

Statement of  
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Before the  
House Natural Resources  
Subcommittee for Indigenous Peoples of the United States

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Chairman Gallego, Ranking Member Cook, and Members of the Subcommittee, thank you for inviting me to appear before you today to discuss the Administration's coordination in construction of barriers to address security and the humanitarian crisis at our Nation's southern border. My name is Scott J. Cameron and I am the Principal Deputy Assistant Secretary for Policy, Management and Budget at the Department of the Interior (Department).

### **Introduction**

The current situation at the southern border presents a security and humanitarian crisis that threatens core national security interests and constitutes a national emergency. The southern border is a major entry point for criminals, gang members, and illicit narcotics. Along this border, cultural resources, wilderness areas, wildlife refuges, plants and animals are adversely impacted by land degradation and destruction from trails, trash, fires and other activities related to unlawful border crossings.

The Department manages lands that cover 40 percent of the southern border, including national parks, wildlife refuges, historic sites, public lands, and wilderness areas along with infrastructure including water delivery structures. The impacts of this crisis are evident on all of these lands. At Organ Pipe Cactus National Monument, for example, in the last three years alone, National Park Service (NPS) rangers have arrested 71 people, apprehended 1,231 illegal aliens, and intercepted 7,563 pounds of marijuana. This with an average of only 10 full-time rangers. Since 2010, NPS staff have recovered the remains of 184 individuals.

The problem of large-scale unlawful migration through the southern border is long-standing and has worsened in certain respects in recent years. The impacts of this crisis are vast and must be aggressively addressed with extraordinary measures.

Under President Trump's leadership, the federal government is not only tackling the national security and humanitarian crisis, but also addressing the environmental crisis impacting the character of the lands and resources under the federal government's care. Construction of border barriers will reduce or eliminate impacts from illegal entry and will help us maintain the character of these lands and resources under the Department's management that may otherwise be lost.

## **Interagency Cooperation**

Secretary Bernhardt has ensured that the Department supports stronger interagency and inter-departmental relationships to address risk management efforts along the southern border. Through implementation of President Trump's directives, the Department has made it a priority to work closely with the Department of Homeland Security (DHS), the U.S. Customs and Border Protection (CBP) and the Department of Defense, among other agencies, to protect the wildlife, natural, and cultural resources that occur on federal lands along the border. Our work with these agencies provides the necessary tools to enhance the safety of those that live, work and recreate in this region. Through this collaboration, the Department maximizes safety and stewardship, benefitting all Americans in response to this crisis.

At the Department, interdisciplinary experts coordinate with DHS, CBP, and Army Corps of Engineers to fully engage in the planning, construction and maintenance phases for barrier and infrastructure projects. For these projects, the Department also coordinates interagency and interdisciplinary review and consensus-based adjustments among Bureau of Land Management, Bureau of Reclamation, the U.S. Fish and Wildlife Service (FWS), the NPS, the Bureau of Indian Affairs, Tribes, and the U.S. International Boundary and Water Commission as appropriate. Coordination efforts often include site visits and strategic planning meetings to better clarify agency priorities, address complex natural resource issues and efficiently resolve challenges as they arise to the best of our abilities. On a regular basis, challenges are addressed at the local level. This includes recognizing and protecting cultural resources, protecting water sources, maintaining wildlife corridors and wilderness areas, and relocating sensitive plants that may be affected by construction activities. Last year, the Department worked with DHS and CBP to support barrier construction along 305 miles of the southern border adjacent to 244 miles of public lands.

## **Tribal Consultation**

In addition to the Department's responsibilities for ensuring coordination and resource conservation, the Department conducts tribal consultation for actions initiated by the Department's bureaus and offices that have tribal implications.

In accordance with law and policy, all Federal agencies have accountable consultation policies. The Department's Tribal Consultation Policy is in the Departmental Manual (DM) at 512 DM 4, *Policy on Consultation with Indian Tribes*, and 512 DM 5, *Procedures for Consultation with Indian Tribes*. The DM provides that the Department will consult with Tribes whenever its "plans or actions have tribal implications."

