



U.S. Department of Agriculture



Office of Inspector General  
Western Region

## Audit Report

### Review of Forest Service Security Over U.S. Borders Encompassing National Forest System Land

*THIS REPORT HAS BEEN FORWARDED TO THE DEPARTMENT OF  
HOMELAND SECURITY.*

Report No. 08601-33-SF  
January 2003



UNITED STATES DEPARTMENT OF AGRICULTURE

OFFICE OF INSPECTOR GENERAL

Washington D.C. 20250



DATE: January 17, 2003

REPLY TO  
ATTN OF: 08601-33-SF

SUBJECT: Review of Forest Service Security Over U.S. Borders Encompassing  
National Forest System Land

TO: Mark Rey  
Under Secretary  
Natural Resources and Environment

As part of our ongoing review of homeland security issues in the Forest Service (FS), we reviewed the agency's involvement in security of U.S. borders. In examining this involvement, we recognized that the FS has no legislative responsibility for border security. Nevertheless, with approximately 1,000 miles of national forest lands contiguous to our international borders and many more miles potentially affected because of their proximity to the borders, the FS provides enforcement oversight of areas that are potentially vulnerable to infiltration by terrorists, smugglers, and other criminal agents. We concluded that the Department of Homeland Security (DHS) should be made aware of the security issues raised in this report and that the FS should coordinate with DHS to play a more active role in improving security on the Nation's borders. Until DHS is fully staffed and operational, the FS needs to actively participate with U.S. Customs and the U.S. Border Patrol in developing a cohesive, multi-agency strategy for securing U.S. borders. Such a strategy would make the most efficient use of available FS resources.

Although the FS has yet to take any direct action to address the border security issue, it has requested an additional \$10.2 million to enhance border security on its National Forest System (NFS) lands. It has acknowledged that homeland security cannot be limited to any one agency and that it, along with many other agencies, has an important role to play in border security. It has also acknowledged that it needs to provide clear and consistent direction regarding border security efforts on NFS lands.

In its official response to the draft report, dated August 27, 2002 (attached to this report), the FS concurred with all of our recommendations. The FS stated that it would develop a plan of action by March 31, 2003, addressing border security on its NFS lands. The FS also stated that the plan of action would address available agency resources and authorities in order to ensure that FS law enforcement resources are utilized in an effective

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and legal manner, while maintaining the FS' responsibilities and mission. We met with FS officials on December 16, 2002 and provided them an opportunity to update their response to this report. FS officials said they would like to adjust the dates in their plan of action but had not done so as of the date of this report.

After we received the FS response to the draft report, we concluded that other departments in Government needed to be aware of the multi-jurisdictional issues raised by the report. Consequently, we have included two additional recommendations that recognize the broader interests of Federal authorities, and we have elevated these recommendations to your office at the Secretarial level. In order to expedite the release of this report, we have forgone the protocol of requesting your response to the draft report.

## **BACKGROUND**

National forest lands comprise about 460 miles of the 3,000-plus-mile border between the Continental United States and Canada. An additional 450 miles of FS land in Alaska also borders on Canada. The FS is the single largest Federal landholder along the northern border. National forest lands comprise only about 60 miles of the border between the Continental United States and Mexico. Arizona's Coronado National Forest in the Southwestern United States accounts for these 60 miles. Other national forests are affected by their proximity to the borders. Michigan forests on Lakes Superior and Huron are near points on the Canadian shore. A major interstate highway that forms part of the Montreal-Boston corridor traverses the White Mountain National Forest in New Hampshire. The Cleveland National Forest in California is within just a few miles of the Mexican border.

All persons crossing the borders with Canada and Mexico must do so at official ports of entry. The Treasury Department's U.S. Customs Service and the Department of Justice's Immigration and Naturalization Service (INS) are present at these facilities. The U.S. Border Patrol, which is part of the INS, is responsible for lands between ports of entry, including FS lands. The Border Patrol has about 9,500 agents nationwide. Its operational emphasis has been on the border with Mexico. [ ] Border Patrol agents are currently assigned to the northern border. Border Patrol agents are trained and authorized to stop persons entering the United States illegally and to determine their nationality. Border Patrol agents can arrest violators and initiate action to process and return illegal immigrants to their countries of origin. During fiscal year 2001, the Border Patrol apprehended approximately 1.3 million individuals illegally crossing into the United States.

