

Amendment 2523 to ensure that wilderness areas and other public lands are protected from crime and pollution.

- **Border Violence and Trafficking is At An All-Time High**
- **Our Public Lands Along the Border Are Being Exploited by Drug and Human Smugglers**
- **Wilderness Concerns Hinder Law Enforcement Efforts**
- **Wilderness Areas Are Being Destroyed by Smugglers**
- **Federal Agencies and Congress Have Failed to Act**
- **Congress Must Enable National Security Needs to be Met**

In recent years, Congress has sought to address numerous border security concerns by appropriating additional federal funds for law enforcement and by passing legislation to construct infrastructure on the Southern border.

In the Secure Fence Act of 2006 (Public Law 109-367), Congress sought to ensure that the Secretary of the Department of Homeland Security (DHS) was able to take the actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

The goal of this act was to prevent “all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.”

Unfortunately, this act has failed to have the desired impact, in large part due to the unwelcome increase of illegal human and drug smuggling through our public lands along the border.

Amendment 2523 would prohibit any funds from within the Interior Appropriations Bill be used to impede, prohibit, or restrict activities of the Department of Homeland Security (DHS) on public lands to secure our borders.

The effect of this amendment would be to ensure that DHS is able to further secure our borders from terrorist and other national security threats and protect the environment of these public lands.

Border Violence and Trafficking is At An All-Time High

Over the past year, the news coming out of Mexico has often focused on the increasing amount of violence due to drug cartel activity and the drug trade. Earlier this year, Congress held numerous hearings regarding the smuggling of drugs, firearms, and illegal immigrants.

Unfortunately, the increase in violence in Mexico has also begun to spill over into the U.S. According to a *CNN* article, law enforcement officials and analysts “agree that it is only a matter of time before innocent people on the U.S. side get caught in the cartel crossfire.”¹

According to the National Border Patrol Council, a union representing more than 17,000 Border Patrol Agents and support staff, the number of recorded assaults on Border Patrol agents was 1,097 last year and has been “climbing steadily for the past five years.”²

According to the Drug Enforcement Agency (DEA), Mexican cartels now bring in about 90 percent of the cocaine consumed in the United States, and Mexico is also the top foreign supplier of marijuana and methamphetamine.³

¹ <http://www.cnn.com/2009/CRIME/05/18/mexico.us.cartels/index.html>

² <http://www.washingtontimes.com/news/2009/feb/17/conservation-zones-a-hotbed-for-outlaws-along-us-m/>

³ <http://www.cnn.com/2009/CRIME/05/18/mexico.us.cartels/index.html>

The drug trade has become increasingly profitable, with 2007 revenues of \$8.5 billion for marijuana, \$3.9 billion for cocaine, and \$1 billion for methamphetamine earned \$1 billion.⁴

Our Public Lands Along the Border Are Being Exploited by Drug and Human Smugglers

With an increase in border security efforts at major ports of entry into the U.S., smuggling efforts have shifted to less-regulated areas along the Southern border.

Lands managed by the Department of the Interior make up more than 41 percent of our border with Mexico. In total, federal acreage within 100 miles of the Mexican border is more than 30.25 million acres, according to the Bureau of Land Management. Mexican drug trafficking organizations and smuggling operations rely on back routes and private roads through these lands to transport marijuana and methamphetamine. These drugs are primarily smuggled through National Park Service (NPS) and U.S. Fish and Wildlife Service (FWS) lands.⁵

According to a Threat Assessment for Public Lands in FY 2002 written by a DOI employee,

“The Department of the Interior has experienced a significant escalation in border impacts from smuggling over the last four years. These impacts are decimating public resources and putting the safety of our visitors and employees at serious risk. This is a result of the success of increasing the allocation of Border Patrol assets around the Ports of Entry which forced smuggling way from the Ports of Entry and through our remote rural public lands. This is well documented along the Mexican border where over 80 percent of drug smuggling occurs between the Ports of Entry. The northern border is now starting to experience similar trends.”⁶

⁴ <http://www.cnn.com/2009/CRIME/05/18/mexico.us.cartels/index.html>

⁵ National Drug Intelligence Center, “Marijuana and Methamphetamine Trafficking on Federal Lands Threat Assessment,” February 2005

⁶ Wirth, Daniel, “Public Lands Threat Assessment for FY 2002,” Department of the Interior, 2003

In a 2009 *Washington Times* article, numerous border patrol agents said “drug smugglers and human traffickers are using ecologically diverse sanctuaries to evade law enforcement officials, whose access is limited in some areas to foot patrols and horseback.”⁷

A report by the National Parks Conservation Association in 2007 titled, “Perilous Parkland: Homeland Security and the National Parks,” detailed how over the past two years at Organ Pipe Cactus National Monument (a national park that spans 32 miles of the southern border), “park rangers have arrested and indicted 385 felony smugglers, seized 40,000 lbs. of marijuana, and intercepted 3,800 illegal aliens. The Border Patrol estimated that 500 people per day (180,000 per year) and 700,000 pounds of drugs entered the U.S. illegally through the monument in the year 2000.”⁸ This number increased in 2002 to more than 810,000 lbs.⁹ It is no wonder the law enforcement staff of 11 park rangers is encountering difficulties in managing a 330,000 acre park with numerous activities initiated by Mexican drug cartels.¹⁰



A FWS brochure for visitors to the Buenos Aires National Wildlife Refuge warns that “Some of the illegal immigrants are armed, dangerous, and

⁷ <http://www.washingtontimes.com/news/2009/feb/17/conservation-zones-a-hotbed-for-outlaws-along-us-m/>

⁸ National Parks Conservation Association, “Perilous Parkland: Homeland Security and the National Parks,” March 4, 2007, http://www.npca.org/media_center/fact_sheets/security.html

⁹ “Border-Related Impacts to Sonoran Desert Wilderness in SW Arizona,” Organ Pipe Cactus National Monument, 2003

¹⁰ National Parks Conservation Association, “Perilous Parkland: Homeland Security and the National Parks,” March 4, 2007, http://www.npca.org/media_center/fact_sheets/security.html

determined to complete the trip at any cost. Most often these are smugglers and drug runners...”¹¹

The 2002 Threat Assessment for Public Lands concludes, “Many Department of the Interior lands can no longer be used safely by the public or employees due to pervasive smuggling.”¹²

Drug and human smuggling across the U.S. Mexico border has also made it impossible for scientists to continue their research and required visitors to practice additional caution and avoid making contact with “an individual or small group trying to walk through the park with little or no water.”¹³

According to a *Fox News* article, “Organ Pipe Cactus National Monument stopped granting most new research permits because of increasing smuggling activity. Scientists must sign a statement acknowledging that the National Park Service cannot guarantee their safety from ‘potentially dangerous persons entering the park from Mexico.’”¹⁴

This park was ranked by the Fraternal Order of Police as the most dangerous national park in 2003. While two other parks on the Mexico-U.S. border were listed in top ten most dangerous national parks in 2003.¹⁵

Smugglers and illegal aliens have also become increasingly aggressive and hostile. To protect contraband being smuggled or to ensure successful illegal immigration, trespassers are known to:

- Shoot at law enforcement officers;
- Throw rocks at law enforcement officers;
- Brandish weapons at law enforcement officers;
- Carjack law enforcement officers and civilians;

¹¹ <http://www.fws.gov/southwest/refuges/arizona/buenosaires/PDFs/safetyprecautionsflyer2006.pdf>

¹² Wirth, Daniel, “Public Lands Threat Assessment for FY 2002,” Department of the Interior, 2003

¹³ <http://www.nps.gov/orpi/planyourvisit/boarder-concerns.htm>

¹⁴ Associated Press, “Violent Border Smugglers Scare U.S. Scientists,” Foxnews.com, December 30, 2007,

<http://www.foxnews.com/story/0,2933,319028,00.html>

¹⁵ Environment News Service, “U.S. Rangers, Park Police Sustain Record Levels of Violence,” September 1, 2004,

<http://www.ens-newswire.com/ens/sep2004/2004-09-01-02.asp>

- Use cars to assault law enforcement officers.¹⁶

Unfortunately, drug cartels have even set up drug farms in some of our most pristine areas.¹⁷

According to a San Francisco Chronicle article, “National Parks’ Pot Farms Blamed on Cartels; Mexican Drug Lords Find it Easier to Grow in State Than Import,”

