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Committee on Resources
United States House of Representatives

“Effects of Illegal Border Activities on Federal Land Management Agencies”

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Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today to discuss the impacts of illegal border activity on National Forest System lands within the Forest Service's Northern Region (R1) in Idaho and Montana. I am accompanied today by Jonathan Herrick, Northern Region Special Agent in Charge.

Let me start off by saying that the Administration believes that in order to most effectively secure our border, we must reform our immigration system. We need comprehensive immigration reform that provides for increased border security, establishes a robust interior enforcement program, creates a temporary worker program, and addresses the problem of the estimated 11 to 12 million illegal immigrants already in the country.

Mr. Chairman, understandably, the committee has recently focused much attention on the impacts on Federal lands from illegal border activity along the United States border with Mexico. There are significant differences between the impacts on National Forest System lands along the northern and southern borders and my testimony will focus on the northern United States – Canada border.

There are more than 23.8 million acres of National Forest System lands within 50 miles of the international borders with Mexico and Canada. Of this, 22.3 million acres are adjacent to the northern border, including Alaska. There are 996 miles of National Forest System lands along the international border with 944 of those miles between Canada and the United States, more than any other Federal land management agency. National Forest System lands in Alaska have an additional 13,261 miles of coastline with the Gulf of Alaska and the Pacific Ocean. On the Ottawa, Hiawatha, and Huron-Manistee National Forests there are approximately 100 miles of common international border on the Great Lakes of Superior and Huron.

A significant portion of National Forest System lands potentially impacted by illegal border activities are in the Forest Service's Alaska Region (R10). The Forest Service is the primary land management agency adjacent to the Canadian border. Illegal border issues in Alaska are greatly different than those faced along the Canadian border with the lower 48 States and vastly different than the issues along the Southwestern border.

A unique issue with the international border in Alaska is that very little of it is accessible by automobile. Boat and aircraft are the primary modes of transportation in Southeast Alaska, which consists of numerous waterways and islands. Most of the border area is accessible by helicopter, ski or float plane. The border area, on both sides, is dotted with numerous remote landing strips which are maintained for continuous access and some are mere gravel strips along river drainages used on a regular basis. Individuals or contraband that enter the U.S. through Alaska, can then move to the lower 48 States without Customs and Border Protection or other agency intervention.

The Forest Service has had a presence on the United States northern border for almost a hundred years. These border areas, to a great extent, are sparsely populated and the ability to cross over the border on foot undetected is much easier than on the southern border. Additionally, there are several areas where it is possible to cross by motorized vehicles, including snowmobiles, off-highway vehicles and even full-sized vehicles. Terrain on these forests ranges from flat river basins, to mountain tops reaching over 10,000 feet above sea level, to flat rolling countryside. They include wilderness areas, roadless areas and other unpopulated backcountry.

The issue Forest Service law enforcement personnel have traditionally been most concerned with along the United States – Canada border is drug smuggling. The nature of smuggling operations along the border, however, generally results in few visible impacts on the resources.

The Forest Service manages almost 193 million acres of National Forests and Grasslands in the United States and Puerto

Rico. National Forest System lands provide opportunities for over 211 million people who visit and use these lands each year. Law enforcement is integral to the Forest Service mission of protecting the public, our employees, the natural resources and agency facilities and property.

The Forest Service Law Enforcement and Investigation (LEI) program operates in national forests in 44 States through cooperation with Federal, State, Tribal and local law enforcement agencies and other Forest Service programs. The LEI staff:

- Provides high visibility uniformed patrol presence and prompt response to public and employee safety incidents and violations of law and regulation;
- Conducts criminal and civil investigations;
- Maintains strong relationships with cooperating law enforcement agencies, the Offices of the United States Attorney, and the Federal Court system;
- Works to reduce the cultivation, production and smuggling of cannabis and other controlled substances on NFS lands; and
- Coordinates and conducts anti-terrorist activities to provide a secure environment for the public and our employees and to protect public resources and facilities.

The demands on LEI are increasing. From Fiscal Year 2004 through Fiscal Year 2005, violations against people and property increased 15 percent across the National Forest System. In addition to handling minor infractions, petty offenses and misdemeanors, Forest Service law enforcement offices are asked to respond to:

- Events including environmental protests, threats and assaults on employees, and government property, domestic terrorist activity, large group gatherings, gang activity and fire-related emergencies;
- Crimes such as rape, homicide, domestic disputes, assault, robbery and other felonies;
- Calls to assist in traffic control, search and rescue, medical/emergency assistance, hazardous materials spills and other first responder incidents; and
- Deployment to assist in other national emergencies, such as the response of nearly half of our law enforcement workforce last year to Hurricane Katrina.