The FS has relatively small numbers of law enforcement personnel assigned to either the southwestern or the northern border. FS Law Enforcement and Investigations (LE&I) has 620 law enforcement personnel for the 191.6 million acres the FS manages. However, the FS has [ ] law enforcement officers assigned to 7 National Forests that are contiguous with the Canadian and Mexican borders in the Continental United States. For example, according to the FS, the Coronado National Forest currently has [ ] law enforcement officers including one supervisory officer and one criminal

investigator. No officers are directly assigned to border security activities, but [ ] are stationed along the border to provide an enforcement presence and to engage in a variety of other law enforcement responsibilities.

FS LE&I has not identified border security as a significant law enforcement issue and has therefore not generally assigned any of its officers border security activities. These officers lack enforcement authority over illegal entry into the United States and may not arrest persons illegally crossing the border unless those persons have otherwise committed a violation for which the FS does have enforcement authority. However, FS officers may detain suspicious persons until a Border Patrol agent arrives to arrest them and initiate processing to determine nationality.

On November 25, 2002, the President signed the Homeland Security Act of 2002. The act creates the Department of Homeland Security, which brings together Federal agencies responsible for border, coastline, and transportation security, including the U.S. Customs Service and the U.S. Border Patrol.

## **OBJECTIVE**

The objective of the review was to assess FS involvement in securing U.S. borders encompassing NFS land as part of our ongoing review of departmental vulnerability to terrorism.

## **SCOPE AND METHODOLOGY**

To accomplish the objective of our review, we interviewed several key FS LE&I officials. We also interviewed officials from the U.S. Border Patrol and the U.S. Customs Service. The fieldwork was performed between November 2001 and June 2002. We conducted the review in accordance with generally accepted government auditing standards.

## **AUDIT RESULTS**

The FS needs a strategy for securing its lands that are contiguous to or near international borders. Although the FS has participated in law enforcement operations on or near the borders, the primary purpose of these operations has not been border security. Border security is an essential element of national security—especially in light of the September 11, 2001, terrorist attacks. The U.S. Department of Agriculture's (USDA) Homeland Security Council has identified security over our southwestern and northern borders as a necessary component of the Department's mission to protect the food supply and agricultural production. The council has also recognized that border security would "place significant burden on the existing Forest Service Law Enforcement organization." Currently [ ] FS law enforcement officers patrol the 520 miles of FS land within the Continental United States bordering on Canada and Mexico. We concluded that a broad, multi-agency strategy—to include U.S. Customs and the U.S. Border Patrol—would make more efficient use of available FS resources.

An LE&I official agreed that border security should be a law enforcement priority, in accordance with Departmental Homeland Security Council goals. A staff member suggested that the multi-agency task force would serve as the model for expanded border security operations because it would allow participating agencies to combine their respective strengths. For example, LE&I officers are especially trained to operate in rugged terrain deep into the forest, whereas Border Patrol agents concentrate on more easily accessible points at or near the border. Further, FS officers lack enforcement authority over illegal entry into the United States. Generally, they may not arrest persons illegally crossing the border, unless these persons have otherwise committed a violation for which the FS does have enforcement authority. If there are no such violations, FS officers may still detain suspicious persons until a Border Patrol agent arrives to arrest them and initiate processing to determine nationality.

A Border Patrol official told us that his agency would welcome increased FS participation in border security work. He added that his agency has worked very effectively with other agencies, including the FS, in various joint task forces.

We are encouraged that USDA and FS officials agree on the necessity to make border security a law enforcement priority. With approximately 1,000 miles of national forest lands contiguous to our international borders and many more miles potentially affected because of their proximity to the borders, the FS will need to perform a risk assessment in order to prioritize the deployment of resources.

