

April 28, 2016

“The Consequences of Federal Land Management along the U.S. Border to Rural Communities and National Security.”

Please allow me to begin with thanking you for inviting me here today to offer my testimony regarding the Consequences of Federal Land Management along the U.S. Border to Rural Communities and National Security.

My name is LeAlan L Pinkerton. I am currently serving in my second term as Boundary County Commissioner, District 1, Board of Commissioners, Boundary County, Idaho. I have served in this capacity since January, 2013.

Prior to being elected into office, I was employed by United States Immigration and Naturalization Service and the Department of Homeland Security, U.S. Border Patrol for over 23 years. The final 8 years of my career was concluded in Spokane, Washington, where I retired from the position of Assistant Chief Patrol Agent of the Spokane Sector in May, 2010.

Today, I intend to give you an overview describing the consequences created in the management of our national forests, accepting that much of the management decisions are significantly impacted or directed by rulings from the bench, the Endangered Species Act (ESA), biological opinions, and the volumes of National Environmental Policy Act requirements.

First, National Security issues.

In Boundary County, Idaho the U.S. Border Patrol shoulders the daunting task of patrolling the rugged and remote land masses of the Selkirk, the Purcell, and the Cabinet Mountain ranges as well as all areas in between. The overwhelming majority of the area is largely mountainous and timbered with occasional valleys and farming districts. Unquestionably, access is vital to achieve any measure of success in securing the border. This access affords the Border Patrol the ability to secure these remote areas, the maintenance of a secure border and expansion into adjoining areas needing control.

The Border Patrol has a number of tools available to support patrol activities, such as the use of ATV's, horses, snow mobiles, sensors, etc. However, none of these tools provide the advantage, timeliness, communication ability, or officer safety, as a vehicle. Unabated, the established existing road and trail system can support the operational requirements for the patrol function. Conversely, access restrictions placed by the resource managers: U.S. Forest Service (USFS) and the U.S. Fish and Wildlife Service (USFWS); creates a debilitating effect on such activities. Largely, vast border areas are infrequently monitored or go without patrol all together.

Resource managers have instituted these restrictions primarily as a result of ESA standards and biological opinions governing motorized traffic into the recovery zone of the Grizzly bear. Managers assert allowable “administrative trips” and “open road density standards.” Accordingly, in one Grizzly Bear recovery management area (Bog

Creek), the maximum allowable annual “administrative trips” are capped at 57 motorized trips per year. These trips are combined for the use of all agencies and jurisdictions, with no law enforcement exemption. The USFS and USFWS categorize the Border Patrol’s access as an “administrative trip,” albeit the Border Patrols mission is not “administrative” in nature. Never-the-less, each patrol into the recovery zone is subject to the limits of the “administrative trip” cap (57) being shared among all agencies.

The USFS and USFWS managers have affected a number of measures to inhibit the Border Patrol’s ability to access the border areas. They have placed gates on roads not previously gated. They have not provided keys in a timely fashion. They have changed locks on gated roads currently in use without providing keys in advance. They have removed culverts, decommissioned roads, dug tank traps and placed large boulders in roadways, etc. The USFS seldom gives any notification or fore-warning that such measures were scheduled or taking place.

All these agencies have been tasked with cooperating among one another as formalized through the memorandum of understanding titled “Cooperative National Security and Counter-Terrorism Efforts on Federal Lands along the United States Border”, written and agreed upon in March of 2006 and signed by the Secretary of Interior, Secretary of Agriculture, and Secretary of Homeland Security. However, it is also my belief that this region’s USFS and USFWS have deliberately ignored the spirit of this directive.

Simply put, the USFS and USFWS have placed the recovery of the Grizzly Bear, Caribou, Linx and other wildlife species as a priority above our Nation’s security.

As an example, in 2006 while I was still employed as an Assistant Chief Patrol Agent of the Border Patrol in the Spokane Sector, I pushed for access along the border on the forest road in the Selkirk Mountains known as “Bog Creek”. This road intersects a number of roads in the border area providing approximately 25 miles of border coverage. It has been in existence for decades but was gated and closed to public traffic in the mid 1980’s. Subsequently, as a result of the lack of maintenance, a culvert clogged up and a portion of the road caved away. The Border Patrol had routinely used this road for patrol purposes since its construction. But, since the area is within the Grizzly Bear Recovery area, the USFS and USFWS do not want to allow traffic on this road. Nor do they want to fund the repairs or maintenance needed to bring it back into serviceable condition for vehicular use. As a result the Border Patrol cannot use vehicles to patrol this entire length of border. In response to any incursion within this border area, the Border Patrol must traverse around the mountain range to the south then back to the north over distances that require a minimum of 3.5 hours of travel time. Throughout this particular area, no degree of security can be achieved without the use of Bog Creek Road. No level of deterrence to potential cross border illegal activity can be established, nor can any measure of control be obtainable.