“Hikers in national parks such as Yosemite and Sequoia-Kings Canyon are encountering a danger more hazardous than bears: illegal marijuana farms run by Mexican drug cartels and protected by booby traps and guards carrying AK-47s... Park service officials said the drug cartels took extreme measures to protect their plants, which can be worth \$4,000 each. Growers have been known to set up booby traps with shotguns. Guards armed with knives and military-style weapons have chased away hikers at gunpoint. In 2002, a visitor to Sequoia was briefly detained by a drug grower, who threatened to harm him if he told authorities the pot farm's secret location.”¹⁸



A more recent news story also highlighted this dilemma. Special Agent eradication teams heavily armed are needed to clear thousands of pot plants in state and national parks and other public lands. Many of the marijuana fields are located next to popular trails. However, “The folks who are growing the marijuana are not your peace hippies from the 60s... These are armed members of the Mexican drug trafficking organizations, who utilize assault style weapons, assault rifles to protect their cash crops.”¹⁹

¹⁶ Wirth, Daniel, “Public Lands Threat Assessment for FY 2002,” Department of the Interior, 2003

¹⁷ “Drugs, prostitution threaten wildlife refuges,” May 23, 2008, CNN.com,

<http://www.cnn.com/2008/US/05/23/neglected.refuges.ap/>

¹⁸ Zachary Coile, “National parks’ pot farms blamed on cartels; Mexican drug lords find it easier to grow in state than import,” The San Francisco Chronicle, November 18, 2005

A February 2005 Report, “Marijuana and Methamphetamine Trafficking on Federal Lands Threat Assessment,” concluded that already high levels of cultivation of cannabis and methamphetamine production by Mexican drug-trafficking organizations are likely to increase:

“Cannabis cultivators and methamphetamine producers on federal lands often are armed, and cannabis grow sites and methamphetamine laboratories frequently are booby-trapped. Law enforcement officers have seized shotguns, handguns, automatic weapons, pipe bombs, grenades, and night vision equipment from drug producers and smugglers on federal lands.”²⁰

Illegal Immigrant Camp in a National Refuge



Wilderness Concerns Hinder Law Enforcement Efforts

One would think that with such a serious crime problem, the federal government would be doing all it could to ensure our borders are secure and prevent the smuggling of drugs, guns, and illegal aliens into our country.

However, a recent *Washington Times* story found that one of the reasons our national parks and other federal public lands are being targeted by smugglers is because “environmental concerns limit the range of U.S. Border Patrol agents” and complicate efforts to build a barrier ordered by Congress:

¹⁹ “Special Report: Pot Farmers Ravage Bay Area Parks – Many Pot Farms Located On Public Land,” August 5, 2008, NBC11.com (CA), <http://www.nbc11.com/newsarchive/17100461/detail.html>

²⁰ National Drug Intelligence Center, “Marijuana and Methamphetamine Trafficking on Federal Lands Threat Assessment,” February 2005

“Agents on the front line say they can't do their jobs if they are impeded by laws that keep them from areas used to move illegal goods and people into the U.S.

“It’s theater,” said a Border Patrol agent in Texas, who asked for anonymity because of fear of reprisal. “We face obstacles on every corner. ... In fact, we're sitting ducks out here and thousands of people cross the U.S. border daily...’

“A retired agent and supervisor who spent 26 years patrolling the Texas and Arizona border, said the creation of federally protected wilderness areas threatens to keep ‘the agency in a reactionary mode rather than proactively tackling the increasing dangers on the border... The cartels want to keep their access to the north and welcome the creation of new wilderness areas that are easier to traverse for them than the ones they are already using.’”²¹

Recent Government Accountability Office testimony also found that Department of Homeland Security’s (DHS) Secure Border Initiative (SBI) program continues to experience delays, in part because of “concerns about the impact of placing towers and access roads in environmentally sensitive locations.”²²

While criminal activity has increased in these natural preserves, environmentalists and federal employees in the Department of Interior have discouraged law enforcement activities on these lands. They hold that federal environmental law supersedes national security law and thus that the construction of fences, roads and extensive lights for law enforcement purposes should not be permitted because of the detrimental environmental impact such actions would have.

The Wilderness Act²³ generally prohibits commercial activities, motorized uses, and infrastructure developments in wilderness areas. The act states:

²¹ <http://www.washingtontimes.com/news/2009/feb/17/conservation-zones-a-hotbed-for-outlaws-along-us-m/>

²² <http://www.gao.gov/new.items/d091013t.pdf>

²³ P.L. 88-577, 16 USC 1131-1136

“Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.”²⁴

Though there are some exceptions in the case of fire, insect, and disease emergencies within wilderness areas, Congress has had to pass into law specific exceptions for military and law enforcement use. In the 101st Congress, Congress allowed for border operations within one designated wilderness unit when it passed the Arizona Desert Wilderness Act of 1990,²⁵ and in the 103rd Congress, the California Desert Protection Act of 1994²⁶ was passed to allow motorized law enforcement activities within certain wilderness areas.²⁷

Organ Pipe National Park is 95 percent wilderness area, while the Cabeza Prieta National Wildlife Refuge is 93 percent wilderness area. In other words, the border patrol may not conduct routine patrols in more than 93 percent in these two national parks that span more than 85 miles of the U.S.-Mexico border.

One former park ranger testified that the murder of an Organ Pipe Park Ranger in 2002 came after “environmental groups insisted that Border

²⁴ 16 USC 1133(c)

²⁵ P.L. 101-628

²⁶ P.L. 103-433

²⁷ <http://apps.crs.gov/products/rl/pdf/RL33827.pdf>

Patrol Agents stay out of the area because of damage they were doing to the environment.”²⁸

When the U.S. Department of Homeland Security pushed to give the U.S. Border Patrol regular motorized access to more than 330,000 acres of wilderness along the Mexican border in 2004, the chief NPS ranger for the Intermountain Regions commented “The amount of access the Border Patrol is asking for is unprecedented,” even though he acknowledged that the hundreds of miles of illegal trails accessed by armed smugglers create significant environmental and safety issues.²⁹

Following the request of a Member of Congress to give border patrol agents the ability to conduct vehicle patrols off-road, a manager of one of public land units right by the border said if agents were given such access to the land, “we wouldn't be living up to our responsibility as land managers along the border.”³⁰

In 2006, Congress in attempt to ensure national border security, passed legislation (the Secure Fence Act of 2006) that said the following:

“(a) In General- Not later than 18 months after the date of the enactment of this Act, the Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following--

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras; and

²⁸ Taylor, George Zachary, “Testimony at the Committee on Natural Resources Field Public Hearing Brownsville, Texas,” April 28, 2008, National Association of Former Border Patrol Officers, http://resourcescommittee.house.gov/images/Documents/20080428/testimony_taylor.pdf

²⁹ <http://www.hcn.org/issues/277/14827>

³⁰ Marizco, Michael, “Kyl says Border Patrol needs off-road access,” *Arizona Daily Star*, August 15, 2003

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers.” (emphasis added)

Yet, two year later, in a June 24, 2008 internal memo, the Superintendent of the most dangerous national park in America argues that the Wilderness statute should take precedent over the more recent Congressional law authorizing DHS infrastructure on the border:

“Congress has directed the construction of these facilities and there is a compelling national security issue, but these towers, buildings, and associated equipment and motorized activities within Congressionally designated wilderness would be contrary to protecting the primeval character of wilderness, and hence contrary to the intent of Congress...

“Congress has directed the Department of Homeland Security (DHS) to construct a number of types of barriers along the U.S. – Mexico border to improve national security. Congress also created the national wilderness Preservation System, and the National Park Service is obligated to manage the Organ Pipe Cactus Wilderness for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use as wilderness to met the intent of Congress. DHS may be proposing a number of installations and activities associated with the implementation of the SBI initiative, within the Organ Pipe Cactus Wilderness that are prohibited within wilderness. If the DHS facilities and activities are located outside of but immediately adjacent to wilderness, there are still concerns about the impacts to wilderness character...”³¹

In other words, even though Congress specifically authorized in more recent legislation to ensure the Southern border is under operational control, this park superintendent believes the older law takes precedent and prohibits or restricts national security activities in wilderness areas or areas bordering wilderness areas.

³¹ Internal NPS memo, June 24, 2008

Wilderness Areas Are Being Destroyed by Smugglers

While the Department of Interior has successfully prevented law enforcement from destroying wilderness areas, they have been less successful in preventing smugglers and drug cartels from damaging these wilderness areas.

