

WRITTEN STATEMENT
OF
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(NAFBPO)

H.R. 1505 “NATIONAL SECURITY AND FEDERAL LANDS PROTECTION ACT”

House Committee on Natural Resources,
Subcommittee on National Parks, Forests, and Public Lands

July 8, 2011

The National Association of Former Border Patrol Officers (NAFBPO) joins with many members of the U.S. House of Representatives in support of H.R. 1505. This bill if enacted will prohibit the Secretaries of Interior and of Agriculture from taking any action on public lands which impede border security activities on such lands.

The inherent dangers of wilderness designations on our borders have been well documented, and are undisputed. Even so, new legislation intended to increase these designations on the border continue to be introduced. As an example S.1689, first introduced in the 111th Congress has now been re-introduced as S.1024. This proposed legislation continues to put environmental considerations over national security.

We in NAFBPO clearly understand that Congress intends the Border Patrol to have a presence on the border. We are not referring to a gratuitous five mile wide strip negotiated behind closed doors in some government office as proposed in S. 1024. Instead, we refer to an adequate presence that potential terrorists, professional drug and human smugglers, and others who would do our country harm would have no difficulty in understanding.

It is important to remind readers that when original public hearings were held in Las Cruces, NM on S.1689, the National Association of Former Border Patrol Officers request to present testimony was denied by the bill's sponsor. NAFBPO testimony was subsequently presented by a respected member of the Greater Las Cruces Chamber of Commerce. Conduct such as this speaks convincingly for approval of the National Security and Federal Lands Protection Act.

NAFBPO previously testified before the House Committee on Natural resources concerning the demanding, confrontational and even threatening attitude by the Department of Interior, Fish and Wildlife Service. This was in written communications with the Chief Patrol Agent of the Tucson Arizona Border Patrol Sector.

Difficulties between land managers of areas designated as wilderness and Border Patrol officers charged with defending our borders are not exclusive to conflicts encountered when attempting to enforce the law. It is also evident when new memorandums of understanding, MOU are undertaken.

For example, a memorandum of understanding BLM MOU NM030-0703 provides for the installation, use, maintenance and termination of a key communication site on Big Hatchet Peak, located in the so-called “bootheel” of southwestern New Mexico. Readers of this MOU would be astonished to learn that routine maintenance of this critical communications site must be accomplished by foot access only during the desert bighorn sheep lambing season (January through April) and also in consideration for the lesser and Mexican long nose bats (June through October 15). If this wilderness study area is approved for wilderness designation, all equipment on that site must immediately removed, but only if such removal does not coincide and interfere with the time limitations listed.

There is no satisfactory substitute or alternate location for a communication site to replace the Hatchet Peak facility which serves communication needs for Border Patrol Agents and all other law enforcement agencies within an area of approximately 1,000 square miles. This is only one example of the unacceptable disadvantage to law enforcement efforts and the on-going dangers of wilderness designations which are now in conflict with the security of our borders.

Current land managers in wilderness designations proudly proclaim their remedies for enforcement include:

- (1) Establishment of collaboration between Border Patrol and Interior through regular meetings.**
- (2) Designation of a Public Lands Liaison Agent. (PLLA).**
- (3) Establishment of a Border and Management Task Force. (BMTF)**
- (4) An Environmental and cultural stewardship training task force to build on already similar training for Border Patrol Agents whose patrol activities include federal lands.**
- (5) Creation of an alliance to combat transnational threats. (ACTT)**

NAFBPO is well aware that none of these initiatives by land managers has in any way changed the disturbing “no human presence” mandated by the Wilderness Act of 1964. Federal Agencies who become owners/caretakers of public lands with these designations do not have legal authority to change the current restrictions in place that impede proper Border Patrol activities, nor have they indicated any desire or willingness to do so. As a consequence, these dangers persist and legislation continues to be introduced to add additional portions of this most restrictive of all federal land designations to our borders.

The National Association of Former Border Patrol Officers (NAFBPO) concluded a long time ago that without decisive leadership in Congress, little could be done to change the dangerous conflict between environmental concerns and national security. The introduction of H.R. 1505 “National Security and Federal Lands Protection Act” by Congressman Rob Bishop has finally provided that leadership.

On May 11, 2010 during an educational forum in Las Cruces, New Mexico titled “The Impact of Land Use Designation on Border Security” NAFBPO recommended all present wilderness designations within 100 miles of the our borders be revoked and that the expansion by further designations be prohibited.

We at NAFBPO believe that the provisions of H.R. 1505 contain more realistic solutions than those we proposed in our May 10, 2010 forum. These solutions include provisions easily understood that we believe will be accepted by most American citizens. More importantly, for the first time, the prospect of remedial legislation to assist the United States in their quest for a safe and secure country can now be heard and discussed.

The leadership of NAFBPO joins with other members in full support of Congressman Bishop and proposed legislation contained in H.R. 1505.