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Testimony to be given before the U.S. House of Representatives, Subcommittee on National Parks, Forests, and Public Lands, regarding the National Security and Federal Lands Protection Act - H.R. 1505

July 8, 2011

My name is Gary Thrasher. I live at 10492 O'Neil Rd. in Hereford, Arizona. Among other things, I am one of a supposedly "dying breed" of rural ranch veterinarians that still travels extensively to ranches providing herd veterinary services to cattle producers in Arizona, New Mexico, and West Texas. I've practiced in the region for 40 years, and for 15 years, until 2005, had a Mexican chartered corporation providing ranch management consulting and cattle import/export testing & processing services in Baja, Sonora, Chihuahua, Durango, Coahuila, Nuevo Leon and Tamaulipas, Mexico. I travel by pick-up truck more than 65,000 miles each year, a third of that on remote gravel and unimproved roads to reach ranches and corrals along the border, often staying with ranch families at their homes and camps many miles from the nearest communities, but often within eyesight of the U.S./Mexico border.

I am very pleased to have the opportunity to testify on behalf of the Arizona Cattle Grower's Association, the Public Lands Council and the National Cattlemen's Beef Association in support of the Honorable Rob Bishop's legislation to strengthen the Border Patrol's ability to control and protect our international boundary between official ports of entry. It is an important piece of legislation needed to protect the sovereignty and security of the border region, its federal lands and refuges, as well as ultimately the nation's security.

The situation is dire and growing ever-more serious in the rural and often remote stretches of the US/Mexican border in spite of what is "officially" reported for the entire border region. The ever-increasing deployment of border law enforcement personnel and assets to the more easily accessed areas within the 100 mile deep "border enforcement zone" progressively drives border incursions toward the less accessible and tortuous trails in rural areas where the terrain is rough and the environment inhospitable. These trails cross through our ranches, National Forests, Monuments, wilderness set-asides, reservations, and wildlife refuges. The cartels and petty gangs doing their dirty work now virtually "own" the "Sky Islands" and refuges of southern Arizona and New Mexico.

Smugglers today are more determined and potentially more violent and destructive than ever. They'll do almost anything to protect their contraband, avoid being apprehended, and maintain "control" of their trails out of, and back into, Mexico. They're outwardly hostile toward all U.S. law enforcement and authority, as well as rival "gangs" vying for the routes and contracts with cartels, and anyone else that might "get in their way." Those of us that live and work in remote smuggling corridors are the most vulnerable. We are confronted with threats, damage & destruction of our property, theft, break-ins, and serious disruption of our necessary ranch work almost daily. Costs to ranch within 50 miles of the U.S./Mexico border are double and sometimes triple what it costs to operate elsewhere. We're being driven out of business and away from our homesteads. Lethal violence is a daily menace we're forced to live with, and the senseless murders of our neighbors go unsolved. U.S. federal policies, regulations, and border enforcement strategies are accomplices,

while the lost peace, security and freedoms of ranchers and rural residents in the area seem to be “written-off” as “collateral damage.”

As the distance along the border from the nearest town or population center increases, the distance between the border and the Border Patrol likewise increases. In many cases, this controversial “in-depth” Border Patrol strategy of deploying agents up to 75 miles north of the border leaves ranching families living in-between the border and the Forward Operating Bases of the Border Patrol. When we are near the border and are confronted by illegal border crossers, we are almost always out-numbered and “out gunned.” Law enforcement assistance is many miles and often hours away, that is, if we’re lucky enough to be in an area within range of communication. Our homes, ranches, and families are “sitting ducks,” our ranches are almost impossible to manage, and U.S. sovereignty of the isolated regions where we ranch is now all but lost.

Apparently the loss of U.S. sovereignty in the region does not trouble David Aguilar, the Deputy Commissioner of U.S. Customs and Border Protection. He’s widely quoted as saying “the border is not a fence or line in the dirt, but a broad and complex corridor” and that “it is a third country that joins Mexico and the United States.” And if we don’t believe him we just “don’t understand the dynamics.” We live the dynamics, and live in that “THIRD COUNTRY.” Where should we be sending our taxes?