According to the 2002 Threat Assessment for Public Lands,

“Thousands of trails and hundreds of roads have been illegally created by smugglers across our public lands. This proliferation of trails and roads damages and destroys vegetation, wildlife, and causes soil compaction and erosion. Tons of trash and high concentrations of human waste are left behind impacting wildlife, vegetation and water quality.”³²

A former border patrol agent recently testified that,

“When a Wilderness or Refuge area is established near the border, the criminal element moves in and trashes it because the restrictive Wilderness or Refuge status accorded to these lands effectively prevents all law enforcement from effectively working the area. In other words, the Refuge or Wilderness designation actually serves to put the environment at greater risk of being seriously damaged and defaced.”³³

The *Tucson Weekly* detailed in an article how literally tons of trash have been left on these “pristine” lands by illegal immigrants and drug smugglers:

³² Wirth, Daniel, “Public Lands Threat Assessment for FY 2002,” Department of the Interior, 2003

³³ Taylor, George Zachary, “Testimony at the Committee on Natural Resources Field Public Hearing Brownsville, Texas,” April 28, 2008, National Association of Former Border Patrol Officers, http://resourcescommittee.house.gov/images/Documents/20080428/testimony_taylor.pdf

“How much trash has been dropped since this invasion began? Try 24 million pounds, from the Colorado River to the New Mexico line. The federal Bureau of Land Management made that estimate in 2007 and called it conservative...

“At the peak of traffic in 2004 and 2005, the Buenos Aires National Wildlife Refuge³⁴ near Sasabe, southwest of Tucson, was getting 2,000 crossings a day, and that translates to 16,000 pounds of trash a day...

“The agency doles out taxpayer cash—more than \$5 million since 2003—to private and government groups to do this work, and trash collection is part of it. BLM spurs the pickup of about 230,000 pounds a year.”³⁵

This trash can end up the stomach of animals in the area, including livestock, and end up causing great pain, if not death, to these animals. Trash can also increase the number of disease carrying insects.

According to a 2003 study by the Organ Pipe Cactus National Monument, on average a visitor hiking five kilometers in the park would see four vehicle tracks, two bike tracks, seven trash dumps, nine water bottles, two rest sites for illegal immigrants, and four instances of major damage to the ecosystem.³⁶

While it is bad enough that these lands are filled with trash, this unwelcome traffic has numerous other costs:

- Contamination of pristine areas with bio-hazardous waste;³⁷
- Contamination of pristine areas with communicable diseases (such as cholera);³⁸

³⁴ <http://www.fws.gov/southwest/refuges/arizona/buenosaires/PDFs/safetyprecautionsflyer2006.pdf>

³⁵ <http://www.tucsonweekly.com/gyrobase/trashing-arizona/Content?oid=1168857&mode=print>

³⁶ “Border-Related Impacts to Sonoran Desert Wilderness in SW Arizona,” Organ Pipe Cactus National Monument, 2003

³⁷ Wirth, Daniel, “Public Lands Threat Assesment for FY 2002,” Department of the Interior, 2003

- Contamination of pristine areas with nonnative plant species;³⁹
- Contamination of water supplies for animals and local ranchers with human fecal matter;⁴⁰
- Increased wildfires that can destroy local habitat (in 2002, undocumented Mexican nationals were suspected of causing eight major wildfires of more than 100 acres each and destroying 68,413 acres of public lands);⁴¹
- Vandalism of historic structures, including using wood from the historic Blankenship Ranch in the Organ Pipe National Monument as firewood;⁴²
- Destruction of wildlife or poaching, including endangered species.⁴³

Recent testimony at a Congressional field hearing detailed how an increase of wildfires was primarily the result of two things: Illegal aliens that cross into the United States illegally and start fires through carelessness and illegal aliens engaged in other criminal enterprises that start wildfires to create a diversion so they can smuggle things into or out of the United States. In fact, because firefighters have encountered gun fire on several occasions, they now have to have “a mandatory armed escort before going out on a wildfire along the Mexican border...”⁴⁴

One egregious example of pollution on these wilderness units is the dumping of bio waste resulting from the production of methamphetamine into abandoned mine shafts. In many cases, this pollution is never found and may result in serious ground water contamination that has disastrous effects on the local ecosystem.⁴⁵

³⁸ <http://www.tucsonweekly.com/gyrobase/trashing-arizona/Content?oid=1168857&mode=print>

³⁹ <http://www.tucsonweekly.com/gyrobase/trashing-arizona/Content?oid=1168857&mode=print>

⁴⁰ <http://www.fws.gov/southwest/refuges/arizona/buenosaires/PDFs/safetyprecautionsflyer2006.pdf>

⁴¹ Wirth, Daniel, “Public Lands Threat Assesment for FY 2002,” Department of the Interior, 2003

⁴² “Border-Related Impacts to Sonoran Desert Wilderness in SW Arizona,” Organ Pipe Cactus National Monument, 2003

⁴³ Wirth, Daniel, “Public Lands Threat Assesment for FY 2002,” Department of the Interior, 2003

⁴⁴ Taylor, George Zachary, “Testimony at the Committee on Natural Resources Field Public Hearing Brownsville, Texas,” April 28, 2008, National Association of Former Border Patrol Officers, http://resourcescommittee.house.gov/images/Documents/20080428/testimony_taylor.pdf

⁴⁵ Wirth, Daniel, “Public Lands Threat Assesment for FY 2002,” Department of the Interior, 2003

Suspected Mexican nationals have also cut down cacti, including some that are hundreds of years old, and used the cut-down cacti as a roadblock to either prevent law enforcement from following them or to rob visitors driving on the barricaded road.⁴⁶

While the Arizona Game and Fish Department has wanted to definitively measure the impact of trash in these wilderness areas, they stated recently that, “[They hadn’t] looked at these questions directly, mostly because [they were] afraid to put [their] biologists into these areas, [because there] are too many border bandits.”⁴⁷

Amazingly enough, as a result of detailed survey of the Organ Pipe Cactus National Monument, the local staff concluded that, accounting for fire scars, horse tracks, bike tracks, rest sites, vehicle tracks, trash, water bottles, and foot trails, the national park no longer would be considered 95 percent wilderness. Instead, the reverse ratio – 95 percent non-wilderness – was much more accurate.⁴⁸

What is the point in prohibiting our law enforcement officers from doing their jobs to preserve our wilderness areas, if the result is that these pristine areas are being devastated instead by criminals and illegal immigrants who have no regard for their surroundings?

Federal Agencies and Congress Have Failed to Act

For unknown reasons, the fact that our border patrol agents are severely limited in carrying out their responsibilities on our federal lands – especially our federal lands on the national border – has not been widely publicized within the media or in Congress.

⁴⁶ Wirth, Daniel, “Public Lands Threat Assessment for FY 2002,” Department of the Interior, 2003

⁴⁷ <http://www.tucsonweekly.com/gyrobase/trashing-arizona/Content?oid=1168857&mode=print>

⁴⁸ “Border-Related Impacts to Sonoran Desert Wilderness in SW Arizona,” Organ Pipe Cactus National Monument, 2003

Attempts by certain Members of Congress to shine more light on this issue have been opposed and recent efforts to procure documents from the Department of the Interior on the safety conditions of our public lands on the border were stonewalled for months.

In fact, the Department of the Interior has either failed to conduct a public lands threat assessment since assessing crime on public lands in 2002 despite the fact that the 2002 studies both found huge issues with law enforcement and environmental deficiencies, or has refused to turn over these important documents to Congress.

It is necessary for Congress to have this important information if it wants to fulfill its constitutional duty of overseeing the expenditure and management of taxpayer funds. It is even more outrageous that the Department of Interior is not operating in a transparent and open manner in this instance, where our national security is at stake.

Congress Must Enable National Security Needs to be Met

While certain Members of Congress and administration officials were quick to blame an increase in border violence on law-abiding gun owners and rifles that look like military weapons, no one in Congress acknowledged that our border areas have become prolific gateways for drug and human smugglers.

The 2003 Threat Assessment report concludes that the border security threat “consists of possible terrorist transshipment points, the drug movement threat and the movement of large numbers of undocumented Mexican nationals across Department of the Interior Land that orders Mexico.”⁴⁹

Congress has over the last four years funded the Customs and Border Patrol to hire over 14,000 new personnel, a 33 percent increase since fiscal

⁴⁹ Wirth, Daniel, “Public Lands Threat Assessment for FY 2002,” Department of the Interior, 2003

year 2006. It has increased appropriations by millions of dollars. In this year's Senate appropriations bills the following increases are included:

- An increase of \$8,127,000 and 75 positions to strengthen prosecutions of criminal enterprises, including human, drug, and weapon smuggling, along the Southwest border;
- An increase of \$24,075,000 in support of the Drug Enforcement Agency's (DEA) enforcement efforts along the Southwest border;
- An increase of \$17,989,000 for ATF's Project Gunrunner to crack down on gun smuggling across the Southern border;
- An initiative to provide \$25,000,000 to assist State and local law enforcement, including prosecutors, probation officers, courts and detention facilities along both the Southern and Northern borders related to the investigation and prosecution of drug and immigration cases referred from Federal arrests;
- An increase of \$40,000,000 to expand CBP southbound border enforcement efforts to combat the smuggling of firearms and currency to Mexico, which in turn fuels the drug cartel violence and the pressure to increase smuggling of illegal drugs and aliens into this country. The increase above the request will provide CBP with an additional 114 CBP positions.
- An increase of \$98,553,000 for non-intrusive inspection equipment for use by the Border Patrol in doing southbound enforcement and for 20,063 Border Patrol agents and the attendant support positions, as compared with 12,349 agents on board at the beginning of fiscal year 2007.

