

Border Bill Press Clips

National Clips.....	1
Alaska.....	25
Arizona.....	29
California.....	36
Colorado.....	50
Maine.....	54
Massachusetts.....	59
Minnesota.....	61
Montana.....	67
Ohio.....	81
Oregon.....	83
Texas.....	86
Utah.....	89
Washington.....	91



<http://www.usatoday.com/news/nation/story/2011-09-26/homeland-security-federal-lands-bill/50561694/1>

Border bill would expand Homeland Security powers

By John S. Adams, USA TODAY

Updated 9/26/2011

That question is driving a heated debate over a controversial bill to give the [Department of Homeland Security](#) sweeping authority over federal lands within 100 miles of the U. S. border.

The proposed National Security and Federal Lands Protection Act would let the agency waive 36 federal environmental protection laws in the name of better border patrols on public lands.

Supporters say it would help U.S. Customs and [Border Protection](#) agents secure the nation's borders. Opponents say it would give Homeland Security unchecked authority to disregard major environmental laws covering wilderness areas, national parks and wildlife refuges.

Montana Rep. [Denny Rehberg](#), one of 49 Republican co-sponsors of the measure, said: "The simple idea of the bill is to provide the border patrol with the same access on federal land that it currently has on state and private land. There is nothing about this bill that creates any new authority to intrude into the lives of Americans."

Critics, including Sen. [Jon Tester](#), D-Mont., say the bill would grant the federal government overreaching powers. "It's a federal land grab at its worst," Tester said. "I just can't see how any lawmaker would think it's a good idea to allow the Department of Homeland Security to make sweeping decisions about our land and ignore our rights without any public accountability."

The bill would give the secretary of Homeland Security authority over federal lands within 100 miles of the U.S. international and maritime borders for "activities that assist in securing the border (including access to maintain and construct roads, construct a fence, use vehicles to patrol and set up monitoring equipment)."

The measure also waives the [National Environmental Policy Act](#), the [Endangered Species Act](#), the National Park Service Organic Act, the Federal Water Pollution Control Act, the National Historic Preservation Act and the [Clean Air Act](#).

Homeland Security spokesman Matt Chandler said the agency does not comment on the specifics of pending legislation.

Kim Thorsen, deputy assistant secretary for law enforcement, security and emergency management at the U.S. Department of Interior, testified to the House Subcommittee on National Parks, Forests and Public Lands that the Obama administration opposes the measure.

"We... believe that these two objectives — securing our borders and conserving our federal lands — are not mutually exclusive," Thorsen said in written testimony. "We can — and should — do both." Thorsen said the bill could cause "unintended damage to sensitive natural and cultural resources, including endangered species and wilderness."

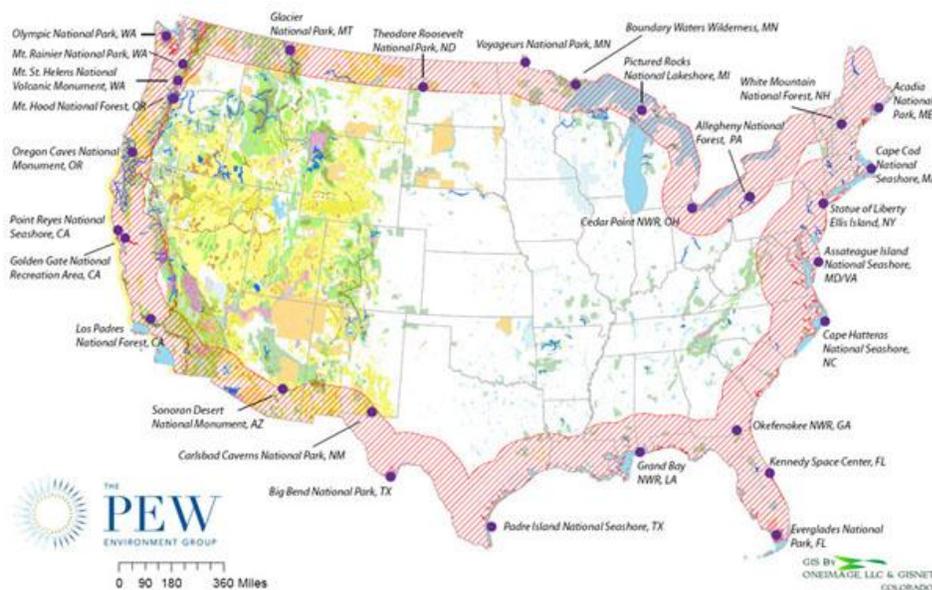
Zack Taylor, vice chairman of the National Association of Former Border Patrol Officers, said the core principles of border security are national security and public safety. He said no other laws — including environmental protection — should supersede those principles.

"What has happened is the importance on the environment has come to rule everything else," Taylor said in an interview . "In our view, the people are more important than the porcupine or the wolverine or the wolf or the grizzly bear."



Border Security and Public Lands

By [The World](#) · September 7, 2011



by [Ashley Ahearn](#)

Imagine yourself for a moment on the slopes of Washington’s Mt. Rainier, near Puget Sound, one of the highest peaks in the western United States. “We are on the hike to Comet Falls in Mount Rainier national park. We’re looking at a number of cascades that are rushing down a rock canyon and we’re sitting over a wood trail bridge” says Tom Uniack who doesn’t have to imagine it.

As conservation director of the [Washington Wilderness Coalition](#) he comes here often. Mt. Rainier National Park is one of the natural jewels of the northwest. And it seems utterly untouched by the changes that have rippled across the US in the years since 9/11. But a bill now pending in Congress could change that.

[HR1505, as the bill is called](#), would allow the [Department of Homeland Security](#) to build roads, transmission lines, and security installations on any federally owned land within 100 miles of the US coast or border.

Tom Uniack says that includes national Forests, wilderness areas and National Parks like this one. “The bill is written in a way that all these things, potentially, if seen as part of the national interest or national security, could apply and laws could be exempted.”

Altogether, the bill would allow DHS to override 36 environmental and other laws on these federal lands in the interest of border security, including such bedrock laws as the [Endangered Species Act](#), the [Clean Air Act](#) and the [Clean Water Act](#).

The idea gives some environmentalists night sweats. But supporters say it just makes sense.

[Representative Rob Bishop](#) is the Utah Republican who introduced HR1505: “Wilderness designation in no way should trump border security.” Bishop says current law allows federal land managers to “bully” the US border patrol on public lands. “They can do what they need to do on private property, it’s only on public property that they’re restricted and that is ridiculous. That’s simply asinine.”

The bill would allow DHS to basically do whatever it thinks it needs to do in order to achieve “operational control” of public lands within 100 miles of the US border. That means keeping out terrorists and illegal immigrants. In particular, Congressman Bishop says it’s necessary to secure parts of the US border in Arizona, where he says large numbers of illegal immigrants cross the border from Mexico.

“To my belief it’s because 80 percent of the Arizona border with Mexico is federal property, over half of that is wilderness designation, Endangered Species habitat, conservation habitat where the border patrol is limited to the kind of access they have and what they can do,” says Bishop

But opponents of HR1505 say the bill would give unprecedented authority to a single federal agency to ignore environmental laws. Jane Danowitz, of the [Pew Environmental Trust](#) in Washington, DC, says there’s a lot more at stake than just the Arizona desert or Mt. Rainier. A huge amount of public land would fall under the bill’s scope.

“We’re talking about some of the nation’s most popular national parks and beaches. Glacier National Park, the Florida everglades, beaches along Cape Cod, the great lakes and the California coastline.” Danowitz says the bill is overkill.

“After 9/11 national security for all the right reasons jumped to the top of America’s priorities but the sweeping waiver of our bedrock environmental laws has little to do with accomplishing that goal.”

What it does have to do with, Danowitz asserts, is a rising anti-environmental movement in Congress. “There’s going to be a lot of things happening this fall in Congress that are under the radar. There are more than 70 provisions that would undo longstanding protections for clean air, clean water, wilderness, endangered species.”

Regardless of the intentions of its sponsors, it’s not just environmentalists who oppose this bill. The very agency that supporters say will benefit the most from HR1505 – [Customs and Border Protection](#) – doesn’t want the power it would be given.

When asked about a testimony in July in which the Customs and Border Protection* said it opposes 1505, Congressman Bishop replied: “I will tell you right now privately, when I talk to people who are current Border Patrol personnel as well as those who are retired Border Patrol, they have a different story than this current administration has.”

Along with Representative Bishop, HR1505 has 48 co-sponsors in the House, all Republicans. The bill, which is officially titled the National Security and Federal Lands Protection Act, will begin working its way through the House early this fall.



Critics wary of Homeland Security bill

Published: Sept. 27, 2011 at 9:47 AM

Supporters of a sweeping bill say it would help secure U.S. borders while opponents say it would give the Department of Homeland Security unrestricted power.

The proposed [National Security and Federal Lands Protection Act](#) would waive three dozen federal environmental protection laws so Homeland Security could patrol public lands near the U.S. borders, USA Today reported Tuesday.

"The simple idea of the bill is to provide the border patrol with the same access on federal land that it currently has on state and private land," said Rep. Denny Rehberg, R-Mont., one of 49 Republican co-sponsors of the measure. "There is nothing about this bill that creates any new authority to intrude into the lives of Americans."

Sen. Jon Tester, D-Mont., and other critics countered that the bill would grant the federal government overreaching powers.

"It's a federal land grab at its worst," Tester said. "I just can't see how any lawmaker would think it's a good idea to allow the Department of Homeland Security to make sweeping decisions about our land and ignore our rights without any public accountability."

The bill would give the Homeland Security secretary the authority over federal lands within 100 miles of the U.S. land and maritime borders for "activities that assist in securing the border," including maintaining and building roads, constructing a fence, using patrol vehicles and setting up monitoring equipment.

The bill also would waive the Clean Air Act, Endangered Species Act, the Federal Water Pollution Control Act, the National Environmental Policy Act, the National Historic Preservation Act and the National Park Service Organic Act.

THINK PROGRESS

GOP Pushes Bill Giving Czarlike Powers To Department Of Homeland Security To Pollute And Desecrate

By **Public Lands Team** on Jul 8, 2011 at 6:27 pm

By Jessica Goad, manager of research and outreach, Public Lands Project, Center for American Progress Action Fund.

Forty Republicans in the House of Representatives are promoting a bill that would allow the secretary of homeland security to permanently waive all or part of 36 laws on both public and private lands within 100 miles of any U.S. border or coast. Some of the laws waived by H.R. 1505, the “National Security and Federal Lands Protection Act,” are strictly public health laws, like the Clean Air Act, the Safe Drinking Water Act, and the Superfund law. Others are environmental, such as the National Environmental Policy Act, the Clean Water Act, and the Endangered Species Act. Two-thirds of the American population lives in the areas covered by this bill, because most major cities are along the borders and coasts.

Further, H.R. 1505 could give the Department of Homeland Security complete authority over public lands across the entire United States. It would allow DHS to undertake any activities on public lands the secretary deems necessary for border security, such as building fences and roads, installing monitoring equipment, and instigating closures—all without any opportunity for public comment or judicial review.

During a press conference earlier this morning before a hearing on the bill, Representatives Ed Markey (D-MA), Raul Grijalva (D-AZ), and John Garamendi (D-CA) spoke to the overreach of this bill:

This bill waives the Clean Water Act. We will not keep undocumented workers out of the country by letting pollution into our drinking water. The bill waives the Clean Air Act. We will not keep illegal drugs out of our country by letting smog into the lungs of children and the elderly in our country. The bill waives the Native American Graves Protection and Repatriation Act. We will not honor our national sovereignty by trampling the sovereign rights of native people to protect the grave sites of their ancestors. **The bottom line is, we will not prevent illegal entry into this country by degrading the quality of life for nearly two-thirds of the people who already live here.**

It’s unclear what exactly this bill would mean on the ground, because so much is left to the discretion of the secretary of homeland security. But it is almost certain that recreation activities on public lands—hunting, fishing, hiking, off-road vehicle use, beach access—etc. could be cut off without any notice on the whim of one agency. Many favorite places on public lands could be closed, like the Superior National Forest, Glacier National Park, and Cape Cod National Seashore.

Perhaps most astoundingly is that the Administrative Procedures Act could be rolled back for lands within the 100-mile zone. This act governs every administrative agency in our country, keeps agencies from enacting regulations that are arbitrary and capricious, and also allows for judicial review of regulations. Without this act in place, our country’s checks and balances system would be extremely compromised.

Real solutions to border security are complex and varied, but certainly mean ensuring a strong budget for security and border patrol. Republicans cut the budget for the Department of Homeland Security by 6.8 percent in their H.R. 1 spending bill, including a drastic 65 percent cut below the president's request for state and local homeland security grant programs which fund disaster assistance, major emergencies, and first responders to terrorist attacks. Instead of funding these programs, conservative lawmakers in the House have offered a bill that Garamendi called "the epitome of stupidity" and former Solicitor (General Counsel) of the U.S. Department of the Interior John Leshy called "the most breathtakingly extreme legislative proposal of its kind I have ever seen."

ImmigrationProf Blog

A Member of the Law Professor Blogs Network

<http://lawprofessors.typepad.com/immigration/2012/05/governor-romney-should-reign-in-extreme-house-by-gus-west.html>

Governor Romney Should Reign In Extreme House

By Gus West

May 7, 2012

HR 1505 is a proposed bill in United States Congress that would effectively militarize America's borders.

The National Security and Federal Lands Protection Act (H.R. 1505), authored by Rep. **Rob Bishop** (R-Utah), would give the Department of Homeland Security expanded powers to obtain operational control of federal lands within a 100-mile swath of the northern and southern U.S. borders. Bishop claims the bill is necessary to help protect the country's borders.

The agencies tasked with border security disagree. The United States Border Patrol has been slow to embrace the bill and has asserted that it has the border security issue under control.

A recent report from the Pew Hispanic Center buttresses the Border Patrol's claims. The report concludes that immigration from Mexico slowed to "a standstill" between 2005 and 2010.

H.R. 1505 proposes a solution to a problem that simply does not exist. By stretching Homeland Security's increased powers to states like Maine and Minnesota, it demonstrates that its real intent is not to bolster national security -- but instead to undermine federal regulations over a host of lands and industries.

This breathtaking cynicism is obvious to Hispanics, who are angry at being portrayed as bogey-men to advance the agenda of Rep. Bishop and the Tea Part - an agenda that professes to reduce federal regulation.

Immigration is an important issue that this country must address and resolve. But using immigrants as legislative props, in such a clumsy and reckless fashion, erodes faith in good government.

Now that Governor Romney is the presumptive Republican nominee and the de facto GOP leader, he must move to silence the extremists within his party, lest they continue the damage done during the primary. The Romney Campaign and the Republican Party must convince Republican members of Congress that H.R. 1505 is a dishonest and corrosive bill. Doing so would represent an easy first step toward convincing Hispanics that the GOP values their voices and votes - and intends to take their issues seriously.

THE HUFFINGTON POST

<http://www.huffingtonpost.com/bill-meadows/the-sneak-attack-on-america-lands-990950.html>

The Sneak Attack on America's Lands

Posted: 10/02/11 08:53 PM ET

While public attention has been intently focused on the economy and concerns about the federal deficit, members of the House Natural Resources Committee have quietly initiated a sneak attack on America's wild places -- our parks, refuges, forests, historical monuments, and wildlife habitats. For decades, stretching back even before President Theodore Roosevelt, there have been policies put in place that protect America's ecological and cultural wonderlands. But now, some House Republicans have gone so far as try to literally give away tens of millions of acres to oil and gas drilling, coal and hardrock mining, and reckless timber harvests.

Their proposed bills represent an unprecedented assault on an American birthright: the 634 million acres of forests, parks, refuges and wild lands that belong to all Americans. Throwing open the gates to development and improper use of these national treasures is no less egregious than using the Declaration of Independence for a placemat.

The Great Outdoors Giveaway

Introduced by Rep. Kevin McCarthy, the third-ranking Republican in the House and 33 other Republicans, H.R. 1581, the "Wilderness and Roadless Area Release Act" should be called "The Great Outdoors Giveaway." This reckless legislation would eliminate the Forest Service's roadless rule, which protects over 58 million acres of national forest roadless lands, as well as 6.7 million acres of BLM Wilderness Study Areas. Former Secretary of the Interior Bruce Babbitt called the bill "the most radical, overreaching attempt to dismantle the architecture of our public land laws that has been proposed in my lifetime." This "Great Outdoors Giveaway" is opposed by environmentalists and sportsmen alike -- in addition to threatening the land, this dangerous bill also threatens the \$730 billion/year outdoor recreation industry that depends on vibrant outdoor spaces for hiking, camping, fishing and hunting.

Welcome to Glacier National Border Patrol Checkpoint

Far from "protecting" federal lands, H.R. 1505, the "National Security and Federal Lands Protection Act," provides "operational control" to the Department of Homeland Security of all federal lands, including National Parks, National Wildlife Refuges, National Forests, and BLM lands that lie within 100 miles of the Mexican, Canadian, and maritime U.S. borders. In addition, the bill exempts the DHS from having to comply with dozens of environmental, public land management, and religious freedom statutes. This extreme bill takes homeland security to absurd levels -- Glacier National Park, for example, would cease to be managed by the National Park Service and instead be run by the Border Patrol. Rep. John Garamendi (D-CA) characterized the bill as "the epitome of stupidity." Icons like Acadia, the North

Cascades, and the Everglades would all become part of Department of Homeland Security's control -- no word on if visitors would need to remove their shoes before entering parks.

Six Wasn't Enough

On September 13, 2011, the parks subcommittee held a hearing on the following bills: H.R. 302, H. R. 758, H.R. 817, H.R. 845, H.R. 846, and H.R. 2147. All of these bills, plus H.R. 2877 (which was introduced immediately before hearing), in one way or another eviscerate the President's authority to designate new National Monuments under the 1906 Antiquities Act. The Antiquities Act is one of America's bedrock land protection statutes -- responsible for places like the Grand Canyon, the Statue of Liberty and the U.S. Virgin Islands Coral Reef, and has been used by Republican and Democratic Presidents to protect sensitive areas large and small from commercial exploitation for over a hundred years. Undermining this landmark law kills the possibility of protection for the next Yellowstone or Yosemite, threatening the few wild places in America with drilling and mining.

The Hunting and Fishing Access Bill That Hurts Hunting and Fishing

In a case of "good on paper, bad in practice," this benign-sounding proposal to provide for hunting, fishing and recreational shooting on public lands, contains within it a provision that, as worded, would effectively end the 1964 Wilderness Act. By opening loopholes allowing motorized vehicles in Wilderness Areas and other uses like road construction and logging, the legislation is incompatible with the protection of Wilderness values. Providing for hunting and fishing opportunities on public lands is an excellent goal -- this bill needs to be changed so that it doesn't destroy the very wild places and habitats that fish and wildlife depend on. Unlike the other bills in this list, this one can be fixed in a way that achieves its goal of getting more young men and women hunting and fishing on America's federal lands without undermining the wildlife habitat that those activities depend upon.

The Developers' Land Grab

Finally, we have H.R. 2852, the so-called "Action Plan for Public Lands and Education Act of 2011," which is one of the most brazen attacks on America's wild places in history. The bill requires that the federal government literally give away, free-of-charge, roughly 30 million acres of publicly-owned national forests and BLM lands -- an area about the size of New York -- to select western states. In other words, at a time of concern about mounting federal budget deficits, this proposal would give away tens of billions of dollars of real assets owned by American taxpayers to a select few states, lands that harbor irreplaceable environmental, recreational, wildlife, and other natural resource and cultural values that are the heritage of all Americans.

