



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Oversight and Investigations Republican Members
From: Subcommittee on Oversight and Investigations Staff,
Michelle Lane (Michelle.Lane@mail.house.gov)
Date: Wednesday, October 18, 2023
Subject: Oversight Hearing on “*Securing Our Border, Saving Our National Parks*”

The Subcommittee on Oversight and Investigations will hold an oversight hearing titled “*Securing Our Border, Saving Our National Parks*” on **Wednesday, October 18, 2023, at 2:00 p.m. EDT in 1324 Longworth House Office Building.**

Member offices are requested to notify Cross Thompson (Cross.Thompson@mail.house.gov) by 4:30 p.m. on October 17th if their Member intends to participate in the hearing.

I. KEY MESSAGES

- Since President Biden took office, there have been more than 6 million illegal crossings of the southern border of the United States. Illegal immigration has significant and well-documented environmental consequences. As the number of illegal border crossings continues to rise, higher levels of environmental degradation will occur along the southern border.
- Illegal immigration impacts federal lands beyond our southern borders, including national parks and forests, where illegal marijuana grows have been found around the United States, creating major safety, health, and environmental issues for employees and visitors alike.
- The Biden administration has demonstrated their intentions to house migrants on national park lands by executing a lease with the City of New York (NYC) for Floyd Bennett Field to allow for the construction of a camp for illegal migrants, without regard for the local community or state and federal environmental laws.
- House Republicans are advocating for policies to restrict the flow of migrants crossing our southern border, reduce the abuse of the asylum process, and ensure access to America’s national parks for the use and enjoyment of current and future generations.

II. WITNESSES

PANEL I

- *Mr. Michael Reynolds*, Deputy Director, National Park Service, DOI, Washington, DC
- *Mr. Chris French*, Deputy Chief, National Forest System, USDA Forest Service, Washington, DC

PANEL II

- *Ms. Julie Axelrod*, Director of Litigation, Center for Immigration Studies, Alexandria, VA
- *Lt. John Nores Jr. (ret.)*, Special Operations, Marijuana Enforcement Team, California Department of Fish and Wildlife, Morgan Hill, CA
- *The Hon. Verlon M. Jose*, Chairman, Tohono O’odham Nation, Sells, AZ [*Minority witness*]

III. BACKGROUND

Trash accumulation and increased foot traffic as a result of the massive upticks in illegal immigration contribute to environmental and habitat degradation on federal lands along the southern border. On May 27, 2021, the Committee on Natural Resources Republican Members held a forum, “*The Biden Border Crisis: Environmental and Humanitarian Consequences*,”¹ to examine this issue. Unfortunately, under the Biden administration the environmental crisis on the southern border has only grown worse since then, with 2.2 million border apprehensions already recorded for Fiscal Year 2023.² Now, with President Biden seeking to house migrants at Floyd Bennet Field, in the Gateway National Recreation Area in New York City (NYC), this dangerous precedent could extend President Biden’s immigration crisis to public lands in every state.

In addition, federal lands across the United States have continued to experience the impacts of environmental degradation, as well as health and safety issues for employees and visitors alike, as a result of illegal marijuana grows.³ These sites are fueled by illegal immigration, human trafficking and known foreign criminal syndicate interests.⁴

President Biden Caused the Southern Border Crisis

¹ The Biden Border Crisis: Environmental and Humanitarian Consequences, 117th Congress (2021), <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=409767>.

² STAFF OF S. COMM. ON IMMIGRATION, SECURITY, AND ENFORCEMENT, H. COMM. ON NATURAL RESOURCES, 118TH CONG., *Report on The Biden Border Crisis: New Data and Testimony Show How the Biden Administration Opened the Southwest Border and Abandoned Interior Enforcement* (Oct. 9, 2023), <https://www.politico.com/f/?id=0000018b-14b6-d93d-adff-b7be02e10000&nname=playbook&nid=0000014f-1646-d88f-a1cf-5f46b7bd0000&nrid=02fd20ff-9e2f-43cf-b532-52cd54bb402b&nlid=630318>.

