Sector, which encompasses most of the Coronado National Forest, has the highest incidence of cross-border violators in the nation. Nearly 500,000 cross-border violator apprehensions, averaging 30,000 per month, were made in the Tucson Sector in 2005. In addition, almost 99,000 pounds of marijuana worth nearly \$198 million were seized while

being transported through the Coronado National Forest.

Initiatives by the Border Patrol in Arizona to control areas of the border on either side of the Coronado National Forest has, for many years now, funneled growing amounts of illegal vehicle and foot traffic through the valleys and mountains of the Forest. The heightened pressure on the Forest has increased the threat to natural resources and created a dangerous environment for the public and for our employees in certain areas.

The Forest Service and Border Patrol coordinate with all other federal, state, Tribal and local land management and law enforcement agencies through the Borderland Management Task Force (BMTF). The Border Patrol has established a special public lands liaison position to work closely with the public land management and law enforcement personnel. Additionally, the Forest Service coordinates with the Border Patrol on road management such as road maintenance, vehicle barriers and road closures.

IMPACTS TO FACILITIES AND STRUCTURES

Forest Service facilities and those of livestock permittees, miners and other authorized users of the Forest also are heavily impacted by cross-border violators. The violators sometimes cut fences, damage roads, break down or leave gates open, damage water supplies and forage, steal or damage equipment, and disrupt livestock grazing and irrigation schedules. Forest Service road and trail maintenance programs are taxed due to the illegal use and damage.

IMPACTS TO NATURAL RESOURCES

Activities by cross-border violators sometimes adversely affect the natural resources we protect and manage, and interfere with authorized management activities and uses. Repeated damage to a livestock enclosure fence next to the border established to protect an endangered fish species, the Sonoran Chub, has been so extensive that the enclosure fence has had to be completely rebuilt several times and has often been rendered ineffective in restricting livestock use. This fence damage has allowed the destruction of endangered species habitat to continue and has resulted in very expensive, unplanned repairs.

Literally hundreds of miles of unauthorized trails and roads have been created on the Forest by illegal foot and vehicle traffic. This proliferation of trails and roads damages and destroys cactus and other sensitive vegetation; disrupts or prohibits revegetation; disturbs wildlife, their security and travel routes; causes soil compaction and erosion; impacts stream bank stability; and puts the public at risk by creating confusion as to which routes are lawful and safe.

Perhaps one of the most well known of the impacts of illegal immigration is the litter left behind, which we note, tends to accumulate in higher amounts than found in other urban National Forests. Additionally, cleaning up the litter is difficult due to the lack of facilities and remoteness of the border areas. The presence of trash also detracts from scenic qualities and from the visitors' experience. Water sources near this contamination are often so fouled by pollution that wildlife can no longer use them. Where trash is left behind in designated wilderness or other areas far from roads, expensive and difficult removal by the use of horses or

mules is required. Adding to the fire risk and agency expense are the hundreds of vehicles, most stolen, abandoned by smugglers and other cross-border violators or seized during law enforcement operations.

IMPACTS OF WILDLAND FIRE

Large numbers of warming and cooking fires built and abandoned by cross-border violators have caused wildfires that have destroyed valuable natural and cultural resources. The wildfires also pose a threat to visitors, residents and firefighters as well as to the cross-border violators in the area. Agencies have documented that some cross-border violators also will intentionally set diversion or rescue fires, using uncontrolled wildfires to divert law enforcement from their illegal activities.

The Forest Service works to both fight wildland fires and to use prescribed fires as a tool to manage vegetative resources. Armed smugglers have walked through the middle of active firefighting operations. The Coronado National Forest must now send armed officers to clear wildland fire areas or provide security for firefighters. Ensuring wildland fire areas are cleared of people is challenging as cross-border violators often hide from firefighters. Agents of the Border Patrol have been used to help in these efforts. However, the potential for causing the death of cross-border violators during prescribed fires or fire suppression operations remains a serious liability and concern for us.

IMPACTS TO PUBLIC AND EMPLOYEE SAFETY

Criminal activity by both illegal immigrants and citizens in forests near the border is a threat to members of the public trying to use their public lands, and to our employees trying to manage these lands and provide services to the public. Armed bandits have threatened, robbed, raped, and assaulted undocumented immigrants on the Forest. Smugglers traveling at high speeds have run employees off the road, rammed law enforcement vehicles, and caused accidents. Employee and visitors' vehicles have been vandalized and stolen while unattended. Money, firearms and other personal possessions have been taken from employee and private residences on Federal lands—costing the government thousands of dollars.

The Coronado National Forest recently joined other federal agencies along the border in posting large signs warning the public of the dangers posed by illegal smuggling and immigration traffic. Danger from criminal activity is not confined to remote areas, but also occurs within developed and heavily used recreation and administrative sites.

The question we are faced with now is how does the Forest Service provide for safe public use in an area where armed and dangerous criminals pose a regular and recurring danger? The Forest has had to establish unique employee safety rules. It regularly restricts or cancels management activities, sends employees in pairs or teams to the field, restricts work at night, provides advance and on-site security by armed officers for normal field activities, and takes other special actions to address the on-going risks to our employees. In all cases, the cost and complexity of conducting agency operations on this Forest has increased in order to provide these safety measures.

IMPACTS TO LAW ENFORCEMENT

The challenge of protecting the public and themselves is great for our Law Enforcement and Investigations staff. In addition to all of the dangers I've already discussed, law enforcement personnel along the border are targeted by cross-border violators. The nearly two million acre Coronado National Forest is served by five Forest Service Law Enforcement Officers and one Special Agent. Three officers regularly work in the border area. The Law Enforcement and Investigations staff cooperates and coordinates with over 20 Federal, State and local law enforcement agencies.

Drug enforcement along the southwest border depends upon the cooperation of many federal agencies, including the Drug Enforcement Agency, the Department of Homeland Security, Customs and Border Protection, the Forest Service, and other agencies along the southwest border. With the exception of Tribal lands, in 2005, the Coronado National Forest exceeded all other public land management units in the number of drug seizures that occurred in Arizona – nearly 300 seizures totalling close to 99,000 pounds. These seizures occurred within an area with no Port of Entry. Among all federal land units in Arizona in 2005, the second highest number of arrests of cross-border violators, with just over 34,000 apprehensions, of which over 1,200 of these violators come from countries other than Mexico occurred on the Coronado National Forest. Moreover, enforcement officers on the Coronado National Forest responded to nearly 6,000 other criminal, search and rescue and other incidents – the highest number of incidents of all National Forests in Arizona and New Mexico. The law enforcement efforts in response to cross-border violators and smugglers of controlled substances diverts our officers from other management and resource protection activities. However, if border and drug enforcement is not accomplished, the threat to visitor and staff safety increases as well as the damage to natural resources and public facilities.

Our law enforcement personnel have been assaulted, threatened with weapons and shot at, and their vehicles have been rammed by cross-border violators. Due to the remoteness of the areas they work in, timely assistance from other law enforcement agencies is not always possible. Limited interoperable communications, dispatch coverage and deconfliction centers, and active interference with our radio frequencies from Mexico creates additional safety risks. Even normal enforcement duties brings our officers in regular contact with cross-border violators. Our officers risk their lives every day to enforce the law in these remote federally managed lands.

CONCLUSION

Health and safety risks to National Forest users and agency personnel from illegal cross-border violators is our greatest concern. In addition, these impacts from illegal cross-border traffic on National Forest System lands continues to cause extraordinary damage to natural resources and facilities we are entrusted by the American people to manage.

This concludes my prepared remarks and we would be happy to answer questions you may have.