The FS noted in a document it prepared addressing border security issues dated February 22, 2002, that the Border Patrol has difficulties in securing enough personnel to patrol the entire border on any given day and can only cover a small part of NFS lands within their sectors. The FS further notes that even with a marked increase in Border Patrol agents, geography, designated wilderness restrictions, and other internal requirements will still prohibit the effective assignment of Border Patrol agents in some areas, mostly public lands. According to the FS, it has been, and will continue to be, the FS' responsibility to patrol and be present in these areas of NFS lands. We believe that prioritizing the activities of its limited staff will help ensure the security of those NFS lands most vulnerable to illegal border crossings due to lack of Border Patrol presence.

Both FS and Border Patrol officials recognized the advantages of a multi-agency approach to border security. The FS regularly participates in various task forces, which generally have a focus on drug trafficking. Since some of these are conducted on land near the international borders, they indirectly provide some measure of border security. In order to leverage the law enforcement resources dedicated to border security, the FS should intensify its participation in multi-agency operations.

The FS noted in its February 22, 2002, document addressing border security issues that to be effective in its counterdrug and other enforcement programs, it relies on interagency cooperation and must do so in homeland and border security as well, whether with the newly created Department of Homeland Security (DHS) or with other State and Federal departments. It also notes that the authority and powers of the FS are

not intended to be in conflict or interfere with the statutory authority or responsibilities of any Federal, State, or local law enforcement agency, but to compliment and augment other forces in the overall effort. In that regard, the FS stated that in exercising its law enforcement powers, it will cooperate to every extent possible with all agencies having jurisdiction on NFS lands, particularly where joint multi-agency investigations and/or operations can be effective to control illegal traffic and drug interdiction. In a separate document dated January 18, 2002, the FS Deputy Director for LE&I also noted that these initiatives and partnerships are a critical force multiplier and provide access to effective intelligence capabilities and resources that the FS would not otherwise have.

LE&I staff have access to various criminal databases, such as the FBI's National Crime Information Center, which provides criminal histories and identifies individuals who are wanted by the police or have outstanding warrants. LE&I may also tap into other databases when needed. On the other hand, conventional sources may not provide information on individuals who are suspected of association with terrorist organizations. In light of the recent terrorist attacks and the ongoing threat, we believe it would be prudent to identify sources of information on these individuals and to make that information available to LE&I officers who work on or near international borders.

In its February 22, 2002, document addressing border security, the FS acknowledged that the continual flow of intelligence and shared responsibilities are essential. The Deputy Director also noted in the January 18, 2002, document previously mentioned that adequate resources are required by all agencies represented along the international borders to ensure the integrity and safety of this country.

In its February 22, 2002, document on border security issues, the FS concluded that its management needed to be aware of the importance of an integrated effort by all agencies along the border in response to the National Homeland Security strategy being developed by the Office of Homeland Security and the administration. It also acknowledged that no single entity alone can handle the task of homeland security and that the FS, along with many other agencies, has an important role to play in border security. Finally, in recognition of its significant role in border security, the FS acknowledged the need to provide clear and consistent direction as well as increased emphasis and prioritization of border security efforts on NFS lands. We noted that in March 2002, the FS requested an additional \$10.2 million dollars to enhance overall border security for all its NFS lands.

We concluded that USDA should, on behalf of the FS, notify DHS of the issues raised in this report. USDA should coordinate with DHS in defining the roles and responsibilities of the FS and DHS units in safeguarding those U.S. borders that are either adjacent to national forest lands or within close proximity of the lands. We also concluded that until DHS is fully staffed and operational, the FS should take interim action to increase its participation with other law enforcement agencies in providing U.S. border security. We are recommending that the Under Secretary monitor these actions and assist where necessary.

**RECOMMENDATIONS TO THE UNDER SECRETARY:****Recommendation No. 1:**

Notify the Department of Homeland Security of the border security issues raised in this report and coordinate with DHS to define the roles and responsibilities of the FS and DHS units in providing security for those U.S. borders that are either adjacent to national forest lands or within close proximity of the lands.

**Response from the Under Secretary:** (In order to expedite the release of this report, we did not request a response from the Under Secretary to the draft report.)

**OIG Position:** Pending. OIG's position will be determined after it evaluates the management decisions in the Under Secretary's response to the final report.