These attacks should not be taken lightly. By quietly eroding protection for America's wild places, some Republicans hope to slip these dangerous provisions into other, larger bills where they can sneak through. Congress should be working on ways to improve America, not give it away to oil companies and mining firms. America's treasures deserve better.



http://www.huffingtonpost.com/rep-john-garamendi/red-herring-bill-threaten_b_999172.html

Red Herring Bill Threatens Public Lands, Public Health and Jobs

Posted: 10/06/11 07:43 PM ET

Today in America, 14 million people are out of work through no fault of their own, dragging our economy ever closer to another recession. The first priority of Congress should be to create jobs. The American Jobs Act, which would add nearly two million jobs to the economy, is being summarily dismissed by the Republican-controlled House of Representatives.

Meanwhile, the GOP leadership asks us to consider absurd bills like H.R. 1505, which this week passed the House Committee on Natural Resources, where I sit as a Member. This legislation will hand over control of all public lands within 100 miles of the borders -- like our national parks, forests, and beaches -- to U.S. Customs and Border Protections. Ironically, it's named the National Security and Federal Lands Protection Act. Under H.R. 1505, without any public notice, U.S. Customs and Border Protection could build roads and gates and install surveillance equipment in places that Americans treasure -- from Glacier National Park in Montana to Cleveland National Forest in California and Olympic National Park in Washington. This legislation would, in effect, hand over the keys to many of the most beautiful places in America -- places you and I own as the birthright of being an American, places that with proper stewardship our great grandchildren will one day own too.

H.R. 1505 is the latest chapter in the ongoing story of a Republican Congress that is attacking decades of environmental protections -- and their efforts are getting increasingly creative and desperate. This bill would exempt U.S. Customs and Border Protections from complying with dozens of popular protections for public health and our environment, including the Clean Air Act, the Safe Drinking Water Act and even the Farmland Protection Policy Act, which aims to preserve America's agricultural lands. I've been in public service for decades, and I can't recall a time when public lands were ever under such repeated assault by people who are dutifully sworn to protect them.

There are several unanswered questions about how this legislation would impact rural communities, potentially decimating their economies and destroying local jobs. The national outdoor recreation economy -- which includes camping, hiking, hunting, fishing, and many other activities -- contributes \$730 billion annually to the U.S. economy and supports nearly 6.5 million jobs across America. How will H.R. 1505 affect areas that depend on outdoor recreation as their economic engine? At a time of high unemployment in rural areas, we can't afford to let that question go unanswered.

Disguised in the name of border security, this bill undermines the future of our national parks and forests, rolls back landmark environmental protections, and opens the door to increased economic uncertainty in rural communities. We must stand strong against H.R. 1505 and any further attempts by Republicans in Congress to attack our public lands.

Congressman John Garamendi sits on the House Natural Resources Committee. He previously served as the Deputy Secretary of the U.S. Interior Department under President Bill Clinton and as the chair of the California State Lands Commission.

Border Explorer

The Hispanic Institute Calls on Romney to Reign in Anti-Immigrant Extremists

Thursday, May 3, 2012

WASHINGTON, DC -- Today, The Hispanic Institute called on presumptive Republican presidential nominee Mitt Romney to denounce a House bill that would effectively militarize America's borders.

The National Security and Federal Lands Protection Act (H.R. 1505), authored by Rep. Rob Bishop (R-Utah), would give the Department of Homeland Security expanded powers to obtain operational control of federal lands within a 100-mile swath of the northern and southern U.S. borders. Bishop claims the bill is necessary to help protect the country's borders.

The agencies tasked with border security disagree. The United States Border Patrol has been slow to embrace the bill and has asserted that it has the border security issue under control.

A recent report from the Pew Hispanic Center buttresses the Border Patrol's claims. The report concludes that immigration from Mexico slowed to "a standstill" between 2005 and 2010.

H.R. 1505 proposes a solution to a problem that simply does not exist. By stretching Homeland Security's increased powers to states like Maine and Minnesota, it demonstrates that its real intent is not to bolster national security -- but instead to undermine federal regulations over a host of lands and industries.

This breathtaking cynicism is obvious to Hispanics, who are angry at being portrayed as bogey-men to advance the agenda of Rep. Bishop and the Tea Party -- an agenda that professes to reduce federal regulation.

Immigration is an important issue that this country must address and resolve. But using immigrants as legislative props, in such a clumsy and reckless fashion, erodes faith in good government.

Now that Governor Romney is the presumptive Republican nominee and the de facto GOP leader, he must move to silence the extremists within his party, lest they continue the damage done during the primary. The Hispanic Institute calls on the Romney Campaign and the Republican Party to convince Republican members of Congress that H.R. 1505 is a dishonest and corrosive bill. Doing so would represent an easy first step toward convincing Hispanics that the GOP values their voices and votes -- and intends to take their issues seriously.



Agencies, enviros question need for border legislation

April Reese, E&E reporter

Published: Thursday, July 14, 2011

A bill that would grant Department of Homeland Security personnel unfettered access to public lands within a 100-mile swath along the northern and southern U.S. borders is unnecessary and could harm natural and cultural resources, Obama administration officials told a House subcommittee during a hearing on the measure last week.

The bill ([H.R. 1505](#)), dubbed the "National Security and Federal Lands Protection Act," which was introduced by Rep. Rob Bishop (R-Utah) and five fellow GOP House members in April, would allow DHS to waive 36 environmental laws in the border region when its mandated mission requires violating such laws. Activities that could be eased by the measure include chasing suspected illegal border crossers or drug smugglers, installing surveillance equipment and repairing infrastructure, according to the bill's supporters.

The bill also would prohibit the Interior and Agriculture departments from taking any action on public lands within 100 miles of the border that would "impede border security."

GOP-sponsored legislation in the House of Representatives would create a 100-mile zone around U.S. international borders where the Department of Homeland Security would be exempt from federal environmental laws. Click the map for a larger version. Map courtesy of Pew Environment Group.

Bishop, a longtime critic of federal land management policies along the nation's borders, said the measure would lift a major impediment to national security by shoring up protections along the country's international land boundaries. Continued illegal activity and the specter of terrorists crossing into the United States from Canada or Mexico provide ample justification for suspending environmental laws when DHS deems it appropriate, he said.

"This legislation takes the necessary and responsible steps to address the unacceptable restrictions that prevent Border Security experts from doing their jobs," Bishop said in a statement. "The federal lands along our border are a haven of criminal activity and the same environmental policies that are supposed to be protecting the lands are actually allowing them to be destroyed."

But critics of the legislation say the measure amounts to a different kind of assault on fragile natural resources in the borderlands, allowing U.S. security officers and DHS contractors to flatten vegetation, degrade waterways and damage wildlife habitat.

Matt Clark, Southwest representative for Defenders of Wildlife, suggested the bill is a veiled attempt to gut federal environmental laws.

"These laws were passed for a reason, and they weren't passed with the idea that anytime an agency found them inconvenient, it would be above them," he said.

Clark and other critics point to U.S. government reports and other independent findings suggesting that border security is not being compromised by public lands management, and that DHS does not need further latitude to do its job.

"While we strongly support making America's borders more secure, this sweeping waiver of the nation's bedrock environmental and land management laws has little to do with accomplishing that goal," said Jane Danowitz, public lands director for the Pew Environment Group.

Striking an 'important balance'

In hearings last Friday before the House Subcommittee on Parks, Forests and Public Lands, officials from the Interior and Agriculture departments testified that cooperation among border agencies -- including those responsible for security and land management -- has greatly improved since 2006, when a memorandum of understanding was signed among DHS, Interior and USDA seeking to strike the proper balance between federal priorities.

"We believe the guidelines contained in the MOU have been effective in providing both Interior and Customs and Border Patrol with the necessary framework to strike this important balance," Kim Thorsen, Interior's deputy assistant secretary for law enforcement, security and emergency management, told the panel in her testimony. "This MOU has not in any way impeded or impacted DHS's ability to protect the border, including in exigent circumstances."

For instance, in the Yuma, Ariz., Border Patrol sector, which is composed almost entirely of federal lands, illegal border activity decreased 90 percent between 2005 and 2010 after the agencies worked together to remove invasive salt cedar that had provided cover to drug smugglers, officials have noted.

A 2010 report by the Government Accountability Office found that while many Border Patrol supervisors said federal laws and policies did hinder access in some instances, overall they believed that public land protections did not affect border security (Land Letter, Oct. 14, 2010).

And a separate analysis issued by the University of Arizona last November at the behest of environmental groups found that cooperation among the agencies has led to better security in many areas, while still protecting key resources.

In one successful collaboration, DHS, after consulting with federal land managers, consolidated repeater towers on Ajo Mountain in Organ Pipe Cactus National Monument in Arizona, reducing the project's footprint. Officials also reported the project was completed more quickly due to interagency cooperation (Land Letter, Nov. 4, 2010).

Personal observations

But Bishop, who chairs the House public lands subcommittee, said his own visits to the U.S.-Mexico border confirm his belief that more must be done to control the region. And he noted that reining in illegal activity on the borders would also benefit public lands, which have suffered damage from heavy foot traffic, trash left behind by illegal crossers, and man-made fires.

"Providing Border Patrol with the necessary access to deter and apprehend those who cross through our federal lands illegally would deliver the greatest benefit to both national security and the long-term health of our federal lands," he said.

House Natural Resources Committee Chairman Doc Hastings (R-Wash.), in spite of the testimony about improved agency cooperation, suggested the bill "would end the federal agency turf war along the border."

Crystal Feldman, a spokeswoman for the House Resources Committee, added that the stakes on the border are too high to allow environmental restrictions to potentially undermine national security or public safety.

"These entities can publicly say they're working together and everything is fine -- however, there's still criminal activity and there are still a lot of problems."

THE HUFFINGTON POST

http://www.huffingtonpost.com/javier-sierra/you-shall-bring-water-to-_b_1051988.html

You Shall Bring Water to the Thirsty

Posted: 10/28/11 02:05 PM ET

Dan Millis will never forget what took place on Feb. 20, 2008. As a volunteer with the group [No More Deaths](#), he was leaving gallon-sized water jugs scattered along the trails in the Arizona desert used by undocumented migrants.

This Good Samaritan and his companions came across the dead body of a young Salvadorian girl who weeks ago had vanished in that unforgiving desert. Two days later, Dan was rewarded by agents of the Fish and Wildlife Service by serving him with a ticket for littering on federal property with the water jugs.

This legal process -- he rightly calls it "absurd" and "ridiculous" -- culminated more than two and half years later when [a federal appeals court acquitted him](#), alleging that "water didn't meet the definition of waste." What the judges should have considered wasteful was the attempt to punish a humane and exemplary act of kindness.

"It's definitely pretty insulting to have to fight the federal government on something so basic and of common sense as trying to protect people's human rights," says Dan, who to this day continues offering his help to those who dare to cross this terrifying desert.

Dan, however, is not only trying to bring down the wall of cruelty. As coordinator of the [Sierra Club's Borderlands Program](#), he is also determined to topple another "nightmare," the wall built along the US-Mexico border.

"We have 649 miles of walls and barriers that have been constructed by mostly ignoring environmental laws," he says. "As a result, we see floods, erosion, the wildlife being blocked, we see their habitat being destroyed."

The wall was built as part of the [REAL ID Act](#), which in 2005 bestowed on the federal government the unprecedented authority to waive any law that would stand in the way of this project. To date, the building of the wall has eliminated at least 36 laws and cost close to \$3 billion. And to top it all off, the General Accountability Office has stated that [this effort has had little impact on the number of migrants crossing into the United States](#).

"The walls don't work at all," Dan says. "If anything, they wall people into the United States because it makes it harder to cross back and forth."

But regardless of this spectacular failure, Congress and its myopic legislative approach to this problem is digging deeper into the same hole they dug for taxpayers.

The House of Representatives' Natural Resources Committee recently passed the [National Security and Federal Lands Protection Act \(HR 1505\)](#). This legislative boondoggle would extend the waivers of those 36 laws to a swath of land 100 miles deep into the U.S. and all along both the U.S.-Mexico and the U.S.-Canada borders.

"This is very dangerous," warns Dan. "It's an assault on federal lands and environmental laws that uses border security as a convenient Trojan horse."

The failure of the border wall confirms once again that we need to address the root causes of migration.

"The wall doesn't do anything to address the real problems at the root of this issue, such as the [North American Free Trade Agreement \(NAFTA\)](#), which has really pushed a lot of people off of their lands in Mexico and made them travel north," he says.

And he adds that investing in international aid to improve education, health care and sustainable development south of the border costs much less than this current waste of the taxpayers' money.

In this age of thieves disguised as bankers and of polluters portraying themselves as job creators, we all are left with an insatiable thirst for heroes of admirable moral strength such as Dan Millis.

He is actually fulfilling his duty to bring water to the thirsty.

Javier Sierra is a Sierra Club columnist. Follow him on Twitter @javier_sc.



<http://blog.latinovations.com/2012/05/03/the-hispanic-institute-calls-on-governor-romney-to-reign-in-extreme-faction/>

The Hispanic Institute calls on Governor Romney to reign in Extreme Faction

May 3, 2012 By [Latinovations Staff](#)

Today, The Hispanic Institute called on presumptive Republican presidential nominee Mitt Romney to denounce a House bill that would effectively militarize America's borders.

The National Security and Federal Lands Protection Act (H.R. 1505), authored by Rep. Rob Bishop (R-Utah), would give the Department of Homeland Security expanded powers to obtain operational control of federal lands within a 100-mile swath of the northern and southern U.S. borders. Bishop claims the bill is necessary to help protect the country's borders.

The agencies tasked with border security disagree. The United States Border Patrol has been slow to embrace the bill and has asserted that it has the border security issue under control.

A recent report from the Pew Hispanic Center buttresses the Border Patrol's claims. The report concludes that immigration from Mexico slowed to "a standstill" between 2005 and 2010.

H.R. 1505 proposes a solution to a problem that simply does not exist. By stretching Homeland Security's increased powers to states like Maine and Minnesota, it demonstrates that its real intent is not to bolster national security – but instead to undermine federal regulations over a host of lands and industries.

This breathtaking cynicism is obvious to Hispanics, who are angry at being portrayed as bogey-men to advance the agenda of Rep. Bishop and the Tea Party – an agenda that professes to reduce federal regulation.

Immigration is an important issue that this country must address and resolve. But using immigrants as legislative props, in such a clumsy and reckless fashion, erodes faith in good government.

Now that Governor Romney is the presumptive Republican nominee and the de facto GOP leader, he must move to silence the extremists within his party, lest they continue the damage done during the primary. The Hispanic Institute calls on the Romney Campaign and the Republican Party to convince Republican members of Congress that H.R. 1505 is a dishonest and corrosive bill. Doing so would represent an easy first step toward convincing Hispanics that the GOP values their voices and votes – and intends to take their issues seriously.



<http://www.campinglife.com/camping-blog/what-is-homeland-security-doing-in-our-border-parks/>

What is Homeland Security doing in our border parks?

Tom Kaiser, Managing Editor

April 19, 2012

As a long-term advocate for motorized and non-motorized outdoor recreation, I see a plethora of news stories every day about public lands, camping, RVs and off-road trails, among countless others. Usually I either delete the story, or if it has merit, post it online or file it away in one of my story idea folders. Today's news, however, has me looking to shout from the rooftops, as some of our federal representatives are pushing a bill that could be very detrimental to our treasured, federally protected lands, forests and national parks.

A current proposal led by House Republicans in Congress would give the Department of Homeland Security control of 50 national parks, historic sites, national monuments and forests near the U.S. borders in the name of improved security. I invite the outdoor community – and anybody who loves our national parks – to learn more about this legislation and speak their mind to derail this proposal.

First a little background: the National Security and Federal Lands Protection Act (H.R. 1505) first surfaced last October. The bill “would prohibit the Secretaries of the Interior and Agriculture from taking actions which impede Border Security from doing their job on federal land within 100 miles of the U.S. border with Mexico and Canada.” While the text of the bill states “this authority cannot be used to eliminate recreational or economic activities,” there are still many causes for concern. In the bill's words, it would allow the construction of patrol roads, fence construction, patrol vehicles, installation of surveillance equipment and sensors, use of aircraft and deployment of temporary tactical infrastructure (including operating bases). Don't worry, though, land used for mining, timber harvesting and cattle grazing are exempt, along with private property. Read more [HERE](#).

Among the National Park Service areas that fall within H.R. 1505's proposed 100-mile zone of potential impacts are Acadia, Big Bend, Carlsbad Caverns, Cuyahoga Valley, Glacier, Glacier Bay National Park and Preserve, Guadalupe Mountains, Isle Royale, Joshua Tree, North Cascades, Olympic, Saguaro, Theodore Roosevelt, Voyageurs, and Wrangell-St. Elias National Park and Preserve. The combined total acreage of these 15 parks is 21,657,399, nearly 25 percent of the overall footprint of the U.S. National Park System. They are located within the states of Alaska, Arizona, California, Maine, Michigan, Minnesota, Montana, New Mexico, North Dakota, Ohio, Texas and Washington.

According to a press release by the Coalition of National Park Service Retirees, the legislation “would gut a century’s worth of proven federal lands protection, potentially opening up millions of pristine acres of national parks to off-road vehicle use, road construction, air strips and helipads, fencing, base installations and other disruptions” and adds, “this radical legislation introduced by Rep. Rob Bishop (R-UT) would suspend the enforcement of almost all the nation’s environmental laws on all lands under the jurisdiction of the Departments of the Interior and Agriculture.” This means that protected parks and lands would become security zones where the environmental preservation takes a back seat to beefing up our border security.

CNPSR Chair Maureen Finnerty said: “This legislative proposal is perhaps the most direct assault on national parks ever to be advanced at any level in any Congress in U.S. history. It threatens to literally stop all enforcement of several landmark environmental and conservation laws that NPS uses to manage and protect the National Park System and to serve millions of park visitors. The outrage here is that national parks and other U.S. crown jewels could end up being trashed in the name of achieving national security gains that are fictitious.”

Among the 36 laws that would be expressly suspended within 100 miles of the borders with Canada and Mexico are virtually all environmental, historic preservation, wildlife, pollution, and tribal protection laws, including the National Park Service Organic Act, 1916 (the act that requires park areas to be managed for conservation and enjoyment so as to leave them unimpaired); the Wilderness Act, 1964; the National Environmental Policy Act, 1969; the National Historic Preservation Act, 1966; the Endangered Species Act, 1973; the Clean Water and Clean Air Acts; the Archaeological Resources Protection Act, 1979. All these laws are critically important to maintaining the integrity of America’s national parks.

I think it’s contextually important to remember that illegal crossings on the US-Mexico border have sharply fallen in recent years. As part of a story I did for *ATV Magazine* on the U.S. Customs and Border Patrol two years ago, Public Information Officer for the Tucson Sector Border Patrol Eric Cantu told me, “We are making progress. In the past 10 years, look at the number of apprehensions that we’ve made. In 2000, we made 616,000 arrests ... last year in 2009 we apprehended 241,000 just in the Tucson sector.” There are many reasons for the drop in border crossings, like the Great Recession reducing U.S. job openings, but I think most Americans assume the numbers are climbing, rather than falling significantly.

We American citizens give our government a lot of leeway and money to protect us from real or perceived threats. Picture the magnitude of it all: right now, on your behalf, the United States is deployed in more than 150 countries, we have approximately 3 million active duty and reserve personnel, our Navy is unparalleled (11 carriers, 22 cruisers, 61 destroyers, 53 subs, 122 surface warships). As I type, Air Force technicians are remotely piloting unmanned drones over the mountains of northern Pakistan, naval officers are cruising through every ocean on the globe and the U.S. Department of Homeland Security is chewing through its \$57 billion in total allocated funding for 2012 — that’s \$6,506,849 every minute.

The National Security and Federal Lands Protection Act is currently stalled in the Democratic-controlled Senate, so it’s hard to tell if it has any real chance of passing. Even so, the proposal is eye-opening and should get the attention of the entire outdoor community.

I'm certainly not against protecting our citizens or protecting our borders, but where do we draw the line? Shouldn't our national parks and federally protected spaces be spared from the ongoing trauma? When it comes to giving up personal freedoms or protected lands, once they're gone, they're likely gone for good.