³ USDA-Forest Service, *Illegal Cannabis Cultivation on California National Forests*, <https://www.fs.usda.gov/detail/r5/landmanagement/resourcemanagement/?cid=fseprd1049900#:~:text=Every%20year%2C%20acres%20of%20cannabis,operations%20by%20utilizing%20prevention%2C%20investigation%2C> (last visited October 5, 2023)

⁴ Beth Warren, “*Blood Cannabis: Cartel-backed pot grows links to human trafficking, inhumane working conditions*,” USA TODAY NETWORK, <https://www.usatoday.com/in-depth/news/nation/2023/06/18/cartel-backed-pot-grows-linked-to-california-oregon-human-trafficking/70329795007/> (Last accessed October 5, 2023)

Almost immediately upon taking office, President Biden weakened America's immigration laws and reduced border security. According to the Migration Policy Institute, in his first 100 days in office, President Biden executed more than 94 executive actions on immigration.⁵ President Biden's abuses of executive authority to open the border and weaken enforcement of immigration laws include, but are not limited to:

1. Stopping the construction of the border wall and selling off the construction materials.⁶
2. Attempting to halt deportations for 100 days.⁷
3. Suspending new enrollments in Migrant Protection Protocols (MPP, aka the "Remain in Mexico" policy).⁸
4. Terminating Asylum Cooperative Agreements (ACAs) with Guatemala, Honduras, and El Salvador.⁹
5. Ending Prompt Asylum Case Review (PACR) for non-Mexicans, and Humanitarian Asylum Review Program (HARP), for Mexicans.¹⁰

Furthermore, President Biden's open border policies occurred despite the fact that, according to the Migrant Policy Institute, the "U.S. immigration courts—and the nation's immigration enforcement system they support—face an unprecedented crisis"¹¹ with a backlog of almost 2 million cases.¹² Biden's disastrous border policies have made it worse and, by the end of 2022, almost 800,000 new asylum cases were awaiting adjudication in the immigration courts.¹³ Yet, in 2022, immigration courts nationwide granted asylum in only 23,311 cases, while more than 26,000 were denied.¹⁴ Thus, while immigration courts processed less than 50,000

⁵ Muzaffar Chishti and Jessica Bolter, *Border Challenges Dominate, But Biden's First 100 Days Mark Notable Under-the-Radar Immigration Accomplishments*, MIGRATION POLICY INSTITUTE (Apr. 26, 2021), <https://www.migrationpolicy.org/article/biden-100-days-immigration-reform-border>.

⁶ President Joseph R. Biden Jr., *Proclamation on the Termination Of Emergency With Respect To The Southern Border Of The United States And Redirection Of Funds Diverted To Border Wall Construction*, THE WHITE HOUSE (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/>.

⁷ Phil Helsel, *DHS to pause some deportations during Biden's first 100 days to review policies*, NBCNEWS (Jan. 20, 2021), <https://www.nbcnews.com/politics/immigration/dhs-pause-some-deportations-during-biden-s-first-100-days-n1255110>.

⁸ *President Biden's Executive Actions on Immigration*, CENTER FOR MIGRATION STUDIES (Feb. 2, 2021); <https://cmsny.org/biden-immigration-executive-actions/>; Associated Press, *Biden administration ends Trump-era 'Remain in Mexico' policy*, PBS (Aug. 9, 2022), <https://www.pbs.org/newshour/politics/biden-administration-ends-trump-era-remain-in-mexico-policy>.

⁹ Anthony J. Blinken, *Suspending and Terminating the Asylum Cooperative Agreements with the Governments El Salvador, Guatemala, and Honduras*, DEP'T OF STATE (Feb. 6, 2021), <https://www.state.gov/suspending-and-terminating-the-asylum-cooperative-agreements-with-the-governments-el-salvador-guatemala-and-honduras/>.

¹⁰ EXEC. ORDER NO. 13817, 86 F.R. 8267 (Feb. 2, 2021) <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/02/executive-order-creating-a-comprehensive-regional-framework-to-address-the-causes-of-migration-to-manage-migration-throughout-north-and-central-america-and-to-provide-safe-and-orderly-processing/> (directing the Secretary of Homeland Security to cease implementing the "Prompt Asylum Case Review" program).