**Recommendation No. 2:**

Until the Department of Homeland Security is fully prepared to coordinate with USDA on this issue, monitor the actions by the FS to implement the interim recommendations made in this report to the Chief of the Forest Service. The FS has committed itself to particular interim actions, which we have agreed with, as indicated below.

**Response from the Under Secretary:** (We did not request a response from the Under Secretary to the draft report.)

**OIG Position:** Pending. OIG's position will be determined after it evaluates the management decisions in the Under Secretary's response to the final report.

**RECOMMENDATIONS TO THE CHIEF OF THE FOREST SERVICE:****Recommendation No. 3:**

Establish a plan of action to use FS law enforcement resources to complement or augment the work performed by those other agencies with border security responsibilities within the NFS.

**FS Response:** In its written response to the draft report, dated August 27, 2002, the FS agreed that such a plan was needed and that one would be completed by March 31, 2003. The FS also stated that to assist in formulating an effective plan of action to address border areas, an FS-border working group will be initiated comprised of representatives from each affected region to include Special Agents in Charge, a forest and regional line and/or staff officer, local law enforcement representatives, and an LE&I headquarters participant. The FS stated that the group would also be responsible to assist in defining a threat assessment and risk analysis specific to their region, where

needed. The FS noted that the best or most effective course of action could only be derived from these assessments based on available intelligence and information.

**OIG Position:** We accept FS' management decision on this recommendation.

**Recommendation No. 4:**

Perform a risk analysis to determine national forest lands where resources can be applied most effectively to perform border security work.

**FS Response:** In its written response to the draft report, dated August 27, 2002, the FS stated that the border working group discussed in its response to the prior recommendation would be responsible for implementing this recommendation and that the FS would also incorporate the recommendation into any plan of action or policy formulation. However, the FS noted that at the present time, the necessary staff and expertise may not be readily available to accomplish these goals.

**OIG Position:** To accept management decision on this recommendation, the FS needs to provide a specific timeframe for completing the risk analysis. If the FS is unable to readily accomplish these goals the FS needs to document this inability. This documentation should include a plan of action showing what steps the FS plans to take to accomplish these goals and actions to acquire the necessary resources.

**Recommendation No. 5:**

Intensify FS participation in interagency task forces and other groups in order to leverage resources to best implement the border security plan.

**FS Response:** In its written response to the draft report, dated August 27, 2002, the FS agreed that there was a need to enhance participation in interagency task forces and other groups. However, the FS also stated that it was already very active with task forces along the border and that it would need additional resources in order to intensify its efforts.

**OIG Position:** To accept management decision on this recommendation, the FS needs to provide a plan to enhance participation with interagency task forces and other groups that includes an estimated timeframe for completing the recommended actions. The plan should describe any funding and resource limitations and any efforts by the FS to overcome these limitations.

**Recommendation No. 6:**

Identify sources of information regarding individuals who are suspected of association with terrorist organizations. Provide this information to LE&I officers who work near international borders.

**FS Response:** In its written response to the draft report, dated August 27, 2002, the FS agreed that intelligence on individuals should be provided to officers and agents who work along the border. According to the FS, most field enforcement personnel are aware of current local intelligence or information sources that would identify suspected individuals or groups. They are also aware that the FBI is charged with obtaining and disseminating such intelligence. The FS stated that upon receipt of such intelligence from the FBI, FS LE&I would ensure its personnel have ready access to it.

**OIG Position:** To accept management decision on this recommendation, the FS needs to provide a specific timeframe for identifying all known sources of information regarding individuals who are suspected of association with terrorist organizations and coordinating with these sources to obtain the information in a timely manner.

An action copy of this report is being forwarded to the Chief of the Forest Service. We extend our appreciation to the Chief and his staff for the cooperation they provided during the course of this review. As noted, the Chief has already responded to the draft report. On the basis of that response, we have reached management decision on recommendation no. 3. Management decisions on recommendations nos. 4, 5, and 6 are pending the further FS actions described in this final report. Management decision on recommendations nos. 1 and 2 may be reached once you, the Under Secretary, have provided us with a summary of your plan of action to implement these two recommendations.