There's more to this story than presented here, and I will continue to research its progress. I encourage you to read the bill (see the link above) and contact your elected representatives to discourage support of this potentially devastating legislation. Spread the word!

http://www.huffingtonpost.com/kristian-ramos/obama-immigrants-environment-republicans_b_1604384.html?utm_hp_ref=email_share

HUFFPOST LATINOVOICES

Opinion: While Obama Gives Immigrants Relief, Republicans Attack Their Clean Air and Water

Posted: 06/18/2012 12:04 pm

By Kristian Ramos, Policy Director, Hispanic Demographics, Immigration NDN

It is a new day in the contentious debate over our broken immigration system, well for most of us anyway. The President has granted [deferred action](#) on the deportation of low priority immigrants, giving 800,000 of our best and brightest undocumented immigrants a future in this country. House Republicans have already announced plans to [sue](#) the President over his move to help undocumented DREAMers. Which is a shame as the President has made great strides in making our immigration system better: he has invested in our southwest border increasing [safety](#), [legal](#) immigration and [trade](#), and has lowered the number of [undocumented immigrants](#) entering the country.

Let us be clear, the Republican Party has characterized itself as the party of [legal immigration](#) and [border security](#), yet it has been Democrats who have made legal immigration better and our border safer. Nowhere is this dynamic more apparent than with the House GOP's misguided effort to bulldoze existing environmental and public safety protections for immigrants along our southwest border.

No one would argue that immigration isn't a third rail issue for the GOP, the only more contentious issue for rank and file House Republicans is the [environment](#). They have unilaterally opposed any movement on environmental legislation. In a perfect storm, House GOP Members are pushing legislation that would give the Department of Homeland Security (DHS) the ability to override dozens of existing key environmental and public safety protections on all public lands in communities as far away as 100 miles from the Mexican and Canadian borders.

The National Security and Federal Lands Protection Act ([H.R. 1505](#)), introduced by Utah Rep. Rob Bishop, would give DHS far-reaching and unchecked authority over America's public lands under the guise of national security. DHS has not asked for this legislation, in fact both the Department of Homeland Security and the U.S. Border Patrol have publicly stated this type of unrestrained authority over public lands is unnecessary for DHS to achieve its mission. Perhaps even more troublesome, the proposal seeks to fix a problem that doesn't exist. The Pew Environment [Group](#) says this about the legislation:

It will do little to enhance our nation's border security and will do great harm to our environment and way of life.

A recent [report](#) by the Government Accountability Office (GAO) also concluded that current federal laws are not an impediment to border protection, finding that federal land management and law enforcement agencies are cooperating and working well together to protect both U.S. borders and public lands under a 2006 Memorandum of Understanding and other agreements developed in recent years between the land management agencies and DHS.

Furthermore, Texas Rep. Henry Cuellar has joined Texas Republican Reps. Blake Farenthold and Michael McCaul to craft the [Jaime Zapata Border Enforcement Security Task Force Act](#), legislation which accomplishes much the same goals as H.R. 1505 without bulldozing existing environmental and public safety laws.

Border Safety is important; however, given the [reduction of violence](#) along the American side of the border, the increase in [legal immigration](#) and the decrease in undocumented immigration into the country giving DHS powers it does not want seems both unnecessary and unwarranted. Again, DHS has not requested this new far-reaching authority, and the Department does not want it. DHS Secretary Janet Napolitano recently [testified](#) before the U.S. Senate that Title XIV "is unnecessary, and a bad policy."

Given the announcement by the administration on deferred action, this is a real opportunity to find common ground in an attempt to build upon the successes of the President's bold leadership on the issue. Tarnishing our environment on our public lands and doing away with protections for immigrants is quite simply not a long term solution. The President's move is an opportunity to highlight the continued need for comprehensive immigration reform and only reveals just how unhelpful knee-jerk policy like Bishop's bill really is.

<http://www.adn.com/2012/03/08/2360122/homeland-security-will-not-protect.html>

Homeland Security will not protect lands

By TIM WOODY

Published: March 8th, 2012 09:44 PM

Last Modified: March 8th, 2012 10:49 PM

Few Alaskans seem to have noticed a bold move by Congress to turn over huge portions of our state to "operational control" by the Department of Homeland Security.

The "National Security and Federal Lands Protection Act," also known as H.R. 1505, would put all federal lands within 100 miles of the Canadian border or any American coastline under the unregulated control of Homeland Security – specifically the Border Patrol.

This includes huge portions of the Tongass National Forest, Glacier Bay National Park, Kodiak National Wildlife Refuge, Wrangell-St. Elias National Park, the National Petroleum Reserve-Alaska, and the Arctic National Wildlife Refuge, not to mention wildlife refuges and national parks in western and southwestern Alaska and other federal lands such as those currently under the umbrella of the Bureau of Land Management.

Think about that for a moment: all federal lands within 100 miles of a coast or our border with Canada. That's an astoundingly large portion of Alaska in which public access restrictions could be placed on prized hunting, fishing, recreation and subsistence areas. If this act becomes law, Homeland Security would be exempt from compliance with dozens of religious-freedom, land management and environmental statutes.

Oddly enough, even Homeland Security doesn't want to be saddled with this burden. The agency and the Obama administration have opposed H.R. 1505 on the grounds that federal agencies already work together to ensure that the U.S. Border Patrol has appropriate access to public lands to maintain security.

This bill tries to solve a problem that doesn't exist by destroying decades worth of environmental protection and public health laws in the name of "national security," and places cultural and subsistence practices at risk all around the state.

It's part of an assault on wilderness and public lands that the 112th Congress is waging with a flurry of bills that would dismantle the laws that protect those lands, with the ultimate aim of handing over many of them to developers.

Nearly 50 years after passage of the 1964 Wilderness Act, and 32 years since the passage of the Alaska National Interest Lands Conservation Act, our elected officials are attempting a major giveaway of our great outdoors. A new report issued by The Wilderness Society shows that, nationwide, nearly half a billion acres are at risk.

Alaskans don't always see eye to eye on issues involving federal lands, but whether you're a hunter or a vegetarian, whether you favor development or conservation, whether you're urban or rural, every Alaskan should be wary of turning over so much of our state to an agency whose sole job is national security -- an agency that would have no obligation to address the needs of Alaskans or our traditional uses of federal lands.

To protect these lands and our access to them, we all need to send a loud and clear message to Congress that we will not watch Alaska be sacrificed to short-sighted thinking and unnecessary laws disguised as "national security."



<http://www.alaskadispatch.com/article/border-patrol-bill-threatens-alaskas-environment>

Border patrol bill threatens Alaska's environment

Rick Sinnott | Oct 26, 2011

Here's another recipe for disaster cooked up by a member of the tea party. A [congressional bill](#) from the Tea Party Caucus would allow the U.S. Border Patrol to ignore 36 environmental laws on federal land within 100 miles of an international border. H.R. 1505 was recently reported out of committee for action by the full U.S. House of Representatives.

The zone where environmental laws would be waived includes all U.S. borders abutting Canada and Mexico. The east and west coasts of the contiguous United States were included in the original bill -- but [exempted](#) in a compromise to get the bill out of committee. However, the coastline of Alaska, all [33,904 miles](#) of it, is still included.

The chief sponsor, Tea Party Caucus Rep. Rob Bishop, R-Utah, submitted the bill in April. Bishop is also the chairman of the House Subcommittee on National Parks, Forests and Public Lands -- the public lands that would be most adversely affected. So he's obviously highly qualified to be the chairman of that subcommittee. The U.S. Department of Homeland Security has not sought any exemption for the Border Patrol. In fact, the Obama administration has said the measure is unnecessary. The unnatural concoction of environmental and homeland security issues is consistent with the ideology of the tea party, wherein most federal laws -- especially environmental laws -- are believed to overreach the Constitution.

Environmental laws that would be waived include the Clean Air Act, the Safe Drinking Water Act, the Solid Waste Disposal Act, the Coastal Zone Management Act, and the National Historic Preservation Act as well as cornerstones of federal environmental wildlife law such as the Migratory Bird Treaty Act, the Endangered Species Act, the Wilderness Act, the Fish and Wildlife Coordination Act, and -- last but certainly not least -- the National Environmental Policy Act (NEPA).

The latter requires full disclosure of federal actions that will significantly impact our environment, so I guess the Border Patrol won't have to explain itself to the public anymore. The Migratory Bird Treaty Act is based on an international treaty with Canada, Mexico and Russia. Most of the ducks, geese, and other waterbirds hunted in the U.S. are hatched in Canada; many winter in Mexico. Abrogating the treaty is likely to have unfortunate ramifications for waterfowl conservation and hunting.

If the bill becomes law, the Border Patrol could ignore these laws in a 100-mile-wide swath around Alaska. Because our coastline is so convoluted and tidewater extends well into the Yukon-Kuskokwim Delta, it appears as though the waiver would [apply to more than half the state](#). However, federal environmental law could still be enforced on private property, including Native lands, and state land. Ironically, lands most affected would include those created by Congress or executive order to conserve forests, fish, wildlife and other natural resources -- including national parks, monuments, forests, and wildlife refuges.

If the Border Patrol is exempted from compliance with certain federal regulations, how soon will it be before the U.S. Coast Guard also be exempted? How about the other Armed Forces? Isn't that getting awfully close to martial law?

The damage Border Patrol could do

You might not think the Border Patrol could do enough environmental damage to warrant concern. One example of an action that would have a significant impact on wildlife is border fencing. A high fence, extending for hundreds of miles, would limit daily and seasonal animal movements. That would reduce wildlife populations in deserts, with limited supplies of food and water, or among species like caribou, whose very existence depends on wide-ranging movements. Nevertheless, the bill is probably most significant for its blatant attempt to pry open a far-reaching precedent for waiving environmental laws and its almost cartoonish pimp slap aimed at environmentalists.

Another absurd aspect of the bill is the assumption that Alaska's coastline, or our border with Canada, is a porous membrane for illegal immigration or presents a significant threat to national security. International terrorists, illegal aliens, drug runners, and exotic plants and animals are much more likely to storm the beaches of Florida, Texas, and California, all excluded from Bishop's legislation.

The Wikipedia entry on Bishop mentions his sponsorship of the bill but concludes that the legislation has little chance of making it out of the House Natural Resources Committee. Whoops. Time to revise Wikipedia.

Twenty-six Republicans cosponsored the bill, including our own Rep. Don Young. The full House is expected to vote on the bill soon, and similar legislation has been introduced in the Senate.

Bishop claims this legislation is his [top priority](#) even though Utah is land-locked and shares no border with Canada or Mexico. That should tell you something about Bishop and his agenda. Border security isn't the point, it's the quality of our environment.



http://www.tucsonsentinel.com/local/report/070811_borderpatrol_federal_lands/critics-border-patrol-bill-would-hurt-environment/

Critics: Border Patrol bill would hurt environment

Legislation could give agency reign over protected lands

Posted Jul 9, 2011, 7:38 am

Matthew Trotter Cronkite News Service

WASHINGTON — A bill that would grant the Department of Homeland Security unprecedented access to federal lands near the border was sharply criticized Friday for giving the department unchecked authority.

The National Security and Federal Lands Protection Act would let DHS waive 36 environmental-protection laws for patrol activities within 100 miles of U.S. borders.

Opponents of the legislation went so far as to call the bill, [HR1505](#), “particularly stupid” during Friday’s hearing of the House Subcommittee on National Parks, Forests and Public Lands. They called it overly broad and said it opened the door for DHS to completely disregard environmental-protection laws.

“1505 may succeed in decreasing immigration, but only because the water, air and environments of border communities will be so degraded, no one will want to come here,” said Rep. Raul Grijalva, D-Tucson.

John Leshy, a law professor at the University of California, Hastings, testified that the legislation would make DHS “immune from review by the courts, except for constitutional claims.”

Supporters of the bill, however, said the current setup — a memorandum of understanding between DHS and federal land-management agencies — makes it impossible for Border Patrol to do its job.

“There’s a problem here in that Border Patrol is being restricted,” said Rep. Rob Bishop, R-Utah, the bill’s sponsor. “They are not the problem.”

The memorandum of understanding requires Border Patrol officials to get permission from land-management agencies before conducting operations on federal lands, from maintaining roads to installing surveillance systems.

Concerned about keeping quality reporting alive in Tucson?

A metro area of nearly 1 million deserves a vital & sustainable source of news that's independent and locally run.

Claude Guyant, founder of the National Association of Former Border Patrol Officers, said the current system is an unnecessary distraction.

“Border Patrol’s focus must be on preventing illegal entry,” said Guyant.

While Border Patrol agents have the discretion to bend some rules in emergency situations, they typically have to comply with all laws affecting an area they want to access. In designated wilderness areas, for example, that would mean traveling only on foot or horseback.

Kim Thorsen, an Interior Department law enforcement official, testified that Border Patrol agents do have the latitude to do their jobs under the current setup.

“There is absolutely no restriction for Border Patrol to pursue anyone anywhere on federal lands,” said Thorsen, the Interior deputy assistant secretary for law enforcement, security and emergency management.

In April, the Government Accountability Office reported the agreement had its flaws and the agencies were not always in full cooperation, but that most of the supervising officers surveyed said federal land laws were not affecting their areas’ security.

But Gary Thrasher, a veterinarian and rancher from Hereford, told the committee he’s witnessed the impact of federal land laws on border security.

Thrasher, an Arizona Cattle Growers Association board member, said that more than once he’s had immigrants “crawl through the cat door” to spend the night in his locked barn.

Republicans on the committee said the bill was an attempt at keeping citizens like Thrasher safe, not a way of granting DHS unlimited power.

“All we’re trying to do is protect our nation, protect the people of the United States,” said Rep. Raul Labrador, R-Idaho.

Leshy — referencing the unchecked power of the British king who moved the U.S. to declare its independence — said those who oppose the bill are also trying to protect the people.

“1505 would make DHS the George III of our age,” he said.



<http://www.yumasun.com/opinion/misstatements-71925-errors-factual.html>

Misstatements on border issue

August 03, 2011 8:10 PM

I would like to correct several factual errors and misstatements from Dean Hager's July 27 letter to the editor ("Grijalva viewpoint wasn't countered").

Hager claims that Utah Rep. Rob Bishop's proposal allowing the Department of Homeland Security to waive over 30 important federal laws "would affect certain sections of the international border between the United States and Mexico and between the United States and Canada." In fact, HR1505 would apply to all U.S. borders and all U.S. coasts, including those in Alaska, Hawaii and U.S. territories. The periphery of this 100-mile wide area is about 20,000 miles long, and encompasses a region where nearly two out of every three Americans live.

Hager also falsely asserts that "the U.S. Border Patrol is being prevented from maintaining a routine presence on portions of the 20.7 million acres of federal land located along the southern U.S. border region as well as 1,000 miles along the U.S. Canada border." The Border Patrol has routine access to all areas, including designated wilderness, under a 2006 Memorandum of Understanding (MOU) between the U.S. Departments of Agriculture, Interior and Homeland Security. The MOU commits these agencies to working together to prioritize border security, while still cooperating to protect natural resources. Each of these agencies, including Homeland Security, has testified in opposition to HR1505 and in favor of the 2006 MOU.

Border Patrol Deputy Chief Ronald Vitiello recently testified that his agency "enjoys a close working relationship" with public lands agencies that "allows it to fulfill its border enforcement responsibilities." The Government Accountability Office found that "most agents reported that land management laws have had no effect on Border Patrol's overall measure of border security."

However, on one point Hager is correct: "Extreme attitudes and inflammatory rhetoric on both sides do no good."

Bishop's HR1505 is written to be extreme and inflammatory, not constructive. As the Salt Lake Tribune's editorial board noted on July 19, Bishop's proposal is "a cynical attempt to score political points by pretending to shelter us from two great evils that motivate his political base - illegal aliens and the federal government."

Dan Millis
Sierra Club
Grand Canyon Chapter, Tucson

THE ARIZONA REPUBLIC

<http://www.azcentral.com/arizonarepublic/opinions/articles/2011/07/10/20110710border-emerson.html>

Border bill would waive federal laws and jeopardize agency cooperation

by Kirk Emerson - Jul. 10, 2011 06:33 PM

Significant strides have been made in the past five years in protecting our national security and our natural heritage along the U.S.-Mexican border.

Much of this progress is due to increasing on-the-ground interagency cooperation between our public-land agencies and the Border Patrol. However, a recently introduced bill, U.S. House Resolution 1505, would seriously hinder that productive cooperation.

The legislation would permanently waive 33 federal laws pertaining to all border-security activities on public or private property within 100 miles of our nation's north and south borders and inland from our coastlines.

Access for purposes of achieving operational control to all federal public lands in this 100-mile zone would be unimpeded by federal protection for public health and safety afforded by the Clean Drinking Water Act, the Clean Air Act and the Federal Water Pollution Control Act, as well as the Wilderness Act and the Wild and Scenic Rivers Act, among others.

HR 1505, currently being considered by the public-lands subcommittee in the U.S. House of Representatives, should be of obvious concern to private-property owners and permit-holders on public lands within this proposed zone as well as to environmental advocates and those who admire and recreate in our federal public lands.

Like national security, stewardship of our nation's natural resources is a national priority, affirmed by decades of congressional action and popular support.

I am writing, however, to raise concerns about whether HR 1505 can achieve its aim when it is likely to jeopardize the progress made through interagency cooperation between the U.S. Departments of Homeland Security, Interior and Agriculture and their respective agencies.

In my research, based on more than 50 interviews with border-security professionals, land managers, private-property owners and ranchers, I found successful on-the-ground cooperation on our federal public lands (go online to kirk_emerson.home.mindspring.com/Interagency_Border_Cooperation.pdf). This has been corroborated by other studies completed by the Government Accountability Office.

Interagency cooperation was evident through interagency communications, enhanced joint capacity, border-security assistance by land-management agencies, assistance in resource protection and restoration, and joint efforts to protect public health and safety.

For example, public-land managers' expertise in environmental management, erosion control, stream-bank stabilization and vegetation control has been drawn on by the Border Patrol to improve border security and prevent negative impacts of border-fence installation.

In Arizona, where the Colorado River separates southwestern Arizona from Mexico, federal, state and tribal agencies, as well as non-profit organizations, together with Border Patrol assistance, have been clearing dense, invasive salt cedar to both improve riparian areas and remove cover that aids illegal border crossings and other crimes.

Public-land managers aid Border Patrol agents through their familiarity with the border landscape, access points, trails and lookouts.

Managers also have long-standing relationships with private-property owners and ranchers who have experience and intelligence about activities near the border. This critical community network and local knowledge enhances border security.

Indeed, the improvements in interagency cooperation have led to a "force multiplier" that has been enhancing border security, not impeding it.

Under HR 1505, the Border Patrol would no longer need to consult with public-land managers to advance their operations and minimize their impacts on the border environment. There currently exists a mutuality of interest across the agencies and the Border Patrol to achieve their interdependent missions. This legislation would remove the incentives for interagency cooperation.

To abandon national environmental laws and the oversight of public-land managers on the border might actually jeopardize our national security. It would certainly undermine the interagency cooperation that has already proved to be a successful and essential strategy.

THE ARIZONA REPUBLIC

<http://www.azcentral.com/arizonarepublic/opinions/articles/2011/10/29/20111029nicol29-border-security.html>

Nicol: 'Border security' masks environmental assault

by **Scott Nicol** - Oct. 29, 2011 12:00 AM

How does waiving the Endangered Species Act in Glacier National Park help secure the border?

Simple. It doesn't.

But that doesn't matter to U.S. Rep. Rob Bishop of Utah, author of the National Security and Federal Lands Protection Act (HR 1505).

Bishop claims that U.S. Customs and Border Protection, which includes the U.S. Border Patrol, cannot enforce immigration laws without violating the rest of our nation's laws, so his bill waives 36 important laws on federal lands within 100 miles of the U.S.-Mexico border and U.S.-Canada border for anything that Customs and Border Protection may want to do, from carving roads through wilderness areas to building Border Patrol bases in National Parks to erecting walls.

