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Congress of the United States  
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COMMITTEE ON  
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10TH AMENDMENT TASKFORCE  
CHAIRMAN

May 19, 2014

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear Mr. President:

I am writing to urge the Administration to reconsider any and all efforts to designate lands along the United States-Mexico border as National Monuments under the Antiquities Act. Unresolved security gaps along the border and a recent violent attack of a U.S. National Park Service (NPS) employee at Chiracahua National Monument raise serious concerns about safety and ongoing violence along the border. In light of the unresolved criminal activity taking place on federal land along the border, I am asking the Administration to abandon any efforts to move forward with new national monument designations.

National Parks, monuments, and wilderness areas along our southern border have become prime drug-trafficking corridors for violent criminals and drug cartels. Restrictive environmental laws within these federal corridors limit Border Patrol access and, as a result, make it easier for drug smugglers and human traffickers to move their drugs and people in and out of the United States unnoticed.

In an October 2009 letter, then Department of Homeland Security Secretary Janet Napolitano illustrated the difficulty that certain environmental policies create with regards to the U.S. Border Patrol's (USBP) fulfillment of their mission<sup>1</sup>:

*“While the USBP recognizes the importance and value of wilderness area designations, they can have a significant impact on USBP operations in border regions. This includes that these types of restrictions can impact the efficacy of operations and be a hindrance to the maintenance of officer safety.”*

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<sup>1</sup> Letter from Secretary Napolitano to Subcommittee Chairman Rob Bishop (October 2, 2009) Retrieved May 16, 2014 from <http://robbishop.house.gov/uploadedfiles/dhs.pdf>

More recently, a public servant with the National Park Service on duty at Chiracahua National Monument was viciously attacked by a drug-smuggler. The assailant beat the NPS employee with a large rock, dragged her into a nearby NPS facility, and then fled the scene in the employee's truck<sup>2</sup>. The employee suffered brain damage among other serious injuries.

It's irresponsible to focus efforts on new land designations rather than finding solutions to existing criminal activities plaguing the border. I am concerned that new federal land designations along the southern border will only add to the ongoing criminal activity already taking place. New and restrictive federal land designations on the border will further hamper the U.S. Border Patrol's ability to conduct routine patrols and apprehensions, allowing drug smuggling and human trafficking to occur on our federal land. As a sovereign country, this is inexcusable. Statistics prove that areas where the Border Patrol has unfettered access are among the safest and secure areas along the southern border. Areas with strict federal land policies that block the USBP from having necessary access are among the most highly trafficked routes.

I am specifically concerned by the Administration's identification of the 1.2 million acre Otero Mesa in southern New Mexico as a leading candidate for a designation under the Antiquities Act. This area was described in the Administration's Treasured Landscape memo as one of the most endangered ecosystems in the country<sup>3</sup>. Sadly, unfettered border crossings by drug cartels are not only a scourge on communities but they are fueling ecosystem degradation. It's been widely reported that thousands of pounds of trash are left along the border by illegal crossers and drug smugglers<sup>4</sup>.

Other sites along the border are being considered by the Administration for a unilateral designation under the Antiquities Act. Interior Secretary Sally Jewell recently led a listening tour of the Organ Mountains-Desert Peak area of southern New Mexico. Despite local opposition, interest groups and the Department are pushing a 600,000-acre national monument via the Antiquities Act and circumventing an open and transparent congressional process.

It's time to revisit our conservation policies along the United States-Mexico border. The current system harms border patrol agents, land managers, and environmental advocates. The only groups that benefit under the current system are the drug smugglers and human traffickers. We can do better. Our new approach to conservation must involve local communities, Congress, and multiple agencies within the executive branch. The Antiquities Act is not the answer.

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<sup>2</sup> Murrillo, Lupita (May 14, 2014) Chiracahua park employee recalls near-deadly attack. Retrieved May 16, 2014 from <http://www.kvoa.com/news/chiracahua-park-employee-recalls-near-deadly-attack-94406/>

<sup>3</sup> Treasured Landscape document. Retrieved May 16, 2014 from [http://naturalresources.house.gov/uploadedfiles/doimonumentdesignationdocs\\_revised062910.pdf](http://naturalresources.house.gov/uploadedfiles/doimonumentdesignationdocs_revised062910.pdf)

<sup>4</sup> Illegal immigrants trash border lands with tons of waste (February 1, 2012) Retrieved May 16, 2014 from <http://www.judicialwatch.org/blog/2012/02/illegal-immigrants-trash-border-lands-with-tons-of-waste/>

I hope that we can work together to address the deteriorating security situation along the United States-Mexico border. Protecting the homeland and preserving the environment are not mutually exclusive, but environmental laws cannot and should not be used to impede and limit Border Patrol activities and pursuits.

Thank you for your attention on these important issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rob Bishop". The signature is stylized and cursive.

Rob Bishop  
Member of Congress