My clients’ lists include more than 300 ranches on both sides of the U.S./Mexico border. I’ve worked extensively with these ranchers as together we watched and experienced the border situation developing and deteriorating over the past two decades. I have heard their concerns, shared in their tragedies, and have experienced the risks and frustrations first-hand. My work has taken me to many of the most remote and rugged reaches of our once “pristine”, but now often abused, scarred, trashed—and recently scorched—southwestern border. Virtually 90 percent of my U.S. ranch clients graze a combination of private lands, State School Trust lands and federal BLM & USFS grazing allotments established by the Taylor Grazing Act in the 1930’s. Many of the ranches encompass or neighbor federal wilderness areas, riparian set-asides, national monuments, and national wildlife refuges within 50 miles of the U.S./Mexico border.

My own home is 3 miles north of the U.S./Mexico border and ½ mile west of the San Pedro Riparian National Conservation Area (SPRNCA); a BLM administered and “protected” 2-3 mile wide set-aside that stretches from the US/Mexican border north for nearly 50 miles along the San Pedro River corridor. I lease a ranch and have an Arizona state grazing permit 8 miles north of my home that shares 3 miles of boundary with SPRNCA.

A “border wall” and all-weather border road has been constructed in the “Roosevelt Easement” from where the San Pedro River bottom crosses the border in the SPNRCA to Naco, AZ, 13 miles east, and for 10 miles west to where the Huachuca Mountains climb into the Coronado National Monument highlands.



Figure 1. The U.S./Mexico border fence as seen looking west near Naco, AZ

What border wall was built within SPRNCA was delayed 3 months for an archaeological study and assessment after an Indian artifact was found. The cost of that section of wall doubled. Today, three years later, a wide open space in the SPRNCA river bottom still has only a temporary vehicle barrier and five-wire livestock fence that is poorly maintained and often non-existent during our rainy season and for months following.



Figure 2. The fence on the U.S./Mexico border as seen looking eastward from the western boundary of the San Pedro Riparian National Conservation Area

The often un-patrolled border road accesses only the southern edge of the river bottom. Most of the year the San Pedro River trickles just a few inches deep. The river bottom is only  $\frac{1}{4}$  mile wide at the border but rapidly spreads out. It is brush filled, severely eroded, and with a dense cottonwood canopy, ideal for concealment. All north-south roads into to the area within SPRNCA have been intentionally abandoned, left to erosion, and closed by the BLM. Border patrol must try to monitor

that 4-5 square mile area of dense cottonwood, mesquite, and willow thicket next to the border on foot or horseback, or try to catch illegal crossers as they leave the SPRNCA somewhere miles down-river in the middle of the night. Border Patrol horse patrols are less effective here than elsewhere, and trying to patrol that area on foot and in the dark would require large numbers of agents with unusual skills.

SPRNCA has been closed to grazing since 1986, but the border there is left so wide open that Mexican cattle easily stray in and stay for months. It remains one of the many open "gateways" for backpacking drug runners and other illegal border crossings into the U.S. Often they leave the SPRNCA and "lay-up" overnight in a mesquite grove, at our windmill, within 1500 ft. of my front porch. Occasionally they'll sneak-in and hide-out in our barn overnight. I've even caught them taking a shower in the barn's bathroom. Since the barn is always locked, they crawl through the barn cats' "doggy door." If I try to detain them to wait for the Border Patrol to pick them up, they become angry and threaten "retaliation."

More of them trail in caravans through our leased ranch eight miles further north. I'll report it, and for a day or two the Border Patrol will "swarm" our places day and night. They seldom catch anyone. The crossers have "trail spotters" that know where the Border Patrol is deployed, and simply divert to one of a hundred or more other trails out of the SPRNCA.