Most of the laws that HR 1505 tosses aside, including the Endangered Species Act, Wilderness Act and Safe Drinking Water Act, protect the environment. But the bill also waives laws like the Farmland Policy Protection Act and the American Indian Religious Freedom Act.

Bishop's bill is an expansion of the Real ID Act, which gave the secretary of Homeland Security the authority to waive local, state and federal laws to build walls along the southern border.

The existing Real ID Act waivers have paved the way for tremendous environmental damage. To build border walls in California's Otay Mountain Wilderness Area, 530,000 cubic yards of rock were blasted from mountainsides. Walls have caused serious flooding in Arizona's Organ Pipe Cactus National Monument. And walls fragment the Lower Rio Grande Valley National Wildlife Refuge in Texas, which was established for the preservation of ocelots, an endangered feline. Without the waivers, those walls would be illegal.

Has complying with our nation's laws really prevented Customs and Border Protection from securing our borders?

Not according to the Border Patrol.

The irony is that the Border Patrol has not asked for the power to ignore environmental laws but instead has sent officials to testify against the bill in Congress.

Last spring, the Government Accountability Office found that "most agents reported that land management laws have had no effect on Border Patrol's overall measure of border security."

So what is the pressing need that justifies expanding the Real ID Act's destructive reach and undermining the rule of law?

Bishop's targeting of environmental laws simply fits the current Republican zeitgeist. House Majority Leader Eric Cantor has attacked environmental regulations and the Environmental Protection Agency as "obstacles to economic growth" that must be "removed." And GOP presidential candidate Mitt Romney says the Clean Air Act should be rewritten to exclude the regulation of greenhouse gasses.

Environmental laws have nothing to do with our economic crisis, but the bad economy provides cover for efforts to repeal or rewrite them.

HR 1505 is just more of the same.

Waiving environmental laws would not make our nation any safer, but then Bishop's bill isn't really about protecting our borders.

It is an assault on federal lands and environmental laws using border security as a convenient Trojan horse.



http://www.kcet.org/updaily/socal_focus/commentary/bill-would-give-homeland-security-absolute-power-in-the-desert-35402.html

Bill Would Give Homeland Security Absolute Power In The Desert

by Chris Clarke

on July 27, 2011 12:00 PM

A bill now making its way through Congress would give the Department of Homeland Security (DHS) unprecedented power to ignore Federal environmental laws on thousands of square miles of Federal and other lands.

The bill, dubbed [HR1505 -- the "National Security and Federal Lands Protection Act"](#), would exempt Homeland Security from following nearly three dozen environmental laws in its operations on lands managed by the Interior or Agriculture departments within a hundred miles of a land border, or 86 miles of a coastline.

The bill was introduced in April by Representative [Rob Bishop](#), a Republican from the state of Utah who heads up the House Subcommittee on National Parks, Forests and Public Lands. It is intended to correct what its backers claim is deliberate obstruction of law enforcement activities by land management agencies. [In the words of the sponsor:](#)

[F]ederal land managers are using environmental regulations to prevent Border Patrol from accessing portions of the 20.7 million acres along the U.S. southern border and over 1,000 miles of the U.S.-Canada border. Border Patrol agents are consistently unable to use motorized vehicles to patrol these areas or place electronic surveillance structures in strategic areas. As a result, our federal lands have become a highway open to criminals, drug smugglers, human traffickers and potentially terrorists. This has led to escalated violence and also caused destruction of the environment.

Currently making its way through the House's relevant subcommittees, the bill has attracted significant opposition, including from within the Interior Department. Kim Thorsen, Deputy Assistant Secretary for Law Enforcement at the Department of the Interior, said in testimony on HR1505 before the House Public Lands subcommittee:

As drafted, this bill could impact approximately 54 units of the national park system, 228 national wildlife refuges, 122 units of the National Wilderness Preservation System managed by Interior, and 87 units of BLM's National Landscape Conservation System, resulting in unintended damage to sensitive natural and cultural resources, including endangered species and wilderness.

Thorsen pointed out that Homeland Security already gets ready and willing cooperation from Interior, including permission to use motorized vehicles in Wilderness areas during pursuit of suspects. One of the laws from which DHS would specifically be exempted, contained in sections of the California Desert Protection Act of 1994, reads as follows:

103 g: "(g) LAW ENFORCEMENT ACCESS.--Nothing in this Act, including the wilderness designations made by such Act, may be construed to preclude Federal, State, and local law enforcement agencies from conducting law enforcement and border operations as permitted before the date of enactment of this Act, including the use of motorized vehicles and aircraft, on any lands designated as wilderness by this Act.

In California, the law would apply to all of Imperial, Riverside, San Diego and Orange counties, most of Los Angeles County, and almost all of the rest of the state west of Interstate 5. The public lands at issue include National Parks, BLM lands and National Forests (including quite a few designated Wildernesses) National Wildlife Refuges, lands managed by the Bureau of Reclamation, and (theoretically) Indian reservations. The bill would also grant DHS significant powers over state parks and private lands near the border.

The bill would cover the [entirety of the states](#) of Hawaii, Florida, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware, and at least half of a dozen more states. None of Rob Bishop's home state of Utah would be affected by the bill.

Perhaps most troublingly HR1505 would remove any DHS obligation to comply with the Administrative Procedure Act, the basic federal law regulating conduct and overview of federal agencies. DHS would have no responsibility for public notice of construction projects, and people seeking redress of damages from DHS actions would essentially be out of luck.

The list of laws from which DHS would be explicitly exempted by HR1505 reads like a history of Environmental Law in the United States. It includes:

- Administrative Procedure Act
- Rivers and Harbors Act of 1899
- Antiquities Act of 1906
- Historic Sites Act of 1935
- Bald Eagle Protection Act of 1940
- National Wildlife Refuge System Administration Act of 1966
- National Environmental Policy Act of 1969
- Endangered Species Act of 1973
- Noise Control Act of 1972
- Archaeological Resources Protection Act of 1979
- Safe Drinking Water Act
- Federal Water Pollution Control Act
- National Historic Preservation Act
- Migratory Bird Treaty Act
- Clean Air Act
- Solid Waste Disposal Act
- Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (The "Superfund" Law)
- Wild and Scenic Rivers Act

- Farmland Protection Policy Act
- Coastal Zone Management Act of 1972
- Wilderness Act
- Federal Land Policy and Management Act of 1976
- Fish and Wildlife Act of 1956
- Fish and Wildlife Coordination Act
- Otay Mountain Wilderness Act of 1999
- California Desert Protection Act of 1994
- National Park Service Organic Act
- National Park System General Authorities Act
- sections of the National Parks and Recreation Act of 1978
- Arizona Desert Wilderness Act of 1990
- American Indian Religious Freedom Act
- Religious Freedom Restoration Act of 1993
- Forest and Rangeland Renewable Resources Planning Act of 1974
- Multiple-Use Sustained-Yield Act of 1960

Perhaps with an eye to short-circuiting some public opposition, the bill mentions the "Religious Freedom" laws and the Bald Eagle Protection Act only by their Public Law numbers.

All this comes in the context of [dwindling migration across the border, as enforcement of the law becomes more punitive and economic opportunities in the US less attractive.](#)

In 2005, I spent some time working on a [story on the environmental effects of border enforcement](#), and saw first-hand the damage wrought on the fragile desert environment by construction of the border fence - as well as by the thousands of desperate migrants shunted into the desert by Federal decisions to tighten ports of entry at San Diego and El Paso in the 1990s. Even then, it was accepted practice for Border Patrol agents to use motorized vehicles in wilderness areas in places like Organ Pipe National Monument and the Cabeza Prieta National Wildlife Refuge: the Border Patrol needed merely notify land managers after the fact.

California's deserts overwhelmingly consist of public land, and much of the desert is within 100 miles of the border -- including every square inch of Joshua Tree National Park. Though Arizona has for a decade or more been the front line of the border crossing issue, with thousands of migrants dying of exposure, accidents and violence in the remote desert, California's outback is not far behind. Granting DHS carte blanche to commit to road-building, fencing, brush clearing, building of holding centers and surveillance installations, and other projects with no public oversight or checks and balances is a recipe for ecological catastrophe.

HR1505 should be seen for what it is: an ideologically driven attack on a century of environmental law using border security as a smokescreen. Illegal immigration is declining, and in any event is best treated as a humanitarian issue; DHS already has the absolute cooperation of its fellow federal agencies. The bill is a frontal assault on environmental protection, and California's deserts will pay the price if it passes.



<http://laprensa-sandiego.org/editorial-and-commentary/commentary/an-environmental-assault-disguised-as-border-security/>

An Environmental Assault Disguised as Border Security

November 11, 2011

Commentary:

By Scott Nicol

How does waiving the Endangered Species Act in Glacier National Park help secure the border?

Simple. It doesn't.

But that doesn't matter to Rep. Rob Bishop of Utah, author of the National Security and Federal Lands Protection Act (HR 1505). Bishop claims that U.S. Customs and Border Protection (CBP), which includes the U.S. Border Patrol, cannot enforce immigration laws without violating the rest of our nation's laws, so his bill waives 36 important laws on federal lands within 100 miles of the U.S. – Mexico and U.S.-Canada borders for anything that CBP may want to do, from carving roads through wilderness areas to building Border Patrol bases in national parks to erecting walls.

Most of the laws that HR 1505 tosses aside, including the Endangered Species Act, Wilderness Act and Safe Drinking Water Act, protect the environment. But the bill also waives laws like the Farmland Policy Protection Act and the American Indian Religious Freedom Act.

Bishop's bill is an expansion of the Real ID Act, a Bush era policy intended to address federal ID card standards and certain aspects of immigration law. Tucked into Real ID's overarching language was Section 102, which gave the Secretary of Homeland Security the authority to waive local, state and federal laws to build walls along the southern border.

The existing Real ID Act waivers have paved the way for tremendous environmental damage. To build border walls in California's Otay Mountain Wilderness Area, 530,000 cubic yards of rock were blasted from mountainsides; walls have caused serious flooding in Arizona's Organ Pipe Cactus National

Monument; and walls fragment the Lower Rio Grande Valley National Wildlife Refuge in Texas, which was established for the preservation of ocelots, an endangered feline. Without the waivers, those walls would be illegal.

Would complying with our nation's laws really prevent CBP from securing our borders?

Not according to the Border Patrol.

The irony is that the Border Patrol has not asked for the power to ignore environmental laws, but instead has sent officials to testify against Bishop's bill in Congress. Last spring, the Government Accountability Office said, "Most agents reported that land management laws have had no effect on Border Patrol's overall measure of border security."

So what is the pressing need that justifies expanding the Real ID Act's destructive reach and undermining the rule of law?

Bishop's targeting of environmental laws simply fits the current Republican zeitgeist. House Majority Leader Eric Cantor has attacked environmental regulations and the Environmental Protection Agency as "obstacles to economic growth" that must be "removed," and Mitt Romney says the Clean Air Act should be rewritten to exclude the regulation of greenhouse gasses.

Environmental laws have nothing to do with our economic crisis, but the bad economy provides cover for efforts to repeal or rewrite them.

The National Security and Federal Lands Protection Act is just more of the same.

Waiving environmental laws would not make our nation any safer, but then Bishop's bill isn't really about protecting our borders. It is an assault on federal lands and environmental laws that uses border security as a convenient Trojan horse.



<http://www.kvsun.com/articles/2011/07/12/news/doc4e1c99a7b965a573702489.txt>

Questions about California parks raised by bill

Published on Wednesday, July 13, 2011 12:10 AM PDT

Lori Abbott

SAN FRANCISCO - A U.S. House committee, on July 8, took up a bill that would expand the powers of the Department of Homeland Security by waiving compliance with 36 environmental laws, including the Clean Water Act, within a 100-mile buffer along borders and coastlines.

Lynn Scarlett, a former deputy Interior secretary under President George W. Bush, has reviewed the bill, H.R. 1505, and says she supports improving border security but thinks giving a single federal agency the authority to ignore laws and other federal, state and local agencies is a dangerous move.

Scarlett cites possible damage to iconic places such as Klamath National Forest and Golden Gate National Recreation Area. She says she has other concerns as well.

“The danger is also that national security itself will suffer. There’s wisdom in these agencies - law enforcement agencies, state agencies, federal agencies with boots on the ground. They have insights and knowledge that actually help us.”

Rep. Rob Bishop, R-Utah, introduced the bill, claiming federal and local laws and oversight have interfered with border security and that border areas are “overrun with criminal activity.”

John Leshy, who was Department of the Interior solicitor general during the Clinton administration, makes the case that the law isn’t needed and points to how it undermines bedrock environmental and land-management laws that also can reach onto private property.

“All of these environmental laws being waived are flexible. They can accommodate national security concerns. The land managers sit down with DHS and they can work these problems out. They are cooperating, they are collaborating.”

The text of H.R. 1505, the National Security and Federal Lands Protection Act, is online at thomas.loc.gov. A list of laws to be waived and a map of affected areas is at pewenvironment.org.



http://articles.dailypilot.com/2012-03-07/news/tn-dpt-0304-commentary1-20120303_1_border-patrol-public-lands-immigration-laws

Commentary: National security bill would not strengthen borders

March 07, 2012|By Jason Bensley

*Corrected: An earlier version of the piece misspelled the writer's name.

As a veteran, the security of our country is of great concern to me. I served in the United States Army in Iraq, and I understand the sacrifice that is needed to protect this great nation.

That's why I believe security starts with effective protection of our borders. We must be prepared for threats from all directions in a post-9/11 world.

- Homeland Security Online Earn an Online Certificate in Homeland Security. Enroll Today. www.StudyatAPU.com/HomelandSecurity
- Home Alarm In 15 Minutes Install Your Own System. Easy, Safe Leading Brand Based On Reviews. www.FrontPointSecurity.com

Illegal immigration is a serious challenge for our country. The men and women who protect our borders know this firsthand. Their jobs are difficult, and they not only deal with the human tragedy of those crossing the borders but also with a broken bureaucracy in Washington, D.C., that has failed to find a solution to this problem.

This issue has become even more paramount in recent years, as we have watched thugs and drug kingpins look to our borders as a way to push their product into our country. The problem is real and systemic.

Recently, U.S. Rep. Rob Bishop (R-Utah) introduced H.R. 1505, the "National Security and Federal Lands Protection Act." Unfortunately, this bill neither protects our nation's borders nor moves toward finding solutions for our broken immigration laws.

In reality, the bill is nothing more than an assault on our country's public lands — including our National Parks and Forests. H.R. 1505 would destroy some of the most treasured places in America — and fail to strength our borders or make us safer.

H.R. 1505 would provide the Department of Homeland Security with exemptions from various laws on federal lands within 100 miles of the border. Some of the laws that would be waived include the Wilderness Act, Endangered Species Act, Clean Air Act and Safe Drinking Water Act.

Waiving these long standing laws is no way to defend America — a fact with which many members of the Border Patrol agree. A recent study by the Government Accountability Office found that, "Most

agents reported that land management laws have had no effect on the Border Patrol's overall measure of border security."

In California, one of the areas that would be impacted by this bill is our beloved Joshua Tree National Park. Access to areas of the park could be shut down and roads could be constructed in an unregulated free-for-all.

This bill would allow the calculated destruction of one of America's most sacred areas and serves no purpose in securing our borders.



<http://www.theunion.com/article/20111112/NEWS/11119912>

Environmental assault disguised as security

By Scott Nicol

How does waiving the Endangered Species Act in Glacier National Park help secure the border?

Simple. It doesn't.

But that doesn't matter to Rep. Rob Bishop of Utah, author of the National Security and Federal Lands Protection Act (HR 1505). Bishop claims that U.S. Customs and Border Protection, which includes the U.S. Border Patrol, cannot enforce immigration laws without violating the rest of our nation's laws, so his bill waives 36 important laws on federal lands within 100 miles of the U.S. — Mexico and U.S. — Canada borders for anything that Border Patrol may want to do, from carving roads through wilderness areas to building bases in national parks to erecting walls.

Most of the laws that HR 1505 tosses aside — including the Endangered Species Act, Wilderness Act and Safe Drinking Water Act — protect the environment. But the bill also waives laws like the Farmland Policy Protection Act and the American Indian Religious Freedom Act.

Bishop's bill is an expansion of the Real ID Act, a Bush-era policy intended to address federal ID card standards and certain aspects of immigration law. Tucked into Real ID's overarching language was Section 102, which gave the Secretary of Homeland Security the authority to waive local, state and federal laws to build walls along the southern border.

The existing Real ID Act waivers have paved the way for tremendous environmental damage. To build border walls in California's Otay Mountain Wilderness Area, 530,000 cubic yards of rock were blasted from mountainsides; walls have caused serious flooding in Arizona's Organ Pipe Cactus National Monument; and walls fragment the Lower Rio Grande Valley National Wildlife Refuge in Texas, which was established for the preservation of ocelots, an endangered feline. Without the waivers, those walls would be illegal.

Would complying with our nation's laws really prevent Border Patrol from securing our borders? Not according to the Border Patrol.

The irony is that the Border Patrol has not asked for the power to ignore environmental laws, but instead has sent officials to testify against Bishop's bill in Congress. Last spring, the Government Accountability Office said, "Most agents reported that land management laws have had no effect on Border Patrol's

overall measure of border security.”

So what is the pressing need that justifies expanding the Real ID Act's destructive reach and undermining the rule of law?

Bishop's targeting of environmental laws simply fits the current Republican zeitgeist. House Majority Leader Eric Cantor has attacked environmental regulations and the Environmental Protection Agency as “obstacles to economic growth” that must be “removed,” and Mitt Romney says the Clean Air Act should be rewritten to exclude the regulation of greenhouse gasses.

Environmental laws have nothing to do with our economic crisis, but the bad economy provides cover for efforts to repeal or rewrite them. The National Security and Federal Lands Protection Act is just more of the same. Waiving environmental laws would not make our nation any safer, but then Bishop's bill isn't really about protecting our borders. It is an assault on federal lands and environmental laws that uses border security as a convenient Trojan horse.

<http://www.latimes.com/news/opinion/commentary/la-oe-skari-ladd-borderlands-legislation-20120615,0,4440053.story>

Los Angeles Times

Op-Ed: Border security overkill

Legislation granting the government more access to ranchland is unnecessary.

By Arlo Skari and John Ladd

June 15, 2012

With more than a century between us of working the land, farming and ranching are in our blood. We work 1,500 miles apart — one near the Mexico border, one near the Canada line — but we share a lifestyle rooted in being stewards of America's borderlands.

As border-area landowners, we strongly oppose two bills pending in Congress: HR 1505, sponsored by Rep. [Rob Bishop](#) (R-Utah) and S 803, cosponsored by Sens. [John McCain](#) (R-Ariz.), [Jon Kyl](#) (R-Ariz.) and [Marco Rubio](#) (R-Fla.). Both bills would give unrestricted power to the [Department of Homeland Security](#) on all public lands within 100 miles of the border (land currently under the jurisdiction of the Interior or Agriculture departments, a great deal of which is leased to ranchers and farmers).

This legislation — ostensibly for national security purposes — would allow the department to do many things on this land, including using vehicles, building roads, fences, living quarters and airstrips and deploying forward operating bases. For example, national parks advocates have raised concerns that if the department determined it needed surveillance equipment in a park — say on Chief Mountain in Glacier National Park — it could install it without any public comment or even internal review process.

These bills would allow the department to run roughshod over ranching and farming operations in the area, and waivers to existing laws would remove any incentive for it to work with landowners and communities. These bills are unnecessary and would be harmful to our rural economy, to our successful collaborations with the Border Patrol and, most important, to our public and private borderlands.

Even the DHS is not backing the bills. Homeland Security Secretary [Janet Napolitano](#) told a Senate subcommittee in March that unrestricted authority over public lands was unnecessary for the Border Patrol to do its job and was "bad policy." Those of us who live and work near U.S. borders know that collaboration helps rather than hinders border security efforts.