Although, this type of conflict is largely repetitive with regards to operations of the Border Patrol within the Spokane Sector and Boundary County, Idaho, it is not isolated to this agency or locality. It is an ongoing affair, or tactic, being used by the Federal land and wildlife management agencies in countless locations and jurisdictions along our northern border. These same conflicts apply to our Local Sheriff’s Department,

Emergency Medical Services, Wild fire Response, Search and Rescue units, just to name a few.

I exclaim, as an elected official and a citizen, that the security of our nations' borders and our citizens is paramount. Border Security should not continue to be compromised merely to support the proliferation of any species of wildlife or natural resource.

Rural Community Issues:

Boundary County consists of a total land area of approximately 810,572 acres comprised of 495,219 acres (61%) Federal land; 107,267 (13.2%) acres State land; and 208,056 acres (25.6%) privately owned land. Roughly 90% of the federal property within Boundary County is bound by numerous restrictions and road closures imposed upon it because of the Endangered Species Act (ESA), recommended wilderness/road-less rule, the lack funding for road maintenance, and the lack funding for timber harvest administration, etc. Approximately 50,000 acres of federal land remains available with limited access for conventional forest management to supply our natural resource driven economy.

Boundary County's economic vitality is dependent upon the timber industry as it has been for the last 100 years. There is no shortage of timber resources as our forests continue to produce trees, and wildlife habitat is abundant. However, much of this timber is aging to the point of over maturing. Please understand that even though the timber in our forest is renewable it still has a maximum life span. Much like a farmer's crop, there comes the day that it is time for harvest. Delay will only promote loss and quality defects in the resource. The longer the delay, the more dramatic the damage will be. Vast areas of our forest suffer the effects of the lack of management through conscientious harvest.

My County at one time had, at minimum, 7 saw mills of varying sizes that provided employees with a family wage job. We are now down to 2 mills, one large and one medium. The volume of timber provided to these has steadily decreased as the years have gone by.

The forest district prior to 1990 averaged a harvest volume of 38.8 mmbf per year. Then, 1991 through 2001, harvest volumes reduced to 19.8 mmbf per year and nearly all the planned projects were appealed by non-governmental special interest groups. During the time frame of 2001 to 2010 the district averaged 14.4 mmbf and most of the projects were appealed and several were litigated. This is merely a snapshot of how much influence the courts have in forest management. Due to litigation, the courts have essentially been placed into the position of making critical management determinations regarding our national forests. Special interest groups currently hold the health of our forest for ransom.

In the current 5 year plan, within Boundary County the USFS has increased the harvest targets, from the levels of the recent past, to approximately 20 million board feet(mmbf) per year. Largely due to efforts of the State of Idaho, timber industry advocates, the Kootenai tribe of Idaho, and local collaborative partners such as the Kootenai Valley Resource Initiative. The Community Forest Landscape Restoration Act

designation (CFLRA) funding is also a significant attributing factor. This volume of harvest also represents less than 25% of the harvested timber supplying our local mills. However, the forest growth volumes continue to increase by several times beyond the targeted harvest amount.

Areas of blown down timber consisting of millions of board feet of timber are being left to waste. Ageing timber is becoming more and more susceptible to disease, insect infestation and weather damage. All of these contribute to the overwhelming threat and likelihood of catastrophic wild fire. The overwhelming majority of the National Forest in Boundary County is identified by the Idaho Department of Lands, fire hazards assessment as being at a high risk of wildfire. See attached maps. Simply put, instead of benefiting from timber harvest, the USFS spends countless millions for wild fire suppression while the habitat is suffering from the effects.

Most of the roads that I drove in years past have been closed or gated. My community does not hold any animosity towards the listing of any wildlife species, but, they do take offense to the restrictions that come with it. These restrictions have been created by agency rules, litigation through the courts, the threats of litigation or from antiquated science – science that is tagged as the “best science available.”

The Counties of the State of Idaho have continually tried to correct and protect access to our Federal Lands, but ultimately any change in the Federal Land management must come from Congress. The agency’s that have responsibility to manage land and animals are simply applying what has been handed to them by the rules and processes that are currently in place. Court actions have also added to the inability to manage our lands.

I could have bored you with statistics, but they cannot explain the whole story. Now is the time to really look at positive changes to the Acts that guide how the federal lands and wildlife are managed. I urge you to take the bull by the horns and make the necessary changes, for the sake of the citizens of my county, my state, and our country.

In conclusion, I thank you for listening and for your consideration of these matters. It has been my distinct honor to be here and to speak before you today.