¹¹ Muzaffar Chisti et al., *At the Breaking Point: Rethinking the U.S. Immigration Court System*, MIGRATION POLICY INSTITUTE (July 2023), https://www.migrationpolicy.org/sites/default/files/publications/mpi-courts-report-2023_final.pdf.

¹² *Id.*

¹³ Julia Preston, *The Real Origins of the Border Crisis*, FOREIGN AFFAIRS (July 20, 2023), <https://www.foreignaffairs.com/united-states/origins-immigration-border-crisis-asylum-biden>.

¹⁴ *Id.*

asylum cases in 2022, they received approximately 708,000 new cases—160,000 more than any previous year.¹⁵

The dramatic rise in border encounters and asylum seekers did not result in President Biden changing course. In May 2023, Biden ended Title 42, a Trump era restriction that allowed U.S. officials to turn away migrants at the border.¹⁶ Under President Biden, migrants claiming asylum are now allowed to enter the United States, apply for asylum, and remain in the United States while the asylum request moves through the multi-year immigrant court process.

Since President Biden took office, there have been more than 6 million illegal crossings of the southern border of the United States.¹⁷ The House Judiciary Committee released a report on October 9, 2023, which examined publicly available information to determine that “encounters of illegal aliens on the southwest border surpassed 100,000 for the 31st straight month and total southwest border illegal alien encounters exceeded 2.2 million in the first 11 months of fiscal year 2023.”^{18, 19} For context, in 2020, the final year of the Trump administration, approximately 458,088 land border encounters were registered by U.S. Customs and Border Protection.²⁰ The report also describes how in August 2023, “encounters of illegal aliens at the southwest border skyrocketed to 232,972,²¹ and the unreleased encounter numbers for September 2023 will reportedly shatter previous records, exceeding 260,000 encounters in a single month.”²²

Known Environmental Consequences of Illegal Border Crossings

Past surges of illegal border crossings have degraded the local environment near the southern border. Given the anticipated record setting numbers for border encounters with migrants in September 2023,²³ increased environmental damage is expected to occur across our nation’s federal lands. Trash accumulation and habitat destruction are among the most alarming forms of environmental degradation due to illegal immigration.

¹⁵ *Id.*

¹⁶ Colleen Long, *Title 42 has ended. Here’s what it did, and how US immigration policy is changing*, AP NEWS (May 12, 2023), <https://apnews.com/article/immigration-biden-border-title-42-mexico-asylum-be4e0b15b27adb9bede87b9bbefb798d>.

¹⁷ *Southwest Land Border Encounters*, U.S. CUSTOMS AND BORDER PROTECTION, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last visited Sep. 15, 2023).

¹⁸ Compare U.S. Customs and Border Protection, *Southwest Border Migration FY 2019*, U.S. DEP’T OF HOMELAND SEC. (last accessed Sept. 27, 2023), <https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2019>, with U.S. Customs and Border Protection, *Southwest Land Border Encounters*, U.S. DEP’T OF HOMELAND SEC. (last accessed Sept. 27, 2023), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> [hereinafter CBP Southwest Land Border Encounters].

¹⁹ *The Biden Border Crisis*, *supra* note 2.

²⁰ *Southwest Land Border Encounter*, *supra* note 17.

²¹ *Id.*

²² Adam Shaw et al., *Migrant numbers hit highest ever recorded in one month: sources*, Fox News (Sep. 30, 2023), <https://www.foxnews.com/politics/migrant-numbers-hit-highest-recorded-month-sources>.

