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Testimony of Boundary County Commissioner LeAlan Pinkerton at:

The House of Representatives Committee on Natural Resources, subcommittee on Oversight and Investigations hearing: *The Consequences of Federal Land Management Along the U.S. Border to Rural Communities and National Security, April 28, 2016.*

Washington, D.C.

April 28, 2016

Mr. Pinkerton: Thank you Mr. Chairman. My name is Alan L. Pinkerton, I'm a Commissioner for Boundary County, Idaho. I thank you for inviting me here today. Today I intend to give you an overview describing the consequences created in the management of our national forests which are essentially impacted or directed by rulings from the bench, the Endangered Species Act, biological opinions, and the volumes of national environmental policy act requirements.

First, national security issues.

The U.S. Border Patrol shoulders the daunting task of patrolling the rugged and remote land masses of the Selkirk, Purcell, and Cabinet Mountain Ranges, as well as all areas in between. The overwhelming majority of the area is mountainous and timbered. Access is vital to the success of securing the border and affords the Border Patrol the ability to secure these remote areas, maintain a secure border, and expand into adjoining areas.

The Border Patrol has a number of tools available for patrol activities, however none of them provide the advantages as well as a vehicle. Unabated, the existing road and trail system supports the operational requirements of patrol. Access restrictions create debilitating effect, and vast areas of the border go infrequently monitored, or go without patrol altogether.

Resource managers have placed these restrictions primarily because of ESA standards and biological opinions to limit motorized traffic into recovery zones of the grizzly bear. The Forest Service, the Fish and Wildlife Service categorize all motorized access as an administrative trip, albeit the Border Patrol's mission is not administrative in nature. Nevertheless, each patrol into the recovery zone is subject to the administrative trip cap, being shared among all agencies. The land managers put up gates on roads and do not provide a key, remove culverts, decommission roads, etc. They seldom give any notification or forewarning.

All these agencies have been tasked with cooperating among one another through the Memorandum of Understanding signed by each agency Secretary in March of 2006. However, it is also my belief that this region's Fish and Wildlife and U.S. Forest Service have deliberately ignored the spirit of this directive.

An example of this is the Ball Creek Road closure. It's closure can add up to 3 1/2 hours of travel in making responses, rendering about 25 miles of the border unsecurable. This type of conflict is largely repetitive in many locations and jurisdictions along our northern border.

The security of our nation's borders and our citizens is paramount. Border security should not continue to be compromised because of wildlife and natural resource restrictions.

Rural county issues, sir, if I could.

About 495,000 acres or 61% of Boundary County consists of federal land. Roughly 90% of that is bound by restrictions. Only about 50,000 acres of federal land remains available with limited-access forest management to supply our natural resource driven economy.

Boundary County's economic vitality is dependent upon the timber industry as it has been for the last hundred years. There is no shortage of timber, and wildlife habitat is abundant.

However, much of the timber is aging to the point of over maturing, in need of harvest to control disease and loss. My county at one time had over seven sawmills in varying sizes, and provided employees with a family-wage job. We now are down to two, one medium and one large. Infrastructure is leaving.

The volume of timber provided to these steadily decreased over the years that have gone by. The forest district, prior to 1990, averaged a harvest volume of 30.8 million board feet per year. During the time frame of 2001 to 2010, the district averaged 14.4 million board feet per year, and most of these projects were appealed and several were litigated.

This is merely a snapshot of how much influence the courts have in forest anagement. Due to litigation, the courts essentially make critical forest management determinations.

Today, harvest targets are approximately twenty million board feet per year, or about 25% of our local timber supply. Timber growth volume, however, continues to increase by several times beyond target harvest amounts. Aging timber is more and more susceptible to disease, insect damage, and death, which increases the likelihood of catastrophic wildfire.

The majority of the National Forest in Boundary County has been identified by fire hazard assessments as being at high risk for wildfire. Annually, the Forest Service spends countless millions for wildfire suppression, while habitat is suffering from the effects.

My community does not hold any animosity toward the listing of any wildlife species, but they do take offense to the restrictions that come along with it. These restrictions created by agency rules, litigation, and antiquated science, science that has been tagged as the 'best science available.'

The counties of Idaho have continually tried to correct and protect our access to federal lands, but ultimately any change must come from Congress.

I could have bored you with statistics, but they cannot explain the whole story. Now is the time to really look at positive changes to the acts that guide how federal lands and wildlife are managed. I urge you to make the necessary changes for the sake of all our citizens.

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

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Later in the hearing, a question from Representative Raúl Labrador, R-Idaho and Vice Chairman of the subcommittee: "Commissioner Pinkerton, based on your experience, how secure is the northern border today?"

Mr. Pinkerton: "I wouldn't consider it secure in any fashion. As a matter of fact, if you date back to the 1970s, it's probably somewhere in the same realm as far as being secure. It's not secure."

Mr. Labrador later asked if the 2006 Memorandum of Understanding between the various government agencies has provided better coordination in the agencies working with the Border Patrol.

Mr. Pinkerton: "No, sir, not in my opinion. As a matter of fact I believe it has been damaging to the mission of the Border Patrol. It has put the position of the Border Patrol somewhat at compromise."

Mr. Labrador asked how it has compromised the mission of the Border Patrol.

Mr. Pinkerton: "Well, sir, the Border Patrol is a law enforcement faction. and they have to run their operations based on law enforcement needs. The land management agencies for the most part are not. Sometimes the Border Patrol has to share sensitive law enforcement information with a biologist, so to speak, because of the restrictions on a road that may be back there. The cooperation among the agencies has been somewhat one sided against the Border Patrol in my opinion, actually in my experience."

Mr. Labrador asked how the work of the Border Patrol is affected by the caps in number of administrative trips other agencies, such as the Border Patrol, are allowed to make onto restricted federal lands.

Mr. Pinkerton: "Well, I think by the term itself is something that should bring your attention: 'administrative.' The trips behind these gates, for the Border Patrol, is not administrative in nature. An administrative trip would be for a, let's say a biologist to go back there and check on a collar that fell off of a bear, or put batteries into something that they're using to gauge traffic for the animals or something of that sort. That's an administrative trip. Or to do, for the Forest Service, a timber scale, a timber sale, a stand exam, so to speak. But for the Border Patrol, it's a matter of a tactic that they are needing, it's not administrative in nature. It could be a life and death situation of a matter of a few seconds."

Commissioner Pinkerton is later questioned by subcommittee member Amata Radewagen, Republican, the Delegate for the United States House of Representatives from American Samoa:

Ms. Radewagen: "Commissioner Pinkerton, as someone with decades of experience in Border Security, particularly on federal land, how do environmental restrictions hamper border security operation and how has this problem become better or worse?"

Mr. Pinkerton: "Well, I would echo that the Memorandum of Understanding has been put in place to solve some of these problems. To be able to improve upon border security, the access is of the utmost importance. Where these roads exist, I don't believe you should have to go through and get another environmental impact statement put on it before you can drive a vehicle across it again. I don't believe your law enforcement should be hampered by having to stop every four or five miles to open another locked gate by difficulty, especially when there's a foot or two of snow. All of these elements add to eliminating the ability for the Border Patrol agents to respond to a corresponding area at an appropriate time. To improve it, make these short little hurdles go away and put the Border Patrol back in the place of patrolling."