

Statement by Jim Chilton

Chilton Ranch, LLC

With regard to The National Security and Federal Lands
Protection Act

Submitted to

**United States House of Representatives - a joint hearing of the Natural
Resources Committee and the Oversight and Government Reform Committee**

April 15, 2011

James K. Chilton, Jr.

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My name is Jim Chilton. I am a 5th generation Arizona rancher. My address is Box 423, 17691 W. Chilton Ranch Road, Arivaca, Arizona 85601. Arivaca is approximately 55 miles southwest of Tucson, Arizona in native mesquite and oak grassland grazed for over 300 years since the explorer priest Fr. Kino brought cattle ranching to the area. The north end of our 50,000-acre ranch is adjacent to the town of Arivaca. The ranch continues south to the **international border with Mexico**. The ranch includes private property, State School Trust land, three federal grazing permits within the Coronado National Forest and a private land farm.

We have been in the cattle business in Arizona for over 125 years preserving our western ranching customs, culture and heritage dating back to our pioneering ancestors who settled in Arizona Territory in the 1880's. Our multi-generational responsibility has given us a long-term view of the necessity to be excellent stewards of the grasslands and water resources we respectfully manage in Arizona. The Arizona Cattle Growers' Association presented me with the Cattleman of the Year award in 2002.

However, we are challenged by the fact that **4 miles of the southern boundary** of our ranch is the international border. The border is not signed or marked and consists of a five-strand barbed wire fence similar to most ranch fences. Our ranch house and headquarters are located 19 miles from the border. We have been burglarized twice by drug packers on their way back to Mexico. Our losses have been great and our sense of security in our own country has been severely damaged. We live with weapons near our bed, at the doors, in our vehicles and attached to our saddles.

I am pleased to testify on behalf of The National Security and Federal Lands Protection Act addressing the need to strengthen the U. S. Border Patrol's ability to carry out its mission to manage, control and protect U.S. borders at and between official ports of entry. We believe the Border Patrol must be enabled to keep terrorists and terrorist weapons out of the United States. In addition, the Border Patrol, together with other local, state and federal agencies, must not be unduly hampered in their efforts to stop drug runners and undocumented aliens from entering the United States.

It would have been impossible to win World War II if the military had been forced to comply with current laws such as the National Environmental Policy Act, Endangered Species Act, Clean Water Act and dozens of other laws enacted by Congress after World War II. The construction of thousands of military bases, airfields, port facilities, training facilities and ammunition storage areas inside the United States would have been delayed for years. There is no way the war would have been won if the military had been obliged to complete endless Environmental Impact Statements, fund or carry out mitigation projects and suffer through years of radical environmental corporations' lawsuits and appeals. We must not tie up our national defense at the border with red tape.

National Security demands that drug traffickers, terrorists and undocumented aliens be prevented from entering the United States at the border. Currently, on our ranch these people often travel 10 to 20 miles inside our country before the Border Patrol attempts to apprehend them. We have heard that, a few years ago, the Border Patrol found seven backpacks near our ranch which contained Yemeni Passports. Were the owners of the backpacks tourists or terrorists? We understand that significant numbers of persons apprehended--the ones who are caught--are not just Mexican citizens looking for work. The entrants include others with various motives. We strongly believe the Border Patrol must CONTROL THE BORDER AT THE BORDER.

The Border Patrol reported to the Government Accountability Office that by October 2010 it had control of 873 miles of the nearly 2,000 miles of the Southwest border, or 44%. This is not an acceptable situation for those of us who live along the other thousand-plus miles, nor is it a reassuring report when one considers that terrorists and criminals both have enormous areas through which they can pass. Wouldn't it make sense to CONTROL THE BORDER AT THE BORDER by completing the border fence, establishing functioning 21st century communications, installing cameras and sensors, using drones, helicopters, satellites and other proven technologies developed by the military at the border rather than to trying to apprehend illegal crossers ten and 20 miles and often 70 to 100 miles inside the border?