The kind of indiscriminate road building and other development allowed would not have to take into account the detrimental effects on nearby neighbors. Of particular concern in Montana, where one of us lives, is the impact on the Sweet Grass Hills, a sacred location for many tribal ceremonies. This area is also such an important source of water for surrounding communities that it is protected from mining and most motorized travel. In Arizona, where the other of us lives, we are concerned that poorly designed roads and fences will damage ongoing range land restoration work. Private landowners have spent thousands of dollars and manpower hours restoring these lands to their original state, which could all be compromised by these bills.

In addition, there are 36 landmark laws (including the Safe Drinking Water Act, the Clean Air Act, hazardous waste laws, tribal preservation law, the Migratory Bird Treaty Act and the National Park Service Organic Act) that could be waived to give the DHS complete "operational control" and "immediate access" to these lands.

Many southern border ranchers already have seen the problems created by previous such waivers. The costly results for landowners and communities have included significant flood and erosion damage as well as damage to individual landowners' efforts to restore vegetation and range-land health.

The border lands of Montana and Arizona are not for everyone. It's hard to get to some of these places. It is often either bone-chillingly cold or unbearably hot. But when we are out working the land, we are still stunned by its natural beauty. We work tirelessly to restore and protect the health of this land while also relying on it to turn a profit so we can provide for our families.

We support the Border Patrol's mission to secure our borders. We also strongly believe that compliance with laws and regulations is key to ensuring that the rights of borderland landowners and rural communities are protected as the agency carries out that mission. But our natural heritage does not need to be sacrificed for the Department of Homeland Security and the Border Patrol to do their jobs.

Arlo Skari is a farmer in Montana; John Ladd is a rancher in Arizona.

<http://www.utsandiego.com/news/2012/jun/14/a-veterans-voice-protect-san-diegos-public-lands/>



A veteran's voice: Protect San Diego's public lands

By Mark Starr

Thursday, June 14, 2012

As a veteran of both the Iraq and Persian Gulf wars, I understand firsthand the need to protect our country from all enemies and ensure our safety with strong security along our borders. I fought to make our nation more secure and I know that threats are, unfortunately, a daily reality of the 21st century.

Given this, it disappoints me all the more to see legislation put forward under the false guise of national security that will do little to make our country safer.

H.R. 1505, authored by Rep. Rob Bishop, R-Utah, would allow the Department of Homeland Security unfettered access to our national parks and forests within 100 miles of the borders. This bill would also exempt the Department of Homeland Security from various laws on such federal lands, such as the Wilderness Act, Endangered Species Act, Clean Air Act and Safe Drinking Water Act.

In reality, this bill is nothing more than an ill-disguised attack on long-standing protections for our national parks and forests, including places that are in San Diego's own backyard.

Cleveland National Forest provides a getaway for families and friends to experience many great American traditions such as hiking, fishing and hunting in the great outdoors. Joshua Tree National Park is also close enough for a weekend visit to see the twisting trees that make this place famous, spot a bighorn sheep or take in the night sky of seemingly endless stars.

These, and many more places, are under threat from Rep. Bishop's ill-advised legislation. This bill would allow the Department of Homeland Security to build roads, construct gates and pollute water sources in some of the most pristine and special places in our country. That's not a plan I can support, especially given there's no credible argument that these changes will increase security along our border.

For proof of this, look no further than a recent study by the nonpartisan Government Accountability Office, which found that, “Most agents reported that land management laws have had no effect on the Border Patrol’s overall measure of border security.”

As a veteran, protecting our public lands is personally important to me. I’ve traveled the globe, including to some of the harshest conditions imaginable. When I was overseas, images of our country sustained me while I was away from home, from memories of driving along the majestic California coast with a blue sky overhead to thoughts of time spent in the great outdoors with family and friends. These memories gave me a sense of freedom – the same freedom that I was fighting to protect and defend.

Since then, the great outdoors has also served as a place of healing for me and many others of my fellow veterans. The men and women who have fought for our nation face many challenges when they come home to civilian life. They return with injuries and scars, both visible and invisible. Spending time out in the wilderness – a hike in the serene quiet of a forest or a day spent fishing by a river – are activities that provide calm after years spent at war.

As a veteran, a patriot of this nation and a Californian, I can’t stand by while these lands are threatened. I’m proud to have worn this country’s uniform and I want to continue serving. That’s why I’ve chosen to follow in the path of the great Teddy Roosevelt – a man who was both a soldier and a conservationist – and stand up for our public lands. He understood the value of protecting our open spaces and setting aside forests and wilderness for future generations. Thanks to him, millions of acres of our country’s most special places are still here for Americans to enjoy with activities like hiking, hunting, camping and fishing.

In fact, President Roosevelt left a lasting legacy right here in San Diego County. In 1908, he set aside the place we now know as Cleveland National Forest, ensuring that this area would remain protected for the 100 years that followed and now, for many decades more. No doubt he would have stern words for politicians that now threaten these lands.

It is with his legacy in mind that I urge San Diego residents to help protect our great outdoors by telling their member of Congress to oppose H.R. 1505.

Starr, a Southern California resident, is program director of Vet Voice Foundation.



<http://coloradoindependent.com/93440/pew-skewers-border-security-bill-that-would-roll-back-environmental-laws-on-public-lands>

Pew skewers border-security bill that would roll back environmental laws on public lands

By **David O. Williams**

Friday, July 08, 2011 at 3:53 pm

Pew Environment Group officials on Thursday said a proposed U.S. House bill aimed at increasing border security gives “unprecedented authority to a single federal agency to destroy wildlife habitat and wetlands ...”

The National Security and Federal Lands Protection Act (H.R. 1505), debated Thursday by the House Natural Resources Committee, would allow the Department of Homeland Security to override 36 environmental laws and other types of laws governing the management of federal, state and private lands within 100 miles of the United States border and coastline.

“While we strongly support making America’s borders more secure, this sweeping waiver of the nation’s bedrock environmental and land management laws has little to do with accomplishing that goal,” said Jane Danowitz, Pew Environment Group’s director of U.S. public lands.

Introduced in April by Rep. Rob Bishop, R-Utah, H.R. 1505 would “prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes.”

Bishop is chairman of the House Subcommittee on National Parks, Forests and Public Lands, and his bill would apply to 10 states in their entirety, including all of Hawaii and Florida (see detailed Pew map).

“The proposed legislation would give unprecedented authority to a single federal agency to destroy wildlife habitat and wetlands, impair downstream water quality and restrict activities such as hunting, fishing and grazing. It would leave Congress and the public without a voice, even though at stake are hundreds of popular destinations including Glacier National Park, the Florida Everglades and beaches along Cape Cod, the Great Lakes and the California coastline,” Danowitz said.

All in the name of border security, the bill would waive the National Environmental Policy Act, Endangered Species Act, Clean Air Act, Safe Drinking Water Act, Wilderness Act, Federal Land Policy and Management Act, National Park Service Organic Act, Migratory Bird Treaty Act and the Coastal Zone Management Act.

“We urge lawmakers to reject this and any future attempt to undercut fundamental environmental protections that have been on the books for decades,” Danowitz concluded.

High Country News

For people who care
about the West

<http://www.hcn.org/blogs/range/down-with-the-national-insecurity-and-federal-lands-destruction-act>

Down with the "National Insecurity and Federal Lands Destruction Act"

Oct 05, 2011 04:00 AM

By Heather Hansen, [Red Lodge Clearing House](#)

Updated afternoon of 10/5/11 to reflect recent changes to the bill.

I was cruising along the shoreline of Upper Waterton Lake a few years back, crossing from Canada to Goat Haunt, Montana. It was around the time of the sixth anniversary of 9/11 and, as we crossed the international border, I remember remarking, 'Wow, this is it?' The border amounts to a band of grass where the lodgepole pines have been cleared in a tidy strip running up the mountainside.

For anyone once connected to people who died when the towers caved in on themselves, the crisp air and cerulean blue skies of early fall now brings a feeling of dread, and of longing for the days before *that* one, when we had moved through the world unfettered by profiling, pat-downs and reinforced cockpit doors. It sounds corny but there, in the [International Peace Park](#) with its clearly porous border, I could exhale and feel some solace.

In stark contrast is the claustrophobia induced by the [National Security and Federal Lands Protection Act](#), which is currently making its way through the House. This sweeping piece of legislation would give the U.S. Border Patrol unprecedented rein over all public lands [within 100 miles of our borders and coastlines](#). That's an area that covers 10 entire states, including all of Florida and Hawaii. In the west, it encompasses Glacier National Park, Olympic National Park, Mount Rainier National Park, the Sonoran Desert National Monument, Carlsbad Caverns National Park, Big Bend National Park and many other parks, wilderness areas and wildlife refuges.

The bill would supersede the mission of the federal agencies that currently steward that land from fulfilling their legal missions, including the U.S. Departments of the Interior (DOI) and Agriculture (USDA), which includes the [Bureau of Land Management](#), the [Forest Service](#) and the [National Park Service](#).

H.R. 1505 would allow the Border Patrol to build roads, transmission lines and security installations-- wherever and as many as they want. Congress would have no power to intervene and public opinion would have no bearing on their actions. The bill would negate a whopping 36 environmental statutes. These are the laws that form the bedrock of the protection of our natural resources, including the [National](#)

[Environmental Policy Act](#), [Endangered Species Act](#), [Clean Air Act](#), [Safe Drinking Water Act](#), [Wilderness Act](#) and [Federal Land Policy and Management Act](#).

(Update: The measure passed the Natural Resources Committee on October 5 with some amendments, including the removal of maritime borders, which limits the bill's reach to land within 100 miles of our borders with Canada and Mexico. So-called "sunset" language was also added, forcing the legislation to expire in five years. The bill now goes before the full House.)

Rep. Rob Bishop (R-UT), Chairman of the House Subcommittee on National Parks, Forests and Public Lands, introduced the bill, which has 49 Republican co-sponsors.

Bishop's [outraged insistence](#) that environmental laws are getting in the way of the border patrol are unfounded. It was such a concern that led to a memorandum of understanding (MOU) in 2006 called [Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders](#), in which the Department of Homeland Security (DHS), DOI and the USDA agreed to work together to give the Border Patrol access to public lands. It specifically addresses giving border agents free reign when 'in hot pursuit'.

It was the [horrific shooting death](#) of a brave border patrol agent, Brian Terry, in a remote Arizona canyon last December that Rep. Bishop says encouraged his action on the bill. Terry was killed in a gun battle against a 'rip crew' that was poised to rob drug smugglers entering the U.S. illegally. He was part of the specially-trained [U.S. Border Patrol Tactical Unit](#), so-called BORTAC—a kind of 'special ops' of border protection—whose members undergo grueling pre-deployment training including 'drown-proofing' and a timed, six-mile march with a hefty pack.

Given their superior training, I'd argue that Terry was well-prepared for what he encountered in that canyon. Neither the Clean Air Act nor any park rangers got in his way. Terry's colleagues apprehended four of the five suspects they'd been pursuing that night. I doubt Smokey the Bear himself could've stopped them from carrying out their mission.

Over the past several years, the number of border patrol agents has nearly doubled, and the DHS has installed surveillance equipment and put up hundreds of miles of fencing on, and adjacent to, public lands in the Southwest. And, [according to FBI crime statistics](#), border agents are doing their jobs better than ever. Violent crimes in Arizona, California, New Mexico and Texas have [declined sharply in recent years](#), as have the number of people trying to enter the country illegally.

When Bishop first insisted that border agents were hindered by environmental protection, the Government Accountability Office (GAO) studied the issue for nearly a year. They interviewed the folks running the show at 26 border patrol stations on the U.S./Mexico border. [Their finding](#): "22 of the 26 agents-in-charge reported that the overall security status of their jurisdiction is not affected by land management laws. Instead, factors such as the remoteness and ruggedness of the terrain have the greatest effect on their ability to achieve operational control."

Commenting on the GAO results, Brandon Judd, president of the Border Patrol agents' union in Arizona, [told the Arizona Daily Star](#) that he disagrees with Bishop's insistence that the border patrol needs carte blanche in order to carry out their mission federal lands. "They are protected lands for a reason," he said.

The federal agencies now responsible for upholding the law of public lands foresee disaster should H.R. 1505 clear the Senate. Kim Thorsen, DOI Deputy Assistant Secretary of Law Enforcement, Security, and Emergency Management [warns of the potential impact](#) on nearly 500 parks, preserves and refuges,

“resulting in unintended damage to sensitive natural and cultural resources, including endangered species and wilderness.” The bill could also alter 1,000 miles of Bureau of Reclamation channels, levees, canals and bridges that, by law, deliver Colorado River water to users here and in Mexico.

Jim Pena, Associate Deputy Chief of the National Forest System, [told a House subcommittee](#) in July that the legislation “creates a false choice between environmental protections and securing our borders.”

"Securing our borders and addressing impacts to our public lands are both critically important goals that need not conflict," he said.

If anything, Bishop’s bill could make matters worse for those burdened by guarding our nation’s perimeter. Roads carved into forests and jungles in places like the Amazon and the Congo, and even some places in North America, have made it infinitely easier for baddies to traverse once-remote areas.

If there really are some places along our borders where a wilderness designation is obstructing the work of the border patrol, we should be able to negotiate improved access for agents in those particular areas. Defending our canon of environmental protection doesn’t put plants and animals above people, as Bishop has suggested, but rather it places a premium on our liberty, viability and spirit.

Sun Journal

<http://www.sunjournal.com/state/story/1058998>

Congress' border security bill could have big impact in Maine

Steve Mistler, Staff Writer

Thursday, July 14, 2011

Environmentalists and the state's congressional delegation are closely monitoring a controversial bill that would give the Department of Homeland Security the authority to waive dozens of federal environmental laws along the nation's borders and coastline.

If enacted as written, the legislation could have a significant impact in Maine. The proposed broadening of Homeland Security power would allow the agency to conduct activities across the entire state while avoiding any one of 36 federal environmental regulations, including the Clean Water Act and the Endangered Species Act.

The legislation is born of congressional lawmakers' concerns over illegal immigration and increased calls to tighten border and coastal security.

The bill was introduced by Rep. Rob Bishop, R-Utah, who in April argued that a "turf war" between land managers and Homeland Security prevented border patrol agents from effectively enforcing the southern border with Mexico.

But the proposal also includes a 100-mile waiver belt that wraps around the nation's northern and southern borders and its coastline. The zone engulfs several entire states, including Maine.

Jane Danowitz of the Pew Environmental Group, based in Washington, D.C., said the bill would allow DHS to unilaterally waive 36 core environmental laws without consulting state or federal agencies.

"People in Maine, certainly people in the country, think that our borders should be safe and secure," Danowitz said. "But this, a sweeping waiver of environmental laws, doesn't seem to be the way to accomplish this goal."

Jane West of the Conservation Law Foundation said the bill could have a wide range of consequences, including the impairment of hunting and fishing habitat.

"Imagine if the Migratory Bird Treaty Act was completely waived for the North Woods," West said. "Nesting eagles now could potentially have their habitat completely destroyed because Homeland Security deems that a fence may be appropriate for that particular area."

Opponents also note that DHS already has authority to bypass federal environmental laws through a 2006 memorandum of understanding drafted under President George W. Bush.

According to Danowitz, the memo includes checks and balances not present in the federal bill, H.R. 1505.

Rep. Bishop said during the bill's April 15 hearing that bureaucracy among agencies prevented the U.S. Border Patrol from moving quickly to plug holes in the border or to install surveillance and security equipment.

Bishop cited one case in which it took four months for Border Patrol to obtain a waiver from the required land manager to install a mobile surveillance camera. The result, he said, was a porous border where violence and drug and human trafficking were rampant — arguments he attempted to reinforce with a video set to foreboding music.

"People are being assaulted, raped and murdered on American land," Bishop said.

While the bill's opponents concede there are problems on the southern border, they are concerned about the breadth of DHS empowerment in H.R. 1505.

Former Clinton administration Department of Interior Solicitor General John Leshy told lawmakers in April that the bill was the "most breathtakingly extreme legislative proposal of its kind."

Leshy said the bill effectively would allow Homeland Security, armed with 200,000 employees and a \$55 billion budget, to "do what they want, without any advance notice, check, or process." He said such activity might include building fences, barracks or support equipment that would restrict the public's recreational and commercial activities.

Environmentalists hope the ranging impacts will be scaled back as the bill makes its way through Congress. However, West, with the Conservation Law Foundation, worried about the Washington political climate.

"Right now, it's popular to cut the head off anything that looks green, especially when you throw in that immigration dynamic," West said.

Most of the state's congressional delegation have responded cautiously to H.R. 1505.

Earlier this year, U.S. Sen. Susan Collins, R-Maine, called for tighter border security along the northern border. Collins cited a Government Accountability Office report that called for additional oversight and coordination between U.S. and Canadian authorities to prevent drug trafficking and other illegal activity.

In a written statement, Collins said gaps in border security made the country vulnerable to criminal activity and terrorism, but added that "securing our borders and protecting our environment need not be conflicting goals."

Collins also cited testimony from President Barack Obama's administration that securing the border would result in less harm to the environment.

That argument was also made by Bishop, who said in April, "It's not national security that threatens our environment. It's a lack of national security that threatens our environment."

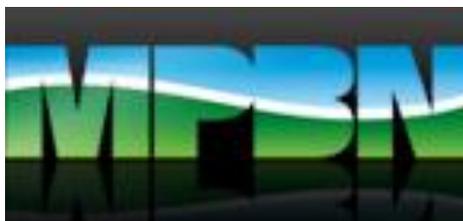
U.S. Sen. Olympia Snowe, R-Maine, said in a written statement that securing the country's "porous borders" while protecting the environment were not mutually exclusive goals.

U.S. Rep. Mike Michaud, D-Maine, was more critical of the legislation, saying that he wasn't sure it solved the problem of border security. He encouraged better cooperation among the agencies.

U.S. Rep. Chellie Pingree, D-Maine, opposed the bill outright.

"I just don't see how protecting endangered species and clean water stands in the way of national security," Pingree wrote in a statement.

She added, "We should certainly do everything to tighten our borders and make sure agencies are working together. But that doesn't mean we should give Homeland Security the power to damage our environment and our way of life while they do it."



<http://www.mpbn.net/News/MaineNewsArchive/tabid/181/ctl/ViewItem/mid/3475/ItemId/17155/Default.aspx>

Maine Caught in Environment vs. Border Protection Debate in Congress

07/08/2011 Reported By: Jay Field

Preventing the flow of drugs, human traffickers and potential terrorists across the northern and southern border is a major challenge facing the U.S., both at home and abroad. In Washington, D.C. this morning, a House subcommittee held a hearing on controversial legislation to give the U.S. Department of Homeland Security broad new authority to waive environmental laws that are deemed to get in the way of its border patrol operations.

The challenge of policing the southern border with Mexico gets most of the attention in national news coverage. But earlier this year, the Government Accountability Office put out a report on border security. Among its disturbing conclusions, it found that federal authorities were able to detect illegal crossings on just a quarter of the northern boarder with Canada, stretching from Washington state to Maine.

U.S. Senator Susan Collins, ranking member of the Homeland Security Committee, says porous security along the northern border is worrisome. "I'm concerned about the potential for the increased production, smuggling and trafficking of narcotics into Maine," she said recently. "Increasingly, meth and its precursor chemicals are being smuggled into Maine from Canada."

Collins could not be reached for comment today, but made these comments earlier this year as part of a recording praising President Obama for signing a bill she co-authored to strengthen enforcement and drug interdiction on the northern boarder.

It's a tough challenge. Even with increased resources, support and coordination between local, state and federal authorities, border patrol agents in the north have to police a 4,000-mile stretch of geographically diverse territory.

And some in Congress say there's one especially vexing adversary getting in their way: federal environmental statutes. Ex-patrol agents say federal land managers are using environmental regulations to prevent them from patrolling the northern and southern boarder on motorized vehicles.