RICHARD D. LONG  
Assistant Inspector General  
for Audit

Attachment

cc:  
Ann M. Veneman, Secretary  
James R. Moseley, Deputy Secretary  
Dale Bosworth, Chief, Forest Service

# ATTACHMENT – AUDITEE RESPONSE TO DRAFT REPORT



United States  
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Agriculture

Forest  
Service

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File Code: 1430  
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Date: **AUG 27 2002**

**Subject:** Response to Forest Service Security Over U. S. Borders Encompassing Forest System Land, Report No. 08601-33-SF

**To:** Richard D. Long, Assistant Inspector General for Audit  
Office of Inspector General

Enclosed is the Forest Service's response to the Office of Inspector General report on, "Forest Service Security Over U.S. Borders Encompassing National Forest System Land."

If you have questions or concerns, please contact our External Audit Liaison, Linda Washington, on (202) 205-1560.

MARY S. MATIELLA  
Deputy Chief for Budget and Finance

Enclosure



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**USDA FOREST SERVICE  
RESPONSE TO OIG REPORT #08601-33-SF**

**Recommendation No. 1:** [Appears as Recommendation No. 3 in the final report.]

*Establish a plan of action to use FS law enforcement resources to complement or augment the work performed by those other agencies with border security responsibilities within the NFS.*

The Forest Service (FS) agrees that a plan needs to be developed to address issues, available agency resources, authorities, etc. to ensure FS law enforcement resources are utilized in an effective and legal manner, while maintaining our responsibilities and mission.

To assist in formulating an effective plan of action to address border areas, a Forest Service border-working group will be initiated comprised of representatives from each affected region to include Special Agents in Charge, a forest and regional line and/or staff officer, local law enforcement representatives, and a Law Enforcement and Investigations (LEI) headquarters participant. This group could maintain continuity and ensure that local or specific needs/concerns are met and are the best source for establishing a plan of action. The plan will be completed by March 31, 2003.

This group would also be responsible to assist in defining a threat assessment and risk analysis specific to their region, where needed. The best or most effective course of action can only be derived from these assessments based on available intelligence and information.

**Recommendation No. 2:** [Appears as Recommendation No. 4 in the final report.]

*Perform a risk analysis to determine national forest system lands where resources can be applied most effectively to perform border security work.*

The Forest Service concurs. This recommendation will be added to the group's responsibilities in Recommendation # 1 and incorporated into any plan of action or policy formulation. Current staffing levels and expertise may not be readily available to accomplish these goals at present time.

**Recommendation No. 3:** [Appears as Recommendation No. 5 in the final report.]

*Intensify FS participation in interagency task forces and other groups in order to leverage resources to best implement the border security plan.*

The Forest Service concurs with this recommendation that there is a need to enhance participation with interagency task forces and other groups. However, the Forest Service is already very active with task forces along the border, therefore in order to intensify, LEI would need additional resources. As with many FS efforts, such as fire suppression and law enforcement, it is critical the Agency work in partnership with any agency or

taskforce whose principal mission is border security. LEI maintains excellent working relationships with other federal, state and local agencies, as well as military entities, particularly for drug enforcement efforts. It is highly probable that if any multi-agency local taskforce exists along the borders that affect NFS lands, LEI is already a member or active participant.

**Recommendation No. 4:** [Appears as Recommendation No. 6 in the final report.]

*Identify sources of information regarding individuals who are suspected of association with terrorist organizations. Provide this information to LEI offices that work near international borders.*

The Forest Service concurs with this recommendation and agrees that intelligence on individuals should be provided to officers and agents who work along the border. The FBI and US Customs could be the source for such information.

Most field enforcement personnel are aware of current local intelligence or information sources that would identify suspected individuals or groups. The FBI is charged with obtaining and disseminating such intelligence and, upon receipt, LEI will ensure its personnel have ready access to it.

Informational copies of this report have been distributed to:

Office of the Chief Financial Officer  
Planning and Accountability Division

Director (1)  
General Accounting Office (2)

Author \_\_\_\_\_ DD \_\_\_\_\_ D/AIG \_\_\_\_\_