Of course, back-up personnel should be deployed for a second and third line of defense to catch crossers who manage to penetrate border controls. As a practical matter, with about 22,500 people guarding our borders (21,000 Border Patrol and 1,500 National Guard) one third might be deployed along the Canadian Border while the balance could guard the southern border. As a consequence, there could be at least 5 or 6 personnel per mile stationed at or very near the border. Past strategies of letting border crossers of all kinds freely travel well into the United States prior to any attempted interdiction *have left us and our neighboring ranchers and communities in a no-man's land.*

The Border Patrol needs to be able to construct roads and place forward operating bases at or very close to the border to CONTROL THE BORDER AT THE BORDER. Currently, the Tucson, Arizona Sector personnel report to work in downtown Tucson, check out weapons and vehicles and then drive between one and a half and three hours to reach the border. The waste of time and the high cost of each officer traveling to and from the border in his or her individual Border Patrol vehicle are outrageous. The largest number of vehicles on the 23-mile Arivaca Road are Border Patrol vehicles going to and from shifts of duty. Perhaps a forward operating base in Arivaca, Sasabe and other places near the border would be a step forward. In summary, the Border Patrol must be able to construct the remainder of the promised fence, construct appropriate access roads, reduce the unacceptable daily commute from a distant city, and construct forward operating bases now without the burden and limitations resulting from existing environmental laws which are often given higher priority than national security.

Checkpoints on highways 30 and 40 miles north of the border should not be permanent since terrorists, druggers and undocumented aliens simply bypass the permanent locations on foot or on secondary roads. Systematically changing the location of checkpoints creates an element of surprise. Permanent checkpoints have proven to funnel illegal traffic into nearby communities forcing residents of border communities including Arivaca, Tubac, Green Valley, and Rio Rico to contend with shootings, robberies, and threatening trespassers. We are told by the Border Patrol that approximately 20% of the undocumented border crossers have criminal records or one in five is a known MS-13 gangster, burglar, murderer or just a common criminal.

There also needs to be a serious look into conflicts between the Border Patrol's mission and the power of other federal land managers to put their agendas ahead of national security. One example of appalling funding losses faced by the Border Patrol is that Homeland Security had to give US Fish and Wildlife Service \$50 million of its funds (which were of course deficit funds

borrowed from China in the first place) so US Fish & Wildlife Service could study bats and other wildlife. This interagency agreement was for “mitigation” of the impacts of building the border fence. We find it difficult to understand how bats can be affected by a fence and wonder how such low-priority agendas have been empowered to divert appropriations from national security. The scientific intent of studying bats should be evaluated and prioritized openly in national science funding or Fish and Wildlife funds, not hidden where it raises serious questions of national priorities.

Upon some research we find that the initial \$6.8 million “border security fence mitigation projects” include:

Projects to Benefit Environment on the Southwest Border

10/13/2010

Organ Pipe Cactus NM Biological Opinion	Arizona	\$980,000
San Bernardino Valley Mitigation	Arizona	\$657,480
Rio Yaqui Fish Studies	Arizona	\$441,250
Peninsular Bighorn Sheep Study	California	\$230,000
Coronado NM Agave Restoration	Arizona	\$274,873
Northern Aplomado Falcon Reintroduction and Habitat Restoration	New Mexico	\$499,700
Border-wide Bat Conservation	Arizona	\$925,000
Sasabe Biological Opinion	Arizona	\$2,119,000

<http://tucsoncitizen.com/view-from-baja-arizona/2010/10/18/highway-robbery-federal-style-how-us-fish-wildlife-gets-funds-to-study-bats-because-us-customs-and-border-protection-built-a-fence-on-the-border/>

First, the title, “Projects to Benefit Environment on the Southwest Border” is preposterous in the face of the critical need for actually improving the environment on the southwest border by reducing the cross-country driving by drug packers and the garbage piles mounting in virtually every secluded border canyon. Second, for what purpose is the balance of the \$50 million going to be spent (**\$43,200,000**). Are these moneys just waiting for diversion to another “study?” Could these funds be recovered to apply to reducing the national debt or dedicated to enhancing border infrastructure, roads and hiring more border patrol.