But that would change under a controversial bill in the U.S. House called the National Security and Federal Lands Protection Act.

"This is a law that is unprecedented in terms of the authority it gives to one federal agency," says Jane Danowitz, Director of U.S. Public Lands for the Pew Environment Group. Under the measure, H.R. 1505,

the U.S. Department of Homeland Security would be allowed to ignore 36 different environmental laws within 100 miles of U.S. borders and coastline.

Jane West, a lawyer with the Conservation Law Foundation, has been looking at what the legislation might mean for Maine.

"It would give unprecedented authority to a single federal agency to destroy a wildlife habitat or wetlands, impair downstream water quality and restrict activities such as hunting in the North Woods, fishing, even grazing," West says. "And it wouldn't give citizen activists any sort of voice about what's going on in their backyard."

A call to the National Association of Former Border Patrol Officers, a major supporter of the bill, was not returned by airtime. A spokesperson for Sen. Susan Collins says she's still reviewing the legislation.



http://www.wickedlocal.com/capecod/visitor_guide/cape_cod_national_seashore/x593341642/Bill-proposes-Homeland-Security-takeover-of-National-Seashore-coastal-locations#axzz1SSpSIWG7

Bill proposes Homeland Security takeover of National Seashore, coastal locations

A new bill making its way through U.S. House committees proposes a change in authority for public coastlands, including those in the Cape Cod National Seashore.

By Kaimi Rose Lum, [Provincetown Banner](#), Posted Jul 14, 2011

PROVINCETOWN —

A bill proposing to give the Dept. of Homeland Security ultimate control over federal lands located along maritime and international borders, including Cape Cod National Seashore, is making its rounds in the U.S. House of Representatives.

HR Bill 1505, the “National Security and Federal Lands Protection Act,” would force the Secretary of the Interior to cede authority of coastal public lands, as well as lands located along the borders of Canada and Mexico, to the Secretary of Homeland Security when the latter sees fit. It would give the Dept. of Homeland Security the ability to construct roads and fences, deploy patrol vehicles and set up “monitoring equipment” in the National Seashore with impunity. And it would waive the need for the Dept. of Homeland Security to comply with environmental laws in areas within 100 miles of a coastline or international border.

The laws from which the Dept. of Homeland Security would be exempt include the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act, the Clean Air Act, the Coastal Zone Management Act, the Federal Water Pollution Control Act, the Migratory Bird Treaty Act, the Safe Drinking Water Act and virtually every other piece of environmental legislation passed by Congress.

Rep. Rob Bishop, a Republican from Utah, introduced the bill in April. It was referred to the House committees on Natural Resources, Agriculture and Homeland Security, and on Friday, July 8, had its first hearing before the subcommittee on National Parks, Forests and Public Lands, of which Bishop is chair.

Although it’s in its early phases, the proposed law has already met with strong criticism from Lynn Scarlett, a former deputy Interior secretary under President George W. Bush. And a spokesperson for Congressman William Keating (10th District) said Tuesday that the bill was in need of further clarification.

“While HR 1505 is just starting to be reviewed by the appropriate committees and as such, is subject to extensive modification, Congressman Keating believes the legislation in its current form needs to be clarified so as to appropriately assess the border security risk levels of various locations throughout the country and balance our national security against other vital protections, such as environmental safeguards, which should not be discarded haphazardly,” said Lauren Amendolaro, communications director for Keating.

Keating currently sits on the House committee on Homeland Security.

The Pew Environment Group has condemned the bill, calling it a “sweeping waiver of the nation’s bedrock environmental and land management laws” that has little to do with accomplishing the goal of national security.

“Instead, the proposed legislation would give unprecedented authority to a single federal agency to destroy wildlife habitat and wetlands, impair downstream water quality and restrict activities such as hunting, fishing and grazing. It would leave Congress and the public without a voice, even though at stake are hundreds of popular destinations,” including Glacier National Park, the Great Lakes, the California coastline and Cape Cod, said Jane Danowitz, director of U.S. public lands for the Pew Environment Group.

Areas in which environmental laws would be waived under the proposed law include the entire border of Alaska, most of Puerto Rico, all of Hawaii and all of Florida. Other national parks that be would affected include Olympic National Park and Mt. Rainer National Park in Washington, Carlsbad Caverns in New Mexico, Big Bend National Park in Texas, Acadia National Park in Maine and Cape Hatteras National Seashore in North Carolina.

The text of the bill states that its purpose is to “prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes.”

<http://www.startribune.com/opinion/editorials/134939933.html>

Editorial: Flawed border bill should be rejected

Updated: December 4, 2011 - 5:57 PM

Debate over border security and illegal immigration is a constant in GOP presidential debates. Now, a Utah congressman wants to give greater authority to U.S. Homeland Security to stem immigration and drug trafficking.

While the bill is aimed at curbing problems on the nation's southern border, it's worded in a way that would also grant Homeland Security unfettered access along the northern border, where those issues aren't as severe.

That should be especially worrisome for Minnesotans because of the unintended consequences such authority might have.

For instance, the bill would give the U.S. Border Patrol a pass on more than 30 existing laws, including the Clean Air Act, the Wilderness Act and the Federal Land Management Policy Act.

Republican Rep. Rob Bishop of Utah is the author of the bill, the National Security and Federal Lands Protection Act, which would allow Homeland Security the authority to build roads, erect fences and enact other measures within 100 miles of the Mexican and Canadian borders.

But without a more transparent strategy for the northern border, Bishop's bill seems like a solution in search of a problem, and it should be rejected.

That's not to diminish the danger posed by those who would do harm to this country. Instead, Homeland Security should develop a more defined plan for dealing with potential threats along the more-than-5,000-mile stretch separating the United States and Canada -- often called the "world's largest open shared border."

A year ago, the U.S. Government Accountability Office and Department of Homeland Security warned that terrorist risks were greater along the nation's border with Canada than with Mexico.

That's largely because the United States has been much more focused on drug and immigration problems along the southern border.

A bulk of U.S.-Canadian trade centers on a relatively few entry points between the two countries, making specific roadways and waterways especially vulnerable, according to Homeland Security. This means that a terrorist attack could extract an enormous human and economic toll on both countries.

In 1999, Ahmed Ressam, dubbed the "Millenium Bomber," crossed the border in Washington state with the intent of setting off explosives at Los Angeles International Airport. He was convicted in 2005, but not before divulging key information about Al-Qaida's terrorism operations and training.

In announcing his bill, Bishop made several statements about the environment that are troubling because two of Minnesota's treasures -- the Boundary Waters Canoe Area Wilderness and Voyageurs National Park -- could be affected by his legislation. And, tellingly, Homeland Security officials didn't request Bishop's legislation, according to Jane Danowitz, director of the U.S. public lands program at the Pew Environment Group.

"We're talking about legislation that would basically, under the guise of national security, undo environmental laws that have been on the books for decades," Danowitz told a Star Tribune reporter.

So far this year, House Republicans have introduced more than 170 bills that would erode or eliminate federal environmental protections. Michele Bachmann and Newt Gingrich want to abolish the Environmental Protection Agency.

There's no doubt that the nation needs to be vigilant about its borders, but not at the expense of important environmental protections.

StarTribune |

<http://www.startribune.com/opinion/134212438.html>

Editorial cartoon: BWCA threats

Article by: Steve Sack , Star Tribune

Updated: November 20, 2011 - 4:50 PM

Star Tribune
SSK

HOMELAND SECURITY TO ADDRESS BWCA THREATS



StarTribune |

<http://www.startribune.com/local/blogs/125216454.html>

Ring around the country

Posted by: Josephine Marcotty Updated: October 14, 2011 - 5:00 PM

The bill that would exempt Homeland Security from all environmental laws within a 100 mile border around the U.S. is making progress in Congress. If passed, it means that the border patrol would have free rein to build roads, telecommunication systems, fences and anything else deemed necessary for security -- never mind the Wilderness Act, the Clean Water Act and the Endangered Species Act.

Even though most of the border security problems are on the U.S. Mexico border, [House Bill 1505](#) would also take affect Voyageur's National Park, the Superior National Forest and the BWCA. [It passed out of the House Committee on Natural Resources](#) earlier this month.

The Republican representatives who say that the federal lands along the border are prime areas for crime and drug running, and that the border patrol needs authority. But other federal agencies and environmental groups say the law would give Homeland Security unfettered power.

According to testimony by Kim Thorsen, a top security official for the Department of the Interior,

As drafted, this bill could impact approximately 54 units of the national park system, 228 national wildlife refuges, 122 units of the National Wilderness Preservation System managed by Interior, and 87 units of BLM's National Landscape Conservation System, resulting in unintended damage to sensitive natural and cultural resources, including endangered species and wilderness. The bill could also affect up to 1,000 miles of Bureau of Reclamation project purpose infrastructure (including river channel, levees, canals and bridges) required to meet Colorado River water delivery obligations to U.S. and Mexico water users.

The Senate now has a companion bill that allow those powers only in border states with Mexico. But if it did become law for the entire country, it would only aggravate conflicts between the border patrol and those living on Minnesota's border with Canada. Environmental groups in Minnesota say that the border patrol has already contributed to damage inside the BWCA with snowmobiles, chainsaw and motor use.

MPRnews

<http://minnesota.publicradio.org/display/web/2011/09/09/proescholdt/>

We shouldn't let degradation of the wilderness become a legacy of 9/11

by Kevin Proescholdt

September 9, 2011

Some years ago in the fall, my canoeing buddy, BT, and I planned a rugged canoe trip into the Boundary Waters Canoe Area Wilderness in northeastern Minnesota. Years earlier, we had spied a remote lake on the maps, far off the normal travel routes. To reach this lake we needed to bushwhack (or to "crash," as we liked to call it) quite a distance both to reach the lake, and again to travel out another way.

BT and I started guiding canoe trips together in the BWCA back in the mid-1970s. We were both experienced canoe-country hands, and we had enjoyed many crashing trips over the years to visit remote locations not reached by sane people, and to experience the real wilds of the Boundary Waters.

On that fall trip, it took us a day and a half to reach the spot where the crashing would begin. Our first stretch was strenuous, but not too difficult. We could paddle portions of a small stream, often needing to portage around obstacles like fallen trees or rocky shallows. At one point we improvised a steep carry up a small hill and almost straight down on the other side to bypass a tangle of rocks and fallen trees. We repeated these maneuvers again and again before pushing into a small lake as evening began.

On a small island, we were visited several times at dusk by a barred owl that flew so low over us that we might have touched it if we'd stood up.

The next day would be our most challenging. We broke camp in the morning, paddled to a connected small lake and crashed overland through mostly wet muskeg bog, and finally launched our canoe into the lake we had sought. We paddled the entire shoreline, exploring. What a beautiful, remote lake! It was worth the effort to see it.

Then off we went a different way, only to find a stream impassable due to low water. So we began the long crash out, slowly portaging our canoe and gear. We climbed up a ridge at one point to avoid the thick alder brush, only to encounter more brush and deadfalls atop the high ground as well. We pushed on.

After hours of the grind, near sunset, we finally reached a lake that connected to an official portage trail. We had returned to civilized wilderness. We pushed on to the next lake, found a campsite, and collapsed in exhaustion.

After two more days in the wilderness we arrived at a motel room in town. We turned on the TV and, uncomprehendingly, saw Tom Brokaw standing in front of a pile of rubble.

While we had been in the middle of nowhere, the world had changed. The 9/11 attacks occurred on the day the barred owl soared above our heads. Coming out of the woods, we felt like Rip Van Winkle waking up from his nap.

And the world continues to change — now, ironically, in ways that may significantly harm the same Boundary Waters we had enjoyed on that Sept. 11.

In the aftermath of 9/11, Congress passed a series of new national security measures like the Patriot Act, some of which have seriously inhibited not only individual freedoms but environmental protection as well. A new bill by Rep. Rob Bishop, R-Utah, would waive over 30 federal laws like the Wilderness Act within 100 miles of the Canadian border so that the Department of Homeland Security could "maintain and construct roads, construct a fence, use vehicles to patrol, and set up monitoring equipment." Homeland Security would be free to do essentially whatever it wished in the BWCA, Voyageurs National Park, and everywhere else within that 100 miles.

Some may doubt that the federal government would harm the BWCA and Voyageurs. But we need only look at the terrible damage to areas along the Mexican border to see what could be in store. Massive construction to erect an enormous border wall, construction of towers and buildings, establishment of roads for Border Patrol vehicles — all this has already happened in places like the [Cabeza Prieta Wilderness](#), [Organ Pipe Cactus Wilderness](#) and [Otay Mountain Wilderness](#).

Let's not wake up in the future like another Rip Van Winkle only to find our BWCA and Voyageurs degraded in similar ways.



BILLINGS GAZETTE

http://billingsgazette.com/news/opinion/guest/article_2c831a77-68b7-5f7e-b44f-041ce7979319.html

Guest opinion: U.S. can never take national security for granted

September 10, 2011 12:00 am • By JON TESTER U.S. Senator

I was glued to the radio in my pickup on a long drive home to Big Sandy from Colstrip 10 years ago Sunday. It wasn't until I stopped in Billings that I finally saw the news on TV. Although the attacks of 9/11 weren't America's first test of uncertainty, all of us knew this nation would change forever.

In the days following the attacks, Americans — neighbors and perfect strangers — joined together in solidarity to fill the streets, despite their differences.

I knew then that this great nation would overcome. Events that unite us will always make us stronger. We must never lose sight of our ability to find common ground and work together on the major issues that affect all of us. We have much more in common than not, and we should never forget that. It's what built this country and made it the best nation on earth.

We must also never lose sight of some the lessons we've learned over the past decade:

We can never take the security of this country for granted. Sadly, there will always will be people out there bent on destroying what America stands for, taking innocent lives with them. They are always looking for the weakest links in our security. I'm particularly concerned about weaknesses along Montana's northern border with Canada.

Fighting isn't free. In the years since 9/11, American forces have paid a tremendous price in Iraq and Afghanistan in lives and livelihoods. Until only a few years ago, veterans had to fight another battle at home, trying to get the benefits they earned. Too many veterans are still fighting for adequate funding and access to the quality health care services they earned. As one veteran told me, "The day this nation stops taking care of her veterans is the day this nation should stop creating them." I couldn't agree more.

Law-abiding Americans can never afford to have our privacy invaded and our constitutional rights trampled on. Measures like the Patriot Act, which I consistently opposed, forfeit some of our basic freedoms. Some lawmakers aren't stopping there. The National Security and Federal Lands Protection Act (H.R. 1505) would allow the Homeland Security Department to waive laws and seize control of public lands within 100 miles of the border — even if it means closing off grazing lands, shuttering national parks and trampling on the rights of private landowners.

We can and we will remain strong, but we can and must do it without taking away our rights and freedoms.

Today my prayers are with the thousands of Americans who have died at the hands of terrorists on and since 9/11, and for the thousands of American troops who have died in service to this country since that terrible day. Sharla and I also stand with all Montanans in saying thank you to the members of our military, present and past — especially those who have come home with injuries seen and unseen. This nation will never forget your sacrifice.

BOZEMAN DAILY CHRONICLE

http://www.bozemandailychronicle.com/opinions/article_0d5141c8-e95d-11e0-a7ae-001cc4c03286.html

Rep. Rehberg's homeland security bill is scary stuff

Posted: Tuesday, September 27, 2011 5:03 pm | Updated: 5:04 pm, Tue Sep 27, 2011.

By Vic Miller, guest columnist

The U.S. House of Representatives is considering a dangerous bill that should have all of us in Montana - and especially those of us in the northern tier - on high alert. It's called the National Security and Federal Lands Protection Act (H.R. 1505 if you want to look it up yourself), and it gives the federal government sweeping new power to shut down our public lands.

The National Security and Federal Lands Protection Act is co-sponsored by Rep. Denny Rehberg, and it is exactly the kind of Big Government Montanans don't tolerate. All of us should be up in arms over the prospect of this bill. It infringes on our constitutional rights in the name of freedom - much like the controversial REAL ID Act. In fact, this bill builds off of REAL ID.

What exactly does the bill do?

- It gives the U.S. Department of Homeland Security (DHS) authority to seize immediate control of all public land, undermining all rights we have on those lands.

DHS could shut down any recreational activities, grazing, hunting, fishing, logging projects - you name it. The department would be allowed to do whatever it wants to gain what it determines to be "operational control" of any of our international borders.

That means bureaucrats could build roads, fences and even buildings wherever and whenever they want - without public input or due process - and even if it impacts your private land.

- It waives 36 public land and environmental laws - including the Farmland Protection Policy Act - on all federal, state and private lands "within 100 miles of the international land and maritime borders of the United States."

If you look at a map of Montana, that's the entire top third of our state. It's the entire Hi-Line, most of the Missouri River and the Flathead Valley, all of Glacier National Park and the Bob Marshall Wilderness, several national forests and five of the seven Indian nations in Montana.

- It would give unprecedented power to the secretary of Homeland Security. Under the bill, the secretaries of Interior and Agriculture, who oversee Forest Service and BLM lands, "shall not impede, prohibit, or restrict activities of the Secretary of Homeland Security."

And this Rehberg-sponsored bill exempts these activities from court review. Now that's what you call a federal land grab. No wonder the lawmakers behind this bill are quietly trying to push it through Congress.

If they get their way, the federal government would have incredible power to stop timber sales on Forest Service land. DHS could prevent us from snowmobiling or fishing or hunting in our forests. The department could prevent grazing on the C.M. Russell National Wildlife Refuge. Bureaucrats could kick all the cattle off of BLM land. It would be able to shut down Glacier National Park indefinitely.

The Department of Homeland Security would also have the right to ignore all tribal protections for sacred sites. Why? The laws protecting these sites could be ignored.

I'm not the only one concerned about the National Security and Federal Lands Protection Act. Constitutional scholar John Leshy says the act "is the most breathtakingly extreme legislative proposal" he has ever seen because "it would effectively arm 200,000 Department of Homeland Security employees and their contractors with unilateral power to do what they want, without any advance notice, check or process, over vast areas of federal land."

Scary stuff. What can you do? Contact Rep. Rehberg. Tell him we can't afford H.R. 1505. As a county commissioner on the Hi-Line, I know full well we must improve security on Montana's northern border. But we must do it without trampling our rights or taking away our freedoms. That's just not the Montana way.



http://www.flatheadnewsgroup.com/hungryhorsenews/article_a91cd74c-eba7-11e0-b195-001cc4c03286.html

Border bill is a bad bill

Posted: Friday, September 30, 2011 3:02 pm

By DARIN HACKENBERG

Imaging going hunting in the Yaak and finding a new gate blocking your favorite spot. But not a Forest Service gate, a Homeland Security gate. No notice, no public meeting, no explanation, no access.

This is what Rep. Denny Rehberg wants. He is supporting H.R. 1505, a bill that will allow the Department of Homeland Security to circumvent the laws that manage our public lands for a swath 100 miles south of the border. That's close to one third of Montana

This bill does away with the public's ability to participate in how our government manages our public lands and hands unquestionable authority to a federal agency. It does away with any ability of the public to have a voice.

Remember the REAL ID act that we Montanans overwhelmingly said no to? This act is along the same lines. Taking away personal freedoms, handing control to a big government agency, and no one can stop them. It's the type of big government bill this country can't afford.

Call Rep. Rehberg, tell him we don't want the government to have total control of our public lands and we don't need this bill.



http://indiancountrytodaymedianetwork.com/ict_sbc/standing-up-against-a-threat-to-indian-country

Standing Up Against a Threat to Indian Country

By Sen. Jon Tester

February 6, 2012

Montana's [Indian country](#) is sacred ground for all of the Big Sky's tribes. Tribal lands safeguard and preserve ceremonial sites from the Great Plains to the Rocky Mountains. Each site deserves our everlasting respect and protection.

But the U.S. House of Representatives is currently considering a bill that undermines the sanctity of these places and the sovereignty of Montana's tribes. As Montana's only member of the Senate Indian Affairs Committee, I want all Montanans to understand the consequences of this bill.