Despite all of this funding, Congress has failed to address the important issue of securing 39 percent of our border with Mexico.

This amendment would enable the men and women of our border patrol agency to fight the criminal element on more equal footing. By voting for this amendment Congress will not only be helping to eliminate the illegal drug and human trade, but also help to restore these wilderness areas.

Claim: If this amendment is passed, it will devastate the environment and give DHS the mandate to show no regard for the environment.

Fact: The current interpretation of Congressional intent has tragically led to the destruction of many of our wilderness areas because human and drug smugglers have been able to use these lands as major thoroughfares.

Additionally, DHS will still be obligated to conduct its law enforcement activities in a manner that seeks to mitigate or minimize any negative environmental impact.

In the past, when the Secretary of the DHS waived over 30 environmental and other laws and regulations associated with construction of tactical infrastructure along the Southwest Border in compliance with federal law, he still required the Department to practice responsible stewardship of natural and cultural resources. The U.S. Customs and Border Patrol (CPB) also is committed to being a good steward of the environment.⁵⁰

CBP will continue to work in a collaborative manner with local government, State and Federal land managers, and the interested public to identify environmentally sensitive resources and develop appropriate best management practices (BMPs) to avoid or minimize adverse impacts resulting from the fencing projects. For the border fence, CBP is continuing with an environmental review and is publishing the results in Environmental Stewardship Plans (ESPs), including mitigation and BMPs developed to avoid and minimize adverse effects to the environment. These ESPs will be developed for each U.S. Border Patrol Sector scheduled for tactical infrastructure improvements and will address each segment of primary pedestrian and vehicle fencing.⁵¹

It is clear that this standard will also apply should Congress approve this amendment.

⁵⁰ http://www.cbp.gov/xp/cgov/border_security/ti/ti_docs/esp_information.xml

⁵¹ http://www.cbp.gov/xp/cgov/border_security/ti/ti_docs/esp_information.xml

Floor Charts

Charts #1 and #2 are from a survey conducted by the Organ Pipe Cactus National Monument. Chart #1 shows the amount of wilderness that this park is supposed to consist of (95 percent) and chart #2 shows the area that actually meets the definition of wilderness as a result of:

- Fire Scars;
- Horse Tracks;
- Bike Tracks;
- Rest Sites;
- Vehicle Tracks;
- Trash;
- Water Bottles; and
- Foot trails.

Almost all of this damage is the result of illegal smuggling operations with trash and foot trails having the most significant negative impact on wilderness areas along the border. The total percentage of wilderness is much closer to 5 percent instead of 95 percent.

Chart #3 shows a “protected” cut down cacti. Suspected Mexican Nationals have been known to cut down cacti, including some that are hundreds of years old, to create a roadblock to either prevent law enforcement from following them or to rob visitors driving on the barricaded road. This cactus was in Organ Pipe.⁵²

Chart #4 shows an innovative way Mexican smugglers have crossed the border on public lands. This picture came from an Organ Pipe report.

Chart #5 is a picture of mobile unit with telescopic tower: it is operated by a single man and gives Border Patrol great flexibility and is one of the best tools to secure the border. Leaves no footprint on the environment, allows Border Patrol to be tactically flexible. This one is located on the Coronado National Forests and is part of SBI net. These towers are not allowed in

⁵² Wirth, Daniel, “Public Lands Threat Assessment for FY 2002,” Department of the Interior, 2003

wilderness areas. Also, Department of the Interior requires that Border Patrol obtain a “special use permit” that Interior issues that requires extensive environmental analysis before being issued (can take several months and there is no requirement that Interior has to issue them at all).

Chart #6 is a picture of a Forward Operating Base: temporary encampments for 6-man Border Patrol teams that allow them to operate in remote terrain for extended periods of time. Border Patrol has requested that they be able to place several of these on Forest Service and Department of the Interior lands and they have either been denied or delayed by lengthy red tape. These leave no permanent foot print, yet are not allowed in wilderness areas.

Chart #7 is a picture of illegal “lay up” site on Interior lands. These are spots where human smuggling teams or drug runners arrive at predetermined spots either to rest, dump off supplies they no longer need, transfer the drugs to others on the U.S. side or rob those whom they are smuggling. The plastic bags are what was used to carry the drugs into the U.S. The amount of trash dumped on our federal lands along the border is tens of millions, if not hundreds of millions, of tons a year. Several hundred vehicles used by drug runners are left on our federal lands each year, many times burned to leave no evidence. Airplanes have also been abandoned.

<http://www.washingtontimes.com/news/2009/feb/17/conservation-zones-a-hotbed-for-outlaws-along-us-m/>

February 17, 2009

Wildlife areas on border let in outlaws

Sara A. Carter

Washington Times

Heavily armed outlaws are threatening national parks and other public lands along the Mexican border, where terrain and environmental concerns limit the range of U.S. Border Patrol agents and are complicating efforts to build a barrier ordered by Congress.

The Department of Homeland Security has allocated about \$50 million to counter the ecological impact on land managed by the Interior Department and other government agencies.

But environmentalists, energized by the Democratic leadership of Congress and the White House, are pushing for additional conservation measures that Border Patrol agents fear will make it easier for Mexican gangs to operate.

Numerous Border Patrol agents interviewed by The Washington Times said drug smugglers and human traffickers are using ecologically diverse sanctuaries to evade law enforcement officials, whose access is limited in some areas to foot patrols and horseback.

Zack Taylor, a retired agent and supervisor who spent 26 years patrolling the Texas and Arizona border, said the creation of federally protected wilderness areas threatens to keep "the agency in a reactionary mode rather than proactively tackling the increasing dangers on the border."

"The cartels want to keep their access to the north and welcome the creation of new wilderness areas that are easier to traverse for them than the ones they are already using," Mr. Taylor said.

Rep. Ciro D. Rodriguez, a Texas Democrat whose district includes Big Bend National Park among other state and federal land, said he is seeking balance between protecting the environment and securing the border.

"Number one: We need better coordination and additional park police, as well as other Border Patrol people," Mr. Rodriguez said.

However, he said he doubts that parks have become major transit areas for contraband goods or illegal immigrants.

"Most of the contraband items do not come through our national parks, though. The smugglers make their way to the U.S. mainly through the port of entries," Mr. Rodriguez said.

A dozen Republican congressmen who disagree have asked the Government Accountability Office (GAO) to investigate the roles and conditions of U.S. officers on public lands managed by the Interior Department and the Forest Service, which is part of the Agriculture Department.

One of the lawmakers, Rep. Rob Bishop, Utah Republican, said the group was responding to complaints from border agents and other federal law enforcement officers.

"We seem to have seceded certain parts of the United States to drug runners, smugglers and some of the most vicious cartels operating along the border," said Mr. Bishop, ranking Republican on the House Natural Resources subcommittee on national parks, forests and public lands.

As reports of violence along the border increase, the GAO study will present a comprehensive look at security in "vast wilderness regions," Mr. Bishop said. "We want to know: Is there some way to quantify the problem so it's not just anecdotal."

Environmentalists are eager to save endangered plants and animals.

Earlier this year at Laguna Atascosa National Wildlife Refuge in Cameron County, Texas, a visitor took a photograph of a medium-size cat that had not been seen in the region for 10 years.

Oliver Bernstein, spokesman for the Sierra Club in Austin, Texas, said the group is "asking for a freeze on border wall construction and a comprehensive review of border wall construction." He said the club is hopeful that the Obama administration and Homeland Security Secretary Janet Napolitano "will be more understanding of the complexities on the border" than the George W. Bush administration.

The Secure Fence Act of 2006 authorized the Homeland Security Department to construct 670 miles of fences and access roads.

