



April 21, 2010

Fact Checking Interior Department Claims Regarding Public Lands Along our Border

Claim: "Collaborative work between DOI staff and DHS (Department of Homeland Security) has allowed for border security infrastructure to be strategically located, including on federal lands, to meet DHS security requirement and goals." ([Deseret News, 4/14/10](#))

Fact: While some infrastructure has been placed on federal lands, the Interior Department has prohibited DHS from placing security infrastructure in Wilderness areas – regardless of its strategic location.

According to Jane Lyder, deputy assistant secretary for Fish and Wildlife and Parks at the Interior Department, "A proposal to build permanent structures within a wilderness area violates the Wilderness Act." ([Washington Times, 11/16/09](#))

This position was also confirmed in a [2008 memo](#) by Lee Baiza, Superintendent of the Organ Pipe National Monument: "Congress has directed the construction of these facilities and there is a compelling national security issues, but these towers, building, and associated equipment and motorized activities within Congressionally designation wilderness would be contrary to protecting the primeval character of wilderness...the DHS proposals do not fall under the exceptions to the prohibitions of use in Section 4(c) of the Wilderness Act, and are prohibited."

In fact, several of the sites proposed for surveillance towers by DHS were [rejected](#) because of "environmental concerns."

Wayne Lackner, the Border Patrol public lands liaison for the Tucson sector admitted that "while his higher-ups found suitable areas for the surveillance towers, and that they were mutually agreeable to land managers and Border Patrol, there were still *'a couple places that would have been preferable.'*" ([Salt Lake Tribune 1/31/10](#))

DHS had to go through a lengthy process just to be able to place security infrastructure in non-wilderness public lands. According to an Interior Department [release](#): "National Parks Service staff reviewed environmental assessments, biological assessments, site plans, maintenance plans for infrastructure in the park, and participated in site visits to discuss proposed security infrastructure and operations." In addition, [this National Park Service letter](#) states that it normally takes six months

for Border patrol to get permits to begin construction of security infrastructure.

It is not the job of the Interior Department to make decisions regarding national security issues. Nor should DHS have to jump through bureaucratic hurdles just to complete security projects.

Claim: “Salazar himself spent two days on the Texas and Arizona border last month, Barkoff said. She called the visit ‘extremely productive’ for both land managers and federal, state and local law enforcement.” ([AP, 4/14/10](#))

Fact: Secretary Salazar made a brief “photo-op” visit to the border – spending less than a day discussing border security issues on federal lands. While Secretary Salazar recognized that a problem does exist, he [failed to acknowledge](#) the direct role the Interior Department plays in impeding Border Patrol efforts to secure the border.

Claim: “Homeland security projects developed on U.S. public lands along the Southwest border demonstrate that federal teamwork can help to protect the nation while conserving the natural and cultural resources these lands preserve.” ([DOI press release, 3/13/10](#))

Fact: The Interior Department may boast of “federal teamwork,” but an [October 2009 letter](#) from Department of Homeland Security Secretary Napolitano describes ongoing differences between the agencies that prohibit Border Patrol from effectively doing their job.

DHS has paid tens of millions of dollars to DOI mitigate the purported “environmental damage” of protecting our border. The letter notes that *“the removal of cross-border violators from public lands is a value to the environment as well as to the mission of the land managers. The USBP believes that operations are generally functionally equivalent to mitigation. Recognition of this equivalency could prevent what we see as unnecessary and potentially very large mitigation requirements.”*

The letter also explains how Wilderness designations impede Border Patrol efforts: *“One issue affecting the efficacy of Border Patrol operation within wilderness is the prohibition against mechanical conveyances (land and air). The USBP regularly depends upon these conveyances, the removal of such advantages being generally detrimental to its ability to accomplish the national security missions...The USBP in accordance with the 2006 MOU, makes every reasonable effort to use the least impacting means of transportation with wilderness, however along the southwest border is can be detrimental to the most effective accomplishment of the mission. For example, it maybe inadvisable for office safety to wait for the arrival of horses for pursuit purposes, or to attempt to apprehend smuggling vehicles within wilderness with a less capable form of transportation.”*

Because the Interior Department has failed to address these concerns, Republicans introduced legislation ([H.R. 5016](#)) last week to ensure that the Interior Department

and Department of Agriculture do not impede or restrict Border Patrol from effectively doing their job to secure the border on public lands.

[Click here to learn more about this legislation and other issues impacting public lands on our borders.](#)

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