²³ *Id.*

Trash Accumulation

Trash accumulation on the southern border due to illegal immigration is a problem that has persisted for decades,²⁴ but has grown worse under the Biden administration, as the amount of trash left behind is correlated with the number of migrants traveling into our country through the southern border.²⁵ For example, in fiscal years 2011 and 2012 the State of Arizona recorded “120,000 border apprehensions, [with] over 65,000 pounds of border trash ... being collected annually.”²⁶ In the subsequent years, “apprehensions fell as low as 70,000, border trash collections dropped, too — reaching a low of just 19,000 pounds in fiscal year 2015 before jumping back up in 2016.”²⁷

In 2018, the Arizona Department of Environmental Quality estimated that each border crosser leaves approximately six to eight pounds of trash behind,²⁸ consisting of “human waste, backpacks, medical products, plastic, vehicles, and clothing, all of which pose risks to wildlife, including several endangered species, that live in border regions.”²⁹ The massive amounts of trash and waste also contribute to watershed degradation, soil erosion, damage to infrastructure, loss of vegetation and wildlife, and wildfires.³⁰ Since 2018, the number of migrants entering the United States has increased dramatically,³¹ and illegal immigration will continue to harm the environment on federal lands until the situation at the southern border is under control.



The image to the left shows a pile of trash and wet clothes dubbed 'the mattress' discarded by migrants crossing illegally into Brownsville; The image to the right shows clothes, shoes and other trash littering the ground next to the US-Mexico border wall separating Algodones, Mexico, from Yuma, Arizona.

Source: Daily Mail & Fox News³²

²⁴ *Trash at the Border Highlights the Environmental Cost of Illegal Immigration*, Center for Immigration Studies (Sep. 19, 2018), <https://cis.org/Immigration-Studies/Trash-Border-Highlights-Environmental-Cost-Illegal-Immigration>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Rep. Bruce Westerman & Rep. Paul Gosar, *The environmental cost of the border crisis*, Washington Examiner (Mar. 22, 2021), <https://westerman.house.gov/media-center/in-the-news/environmental-cost-border-crisis>; ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY, Arizona Border Trash, <https://www.azbordertrash.gov/about.html>.

²⁹ *Id.*

³⁰ *Trash at the Border*, *supra* note 24.

³¹ *Southwest Land Border Encounters*, *supra* note 17.

³² Sophie Mann, *Shocking video shows huge pile of trash and wet clothes dubbed 'the mattress' discarded by migrants crossing illegally into Brownsville - as it's revealed almost 70,000 illegal migrants were detained in the last 7 days*, DAILY MAIL (May 14, 2023), <https://www.dailymail.co.uk/news/article-12082307/Huge-pile-trash-wet-clothes-dubbed-mattress-discarded-migrants-crossing-Texas.html>; Paul Best, *Texas drone footage shows heaps of*

Habitat Destruction

The southern border includes 693 miles of both federal and Indian land,³³ representing approximately 35 percent of the 1,965 miles on the southern border and managed by seven different federal agencies, six of which are housed within the Departments of the Interior and Agriculture. For example, the U.S. Fish and Wildlife Service manages six national wildlife refuges situated along 158 miles of border in Arizona, Texas, and California, totaling 1.1 million acres that provides significant habitat for endangered species, migratory birds, and other wildlife.³⁴

Illegal border crossers, however, typically do not respect the protections in place for federal lands. For example, delicate sites such as the Sonoran Desert National Monument and Ironwood Forest National Monument required habitat restoration and mitigation after coyotes and cartels used them as major illegal smuggling corridors.³⁵ Other federal lands damaged by illegal border crossers include significant destruction of Organ Pipe National Monument,³⁶ creation of illegal trails throughout the Buenos Aires National Wildlife Refuge,³⁷ burning of hundreds of acres of the Cleveland National Forest,³⁸ and adverse impacts to more than 200 threatened, endangered, or sensitive species in the Coronado National Forest.³⁹

Illegal Marijuana Growing Operations

For decades, criminal, transnational cartel organizations have operated illegal marijuana growing operations on public lands across the United States and along the southern border, harming the environment and endangering Americans who seek to use our public lands.⁴⁰ Individuals from these criminal organizations are often armed and dangerous, utilizing a variety of illegal weapons to protect grow sites.⁴¹

Outdoor marijuana cultivation can be harmful to public lands as it generally involves chemicals, fertilizers, terracing, and poaching, which can affect wildlife, vegetation, water, soil,

discarded trash and clothing at southern border crossing, FOX NEWS (Nov. 10, 2022), <https://www.foxnews.com/us/texas-drone-footage-shows-heaps-discarded-trash-clothing-southern-border-crossing>.