Often, anymore, they are not just harmless immigrants; they are now led by gang-controlled "coyotes" and "polloteros" who guide them to their "pick-up" or "drop house" destinations. Many of migrants are forced into servitude carrying backpacks of drugs to pay for their travels. Often they end up human chattel, held until someone pays-off the coyote gangs that fight over them. U.S. and Mexican street gangs "own" the trails and work for competing Mexican "cartels" and "mafiosos". They can be quite intimidating, threatening and dangerous while they protect their loads of drugs and migrants, and even more dangerous on their way back to Mexico to start their next caravan. Only one out of three of the migrants are ever eventually "caught" by the Border Patrol, almost none of the "coyote" or "pollotero" guides are ever caught.

Seven miles west of my home place is Coronado National Monument, also bordering Mexico, where the recent and horrific "Monument Fire" started along a well-known cross-border trail. The fire originated next to where the "border wall" stops and an easy-to-climb-through barbed wire livestock fence begins. It's a "trailhead". With 50 mph winds, that wildfire reached to within 1 ½ miles of my own home and destroyed 40 of my neighbors' homes and business as well as 30,000 acres of the Huachuca Mountains and its "protected" Coronado National Forest, wilderness area, and Memorial.



Figure 3. American Border Patrol photo showing the origin of the Monument fire just south of the U.S/Mexico border

For years now the crest trail along the highest ridges of the Huachuca Mountains (up to 9,000 ft. elevation) has been a busy drug trail. Coyote “spotters” camp on the high points and watch Border Patrol activities, then use cell phones or signal groups to tell them when all is clear for them to drop down into the canyons to meet their “rides.” Some of them meet their rides or deliver their drugs at the north end of the mountain, on Ft. Huachuca, the U.S. Army, Military Intelligence Center and School.

This year the grasslands and forests of most of Arizona were a tinderbox. If ever there was a year to “close” the state’s National Forests, Parks and Monuments, it was this year. Managers did limit “legal” access, camping and open barbeques in many places, but they have no way of stopping illegal border crossers that use the trails through federal lands until they are well within the U.S.

Many of my clients ranch and live along a cross-border trail into the nearby Chiricahua Mountains where 220,000 acres of the Coronado National Forest and Chiricahua National Monument recently burned in the “Horseshoe 2” fire. It started in the same area as the “Horseshoe 1” fire started last year, at a remote border-crossers “lay-up.” Some of my clients’ entire grazing allotments burned, leaving ranchers with no grazing to feed their herds. That trail is also the trail that cuts through the San Bernardino Valley where my good friend and client Rob Krentz was murdered in March last year. The killer was tracked south and escaped back into Mexico through the San Bernardino National Wildlife Refuge. Just this year alone those two catastrophic “wildfires” and nine smaller but substantially destructive wildfires were started along locally well-known border-crossing trails

on border ranches where I work. Border Patrol Agent Brian Terry was killed nearby. And we hear moat and alligator jokes.

Many of the busiest illegal border-crossing trails now originate on or very near where federal lands abut the international boundary. Granted, often the terrain is rough, steep, deep and difficult to patrol and the environment and habitat is fragile, but it is often no different than private ranch lands adjacent to it. Some ranchers, facing financial ruin from damage done by border enforcement activity and infrastructure development, have been forced to try to limit Border Patrol access to certain areas of their private property as well, especially when they border federally protected lands and their ranches are the only remaining access to the edge of the federal lands. Access to private and state trust lands, unlike federal lands, is locally negotiable. It can often be “worked out” quickly when ranchers and local Border Patrol agents develop a level of trust and respect for each other, as long as an environmental lawsuit or federal regulations are not hanging over them.

Even though local federal land agency personnel do their best to work collaboratively with Border Patrol to try to mitigate access conflicts so that the Border Patrol can do its job, they too are mandated to do their job in accordance with all the laws and regulations that govern their agencies. It’s often a “Catch 22.” The agency is mandated to protect the federal lands according to all the established laws and regulations, but if they do, the Border Patrol can’t properly protect the border from illegal crossers that do as much damage (or more) to the protected area than the Border Patrol and its infrastructure would have. Often by the time the agencies meet all their mandates to allow access or build the needed border infrastructure, the damage is already done.