The Department remains committed to meaningfully consulting with Tribes on a government-to-government basis with regard to each plan and action the Department takes that has Tribal implications. Since the beginning of the Trump Administration in January 2017, the Department has hosted almost 90 formal consultation sessions on 17 topics. In the spirit of ongoing dialogue, the Department has also held over 30 informal listening sessions with Tribes for their input on actions taken by the Department.

## **DHS Border Wall Construction at Organ Pipe Cactus National Monument**

At Organ Pipe Cactus National Monument, CBP has worked collaboratively with local stakeholders in the construction of the Pima and Cochise Counties Border Infrastructure Project through the Monument. Stakeholders include over 100 entities, including federal, state and local government agencies and tribes, among others.

NPS worked collaboratively with CBP on siting and wall alignments to identify known archeological sites, ethnographic resources, and areas with a high potential for intact cultural resources. NPS also recommended using an archeological monitor during construction activities to minimize loss of or damage to archeological sites.

The NPS also worked with CBP to identify sensitive plant species within the construction zone to salvage plants, when practicable. FWS similarly worked with CBP to discuss ways to avoid impacts to federally-listed species' habitat, migration movements, and ability to travel and breed between Mexico and the United States (such as the endangered jaguar).

As an example of this collaboration, NPS, in coordination with CBP, identified Quitobaquito Springs as a significant resource area. In order to protect the hydrology, wildlife, and cultural resources of this area, NPS established an agreement with the United States Geological Survey to provide real-time monitoring and alarm for the Quitobaquito spring hydrological system. This allows the NPS to work directly with DHS, CBP and the Army Corps of Engineers to address any reduction in water output. Notably, taking into consideration the concerns expressed by the Tribes, who requested a 5-mile buffer from Quitobaquito Springs, CBP and the Army Corps of Engineers placed the closest wells used for this project 8 miles east and 7 miles west (with the latter being a pre-existing, refurbished well) of the Springs, to ensure protection of this resource.

### **Action Taken by the Department of the Interior**

In the process of working with CBP on completing the border infrastructure process, the Department has honored its responsibility to consult with affected tribes on Departmental actions, although certain laws related to cultural resources have been waived for the purposes of this project. When the NPS discovered several bone fragments during archaeological surveys close to Quitobaquito Springs, the NPS voluntarily engaged in processes drawn from NAGPRA to mitigate or avoid potential impacts from the project.

In mid-September, NPS archaeologists discovered several bone fragments during an archaeological survey close to Quitobaquito Springs near the southwestern corner of the monument just north of the Roosevelt Reservation and outside of the project area. An osteologist reviewed the fragments on October 4, and determined one was human. Consultation with the Tohono O'odham Nation was initiated on October 24, 2019, regarding this discovery.

In late November, NPS archaeological crews identified three additional bone fragments during a data recovery project that consisted of the surface collection of artifacts near the same area, this

time within the Roosevelt Reservation and within the project area. Based on the archaeologist's assessment, two of the fragments were more consistent with animal remains, while the third showed qualities of being human. NPS informed the tribe that they will treat all three remains as if they are human remains.

The NPS is currently working to repatriate the bone fragments to the Tohono O'odham Nation following the process of the NAGPRA.

NPS and CBP met with the Tribe on December 11, 2019 at the Organ Pipe Cactus National Monument. And most recently, on January 16, 2020, Departmental employees including cultural staff of the Fish and Wildlife Service, the Cabeza Prieta National Wildlife Refuge Manager, the Superintendent of the Organ Pipe Cactus National Monument, Chief Ranger, and Chief of Natural and Cultural Resources met with the Tohono O'odham Nation Chairman and other representatives, along with Congressman Raul Grijalva. This meeting of Departmental employees with the Tribe resulted in a tour of the border area, and allowed the Tribe to inform FWS and NPS employees about concerns regarding CBP actions to secure the border.

### **Conclusion**

Along the southern border, the Department will continue to support inter-departmental partnerships. These efforts provide for effective collaboration and establish an avenue for the Department's land management interests to be considered in on-going organizational border security efforts with DHS and the Army Corps of Engineers.

Chairman Gallego, Ranking Member Cook, and Members of the Subcommittee, thank you for the opportunity to testify. I am glad to answer any questions you may have.