The deceptively named [National Security and Federal Lands Protection Act](#) (H.R. 1505) hands the U.S. Department of Homeland Security unprecedented power to build roads, fences, buildings, or even watchtowers on public land administered by the Departments of Interior and Agriculture within 100 miles of Montana's northern border.

That territory includes five of Montana's seven Indian reservations.

H.R. 1505 permits the Department of Homeland Security to unilaterally waive public land laws in order to achieve whatever it deems as "operational control" of the border area. That means if government agents wanted to pave over sacred burial grounds because they believe it might help them catch a suspect, they could do so without asking tribes.

That flies in the face of decades-old treaties and tribal sovereignty.

H.R. 1505 was written with no public input, denying Montana's tribal governments the opportunity to even have a say in this legislation.

What's worse, House members recently rejected an amendment that would have specifically exempted tribal lands from H.R. 1505. The amendment would have given tribal leaders a rightful say in how their lands are used.

When I visit Indian Country, tribal leaders tell me about the need for job opportunities, access to health care, for improved public safety and education, and for good infrastructure. Montana's tribes deserve sovereignty, and a respectful relationship between our governments.

All of Montana's Congressional delegation should stand in opposition to H.R. 1505.

Instead, some are seeking a solution to a problem that doesn't exist. After all, government agencies already operate under an agreement that is working well to protect our northern border.

H.R. 1505 isn't about "catching the bad guys." It's a federal land grab that tramples tribal sovereignty and undermines the idea of self-determination.

I'll keep fighting against H.R. 1505. And in the meantime, I look forward to working with Montana's tribes to find solutions to the real issues, like economic development and job creation, facing Indian Country.



http://www.flatheadnewsgroup.com/hungryhorsenews/opinion/columns/article_242cfa7e-fff9-11e0-a2f4-001cc4c002e0.html

State AG speaks on border bill

Posted: Wednesday, October 26, 2011 11:36 am

By STEVE BULLOCK

Editor's note: The following letter was sent Montana Attorney General Steve Bullock to Speaker of the House John Boehner and Senate Majority Leader Harry Reid.

I write to you with serious concerns about HR 1505: The National Security and Federal Lands Protection Act. This legislation, which was recently passed by the House Natural Resources Committee, would give a green light to the Secretary of Homeland Security and the U.S. Customs and Border Patrol Agency to waive dozens of federal laws and seize control of public lands within 100 miles of an international border to gain so-called "operational control."

In practice, this legislation could amount to a federal land grab, unparalleled in recent generations. As Montana's chief law enforcement official, I am very aware of the importance of the security of our northern border. On a daily basis, sworn law enforcement officials from my agency, along with scores of their counterparts from local jurisdictions, work closely with federal agents to ensure the security of Montana's 545-mile border with Canada.

But to be successful, this cannot be done through directives and mandates sent from Washington, D.C. Rather, law enforcement agencies - local, tribal, state and federal - work best through cooperation and collaboration from the ground up.

The security concerns facing major metropolitan regions on the northern border, areas like Detroit or Buffalo, are much different than the issues facing the rural communities that dot Montana's northern tier. A one-size-fits-all approach, like HR 1505, ignores these realities and treats urban population centers and frontier towns with the same broad strokes.

This proposed legislation would also reach all or parts of five of seven Indian reservations in Montana. It should come as no surprise that proposed federal land grabs place serious strain upon the government-to-government relationship between the State of Montana and our Indian Nations. As a state we strive to work with the First Montanans in a way that respects their independence and sovereignty- values missing from this legislation.

The language of this proposed bill rightfully reminds many Montanans of the REAL ID Act. That legislation - which would have mandated federal ID cards to board airplanes and enter courthouses- was unanimously opposed by the Montana Legislature, and as a state we've refused to implement it. Twenty-four other states have followed in our footsteps and opted out of the program.

Our opposition to REAL ID - not unlike the opposition of many Montanans to HR 1505 - is not a statement that we do not take the security of our country seriously, rather the opposite. (Montana has a higher rate of military service than nearly any other state in the country.) What our opposition to these federal measures does represent is a reverence for the rights protected in our Constitution and a recognition that federal authorities working with, rather than around, local law enforcement and land owners have a better chance for success.

I strongly encourage Congress to shelve this legislation and further empower federal agencies to work collaboratively with their state and local counterparts.



http://helenair.com/news/opinion/majority-doesn-t-support-border-bill/article_1e7e1c92-090a-11e1-a593-001cc4c03286.html

Majority doesn't support border bill

Posted: Monday, November 7, 2011 12:00 am

In the name of homeland security and protecting the country's borders — all of them, not just those across Montana's northern tier — Rep. Denny Rehberg has lent his support to the National Security and Federal Lands Protection Act, bill that would give U.S. Custom and Border Protection the ability to build roads, put up fences, install surveillance equipment and deploy "forward operating bases" on public lands managed by the departments of Interior and Agriculture, which includes national parks, national forests and BLM land, within 100 miles of the national border.

Backers of the bill say it would give border patrols the access they need to those public acres to ensure that people aren't making their way into the United States on lands where currently such enforcement is limited.

Critics point to the list of federal laws the bill would waive —including the Clean Air Act, the Endangered Species Act, the Wilderness Act and a host of others — as well as the proposal's 100-mile reach from the border and claim it's an unnecessary intrusion on many public lands that are supposed to remain wild.

Last week's Question of the Week asked, "Should Congress pass a law that gives the U.S. Custom and Border Protection increased access to all public lands within 100 miles of the country's international border?"

As of late Friday afternoon, we had received more than 300 votes in our unscientific, online poll. Of those who voted, 203 said Congress should not pass the law, while 121 voted in favor of the proposal.

Among the comments we received on the issue were these:

- "A hundred miles is roughly from the Canadian border to 10 miles south of Spokane, or 20 miles south of Flathead lake, or to Choteau. At the narrow end, Montana is roughly 250 miles from Wyoming to Canada, so this legislation would say, in effect, that the Border Patrol has unfettered jurisdiction covering 1/3 of Montana. Doesn't this sound odd to you? So, where is the evidence for criminal activity on federal land in Montana that justifies such costly and bizarre legislation? If the purpose is for the Border Patrol and other federal law enforcement agents to work with one another, just say so. But unfettered access? No way."
- "While Congress may still be capable of passing a law, the arbitrariness of '100 miles' exposes the thoughtlessness of this proposal, the latest of one thousand self-inflicted cuts bleeding this country with the rapier called: security uber alles."

- “This bill makes no sense. Why does Rep. Rehberg sponsor a nutty bill to give special powers to suspend all environmental laws in the Bob Marshall Wilderness or Jewel Basin? One hundred miles south of ‘foreign’ borders, i.e. Canada, goes to middle of Flathead Lake. Not one of the reasons given by Rep. Rehberg for sponsoring this bill make a lick of sense or have anything to do with the Canadian border.”



<http://missoulanews.bigskypress.com/missoula/what-a-steal/Content?oid=1500830>

What a steal: Why not just give Homeland Security everything?

by George Ochenski

Many of us remember when Jon Tester won his Senate seat. We hoped to see him fulfill his campaign promises to repeal the Patriot Act, end the wars and bring some sanity back to Washington, D.C. But then, to the surprise of many Tester supporters, he began to talk about the supposed dangers of "Montana's porous northern border." It was, in the finest tradition of Congressional pork, merely a tool to bring Homeland Security funds to Montana. But now, Tester is reaping what he sowed in the form of new, extremely radical legislation—H.R. 1505—that gives the Department of Homeland Security authority over all federal lands, including national parks and wilderness areas, within 100 miles of international borders. It's co-sponsored by Tester's Senate challenger, Rep. Denny Rehberg, and Tester is opposing it.

Before going into the details of this nightmare legislation, former Independent reporter John S. Adams deserves a tip of the hat for bringing it to the attention of Montanans in an article in the Great Falls Tribune this week.

H.R. 1505 is, like so much legislation in Congress in recent years, facetiously titled to appear to do exactly the opposite of what it actually does. According to the Library of Congress, the purpose of the "National Security and Federal Lands Protection Act" is "to prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes." In plain language, that means stopping the Departments of Interior and Agriculture, which would include the Bureau of Land Management, National Park Service and Forest Service (among others), from fulfilling the missions of their agencies. Hard to see how that could be interpreted as "protecting" federal lands, but Congress seems perfectly happy to ignore such Orwellian titles these days.

The bill exempts the Department of Homeland Security from some 36 existing laws, including the National Environmental Policy Act, the Clean Air Act, the Endangered Species Act, the National Park Service Organic Act, the Federal Water Pollution Control Act, the National Historic Preservation Act, the Federal Water Pollution Control Act, the Migratory Bird Treaty Act, the Archaeological Resources

Protection Act, the Safe Drinking Water Act, the Noise Control Act, the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund), the Antiquities Act of 1906, the Wild and Scenic Rivers Act, the Farmland Protection Policy Act, the Coastal Zone Management Act, the Wilderness Act, the Federal Land Policy and Management Act, the National Wildlife Refuge System Administration Act, the Fish and Wildlife Act, the Administrative Procedures Act, the California Desert Protection Act, the National Park Service Organic Act, sections of the National Parks and Recreation Act, the Arizona Desert Wilderness Act, the Forest and Rangeland Renewable Resources Planning Act, and even the Multiple-Use Sustained-Yield Act.

Besides exempting Homeland Security from the nation's foundational environmental and historic preservation laws, it specifically states that "the Secretary of the Interior or the Secretary of Agriculture shall not impede, prohibit, or restrict activities of the Secretary of Homeland Security on land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture to achieve operational control over the international land and maritime borders of the United States."

Regardless of the impacts to any and all who use and treasure these federal lands, the legislation gives Homeland Security "immediate access to any public land managed by the Federal Government (including land managed by the Secretary of the Interior or the Secretary of Agriculture) for purposes of conducting activities that assist in securing the border (including access to maintain and construct roads, construct a fence, use vehicles to patrol, and set up monitoring equipment)."

How ironic is it that under this draconian piece of legislation that's supposed to "protect" our lands, the Department of Homeland Security could, without permits, environmental analysis, or anything else, decide to cut a road right through the middle of the Glacier-Waterton International Peace Park? The agency could also put up towers with lights and armed guards, fly and land helicopters or run ATVs in wilderness areas, or even construct a fence if they so chose, with absolutely no recourse for citizens to challenge their own government's actions, except on constitutional grounds.

You read that right: HR1505 also exempts Homeland Security from any judicial review except for constitutional challenges. It's likely even that would be exempted, except that it would destroy the checks and balances upon which our government is founded and would itself be constitutionally prohibited.

Apparently, Rep. Rehberg didn't have the time or imagination to consider the problems such an act might cause. He told Adams, "The simple idea of the bill is to provide the border patrol with the same access on federal land that it currently has on state and private land. There is nothing about this bill that creates any new authority to intrude into the lives of Americans."

Speaking of irony, Tester, who first cried wolf over the "porous Northern border," told Adams the act was on par with the Patriot Act and REAL ID in terms of granting the federal government unprecedented and overreaching powers, adding, "I just can't see how any lawmaker would think it's a good idea to allow the Department of Homeland Security to make sweeping decisions about our land and ignore our rights without any public accountability."

Tester's absolutely right on this issue, and I guess we can be thankful for that. This kind of legislation shows how totally out of touch with reality the hyper-paranoid Congressional Republicans have become. Canadians, after all, have been our friends and allies for more than 200 years.

H.R. 1505 should never become law. But even if it doesn't, let's remember Rehberg's co-sponsorship of this horrendous bill at the voting booths a year from now.

The News-Herald

<http://outdoorswithfrischkorn.blogspot.com/2012/04/cuyahoga-valley-other-national-parks.html>

Cuyahoga Valley, other national parks threatened under the guise of national security

Wednesday, April 18, 2012

An environmental group is concerned that pending federal legislation will - if approved - devastate 54 national parks, supposedly in the name of national security.

Among the legislatively at-risk national parks is the only one in Ohio: Cuyahoga Valley National Park.

The Coalition of National Park Service Retirees says that HR 1505 and titled the "National Security and Federal Lands Protection Act," would "gut a century's worth of proven federal lands protection, potentially opening up millions of pristine acres of national parks to off-road vehicle use, road construction, air strips and helipads, fencing, base installations, and other disruptions."

Under the bill's intentions the federal government could - and would - "suspend the enforcement of almost all the nation's environmental laws" on all lands under the jurisdiction of the Departments of the Interior and Agriculture within 100 miles of the northern border with Canada and the southern border with Mexico," says Maureen Finnerty, the chairman of the parks retiree group.

"Why would families seeking the natural and cultural wonders and outdoor experiences of our national parks choose to visit such Border Patrol-controlled areas criss-crossed by new roads, penetrated by noisy all-terrain vehicles, and dominated by tactical infrastructure?" Finnerty said.

Besides Cuyahoga Valley some of the other likely impacted national parks include Acadia, Big Bend, Carlsbad Caverns, Cuyahoga Valley, Glacier, Glacier Bay National Park and Preserve, Guadalupe Mountains, Isle Royale, Joshua Tree, North Cascades, Olympic, Saguaro, Theodore Roosevelt, Voyageurs, and Wrangell-St. Elias National Park and Preserve.

The combined total acreage of these 15 parks is 21,657,399, nearly 25 percent of the overall footprint U.S. National Park System.

In all, 36 laws that would be expressly suspended within 100 miles of the borders with Canada and Mexico include the National Park Service Organic Act of 1916; the Wilderness Act of 1964; the National Environmental Policy Act of 1969; the National Historic Preservation Act of 1966; the Endangered Species Act of 1973; the Clean Water and Clean Air acts; and the Archeological Resources Protection Act of 1979.

H.R. 1505's remaining provisions also would independently provide "immediate access" to U.S. Customs and Border Patrol for road, equipment, and infrastructure construction and motorized vehicle use on national parks.

The outrage, Finnerty says also, is that the nation's "Crown Jewels" could end up being "trashed in the name of achieving national security gains that are fictitious."

"This legislative proposal is perhaps the most direct assault on national parks ever to be advanced at any

level in any Congress in U.S. history," Finnerty goes on to say. "It threatens to literally stop all enforcement of several landmark environmental and conservation laws that the National Park Service uses to manage and protect the National Park System and to serve millions of park visitors."

The Daily Astorian

http://www.dailyastorian.com/opinion/editorials/editorial-shut-up-and-eat-it/article_56d6bed6-04ab-11e1-a6a9-001cc4c002e0.html

Editorial: Shut up and eat it

Extractive industries are itching for a new Republican Congress

Pollsters say the environment is, at best, a second-tier issue for voters. But for mining and other extractive interests, the environment is the only issue that matters. At a moment of energy transition - in which conservation and new energy sources are hot topics - the extractive crowd and the pipeline crowd want us to pay no attention to those who voice doubts about fracking, and they want us to doubt global warming.

In other words, their aim is to erode bedrock statutes such as the Clean Air Act and the Clean Water Act and environmental protection in general, in the name of jobs and with the motive of profits.

As we edge toward an election that could produce Republican majorities in both houses of Congress, it is worth looking at the worst example of this strategy. House Resolution 1505 would allow the Department of Homeland Security to ignore environmental laws within a 100-mile-deep strip along our borders with Canada and Mexico. Ostensibly about security, this really is a free pass to screw the environment and mess with national parks, wilderness areas and national parks - with no questions asked.

There is nothing conservative about raping the environment. It's really the other way around. To conserve implies saving. But the "conservative" moneybags who fund atrocities such as HR 1505 know that if they throw in the word "jobs" or the word "economy," their dirty work will be defensible.

Genuine long-term economic strength depends on developing new clean energy. Fossil fuel-based industries have an obvious incentive to promote the continuing use of their increasingly scarce and expensive commodities. If it is left up to them, we will be paying \$10,000 a barrel for the last drops of petroleum squeezed out of the ground, no matter the impacts on earth and our climate. Far too many politicians have been bought and are more than willing to lead this march toward destruction.

It is time for energy innovation in America, not the same old stuff. But the crowd that is paying for a new Republican Congress and White House is assuredly all about the same old stuff. Their message to us? Shut up and eat it.



<http://special.registerguard.com/web/opinion/27084071-47/bill-border-areas-national-patrol.html.csp>

A bill would exempt agents from environmental laws

Appeared in print: Thursday, Oct. 27, 2011, page A10

Just when you think things in Congress couldn't get any stranger, something like this comes along: House Republicans want to create a 100-mile-deep zone along the U.S.-Canadian and U.S.-Mexican borders within which agents of the U.S. Border Patrol would be free to ignore 36 federal environmental laws, including the Endangered Species Act, Clean Air Act, National Historic Preservation Act and Federal Water Pollution Control Act.

The areas that would be exempted include eight national parks (including Glacier and Carlsbad Caverns), three federal wildernesses, two national forests, a national lakeshore and one wildlife refuge — in all, nearly 500 parks, preserves and refuges, said Kim Thorsen, deputy assistant secretary of law enforcement, security and emergency management for the U.S. Department of Interior.

The bill, House Resolution 1505, would allow the U.S. Department of Homeland Security, the Border Patrol's parent agency, to build roads and fences and set up sensors and surveillance gear in areas where such activities currently aren't permitted. State and local laws in the areas also would be overridden.

The sponsor of the bill, Republican Rep. Rob Bishop of Utah, says the waivers for the Border Patrol are needed because existing environmental laws are interfering with border security. He says the borders are "overrun with criminal activity.... If your bathtub is overflowing, your first step isn't to start bailing water; it's to turn off the spigot."

So far the bill has 49 co-sponsors, all of them Republicans.

Critics of the bill say it potentially could despoil large scenic and environmentally sensitive areas that have become sacred ground to many Americans, in addition to undermining the nation's bedrock environmental and land management laws. In response to proponents' assertions that many of the protected areas have become virtual highways for smugglers, human traffickers and terrorists, opponents argue that allowing the Border Patrol to build new roads in the waiver zones would improve access for many of the people the patrol is trying to stop.

They also point to a 2006 memo of understanding between the departments of homeland security, interior and agriculture that pledges the three agencies to cooperate on Border Patrol access in protected areas, including free reign when in "hot pursuit."

HR 1505 looks like a solution in search of a problem. Rep. Ed Markey of Massachusetts, the top-ranked Democrat on the Natural Resources Committee, called the bill shortsighted and "just nonsense." He said

“expert after expert” have told Republican House members that the bill won’t solve U.S. border security problems, but “they turned a deaf ear.”

Backers of the bill have gathered support from a variety of groups and organizations, including the National Cattlemen’s Beef Association, the Motorcycle Industry Council and the National Association of Police Organizations. The current version includes a “sunset” provision that would have it expire at the end of five years.

The legislation initially included 100-mile zones along U.S. maritime borders as well, forming a ring around the nation that included the entire West Coast and East Coast. But those parts of the zone were eliminated as a “compromise.” Now what needs to be done is to compromise the entire bill out of existence.

<http://www.statesman.com/opinion/nicol-develop-rational-policies-that-protect-border-residents-1491434.html?printArticle=y>

Nicol: Develop rational policies that protect border residents and ecosystems

Scott Nicol, Special Contributor

In his recent speech in El Paso President Barack Obama pointed to the buildup of border security personnel and infrastructure, and declining crime rates in border communities, to justify a renewed effort to enact immigration reform. This will be a tough sell in the current Congress.

Just three weeks earlier the difficulty of his task was on display in Washington when Rep. Jason Chaffetz (R-UT) displayed photos of headless corpses while shouting at Ron Vitiello, Deputy Chief of the U.S. Border Patrol, during a committee hearing. Vitiello had enraged Chaffetz by calmly asserting that, "While there is still work to be done, every key measure shows we are making significant progress along the Southwest border."

The horrific pictures were not taken within U.S. borders, and so were outside of the Border Patrol's jurisdiction, despite Chaffetz' cries that "This is the kind of thing that we're sending our agents to deal with on a daily basis!"