Even when local federal land agency personnel “stick their neck out” and “do the right thing” to help Border Patrol by giving them limited access to protected federal lands, Border Patrol agents and supervisors themselves refuse or are hesitant, knowing full well that they too could be implicated in an ESA “takings” charge or suit instigated by almost anyone opposing their efforts.

Billions of dollars’ worth of border enforcement infrastructure—fences, walls, vehicle barriers, towers, sensors, lighting, and access roads—are installed/constructed pretty quickly on or through private and state trust lands along and nearby the “Roosevelt Easement”. But often all that ends suddenly at the boundary of federally protected lands while federal land managers go through months and years of protracted requirements and expense forced on them by NEPA, FLPMA, ESA, the “Comprehensive Environmental Response, Compensation and Liability Act” and perhaps a dozen other federal acts and regulations. As a result, often the infrastructure is never completed and a wide open, seldom patrolled, “gateway without a gate” in our border invites even more illegal cross-border traffic through the protected areas. The Border Patrol is stretched even further trying to position agents around the boundaries of the federal protected areas where the trails branch-off many miles from the border and deep into the U.S.

Ranchers in Arizona and New Mexico understand the complexities of NEPA, ESA, and many other federal lands mandates and regulations, and deal with them every ten years when renewing their grazing allotment permits. All the “hoops we have to jump through” explaining to the USFS and BLM how “our cows ate the grass” are certainly frustrating and trying. But the same hoops are now in the way of something far more urgent and critical. That is our safety, security, and sovereignty. Along the border, the regulations have crippled the proper management of natural resources and hindered the Border Patrol from doing their job as well. None of the agencies, including the USFS, BLM, USFWS, DHS, or BORDER PATROL, has the resources or time to execute NEPA and all the other regulations. While we “fiddle” with red tape, the “Sky Islands” everyone seems to want to protect, along with our ranches and livelihoods, are burning.

I know Congress seems to have a problem believing that the security and sovereignty of our ranches and federal lands along the border is in peril, and that the nation’s homeland security is

really at risk. For quite some time now supervisory bureaucrats responsible for securing our border have been feeding you a long line of statistical “bull” for whatever reasons. “Open borders” advocates discount our concerns as “inflammatory” and “anti-immigrant,” but I assure you this is not just an immigration issue, it is a SECURITY issue first and foremost. At the same time, anytime the word “amnesty” hits the news we are then “flooded” with even more illegal cross-border traffic to confuse the issue even further.

Your esteemed colleague, and my district representative, Congresswoman Gabrielle Giffords, was courageous enough to visit with us personally at our ranches on the border and, guided by a rancher and mountain lion hunter, rode a pack mule into some of those inaccessible remote border areas . She was the first member of Congress to fully understand the gravity of the situation, and she’s made floor speeches in the House of Representatives trying to explain it all to you. She and her staff have arranged for a number of other Congressmen to take our “Rancher’s Border Tour” rather than just the Border Patrol’s usual VIP “dog & pony shows” and “fly-overs.” I think those that have taken “our tour” have seen the light. If you think I’ve exaggerated, come see for yourself. It’s a little slow, hot, dirty, and rough-going, but we’ll do our best to keep you safe, out of harm’s way, and fed. But once we get to the remote “open doors” in our border you’re not likely to see a Border Patrol agent anywhere nearby. Ask some of those that have made the trip.

Or, you could just believe David Aguilar. He challenges anybody “to ‘fly over’ the border and find a place where there are no agents.” I’m sure his “crew” will be your guide; they’ll show you what they want you to see. It’s no wonder the National Border Patrol Council has given him a “no confidence” resolution, the hard-working and dedicated agents on the ground know better.

I beg you to immediately and aggressively take whatever steps are needed to secure our border. H.R. 1505 is an important step in that direction.

Thank you,

Gary A. Thrasher D.V.M

Attachments:

- ACGA Letter to Congress \_2\_ \_2\_
- ACGA Letter to the Honorable Janet Napolitano3
- ACGA - ROB Plan Revisited (2)