³³ *Federal and Indian Lands on the U.S.-Mexico Border*, CONG. RESEARCH SERVICES (Feb. 21, 2018), <https://crsreports.congress.gov/product/pdf/IF/IF10832/3>.

³⁴ *The Impacts of Illegal Immigration on Public Lands: Hearing before the Subcommittee on Interior, Environment, and Related Agencies of the H. Comm. On Appropriations, 110th Cong.* (2006) (Statement of Mitch Ellis, Refuge Manager, Buenos Aires National Wildlife Refuge).

³⁵ *Southern Arizona Project, 2016 Border Report*, BUREAU OF LAND MANAGEMENT, DEP'T OF THE INTERIOR, <https://www.blm.gov/sites/blm.gov/files/documents/files/SAP%202016%20%28508%20Final%29.pdf>.

³⁶ *Enhancing DHS' Efforts to Disrupt Alien Smuggling Across Our Border: Hearing Before the Sub. on Border, Maritime, and Global Counterterrorism of the H. Comm. on Homeland Security, 111th Cong.* (2010) (statement of Janice L. Kephart, Director of National Security Policy, Center for Immigration Studies).

³⁷ *Id.*

³⁸ *The Costs of Denying Border Patrol Access: Our Environment and Security: Hearing Before the Sub. on Oversight and Investigations of the H. Comm. on Nat. Res., 115th Cong.* (2018) (statement of Hon. Andrew R. Arthur, Resident Fellow in Law and Policy, Center for Immigration Studies).

³⁹ Rep. Bruce Westerman & Rep. Paul Gosar, *The environmental cost of the border crisis*, WASHINGTON EXAMINER (Mar. 22, 2021), <https://westerman.house.gov/media-center/in-the-news/environmental-cost-border-crisis>.

⁴⁰ Nick Johnson, *Marijuana on Public Lands: A Short History*, COLORADO STATE UNIVERSITY (last visited Oct. 5, 2023), <https://pehc.colostate.edu/public-lands-book-series/marijuana-public-lands-short-history-2/>.

⁴¹ *Marijuana on Public and Tribal Lands*, OFFICE OF NATIONAL DRUG CONTROL POLICY (last visited Oct. 5, 2023), <https://obamawhitehouse.archives.gov/ondcp/marijuana-on-public-lands>.

and other natural resources.⁴² Environmental hazards attributed to outdoor marijuana cultivation include the “chemical contamination and alteration of watersheds; diversion of natural water courses; elimination of native vegetation; wildfire hazards; poaching of wildlife; and harmful disposal of garbage, non-biodegradable materials, and human waste,” including dumpsites of highly toxic insecticides, chemical repellants, and poisons purchased by drug trafficking organizations, and transported into the country through the southern border.⁴³

In addition to environmental damage, notable reports of human trafficking and poor working condition, linked directly to foreign drug cartels, have been linked to these illegal grow sites.⁴⁴ In remote areas near a grow site on public lands in Northern California in the summer of 2023, “investigators found the headless bodies of a 17-year old and his father, who had come from Mexico seeking work.”⁴⁵ In the adjacent county, the first human trafficking case is now moving forward after a woman reported to a local sheriff that she was held against her will at a cultivation site, and assaulted by her employer when attempting to leave.⁴⁶

The same report cited Special Agent Robert Hammer, with the Homeland Security Investigations, Pacific Northwest, who stated, “Americans would be stunned if they realized the prevalence of modern-day slavery associated with illegal marijuana grows.”⁴⁷ Mr. Hammer further confirmed these grows are primarily controlled by two major Mexican cartels – the Sinaloa Cartel and the Jalisco Cartel – but they also have links to criminal networks in China, Bulgaria, and Russia.⁴⁸

The Border Crisis Extending to National Parks

As the migrant crisis continues to grow in every state, the House Committee on Natural Resources is concerned that the Biden administration could increasingly utilize federal lands, including national parks, for housing migrants throughout the nation. In doing so, the Biden administration may once again choose to circumvent National Environmental Policy Act (NEPA)⁴⁹ requirements, looking instead at alternative arrangements. While alternative arrangements as a part of NEPA alone are not concerning to the Committee, the process by which alternative arrangements are utilized matters greatly. For example, utilizing alternative arrangements at Floyd Bennett Field was not an appropriate use of alternative arrangements, which requires an emergency, as the emergency does not exist within the boundary of the park unit.