As homeland security secretary in the Bush administration, Michael Chertoff issued two waivers easing environmental regulations so that construction of 300 miles of vehicle fences and 370 miles of pedestrian barriers could proceed.

Conservationists argue that the construction of fences, roads and extensive lights would lead to the demise of ecologically diverse areas, and business leaders fear that an effective barrier would destroy the economies of border cities by preventing Mexicans from crossing into the U.S. to shop.

About 1.1 million acres of federal wildlife refuge, two national forests, five American Indian reservations and eight national parks account for more than 40 percent of the border region.

Mexican drug cartels are adept at exploiting gaps in the border.

Drug runners have spotters on the mountainsides watching federal law enforcement officers on the roads below. Along the San Diego border, drug spotters sit on the hillsides with binoculars and guns taunting agents. Mexican drug runners account for more than 90 percent of cocaine and more than half of the heroin entering the U.S.

Inside Arizona's Tohono O'odham Nation, spotters sit high in the canyon crevasses inside the U.S. to guide contraband and smugglers through the American Indian reservation, which is the size of Connecticut.

Agents on the front line say they can't do their jobs if they are impeded by laws that keep them from areas used to move illegal goods and people into the U.S.

"It's theater," said a Border Patrol agent in Texas, who asked for anonymity because of fear of reprisal. "We face obstacles on every corner. ... In fact, we're sitting ducks out here and thousands of people cross the U.S. border daily."

The number of recorded assaults on Border Patrol agents was 1,097 last year and has been "climbing steadily for the past five years," said T.J. Bonner, president of the National Border Patrol Council, which represents about 15,000 of the 18,000 agents in the force.

"We're becoming much more acutely aware of how vulnerable we are," a senior Border Patrol official said on the condition of anonymity out of fear of reprisal. "Yet nothing has changed."

<http://www.hcn.org/issues/277/14827>

Border Patrol wants motorized access to wilderness

June 21, 2004

High Country News

Alex C. Pasquariello

ARIZONA

As part of a sweeping new initiative to fight illegal immigration and drug smuggling, the U.S. Department of Homeland Security is pushing to give the U.S. Border Patrol regular motorized access to more than 330,000 acres of wilderness along the Mexican border.

The Border Patrol wants unlimited cross-country access by motorcycle, the ability to build four roads, and permission to use off-road vehicles on trails illegally created by smugglers in Organ Pipe Cactus National Monument, 95 percent of which is officially designated wilderness. The initiative also affects Cabeza Prieta National Wildlife Refuge and the San Pedro Riparian National Conservation Area.

Kevin Fitzgerald, the chief ranger for the National Park Service's Intermountain Region, agrees that the hundreds of miles of illegal trails accessed by armed smugglers create significant environmental and safety issues. In August 2002, a park ranger was shot and killed in Organ Pipe as he pursued a Mexican national who had driven through a border fence (HCN, 4/1/02: Wheels still open after desert lockdown).

Still, Fitzgerald says, "The amount of access the Border Patrol is asking for is unprecedented," and so he has sent Park Service employees scrambling to address a smorgasbord of requests. The required environmental assessment for the initiative could be completed by the end of August, he says, but the Border Patrol wants to move on the plan immediately.

Tim Mahoney, a legal consultant for the Campaign for America's Wilderness, says the Wilderness Act allows motorized access for addressing emergency land-management issues, but permanent roads or structures in wilderness would be illegal. He says that even when it comes to matters of national security, the law gives the environment due process.

"All agencies involved are legally required to work together to find the 'minimum tool' available for solving this problem," says Mahoney.

<http://www.cnn.com/2009/CRIME/05/18/mexico.us.cartels/index.html>

Stakes rise as drug war threatens to cross border

By Ann O'Neill

CNN

May 18, 2009

(CNN) -- Joaquin "El Chapo" Guzman Loera, a 54-year-old drug cartel leader whose nickname means "Shorty," is the most wanted man in Mexico. He's also one of the most wanted men in the United States.

For five years, the State Department has kept a \$5 million bounty on his head, calling Guzman a threat to U.S. security.

Guzman, who leads the Sinaloa cartel, is a key player in the bloody turf battles being fought along the border.

He recently upped the stakes, ordering his associates to use lethal force to protect their loads in contested drug trafficking corridors, according to the Los Angeles Times.

The cartel's tentacles and those of its chief rival, the Gulf cartel, already reach across the border and into metropolitan areas such as Atlanta, Georgia; Chicago, Illinois; Seattle, Washington; St. Louis, Missouri; and Charlotte, North Carolina, Drug Enforcement Administration Agent Joseph Arabit told a subcommittee of the House Appropriations Committee in March.

"No other country in the world has a greater impact on the drug situation in the United States than Mexico does," said Arabit, who heads the DEA's office in this year's border hot spot, El Paso, Texas. See where Mexican cartels are in the U.S.

A December 2008 report by the Justice Department's National Drug Intelligence Center revealed that Mexican drug traffickers can be found in more than 230 U.S. cities.

So far, the U.S. has largely been spared the violence seen in Mexico, where the cartels' running gunbattles with police, the military and each other claimed about 6,500 lives last year. It was a sharp spike from the 2,600 deaths attributed to cartel violence in 2007.

Once again, drug war casualties are mounting on the Mexican side at a record pace in 2009 -- more than 1,000 during the first three months of the year, Arabit said. See who the key players are »

The violence that has spilled over into the U.S. has been restricted to the players in the drug trade -- trafficker-on-trafficker, DEA agents say. But law enforcement officials and analysts who spoke with CNN agree that it is only a matter of time before innocent people on the U.S. side get caught in the cartel crossfire.

"It's coming. I guarantee, it's coming," said Michael Sanders, a DEA spokesman in Washington.

Sinaloa cartel leader Guzman's shoot-to-kill instructions aren't limited to Mexican authorities and cartel rivals; they also include U.S. law enforcement officials, the Los Angeles Times reported, citing sources and intelligence memos. The move is seen as dangerously brazen, the newspaper reported. In the past, the cartels have tried to avoid direct confrontation with U.S. law enforcement.

U.S. officials are trying to stop the violence from crossing the border. The Obama administration committed to spending an additional \$700 million to help Mexico fight the cartels and agreed to double the number of U.S. agents working the border.

But \$700 million pales in comparison with the wealth amassed by just one target. Guzman, who started in collections and rose to lead his own cartel, is said to be worth \$1 billion after more than two decades in the drug trade.

He made this year's Forbes list of the richest of the rich, landing between a Swiss tycoon and an heir to the Campbell's Soup fortune. Popular Mexican songs, called narcocorridos, embellish the myth of the poorly educated but charismatic cartel leader.

"Shorty is the Pablo Escobar of Mexico," said security consultant Scott Stewart, invoking the memory of the colorful Medellin cartel leader who also landed on the Forbes list and thumbed his nose at Colombian authorities until he died in a shower of police bullets in December 1993.

Stewart, a former agent for the Bureau of Diplomatic Security, gathers intelligence on the cartels for Stratfor, a Texas-based security consulting firm that helped document Guzman's worth.

Just a decade ago, Mexican smugglers worked as mules for Colombians, moving their cocaine by land across the U.S. border when the heat was on in the Caribbean. But Colombian President Alvaro Uribe's campaign of arrests and extraditions made ghosts of the Medellin and Cali cartels.

The mules stepped into the power vacuum and never looked back. Now they buy cocaine from the Colombians and take their own profits.

Mexican cartels now bring in about 90 percent of the cocaine consumed in the United States, according to the DEA. Mexico also is the top foreign supplier of marijuana and methamphetamine.

Marijuana became the cartels' biggest revenue source for the first time in 2007, bringing in \$8.5 billion. Cocaine came in second, at \$3.9 billion, and methamphetamine earned \$1 billion, a top U.S. drug policymaker told a group of U.S. and Mexican law enforcement officials last year. [Video](#) Watch how marijuana became the cartels' top cash crop »

The Mexican government recognizes seven cartels, but the Sinaloa and Gulf cartels are the major players along the U.S. border, according to the DEA agents, local police officials and security analysts who spoke with CNN. The cartels' enforcers -- Los Negros for Sinaloa, Los Zetas for Gulf -- are believed to be responsible for most of the violence.

The status and alliances of the players continue to shift. Although the DEA and some analysts disagree, others say the Zetas, a paramilitary group of turncoat soldiers and anti-narcotics police, are now running the Gulf cartel.

"From what we've seen, the Zetas have taken over the Gulf cartel," analyst Stewart said. "In violent times, soldiers tend to rise to the top."

