



**U.S. Customs and  
Border Protection**

JUN 1 2010

The Honorable Jeff Bingaman  
United States Senate  
Washington, DC 20510

Commissioner

Dear Senator Bingaman:

I write to thank you for your efforts to address border enforcement concerns in S. 1689, the Organ Mountains-Desert Peaks Wilderness Act. The provisions of this bill, including your recent changes to address the operational needs of the Border Patrol, would significantly enhance the flexibility of U.S. Customs and Border Protection (CBP) to operate in this border area.

As you know, the existing wilderness study area along the southern boundary of the West Potrillo Mountains provides CBP with 1/3 of a mile in which to perform its activities. The most recent changes that you have made to the bill would provide five miles between the U.S.-Mexico border and the area with full wilderness protections. Three miles of this zone would allow normal public access, and an additional two miles would allow restricted use by the public. Throughout the entire buffer zone, CBP could operate motor vehicles, build infrastructure, and carry out other activities as it would on any non-wilderness Bureau of Land Management land.

I also appreciate other security-focused modifications that you have made to the bill, including:

- Explicit provision to allow the East-West way, which will be closed to the public, to be accessible to CBP and other law enforcement personnel;
- Clarification that no provision of the bill would restrict CBP from pursuit of suspects within the wilderness area, including the use of motorized vehicles in hot pursuit; and
- Clarification that nothing prevents CBP from conducting low-level overflights above the wilderness area.

The security-related enhancements to this bill are the result of careful consultations between your office and CBP in New Mexico and Washington, DC. While the solutions identified in this bill are specific to this particular area of the border, the collaborative process should be a model for future consideration of wilderness designation along the border.

Sincerely,

A handwritten signature in black ink that reads "Alan Bersin". The signature is written in a cursive, flowing style.

Alan Bersin  
Commissioner