The Committee on Natural Resources held a Full Committee hearing on September 27, 2023, “*Destroying America’s Best Idea: Examining the Biden Administration’s Use of National Park Service Lands for Migrant Camps*”⁵⁰ to shine light on the Biden administration’s use of

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Beth Warren, “*Blood Cannabis: Cartel-backed pot grows links to human trafficking, inhumane working conditions*,” USA TODAY NETWORK, <https://www.usatoday.com/in-depth/news/nation/2023/06/18/cartel-backed-pot-grows-linked-to-california-oregon-human-trafficking/70329795007/> (Last accessed October 5, 2023)

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ 42 U.S.C. §4321 et seq.

⁵⁰ *Destroying America’s Best Idea: Examining the Biden Administration’s Use of National Park Service Lands for Migrant Camps: Hearing before the Committee on Natural Resources, 118th Cong.* (2023), <https://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=414853>.

public lands to house migrants. Despite local opposition, the State of New York and NYC colluded with the Department of the Interior (DOI) to sign a lease repurposing lands within the boundary of Brooklyn’s Gateway National Recreation Area, a unit of the National Park System, for camps housing thousands of undocumented migrants.⁵¹

In the documents included with the lease for the migrant camp at Floyd Bennett Field, the National Park Service (NPS) included a “Decision Memorandum and Environmental Review to Support Emergency Activities for Temporary Housing of Migrants” where NPS outlined its justifications for using emergency procedures under NEPA for the lease.⁵² Under standard procedures, NPS would have had to undertake a formal NEPA analysis, which can take several months or even years.

During an official site visit by Chairman Westerman and Chair Gosar, officials confirmed that housing migrants at the site would not fit within a categorical exclusion, meaning a lengthy environmental assessment or environmental impact statement would need to be completed. Notably, the memorandum cites not only the “need to respond to a humanitarian crisis caused by tens of thousands of migrants entering NYC and exceeding the City’s capacity for shelter,” but also that the Council on Environmental Quality, has “concurred that there is an emergency situation that can appropriately be addressed through DOI NEPA emergency procedures.”⁵³

Under President Biden, the environmental damage caused by illegal immigration is no longer limited to federal lands along the southern border – it has the potential to reach national parks and federal lands in every state.

IV. CONCLUSION

The environmental consequences of illegal immigration are well documented. As the number of illegal border crossers increases, higher levels of environmental degradation will occur along the southern border. The Biden administration has demonstrated their intentions to house migrants on federal lands with the leasing of Floyd Bennett Field in Gateway National Recreation Area, New York City (NYC), for temporary migrant housing, without regard for NEPA requirements, and the environment, or consultation of the local community. House Republicans are advocating for policies to restrict the flow of migrants crossing our southern border, reduce the abuse of the asylum process, and ensure that America’s national parks remain intact for the use and enjoyment of current and future generations.

⁵¹ National Park Service, *Lease Between U.S. Dep’t of the Interior, National Park Service and the City of New York for the Premises known as Portions of Floyd Bennett Field, in the Jamaica Bay Unit of Gateway National Recreation Area*, DEP’T OF THE INTERIOR (Sep. 15, 2023), <https://www.nps.gov/aboutus/foia/upload/FINAL-Lease-Floyd-Bennet-Field-09-15-2023-2.pdf>.

⁵² National Park Service, *Decision Memorandum and Environmental Review to Support Emergency Activities for Temporary Housing of Migrants*, DEP’T OF THE INTERIOR (Sep. 11, 2023), https://www.nps.gov/aboutus/foia/upload/For-PDAS_PMB-signature-GATE-Alternative-Arrangements-09-11-2023.pdf.

⁵³ *Id.*