These soldiers are incredibly well-armed, police learned after a November raid that resulted in the arrest of top Zeta lieutenant Jaime "Hummer" Gonzalez Duran. It was the largest weapons seizure in Mexican history -- 540 rifles, including AK-47s; 287 grenades; two rocket launchers; and 500,000 rounds of ammunition.

At the very least, the Zeta enforcers now have a seat at the table. The DEA's Arabit testified that the Gulf cartel is now run by a triumvirate. Included is Los Zetas leader Heriberto Lazcano Lazcano, a former military man who is also known as "El Lazco," or "The Executioner."

The past year witnessed unprecedented bloodshed as the two cartels battled for control of the border's lucrative drug-trafficking corridors. The cartels are fighting over control of Ciudad Juarez, across the border from El Paso, Texas; Sonora Nogales, across from Nogales, Arizona; and Tijuana, across the border from San Diego, California.

Two years ago, the turf battle was over Nuevo Laredo, across the border from Laredo, Texas.

It's all about the highways that help move the drugs. Nuevo Laredo is close to the Interstate 35 corridor, and Juarez has easy access to I-10, a major east-west interstate, and I-25, which runs north to Denver, Colorado. Tijuana is also conveniently near I-10 and I-5, which heads north all the way to the Canadian border.

Some of the battles are internal, Arabit said. Some are with other cartels. And some, he said, can be attributed to the cartels' "desperate" attempt to resist Mexican President Felipe Calderon's unprecedented attack on drug traffickers.

As soon as he took office in January 2007, Calderon called out the cartels. He has deployed about 30,000 troops to back up and, in some cases, do the job of local police. Mexico also has extradited about 190 cartel suspects to the United States since Calderon took office.

The violence involves beheadings, running gunbattles and discoveries of mass graves and huge arms caches. Police and public officials have been gunned down in broad daylight. The cartels' enforcers boldly display recruitment banners in the streets.

"The beheadings started at the same time the beheading videos started coming out of Iraq," analyst Stewart said. "It was simple machismo. The Sinaloa guys started putting up videos on YouTube of them torturing Zetas."

When Mexicans first stepped into the role of Colombians in the mid-1990s, the Juarez and Tijuana cartels were dominant, beneficiaries of their location. Today, they are shadows of their former selves, weakened by the deaths and arrests of their leaders.

Juarez cartel leader Amado Carrillo Fuentes died of complications from plastic surgery in 1997. Known as "The King of the Skies" for his fleet of cocaine-carrying planes, he was said to be undergoing liposuction and other appearance-altering procedures to avoid arrest.

Three of his doctors were charged with killing the cartel leader with an overdose of anesthetic during his surgery. Two of them later were killed.

His death, along with the 2003 arrest of Gulf cartel founder Osiel Cardenas Guillen, set the stage for the ongoing turf battle. When Cardenas was extradited in 2007, Guzman set his sights on controlling Juarez as well as Nogales.

Cardenas is awaiting trial in October in federal court in Houston, Texas, where he is accused of drug trafficking and attempting to kill two federal agents and an informant on the streets of Matamoros, Mexico.

Arrests and extraditions crippled the Arellano-Felix Organization in Tijuana, and last year, Guzman made a move on that plaza as well.

"Right now, they are fighting to survive much like Pablo Escobar," said the DEA's Elizabeth Kempshall, who heads the agency's office in Phoenix, Arizona. Phoenix has become the nation's kidnapping capital, largely because of the cartels' increasing presence.

Kempshall said that cartel leaders fear nothing more than extradition: "That is the worst thing for any cartel leader, to face justice in the United States.

<http://www.tucsonweekly.com/gyrobase/trashing-arizona/Content?oid=1168857&mode=print>

Trashing Arizona: Illegal immigrants dump tons of waste in the wilderness every day—and it's devastating the environment

By Leo W. Banks

April 2, 2009

Tucson Weekly (AZ)

Those willing to volunteer to help pick up trash should call the BLM's Tucson field office at 258-7200. Those interested in helping ADEQ can call Frank Zadroga, ADEQ's waste program manager in Tucson, at 628-6951. ADEQ will be conducting cleanups in the Douglas areas throughout 2009. Reach the Tucson headquarters of the Coronado National Forest at 388-8300.

Remember Robert Fulghum? He became famous in 1988 with a book called All I Really Need to Know I Learned in Kindergarten. It was a pop-culture hit, a little wise, a little goofy, one of those books that finds its moment, and bam! The whole country knows about it.

I've been thinking about Kindergarten lately, and the trash dumped on our borderlands by illegal aliens. The connection isn't as tenuous as it might seem, and I'll get to it in a moment, along with a modest proposal to deal with this huge problem.

First, a question: Have you had your holy-smokes moment yet regarding our illegal-immigration crisis? If not, travel to Arizona's border region, and go off-road to the game trails, mountain passes and grassland flats that make this area so magical.

In many places, the magic is gone, lost beneath piles of garbage.

If such a trip is impossible, look at the pictures accompanying this article. They should provide a jolt, a visual boot to the backside, after which you'll proclaim, "Holy smokes! I had no idea!"

Most people have no idea. These images should be beamed around the country so everyone can understand Arizona's crucible.

How much trash has been dropped since this invasion began? Try 24 million pounds, from the Colorado River to the New Mexico line. The federal Bureau of Land Management made that estimate in 2007 and called it conservative. The agency uses a formula of eight pounds of trash dropped per day, per person.

Based on this, we can look at certain federal lands and understand the extent of the pileup. For example, at the peak of traffic in 2004 and 2005, the Buenos Aires National Wildlife Refuge near Sasabe, southwest of Tucson, was getting 2,000 crossings a day, and that translates to 16,000 pounds of trash a day.

In the early 2000s, the Tohono O'odham Reservation was getting 1,500 crossers daily and 12,000 pounds of trash. The tribe now has workers who march out several times a week to do cleanups, says Gary Olson, administrator of the tribe's solid-waste program. Between September 2004 and December 2008, his workers removed 106 tons.

But aren't arrest numbers down? Fewer crossers mean less garbage, right?

Yes, although nobody should be jumping for joy. In the 262-mile-wide Tucson sector, the number of crossings has gone from ridiculous to merely intolerable.

In 2005, sector agents made an average of 1,205 arrests a day. Last year, the number was down to 870 daily—which translates to 7,000 pounds of trash.

But remember: Those who get through outnumber arrests by at least 3-to-1. So the real figure is probably closer to 21,000 pounds dropped ... every 24 hours.

In the sheer numbers of people, this is a historic migration, far bigger than the 1848 California gold rush—and those grubby, gallant, greedy gold rushers also gave this land a good thrashing.

As the conservation scientist Gary Nabhan tells me, the garbage being left behind today will scar our state's landscape into the 22nd century.

But there is good news, too. Serious cleanup efforts are underway. In January 2007, the Arizona Department of Environmental Quality launched a cleanup campaign targeted at nonfederal lands within 100 kilometers of the border. Since then, working mainly with volunteers, the state's Undocumented Migrant Waste Program has collected 56 tons of trash, in areas such as those along the Santa Cruz River near Tubac and Tumacacori, on ranches around Arivaca, and on private land near Douglas.

In December, ADEQ joined the Borderlands Management Task Force—a consortium that includes federal land managers, tribes and state agencies—to coordinate a border-wide Arizona cleanup.

Its goals, according to Frank Zadroga, manager of Environmental Quality's UDM waste program, include launching a Web site, probably by fall, which will serve as a one-stop data hub. It will also collect citizen tips about the location of dumps, which are being found in ever-more remote and sensitive areas.

The Bureau of Land Management has been the major player in picking up garbage on the border since 2003. That year, the agency began its Southern Arizona Project, designed to fix the widespread environmental damage done by illegal aliens and drug smugglers.

The agency doles out taxpayer cash—more than \$5 million since 2003—to private and government groups to do this work, and trash collection is part of it. BLM spurs the pickup of about 230,000 pounds a year.

All of this signals hope. Pride of place and home is important, and the emphasis on volunteers brings together people who, even if they agree on nothing else, can agree that our borderlands should be restored to their pre-invasion beauty.

Understand the difficulty of the task. The amount of trash still littering Arizona's landscape tops by several times the amount that has been picked up, says Kathy Pedrick, who administers BLM's project.

In addition to being in remote areas, these dumpsites are also high-crime zones. After all, drug smugglers often use the same trails as people smugglers. The best routes into our country are bought, and the cartels don't like anyone mucking around on land they've paid good money to control.

Another problem: ADEQ officials say the sites can be contaminated with bio-hazardous waste. What else might be in these dumps? Are communicable diseases present?