LEI has approximately 695 full-time positions, with 110 being classified as special agents assigned primarily to completing investigative work and 467 law enforcement officers primarily providing patrol work on national forests and who are usually the first points of contact for the public.

I know from personal experience that Forest Service line officers expect LEI personnel to aggressively pursue theft of forest products, protect wilderness and endangered species habitat, respond to potential criminal or public safety issues at Forest Service facilities, such as camp grounds, along with potential civil claims and a myriad of resource issues.

Forest Service law enforcement personnel numbers are limited and with only 43 officers and special agents in the Northern Region spread across 25,000,000 acres, it is not possible to assign agents and officers solely to support border operations. Border operations and activities take personnel away from other critical land management enforcement and investigation responsibilities.

Mr. Chairman, while the Forest Service is a land management agency not a border security or drug enforcement agency, experience shows that illegal drugs, other forms of contraband, and undocumented aliens have been smuggled across the border from Canada, sometimes through public lands.

It would be unacceptable and counterproductive for National Forest System lands to be perceived as vulnerable by those who wish to enter or leave the country undetected or in violation of our laws. Likewise, our legal responsibilities to manage the public lands should not be perceived by our line officers or our law enforcement partners as an impediment to interagency cooperation and effective counter terrorism or anti-smuggling operations in border areas.

The events of September 11, 2001, significantly changed Forest Service involvement in border security and have substantially increased the workload of our LEI personnel and line officers in working with law enforcement and border security agencies to better secure our border and prevent terrorists and drug smuggling in a manner that also protects the natural resources. That thinking goes to the top of this agency. Our Chief, Dale Bosworth, and our Director of Law Enforcement and Investigation, John Twiss, meet on a recurring basis with their counterparts in the U.S. Border Patrol.

Additionally, Forest Service LEI works cooperatively with other Federal agencies that have border security and concurrent drug enforcement responsibilities affecting the National Forest System on the Canadian border and coast environments, such as the Federal Bureau of Investigation, the Drug Enforcement Agency, Department of the Interior land management

agencies, and agencies in the Department of Homeland Security, the Custom and Border Protection's Border Patrol, Immigration and Custom Enforcement (ICE), and Coast Guard.

Forest Service law enforcement officers and agents respond to reported National Forest border issues and assist other law enforcement agencies when requested as active participants in multi-agency efforts. The most significant such effort on the northern border is Project North Star.

When Project North Star was created in 1989 as part of then-President Bush's National Drug Control Strategy, its singular focus was narcotics interdiction. In 1999, the U.S. Border Patrol assumed management of Project North Star. Currently, this project serves as a forum to provide support for law enforcement agencies from the United States and Canada who were involved in multi-agency operations to avoid unwarranted duplication and accidental interference between independent operations. Project North Star's scope was to provide managers a way to improve border-wide and regional strategies, intelligence, training, planning and to more effectively employ assets.

After September 11, 2001, all Federal agencies, including the Forest Service have begun to re-evaluate operational needs along the borders of the United States. Since 9/11, the focus and direction of Project North Star has changed from a singular item of narcotics interdiction to now include anti-terrorism, organized crime, drug trafficking, alien/contraband smuggling, money laundering, firearms trafficking, intelligence, and all other multi-national law enforcement issues that impact cross-border effectiveness on the United States – Canada border.

While the Department of Homeland Security has responsibility for patrolling the border and taking appropriate actions with cross-border violators, the Forest Service works in conjunction with other Federal land management agencies to respond to the effects of illegal activities on the public lands.

The Departments of Agriculture and the Interior have recently signed a Memorandum of Understanding 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 they address safety, security, emergencies, access and environmental protection necessitated by illegal border-crossing on or affecting public lands.

Finally, Mr. Chairman, in considering effective strategies for securing our borders and protecting the public lands along the border, the committee could evaluate whether the tools provided to the public land management agencies are sufficient to the task. It is my view that the Forest Service has been provided sufficient legal authorities.

That concludes my testimony and I would be pleased to answer any questions you may have.