

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 2, 2022

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

Dear Secretary Mayorkas,

The crisis at the Southern border continues to worsen at a rapid pace. In March 2022, U.S. Customs and Border Protection (CBP) reported an increase by 542 percent compared to March 2020 in the number of encounters along the Southern border.¹ March 2022 also represented a 22-year high with an average or more than 7,000 migrant crossers per day at the Southern border.² According to media reports, the Department of Homeland Security (DHS) estimates that daily number will increase up to 257 percent, or to 18,000 crossers per day, if President Biden were to lift Title 42 restrictions.³ President Biden's border policies not only place our nation's security at risk and increase the flow of illicit drugs, especially fentanyl, into our country,⁴ but also degrade our federal lands along the border.⁵

Recent reporting describes significant accumulation of garbage along the Rio Grande in Texas, documenting discarded clothing, hygiene items, and plastics along a path used by migrants to cross the border.⁶ Sadly, reports like this are neither surprising nor unique. The environmental consequences of illegal immigration are well known, resulting in the endangerment of wildlife, decimation of habitats, and destruction of vegetation.⁷

Anticipating an increased number of migrants attempting to cross our border, encouraged by President Biden's proposed policies, House Committee on Natural Resources (Committee)

¹ U.S. CUSTOMS AND BORDER PROTECTION, *Southwest Land Border Encounters*, <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters> (last visited Apr. 20, 2022).

² Julia Ainsley, *'It Will Be A Nightmare': Texas City Braces for Flood of Border Crossers When Covid Rule Ends in May*, NBC NEWS, Apr. 19, 2022, <https://www.nbcnews.com/politics/immigration/-will-nightmare-texas-city-braces-flood-border-crossers-covid-rule-end-rcna23870>.

³ *Id.*

⁴ Anna Giaritelli, *Record Fentanyl Seizures at Border Contribute to Soaring Overdose Deaths in the U.S.*, THE WASHINGTON EXAMINER, Nov. 2, 2021, <https://www.washingtonexaminer.com/news/record-fentanyl-seizures-at-border-contributed-to-soaring-overdose-deaths-in-us>.

⁵ See Letter from Rep. Bruce Westerman, Ranking Member, H. Comm. on Nat. Res., to The Hon. Alejandro Mayorkas, Sec'y, Dep't of Homeland Security, (Mar. 18, 2021) (on file with Comm.).

⁶ Randy Clark, *Exclusive Video: Tour the Ecological Damage From Mass Migration on Texas Border River*, BREITBART, Apr. 16, 2022, <https://www.breitbart.com/border/2022/04/16/exclusive-video-tour-the-ecological-damage-on-the-texas-bank-of-rio-grande/>.

⁷ *Supra* note 6.

Republicans warned of the likely resulting damage to our nation's protected borderlands.⁸ During a May 27, 2021, forum about the impacts of President Biden's border crisis, several witnesses highlighted the negative consequences of then-record setting numbers of border crossers, including destruction of private ranchlands, degradation of sensitive environmental areas, and safety concerns, for both CBP agents and private citizens.⁹ Our concerns were affirmed and, at times, magnified by firsthand observations made on visits to the Southern border. For example, environmental damage resulting from illegal immigration was readily apparent along the Rio Grande River, where trash and rafts accumulated on the riverbank.¹⁰

Additionally, the increased drug flow into American communities from failed border policies is poisoning people across the country. Tribal communities, especially those closest to the Southern border, experience particularly high rates of overdose and addiction from fentanyl and other opioids smuggled across the border. During an April 5, 2022, Oversight and Investigations Subcommittee hearing, witnesses testified to the dangers fentanyl, and other drugs, posed to tribal communities.¹¹ For example, one veteran CBP agent with decades of patrol experience near the Tohono O'odham Nation, which also abuts the Organ Pipe Cactus National Monument in Arizona, explained how cartels capitalize on President Biden's weak border policies, funneling illicit drugs into the United States across tribal lands.¹² Another witness, invited by Committee Democrats, affirmed the same concerns and testified that drug dealers and cartels specifically targeted his Native American community. Specifically, Mr. Wayne Cortez, a member of the Torres Martinez Desert Cahuilla Indians, testified that "... a lot of these so-called drug dealers, cartel members, you know, they use Native Americans ... They feed off of us, [Native Americans,] a lot"¹³

In response to a March 18, 2021, letter to you from Committee Republicans, DHS provided an in-camera review of maps depicting environmentally sensitive areas along the border and documents reflecting corresponding apprehension levels in and around those areas.¹⁴ Concerningly, however, DHS failed to provide the requested assessment of the environmental damage caused by the February 2021 surge of illegal border crossings on the Southern border. The missing response calls into question whether DHS is adequately tracking the environmental consequences of President Biden's border policies. Although a federal judge prevented the Biden administration from lifting Title 42 restrictions,¹⁵ given the record-breaking numbers of

⁸ *Id.*

⁹ *The Biden Border Crisis: Environmental and Humanitarian Consequences: Forum Before H. Comm. on Nat. Res. Republicans*, 117th Cong. (2021).