The accompanying photograph to the left shows a site below Diablito Mountain, 5 miles west of Interstate 19 and 21 miles north of Nogales. Illegals reach this wash after emerging from the Tumacacori Mountains, which are also trashed out. The litter at Diablito, on state land, was so solid that you could walk a half-mile without your feet touching the sand. In border-speak, the site is called a layup.

When illegals prepare to meet their pickup rides, they often drop everything to better squeeze into getaway vehicles. They switch from hiking clothes into street clothes, and off they go, to Los Angeles, Fargo, N.D., Lewiston, Maine, and everywhere in between. The majority of the trash is backpacks, clothing, food cans, toothpaste, toys, water bottles.

But the Diablito site, like dozens of others, includes piles of human feces, tampons, medicines, syringes and even used condoms.

"If a sick person discards a medicine bottle, anyone picking it up might be exposing himself," says veterinarian Gary Thrasher, who travels the borderlands daily in his work. "You see guys joking around, picking up clothes and hats from these dumps and wearing them. I don't know what they're thinking. People are coming across from down in southern Mexico, and there are lots of problems you can run into, including cholera."

The health risk makes land managers leery of using volunteer cleanup crews, says Keith Graves, former Coronado National Forest district ranger in Nogales, and now the border liaison between the forest and the Secure Border Initiative.

"It's hard to find volunteers we feel comfortable with," he says. "We have them sign agreements, and that basically makes them federal employees. So if they get injured, we pay for it. We can't control what they pick up."

Some blame the Border Patrol for pushing illegals, and therefore trash, farther out into previously undisturbed land. That has happened on national forest land and on Tohono O'odham land, where illegals, because of increased enforcement, spend more time and probably drop more trash.

"The more the cats will play, the more the mice have to hide," says Olson. "There are a lot more cats now."

Olson acknowledges the trade-off, but says he's grateful for Border Patrol help, which—coupled with a declining economy—has brought the number of crossings on the reservation down to an estimated 200 to 300 a day.

Even so, on the reservation and elsewhere, we're still talking about lots of people and vehicles. Smugglers load trucks with people or drugs and drive into the country, destroying vegetation and natural springs, and causing serious erosion. On some of our borderlands, enforcement has cut down these drive-throughs.

Officials in the Buenos Aires, for example, used to find 100 smuggler vehicles a year on its land. But manager Mike Hawkes says new fencing has cut that number dramatically. "Last year, we had one," he says. Those vehicles, when abandoned, become a form of litter.

But the problem hasn't been eliminated, and much damage has already been done—in the introduction of nonnative seeds, especially buffelgrass. (See "State of the Desert," March 5.) It is widespread in Sonora and enters our country on the wind, on water and on the clothing of the millions of illegals who've already passed through our deserts. It also enters on the tires of smuggler vehicles. The seeds drop in the desert, germinate and grow rapidly. Buffelgrass forces native plants to compete for moisture and space, and it has introduced fire as a major player in the Sonoran Desert.

In the past, fires rarely produced big blazes in the desert. But today, if illegals don't extinguish their cook fire, or they set a fire to distract law enforcement and then abandon it—two common events—the result can be a runaway fire fueled by buffelgrass. These fires kill plants and trees that set up the desert's entire regeneration process, and the potential impact is huge.

"We have preliminary evidence that fire changes the whole structure of desert habitats," says Nabhan, now with UA's Southwest Center. "Once a fire moves through, it knocks back the nurse trees and permanently alters the desert's capacity to heal itself.

"This isn't hypothetical. We're seeing it from Hermosillo, Mexico, north in a million places."

Prowling these border dumps provides the equivalent of a graduate-level seminar on what illegal immigration really is, and as importantly, what it's not. No critical national issue attracts more lame thinking, a good example being the woman who told the Douglas Dispatch in January that border trash tells stories of "hardship and hope." A visitor from Iowa, she ventured out with a church group to help ADEQ in a cleanup.

I admire her civic spirit. But she's delusional. The hardship is mostly self-imposed, and there is no hope in garbage.

We know the crossers are a religious bunch, because of the Catholic medallions, statues and Bibles they drop, and we know they're superstitious. The litter almost always includes garlic cloves: Illegals hang them from backpacks in the false belief that the scent will keep rattlesnakes away from their campsites.

Some call illegal aliens "undocumented," but the truth is they have documents falling out of their pockets, literally. Examine the ground, and you'll find driver's licenses, birth certificates and passports, most of them forged.

From the Pokémon backpacks, diapers and infant formula, we know the crossers include children. But their debris is often mixed with tequila bottles and pornography. Another item sure to boil the blood: Spanish-language books advising illegals on their rights in the United States.

Less common—but surprisingly present—is evidence that our border has become an international crossing.

As I've reported previously in these pages, we know Arabs are coming, from the discovery of three prayer rugs near Douglas and an Arabic diary inside a backpack in Hereford. In 2004, a rancher west of Fort Huachuca answered his door to greet a female illegal wanting to use the phone. The call was to Libya.

A while back, I got an e-mail about a pair of Russian night-vision goggles found near Sonoita. Best guess? They were probably left by drug smugglers. Anna Magoffin and her husband, Matt, who live east of Douglas, found a scarf marked with the word Kaibil—the name of Guatemala's special forces. The Border Patrol has found machetes

and brass knuckles at border dumps, as well as a bulletproof vest more sophisticated than what our troops in Iraq use. The vest, pictured here, is strong enough to repel multiple rifle shots.

Agents also collect statues and necklaces honoring Mexico's legendary narco saint, Jesus Malverde. Drug dealers pray to him before bringing their poison into our country. They're helped by scouts hiding out on mountain tops. At one such lookout, agents found a two-way radio powered by a motorcycle battery, and this, in turn, was rigged to a solar panel the size of a computer screen.

Consider, too, the ugly reality of the rape tree, often found at dump sites. The coyotes who lead groups into the country will sometimes peel a woman out of the group, rape her and hang her panties from a tree as a kind of trophy. The rape tree pictured here was part of a massive dump in the heavily trafficked Altar Valley.

As the Border Patrol's Mike Scioli says, the underwear is a message to the next coyote coming along—who is, after all, a co-worker of the first one.

"It's like saying, 'Look what I did, guys. Now let's see what you can do,'" says Scioli.

But a site as big as the one pictured might contain anything. This one also had strips of burlap used to wrap marijuana bundles, black masks with holes for the eyes and mouth, and a day planner listing a series of phone numbers, including one for coyote Rosa Lima.

When I ask land managers and ecologists about the impact of this trash on wildlife, on water quality, on our deserts overall, the answers are hedging and elusive, with good reason: Little hard research has been done. "I know everybody is worried about it, but nobody has really studied it," says Thrasher.

It probably won't be studied in the near future, either. The reason, in part, says Nabhan, is our government's emphasis on security, which has made it difficult to actually get to the border. He used to walk from Organ Pipe Cactus National Monument, in Southwest Arizona, into Sonora to work.

"If you want to do that now, Homeland Security sends your passport back to Washington," Nabhan says. "Our ability to work on the border has really been knocked back. Even if you get a permit, it's dangerous to be out there."

The agency that would do such studies, the Arizona Game and Fish Department, has not done them because of the danger. "We haven't looked at these questions directly, mostly because we're afraid to put our biologists into these areas," says Gabriel Paz, a law enforcement program manager for Game and Fish. "There are too many border bandits."

But the silence of the big environmental groups plays a role, too. They should be hollering from tallest buildings about border trash, but they aren't. Making too much noise might turn off the open-borders liberals they rely on for donations. However, many individual environmentalists have done great work as volunteers, through hiking clubs, hunting clubs and other organizations, to clean up the messes.

So politics and the border war conspire to keep us in the dark on border trash.

But scientists know any omnivore that smells food will poke around in it, which explains why garbage has been found in the stomachs of bears and deer. "We know wildlife is chewing on this stuff, but we don't know the effects," says Darrell Tersey, natural resources specialist at Ironwood Forest National Monument, north and west of metro Tucson.

In one case, though, the effects are not in doubt: When a cow ingests a plastic bag, it can clog the stomach, and the animal usually dies in agony. These bags now blow across our borderlands like tumbleweeds.

Last fall, Wendy and Warner Glenn found a sick calf on their ranch near Douglas. It was standing with its forehead against a tree, grinding its teeth in terrible stomach pain. The vet, unsure what was wrong, primarily treated the animal for the pain, after which the Glens brought it home.

But when they went out to the corral the next morning, the calf was dead. Wendy and Warner butchered the animal to learn the cause and discovered a yellow plastic bag blocking portions of its stomach. "It could've been suffering for several days before we found it," says Wendy.