Our ranching operation has been the proud recipient of two environmental awards and the subject of articles in conservation magazines. We monitor and manage our grasslands and riparian areas to maintain and enhance their biodiversity and productivity. The constant cross-country driving, and attendant damage directly caused by illegal vehicle traffic, visibly affect the environment miles inside the border. This situation is not confined to our ranch but is absolutely typical on every border ranch. To address a bit of the problem, hunting groups conduct huge garbage collection drives on border ranches each year just to make a dent in the plastic milk jugs, plastic bags and unmentionable other items littering the border area. If the Border Patrol CONTROLLED THE BORDER AT THE BORDER the environment 50 and 100 miles into America would no longer suffer this genuine abuse.

Consequently, since we see REAL environmental damage resulting from the failure to CONTROL THE BORDER AT THE BORDER, we view bat studies and all the rest of the supposed “projects to benefit the border environment” with a highly dubious eye. It appears to me that U.S. Fish and Wildlife should be funded by Congress directly to carry out those aspects of its mission deemed genuine priorities and should NOT be statutorily authorized to use a back door to wring money out of other agencies, money that you voted for on the belief it would advance national security and not be diverted to other purposes.

Another serious concern facing border ranchers and residents of border communities is that criminals engaged in human and drug transportation find it convenient to use Wildlife Refuges and Wilderness areas as easy corridors to hide and travel. My fellow rancher, Rob Krentz, was murdered with the killer escaping back to Mexico through the San Bernardino National Refuge. Emphatically, we oppose the designation of any and all new Wilderness Areas, Wild Lands or Refuges within 100 miles of the southern border. Such designations are virtual gifts to Mexican drug cartels.

In addition, the Border Patrol must have the ability to immediately construct helicopter landing pads on mountain tops and any other locations so that Mexican cartel scouts occupying mountain tops inside the United States can be easily and quickly rooted out. Waiting for months or years for NEPA analysis, Endangered Species Act concerns and slow federal land management decisions is not compatible with the Border Patrol mission to CONTROL THE BORDER AT THE BORDER.

I have conducted several interviews with ranchers in Cochise County with respect to instances when Federal Land managers have caused serious delays for the Border Patrol. In every interview, ranchers described months of delays in the construction of the border wall. More specifically, the Bureau of Land Management delayed construction of parts of the wall for about six months while archeological surveys were conducted. In addition, the BLM’s two-mile wide and fifty-mile long San Pedro National Conservation Area (along both sides of the San Pedro River) excludes any mechanical entry or exit resulting in a druggie’s dream path to enter Arizona and walk unhindered and hide in heavy vegetation for 50 miles. The only way the Border Patrol can patrol that contraband highway is on foot or horseback. The net result is that the Border Patrol tries to patrol the outside boundary of the National Conservation Area, an extra approximately 100 miles of difficult terrain.

Along other sections of the international border east of Douglas, Arizona brush and trees are so thick that it is nearly impossible for the Border Patrol to see border crossers as they enter the United States. Attempts have been made to clear miles of brush and trees, but the NEPA process and other rules and regulations have thus far prevented the clearing of the land just north of the border.

Unfortunately, Mexican cartel scouts, with the best binoculars, night vision and encrypted satellite phones, have been found to occupy the tops of mountains near our ranch headquarters and other locations all along the border and dozens of miles inside Arizona. As a consequence, the foreign cartel scouts know where the Border Patrol is located at all times and can then carefully guide the druggers and people smugglers through the mountains and valleys without being spotted. Not only do the scouts know where the Border Patrol is at all times, but they can observe me, my brother and our three cowboys riding horseback conducting our daily ranch work. Our houses are also easily monitored from mountains surrounding our headquarters. The cartel scouts must be immediately taken out of action by force if the border is to be secured.

I have an acquaintance who is a retired federal worker whose house has been burglarized 10 times by illegal border crossers on their way back to Mexico after having dumped their drug loads. We have been burglarized twice with serious losses. Many of our neighbors have suffered similar loss of security and property. Most all ranchers in the border area can not leave their houses since experience demonstrates that their homes will certainly be broken into if someone is not there. The Border Patrol must **CONTROL THE BORDER AT THE BORDER** so that citizens' civil rights, property rights and human rights are protected. Ranchers along the border can not have peace of mind until the border is secured.