¹⁰ Press Release, H. Comm. on Nat. Res., *Members Survey Environmental Impacts of Illegal Immigration, Biden Border Crisis*, (July 23, 2021), <https://republicans-naturalresources.house.gov/newsroom/documentsingle.aspx?DocumentID=409984>.

¹¹ *The Opioid Crisis in Tribal Communities: Hearing Before the Subcomm. on Oversight and Investigations, H. Comm. on Nat. Res.*, 117th Cong. (2022).

¹² *Id.* (Testimony of Mr. Art Del Cueto, Vice President, Western Region, Nat'l Border Patrol Council).

¹³ *Id.* (Testimony of Mr. Wayne Cortez, Peer Support Specialist, Riverside-San Bernardino Indian Health, Inc.).

¹⁴ In-Camera Review, from Dep't Homeland Sec'y Staff to H. Comm. on Nat. Res. Staff (Sept. 16, 2021 3:00 p.m. EDT).

¹⁵ Miriam Jordan & J. David Goodman, *Judge Orders Gov't to Continue Migrant Expulsions on Border*, N.Y. TIMES, May 20, 2022, <https://www.nytimes.com/2022/05/20/us/title-42-border-migrants-court.html>.

migrant border crossings, we urge you to address the environmental damage caused by illegal migrants and the possible increase in illegal drug flow to tribal communities as part of your immigration enforcement strategy.

To ensure DHS includes the impacts on federally protected environmental areas and tribal communities in its preparation for migrant surges at the Southern border, and to assist with our oversight activities, please provide the following documents, as soon as possible, but no later than 5:00 p.m., June 16, 2022:

1. A document sufficient to describe the current level of environmental damage to federally protected and tribal lands along the Southern border, including, but not limited to, habitat destruction, wildlife deaths, and accumulation of garbage.
2. All documents and communications related or referring to the coordination of garbage removal efforts along the Southern border, including, but not limited to, cleanups hosted by the Bureau of Land Management.
3. All documents and communications DHS received between January 20, 2021, and June 2, 2022, related or referring to the impact of garbage left behind by illegal migrants, including, but not limited, concerns about CBP safety, destruction to environmentally sensitive areas, or destruction of private property.
4. A document sufficient to describe the anticipated levels of environmental damage on federally protected and tribal lands, including, but not limited to, habitat destruction, wildlife deaths, and accumulation of garbage, resulting from the expected increase in migrant encounters following the revocation of Title 42.
5. A document sufficient to describe DHS's plans to address the anticipated influx of migrants at the Southern border, following Title 42's revocation, including, but not limited to, DHS's strategies to protect federally designated environmental areas from damage caused by illegal migrants and prevent the flow of illicit narcotics across the border.
6. A document sufficient to describe the illicit drugs CBP confiscated on tribal lands between January 20, 2021, and June 2, 2022, including, but not limited to, the dates, amounts, and types of illicit drug seized.
7. A document sufficient to describe the routes illegal migrants utilized to cross the Southern border, including, but not limited to, descriptions of which of those paths correlate with environmentally sensitive areas or tribal lands.
8. A document sufficient to describe DHS's assessment of the number of illegal migrants who evaded CBP detection between January 20, 2021, and June 2, 2022, including, but not limited to, the Department's analysis of whether these individuals were associated with cartel activity.

Secretary Mayorkas

June 2, 2022

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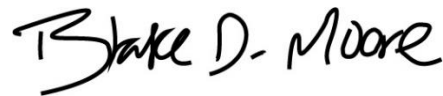
Please contact the Oversight and Investigations Subcommittee Minority staff at HNRR.Oversight@mail.house.gov with any questions about this request and to coordinate the delivery of your response to room 1329 of the Longworth House Office Building.

An attachment contains additional instructions for responding to this request. Thank you for your prompt attention to this matter.

Sincerely,



Bruce Westerman
Ranking Member
Committee on Natural Resources



Blake Moore
Ranking Member
Subcommittee on Oversight
and Investigations

cc: The Honorable Raúl Grijalva, Chair, House Committee on Natural Resources
The Honorable Katie Porter, Chair, Subcommittee on Oversight and Investigations

Enclosure