Cattle also eat clothes. "I've seen cattle eating clothing to get the salts, and gone back later and found the cow dead," says Keith Graves.

The desert tortoise is particularly susceptible to the ill effects of alien trash. These critters live in rocky wash banks heavy with vegetation and shade, the same areas where illegals lay up. And the tortoises are slow to reproduce, meaning any knock-back in its population will take a long time to replenish.

Officials at the Ironwood—where 3,000 pounds of trash a year are removed, some left by local citizens—suspected such a population decline and studied the question in 2002. Results were inconclusive. But the authors cited the observation of a longtime resident who has seen fewer tortoises since illegals began using the area in such big numbers.

This fellow also has encountered aliens carrying desert tortoises, and so have staffers at the Cabeza Prieta National Wildlife Refuge and Organ Pipe Cactus National Monument, both in Southwest Arizona. The reason? Probably to cook and eat.

Curt McCasland, manager at the Cabeza, says they've also found the shells of five tortoises among the litter at trash dumps. "We don't know if the trash killed the tortoises, or if the migrants consumed the tortoises," says McCasland. "We're not sure what's happening. We're too busy monitoring the impacts of illegal immigration on our wilderness areas and haven't had time or money to study tortoises."

As for the water supply, it would seem to be especially vulnerable, because these trash dumps are often found at water sources. Some ranchers have reported their wells are contaminated with fecal bacteria, likely the result of so many illegal aliens defecating near water sources. But this issue, too, needs more study.

On national forest land, says Graves, the contamination of wells is less of an issue than the fouling of drinking water for wildlife, such as at open stock tanks. "The contamination there is very high," he says. Open stock tanks are pits in the ground, usually associated with a stream system. Illegals and animals gather at the tanks and defecate, and when it rains, the waste gets into the tanks, creating sewage-like conditions in summertime.

"If you fill a water bottle at one of these tanks, it has more protein in it than a protein shake because of the animal and human fecal matter," says Graves.

There's one additional issue these dumpsites clarify: Illegal immigration into Arizona is just a vast border-area problem, correct?

Not even close. A lot of the trash pickup at the Ironwood takes place on trails threading around Silverbell Mine, 75 miles north of the line. BLM has cleaned alien layups in metro Phoenix and, incredibly, in the Agua Fria National Monument, 40 miles north of central Phoenix.

Illegal alien trash dumps can also be found within the Tucson city limits. Want to see one? Drive east from downtown on Interstate 10, exit at Wilmot Road, and turn left. Follow Wilmot for 1.4 miles; turn left onto the dirt path, park and follow the garbage.

Some of it, on the fringes, is urban trash left by nearby residents. But if you walk back toward the interstate, or west toward the Pima Air and Space Museum, the ground overflows with clothes, backpacks, water bottles and plastic trash bags, which illegals use as raincoats.

When groups hole up here waiting for their pickup rides, they're aided by locals who make money delivering food and drinks. The evidence is all over the ground, in discarded pizza boxes, Kentucky Fried Chicken tubs and soft-drink containers.

The area looks as if it has been carpet-bombed.

The challenge now is not just to maintain cleanup efforts, but to intensify them. It's necessary, because the illegals are still coming, and we can even expect the flow to pick up in the future, thanks to two decisions by Democratic leaders in Washington, D.C., regarding the E-Verify program. This Internet system, which checks information from a prospective worker against data from the Social Security Administration, is the fairest, most effective method employers have of ensuring that new hires are legally OK to work in the United States.

But President Obama, who supported E-Verify while campaigning, and the Democrats stripped E-Verify from the stimulus package, meaning companies getting stimulus money aren't required to use the system.

Funding for E-Verify runs out in September. Anyone want to guess whether the Democrats will reauthorize it? Don't bet on it.

The message this sends is obvious: If you're living here illegally now and need work, or are considering jumping the border tomorrow to find work, the gringos are again winking at their own laws. When the economy picks up, expect crossings to pick up, too, with all of the attendant troubles, including more trash.

But restoring our borderlands, our beloved home, is not impossible. It will take work and persistence, as well as an appreciation of one undeniable, timeless and ultimately redemptive premise: If you drop something, you should pick it up.

The Border Patrol has agents keep garbage bags in their vehicles, and after making arrests at a layup, they sometimes hand the bags to the illegals and tell them to get busy. It's a great idea. But the concept needs an

expansion, and that dovetails nicely with my proposal: Every day, near heavily crossed areas, the Border Patrol keeps buses ready to haul away the day's arrest harvest. The illegals are processed through law-enforcement computers and often pushed back into Mexico. Before doing that, shouldn't we put them to work? With the buses already there, it wouldn't require a huge effort to force them to clean up their own mess.

It's one of the bits of wisdom that made Fulghum's book a hit: All we need are trash bags, stick-spears and the proper amount of righteous indignation. It'll make kindergarten teachers everywhere smile.

Kyl says Border Patrol needs off-road access
Arizona Daily Star (Tucson)
August 15, 2003
Michael Marizco - 573-4213 or mmarizco@azstarnet.com

Arizona Sen. Jon Kyl wants to dump "unnecessary restrictions" that control the Border Patrol's off-road access to national parks land along the Arizona-Mexico border.

Kyl says eliminating access restrictions would let the Border Patrol do a better job protecting the border from drug smugglers and terrorists. Federal land managers say they already give the Border Patrol enough access to do its job and worry that unrestricted patrolling will damage fragile public lands.

"The Border Patrol is saying if it could get one thing that it didn't have right now, it is off-road access," Kyl said.

He says individual agents complained about the lack of access when he toured the border in March.

In a June letter to the Department of the Interior, the Republican senator asked that "unnecessary restrictions" be lifted and that the Border Patrol be allowed off-road access to Organ Pipe National Monument, Cabeza Prieta National Wildlife Refuge, Buenos Aires National Wildlife Refuge, Coronado National Forest and the Bureau of Land Management lands east of Douglas.

He suggested the Border Patrol be given off-road access for awhile and that the impact from that time could be measured against the damage smugglers' vehicles already leave behind to see which is worse.

"We know there is some damage occurring today. What you'll want to do is be able to evaluate, was it worth it? Did you prevent more damage than you caused by being able to go off-road?" Kyl said Thursday.

But the people who run those parks and national monuments say they already give agents enough access to do their jobs.

If agents were given unfettered access to the land, "we wouldn't be living up to our responsibility as land managers along the border," said Wayne Shifflett, manager of Buenos Aires National Wildlife Refuge. It is home to more than 400 species of birds, reptiles and mammals, including mule deer, white-tailed deer, pronghorn, javelina and mountain lions.

Congressman Ral Grijalva, a Democrat, called Kyl's proposal a "knee-jerk reaction." He said there has to be careful analysis before Border Patrol agents veer off roads and into the pristine wilderness in search of smugglers. "Absent that kind of real study to the consequences of unfettered access to sensitive lands, I think the senator's kind of jumping the gun."

Republican Congressman Jim Kolbe said any plan to allow the Border Patrol to travel off-road is going to need careful scrutiny by the parks.

"You do have to have some agreement with the Park Service. One of the things we're trying to avoid is further degradation of the land," he said.

Kyl said he got the idea after he toured the border with Department of Homeland Security Undersecretary Asa Hutchinson in March and noticed "administrative rules of the agencies prevented federal agents from undertaking desperately needed off-road patrols of vast expanse of land." Grijalva was on the same tour.

Kyl proposed that "Border Patrol agents who have had proper environmental sensitivity training" be allowed to drive their vehicles off-road, in his June 26 letter to Secretary of the Interior Gale Norton.

The Tucson Sector of the Border Patrol uses off-road vehicles like Hummers, SUVs and ATVs along with horses. At least one station uses dirt bikes, said agency spokesman Greg Maier.

The Border Patrol is allowed to use any public and government roads while on routine patrols.

If there were an emergency or if agents are in hot pursuit of a smuggler, agents could go off-road, but not for routine patrols, said Fred Patton, the chief ranger at Organ Pipe.

"We don't expect them to park at the pavement and run after someone who drives off-road," Patton said. The damage to the environment by off-roading is the same whether it's done by smugglers or federal agents and should not be allowed, he said.

Kyl says he doesn't understand why land managers are upset with his plan.

"By suggesting that we do it as a pilot project, I'm specifically trying to address some concerns," he said.

This included systematic surveillance of these borders through more effective use of personnel and technology and physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers.

Effected areas include the Coronada National Memorial, Organ Pipe, Cabeza Prieta National wildlife refuge

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