

MAR 15 2019



U.S. Customs and
Border Protection

Captain John Falvey
General Manager
Alaska Marine Highway System
7559 North Tongass Hwy
Ketchikan, AK 99901

Dear Captain Falvey:

This is a follow up to the telephonic discussion held with Alaska Marine Highway System on February 12, 2019, on the same topic. U.S. Customs and Border Protection (CBP), or its legacy agencies, have been conducting inspections of vehicles and passengers bound for the United States (U.S.) on a ferry originating at Prince Rupert, British Columbia (BC), Canada to Ketchikan, Alaska (AK) for many decades.

While there does not appear to be record of an agreement between Canada and the U.S. in this Prince Rupert inspectional arrangement, the reality is that a mutual unwritten understanding does exist for this operation. As we review the procedures in place at Prince Rupert, we have determined that further measures will need to be taken to ensure the proper safety and security of CBP personnel, travelers and the inspectional process.

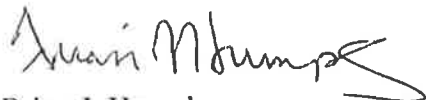
Currently, CBP officers are traveling from Ketchikan to Prince Rupert in Canada and conducting a full inspection, akin to preclearance, while lacking the protections that the *Agreement on Land, Rail, Marine, and Air Transport Preclearance between the Government of the United States of America and the Government of Canada* (LRMA) will extend to them once entered into force for the non-air modes. Public Safety Canada recently advised that entry may be another few years from now. Further, the existing *2001 Agreement on Air Transport Preclearance Agreement* does not include non-air modes, and specifically Prince Rupert, as designated preclearance locations. CBP officers lack the authority to carry firearms or other protective devices in the marine environment. This risk is compounded in that a continuous armed law enforcement presence does not exist at this location, where other preclearance locations in Canada do provide such physical presence during CBP operating hours.

The absence of immunities and the ability to carry any means of protection places our CBP officers in an untenable and unprotected position. We cannot accept exposing our officers to the risks associated with conducting examinations of passengers without a law enforcement presence to protect them from unruly passengers and other more serious security circumstances.

CBP respectfully requests arrangements for the establishment of a continuous law enforcement presence during CBP operational hours at the Prince Rupert ferry be made within 30 days. Absent this important corrective measure, CBP will need to take action for the safety of our officers along with the traveling public and begin to take steps in terminating CBP operations at Prince Rupert.

Should you wish to discuss this matter further, please do not hesitate to contact Lance Robinson at (907) 271-2680.

Sincerely,



Brian J. Humphrey
Director, Field Operations
Office of Field Operations
U.S. Customs and Border Protection
San Francisco, California