Chaffetz' anger boiled over because Vitiello was not following the congressman's script. The facts, that border communities are safe and apprehensions are down, were not welcome.

The congressional hearing was intended to paint a picture of the U.S. southern border as a war zone, awash in blood and the mutilated bodies of innocents. In this telling, the Border Patrol fights valiantly to achieve "operational control" and quell the violence, but it is hamstrung by environmental laws and federal land managers who care more about endangered species than human life.

It was meant to promote HR 1505, the misnamed "National Security and Federal Lands Protection Act." Starting with the premise that the Border Patrol has been prevented from entering federal wildlife refuges, wilderness areas, and national monuments along the southern border, it gives the Border Patrol carte blanche on federal lands.

Like the photos of headless bodies, this provision is based on a false impression of our southern border. The Border Patrol and federal land management agencies signed a cooperative agreement in 2006 allowing access to protected lands that Vitiello said works well. Rugged terrain and remote locations are the real problems reported by agents in the field, not restrictions imposed by land managers.

The bill goes on to exempt the Border Patrol from obeying dozens of environmental laws.

Its precursor, the Real ID Act, was used in 2008 to waive 36 laws along the southern border to erect border walls. The Endangered Species Act, Clean Water Act and National Environmental Policy Act were among those brushed aside to allow for construction that otherwise would have violated them. This resulted in severe environmental damage.

HR 1505 extends the 2008 waivers to cover all of the U.S.–Mexico border, the Canadian border, all maritime borders, and every square inch of terrain within 100 miles of them.

The waiver covers some of our nation's most important protected areas, from Glacier National Park and the Boundary Waters to Redwood National Park and the Cape Cod National Seashore. Two-thirds of the population of the United States would also fall under the waiver.

Instead of thanking the members of Congress for freeing the Border Patrol from these legal burdens, Vitiello undermined HR 1505's premise. He confirmed the Government Accountability Office finding that "most agents reported that land management laws have had no effect on Border Patrol's overall measure of border security."

The photos of headless bodies were displayed in an effort to discredit the Border Patrol's testimony, and to burn a brutal image into viewers' minds that would overwhelm the facts that Vitiello presented.

The angry tirades aimed at the Border Patrol made it clear that the "National Security and Federal Lands Protection Act" really has nothing to do with national security. It does not help the Border Patrol, and they did not ask for it. It is nothing more than an assault on our nation's public lands and environmental laws.

Speaking within sight of the border, Obama said that "despite a lot of breathless reports that have tagged places like El Paso as dangerous ... El Paso and other cities and towns along this border are consistently among the safest in the nation."

America cannot develop rational policies that protect border residents and ecosystems by picking and choosing facts any more than we can support the rule of law by cherry-picking which laws to obey and waiving the rest. With members of Congress choosing fear over facts, ungrounded nightmares instead of FBI statistics, the reform that the president spoke of remains a distant dream.



<http://www.dallasnews.com/opinion/editorials/20111102-editorial-border-patrol-should-not-get-a-100-mile-exclusive-zone.ece>

Editorial: Border Patrol should not get a 100-mile exclusive zone

Published: 02 November 2011 10:26 PM

You may not have heard of the Sonoran Pronghorn antelope, the lesser long-nosed bat or the desert pupfish. But you should be comforted to know that the federal bureaucracy has tried to make sure that the fight against human smugglers and drug couriers along the U.S.-Mexico border does not come at the expense of these and other endangered creatures or their sensitive environment.

How? Surveillance towers are designed to minimize the threat to bats and birds. Wires carrying electricity are buried so as to prevent electrocution. In some places, officials are required to look under heavy construction equipment before moving it to make sure tortoises haven't sought shelter in the shade.

Is this overkill? We don't think so. A memorandum of understanding reached under the Bush administration established a protocol to deal with the complex mission of securing the border without doing undue harm to the environment. Among other things, the system has allowed the Border Patrol to set up operations in officially declared wilderness areas, which under normal conditions are off limits to everyone and everything.

The protocol has its flaws. It sometimes takes too long for the Border Patrol to get permission from the many federal agencies that manage and protect public lands. In New Mexico, for example, agents can wait up to six months to get clearance to move surveillance equipment, a nonsensical delay that can render a mission irrelevant. The U.S. Government Accountability Office had made several recommendations for improving the current system, and these should be heeded.

But instead of working with the protocol and addressing these issues, some Republicans in Congress are pushing a bill that would grant the Border Patrol full authority to do as it pleases within a 100-mile area of the northern and southern borders. In practice, this misguided piece of legislation would suspend more than 30 land management laws, including the Endangered Species Act and the Safe Water Drinking Act.

Hostility to some of these environmental laws and not border security appears to be driving the legislation, which has made it out of committee and is now awaiting consideration by the House. A similar measure is being pushed in the Senate. For proof of the politics here, consider that the original bill in the House extended the 100-mile zone to the eastern and western seaboard, from the beaches in Santa Monica to the Hamptons and the shoreline of Long Island.

The GAO just this year reviewed the Border Patrol operations on federal lands. Most of the supervisors on the front lines — 22 out of the 26 who serve at Border Patrol stations — told investigators that the "border security status of their area of operation had not been affected by land management laws." Translation: The current legislation is gross overkill. The best course of action is to improve the current protocol, which gives federal officials stationed in sensitive areas authority to decide these matters.

The Salt Lake Tribune

<http://www.sltrib.com/sltrib/opinion/52211947-82/border-bill-bishop-environmental.html.csp>

Border overkill

PUBLISHED JULY 19, 2011 1:01 AM

For a congressman who loves to complain about how badly Washington's one-size-fits-all rules muck things up in Utah, Rep. Rob Bishop is maddeningly eager to push a bill that would threaten sensitive lands, national parks and local water and air quality in Maine, Massachusetts, Michigan and Maryland just to solve an imaginary problem in Arizona.

Did we mention that the bill wouldn't even touch Utah?

Bishop's bill is called the National Security and Federal Lands Protection Act, HR1505. It would exempt the Department of Homeland Security — a bureaucratic behemoth if ever there was one — from the provisions of 36 different federal environmental laws within 100 miles of the U.S. border.

The bill is needed, Bishop says, because the Environmental Protection Agency, Interior Department and other executive branch busy-bodies are stopping the Border Patrol from doing all it can to shut down illegal alien trails that link the United States with Mexico.

The relevant agencies deny that their efforts are suffering from any fealty to federal environmental or land-use law.

Bishop, though, has scared up retired Border Patrol agents, border-area ranchers and others to testify that the Obama administration isn't being open about the problem of how such things as banning motorized vehicles from certain sensitive lands is making it harder to catch the two-legged coyotes that bring so much crime and squalor to the U.S.-Mexico border.

Even if that's true, why does Bishop's bill reach far beyond the desolate border areas of Texas, New Mexico, Arizona and California to engulf all or part of 30 states? Maybe because his real target is not illegal aliens at all, but the enforcers of environmental laws wherever they may be.

By treating all borders and coastal areas the same, and drawing a 100-mile buffer zone in areas where 100 miles is a long way, HR1505 would give Homeland Security carte blanche to ignore environmental rules in the entire state of Florida, all of New England, the Great Lakes, the Cascades of the Pacific Northwest, the already damaged Gulf Coast and the forests and prairies all along the Canadian border.

It is because members of the House from those states, Republicans included, don't want their environmental protections gutted, even for claims of stopping illegal border traffic, that the bill stands almost no chance of passage.

Which further exposes Bishop's proposal for what it is: A cynical attempt to score political points by pretending to shelter us from two great evils that motivate his political base — illegal aliens and the federal government.

CITYWEEKLY

<http://www.cityweekly.net/utah/article-14292-foxnews-was-not-punked-regarding-the-sbc-hoax-st.html>

False Positive

Also: Borderline Ridiculous, Average Transparency

By Katharine Biele

POSTED // JULY 13,2011



False Positive

We don't know if anyone has fessed up to the religious hoax that caught the *Deseret News* in all its embarrassing naiveté. Fox News reported that the "Center for Responsible Christian Living" took responsibility—but Fox News was one of the media organizations that got punked along with the *D-News*. There were many media orgs that ran the press release about the Southern Baptist Convention meeting in "extraordinary emergency session" to say they were sorry they were homophobic and now want to say yes to gay rights. Oh yeah, these are the people who say they love you even though you're a sinner, and you think they suddenly changed their minds? Good on the *D-News* for later running a story about its gullibility: "The story is completely false."



Borderline Ridiculous

The U.S. border is long and massive if you consider our coastline, Canada, Alaska, Hawaii and, of course, Mexico. Now add a 100-mile buffer all the way around and free that area from any environmental restrictions—all in the name of border security. Rep. Rob Bishop, R-Utah, sponsored House Resolution 1505 to "prohibit the Secretaries of the Interior and Agriculture from taking action on public lands which impede border security on such lands, and for other purposes." That caused the Pew Environmental Group to go ballistic, and for good reason—an unprecedented license to destroy wildlife habitat and wetlands, they say. Take a look at the map—it includes the Statue of Liberty, Glacier National Park in Montana and many more. Indeed, it may be difficult to police the borders in protected areas, but we should ask what we destroy for security.



Average Transparency

President Obama took office amid promises of a massive government-transparency initiative. Maybe no one realized how hard it would be to push government into the light. The U.S. Public Interest Research Group recently gave Utah's transparency Website—Utah.gov/Transparency—a C. Darn. What could we be missing? Information on agency lobbying contracts, information on state ethics and no comprehensive information on how to request public records. You can't find much in the budget area, either. But, to Utah's credit, the site has a search function and is easy to navigate. It's hard to know what effect the progressive U.S. PIRG has on local governments, but we do know a bad transparency ranking from the conservative Sutherland Institute sent the city of Lindon back to the drawing board. They went from a D to an A .

The Salt Lake Tribune

<http://www.sltrib.com/sltrib/opinion/52174313-82/bishop-act-border-security.html.csp>

Bishop's agenda

PUBLISHED JULY 17, 2011 11:15 PM

Over the years I've come to expect everything but honesty from Rep. Rob Bishop. However his grandest attempt to buffalo constituents is his proposed National Security and Federal Lands Protection Act (H.R. 1505); it neither promotes security nor protects lands.

Bishop suggests that illegal aliens are streaming across every U.S. border to usurp America. His solution is to create a 100-mile-wide strip around America's entire border that is exempt from 34 environmental laws or portions of these laws, including the Safe Drinking Water Act, National Historic Preservation Act, Clean Air Act, Migratory Bird Treaty Act, etc. Two-thirds of the U.S. population lives within this "border" region.

To bypass critical environmental regulations, Bishop claims that the Bureau of Land Management and other agencies refused to cooperate with the Department of Homeland Security and Border Patrol to enforce border security. But congressional testimony by the involved federal agencies proves that this accusation is false (see www.youtube.com/watch?v=SZxqYgePBP4).

What is Bishop's real agenda? His history of opposing protection of our water, air, wild land and wildlife resources is well-documented. Bishop's legislation focuses on the monetary side of fundamental American "values" and the GOP (Good Old Profits).

The Salt Lake Tribune

<http://www.sltrib.com/sltrib/opinion/52686705-82/bishop-border-patrol-protection.html.csp>

Bishop's blunder

PUBLISHED OCTOBER 7, 2011 1:01 AM

Utah's Rep. Rob Bishop says his top priority as a congressman is to get a law passed that has little to do with Utah and has been criticized by the very people Bishop says it would help.

Bishop's National Security and Federal Lands Protection Act would allow the Customs and Border Protection agencies to ignore all environmental laws meant to protect land, air and water within 100 miles of the U.S. borders with Canada and Mexico.

Somehow, Bishop convinced the House Natural Resources Committee to approve the misguided bill 26-17. The bill is needed, Bishop says, because the Environmental Protection Agency, Interior Department and other executive branch agencies are stopping the Border Patrol from doing all it can to shut down illegal crossings along the border between the United States and Mexico.

But this proposed circumvention of 36 different federal environmental laws would threaten air and water quality, national parks and sensitive lands, not only in the Southwestern states where illegal immigrant crossings were once common, but also in such states as Florida, Maine, Minnesota, North Dakota, Michigan and Washington — 30 states in all.

Ironically, Border Patrol officials say they've got the issue under control, thank you very much.

The Border Patrol's Public Lands Liaison Agent program coordinates with federal land-protection agencies. A Border Patrol newsletter describes the PLLA program: "In March 2006, the secretaries of the Department of Homeland Security, the Department of the Interior and the Department of Agriculture (which includes the Forest Service) signed a Memorandum of Understanding. This MOU committed the three agencies to cooperating on 'preventing illegal entry into the United States, protecting federal lands and natural and cultural resources, and — where possible — preventing adverse impacts associated with illegal entry by [cross-border violators] CBVs.' ... the MOU calls for the Border Patrol to 'consult with' land managers on a number of issues, including placement of tactical infrastructure."

But Bishop is undeterred.

"This is about providing the Border Patrol with the tools they want and they need to achieve the mission that we gave them," Bishop argued before the committee vote.

It seems obvious illegal immigration is less Bishop's target than environmental protection of all public lands. Frustrated in fighting land protection in Utah, he's expanding the front, charging in where he's not wanted or needed.



<http://www.standard.net/topics/opinion/2011/04/27/agency-cooperation-improves-border-security-and-public-lands-protection>

Agency cooperation improves border security and public lands protection

By Kirk Emerson, Ph.D

Thu, 04/28/2011 - 12:00am

I offer a different view than presented in the Standard-Examiner's April 21 house editorial regarding giving Border Patrol carte blanche to operate without regard to environmental laws on public lands within 100 miles of the U.S. border. ("Bishop's border bill needed")

Through careful research (available in the report noted below), I've concluded that interagency cooperation along the U.S.-Mexico border can actually improve both national security and the protection of wilderness areas and wildlife refuges adjacent to the border. The legislation recently proposed by Congressman Bishop is unnecessary.

Any discussion of this topic must recognize that securing our nation's borders is a critically important national priority. Fortunately, recent increases in agency collaboration and funding levels are having a positive impact. According to Homeland Security, there are more Customs and Border Patrol officers and infrastructure employed on our southwest border than ever before. Illegal immigrant crossings are down to one-third of what they were at their peak. Drug seizures and southbound gun seizures are up.

Stewardship of our nation's public lands is a national priority as well, affirmed by decades of congressional action. Undermining environmental protections, as Rep. Bishop proposes, is not the solution to increasing our ability to meet the twin national goals of border security and land stewardship.

Media reports have emphasized -- and sometimes sensationalized--the challenges of meeting these twin goals in cases where total success has been elusive.

However, on-the-ground cooperation between the U.S. Departments of Homeland Security, Interior, and Agriculture -- collectively charged with protecting both the border and public lands--has improved over time and led to many successes along the southwestern U.S. border in wilderness and other protected areas.

This is the principle finding of my 2010 report, "Interagency Cooperation on U.S.-Mexico Border Wilderness Issues," also corroborated by recently issued GAO reports on this topic (posted at http://kirk_emerson.home.mindspring.com/Interagency_Border_Cooperation.pdf).

My report summarizes numerous examples of successful interagency cooperation and is based on extensive research, including interviews I conducted with over 50 border security professionals, land managers, and border area stakeholders. It provides case studies that illustrate cooperation through interagency communications, enhanced joint capacity, border security assistance by land management agencies, assistance in resource protection and restoration, and joint efforts to protect public health and safety.

For example, in Texas, the U.S. Fish and Wildlife Service (FWS) worked with Border Patrol to install gates and place rock barricades to deter illegal cross border vehicular traffic on refuge and adjacent lands. FWS and Border Patrol also worked together to install a security screen over a drain pipe that had served as popular access for smugglers to Hidalgo, Texas.

Where the Colorado River separates southwestern Arizona from Mexico, state, tribal, non-profit and federal agencies--including Border Patrol -- are clearing dense tamarisk to jointly improve riparian resources and remove cover that harbored illegal border crossings and other crimes.

The take home lesson from these and dozens of other examples is that through inter-agency collaboration, professional public servants working on the border have been increasingly successful in meeting the twin national mandates of border security and public lands stewardship. This lesson doesn't grab headlines. Nonetheless, it should not be ignored in public discourse or by legislators.

In closing, I urge the public to look beyond the sensationalized headlines and to understand that significant progress has been made in achieving both border security and public lands stewardship. An abrupt change in those priorities by the new Congress will not advance our national interests. Indeed, to abandon national environmental laws and the oversight of public land managers on the border could jeopardize our national security. It would certainly undermine the interagency cooperation that has already proven to be a successful and essential strategy.

ptleader.com

Daily news, connections for Port Townsend & Jefferson County, Washington

<http://www.ptleader.com/main.asp?SectionID=36&SubSectionID=55&ArticleID=30104>

Fall meetings on Border Patrol issues are set in Port Angeles

9/28/2011 3:56:00 PM

Stop the Checkpoints, an Olympic Peninsula-based government watchdog group focused on monitoring U.S. Customs and Border Protection activities, has scheduled a series of public information meetings from October to December.

The first event is scheduled for 2-4 p.m., Saturday, Oct. 1 at the Elwha Klallam Heritage Training Center. The center is located at 401 E. First St. in Port Angeles.

According to event organizers, the meeting is slated to focus on legislation (HR 1505) that the group says may give the U.S. Department of Homeland Security control over all public lands – including national parks and wilderness areas – within 100 miles of the nation's borders and coastlines. A panel of speakers has been invited to attend.

A second event is scheduled for 2-4 p.m., Saturday, Nov. 5 and should focus on the financial aspects of Border Patrol activities. The third event is scheduled for 2-4 p.m., Dec. 3 and should focus on immigrants and civil liberties.

Stop the Checkpoints was formed as a response to increased Border Patrol and U.S. Immigration and Customs Enforcement activities on the Olympic Peninsula.

The Olympian theolympian.com

<http://www.theolympian.com/2011/11/04/1863612/border-proposal-purely-overkill.html>

Border proposal purely overkill

THE OLYMPIAN • Published November 04, 2011

House Republicans have conjured up an ill-conceived piece of legislation that would relax laws to protect the environment on federal lands within a 100-mile buffer along the Canadian and Mexican borders.

It would give the U.S. Border Patrol unprecedented authority to ignore 36 environmental laws under the guise of improved national security.

Passage by Congress would render such powerful environmental protections as the Endangered Species Act, Clean Air Act and Safe Drinking Water Act subservient to the perceived needs of the Border Patrol.

This legislation clearly falls under the category of overkill. It's like taking a sledgehammer to a fly buzzing around the kitchen.

Proponents of the measure suggest the Border Patrol has been hampered by layers of environmental laws on federal lands in the agency's bid to target drug smugglers, human traffickers and other criminals who use public lands for illegal border crossings. They say the Border Patrol lacks sufficient access to millions of acres of federal lands.

So the GOP has devised a plan that would allow the Border Patrol to do myriad things that can be harmful to fish, wildlife, water quality and outdoor recreation in such places as Olympic National Park. These include:

- Building roads, fences and offices.
- Installing surveillance equipment and other sensors.
- Using aircraft and vehicles to patrol on remote federal lands.

Think of it. In Washington state alone, the zone where environmental laws would be waived for Border Patrol activities would cover half of the state.

Gov. Chris Gregoire questions the need for the law. So does President Barack Obama. So do countless conservation groups. And so do we.

Isn't it telling that the Department of Homeland Security, which oversees the Border Patrol, didn't request the legislation?

Doesn't it make more sense for the Border Patrol to continue to work with the Department of Interior, U.S. Forest Service and other federal agencies on the collaborative mission of border security and land conservation?

The two goals are not mutually exclusive. On the other hand, some legal experts question whether such a law is even constitutional.

"I firmly believe this legislation goes way beyond what is necessary and proper, in our constitutional system, to enforce the immigration laws," University of California Hastings College of the Law professor John Leshy testified before a House subcommittee.

This legislation will likely pass the GOP-controlled House. But it needs to die a quick death in the Senate.
