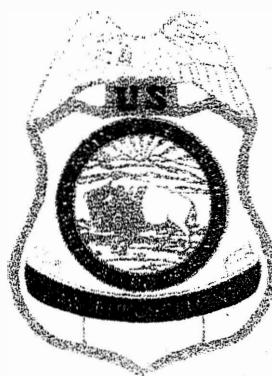
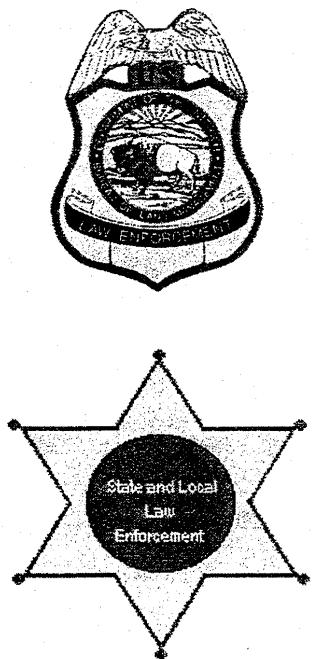


A GUIDE TO  
BUREAU OF LAND MANAGEMENT  
LAW ENFORCEMENT  
FOR  
STATE AND LOCAL  
LAW ENFORCEMENT AGENCIES



**BLM NATIONAL LAW ENFORCEMENT OFFICE**  
**Boise, Idaho**  
**June 1999**

# A Guide to Bureau of Land Management Law Enforcement for State and Local Law Enforcement Agencies



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# Exhibit 1

## BLM Law Enforcement Offices

<b>Chief, Law Enforcement</b> U.S. Department of the Interior Bureau of Land Management 1849 C. St., NW (700 LS) Washington, DC 20240 202-452-5118	<b>Deputy Chief</b> Bureau of Land Management National Law Enforcement Office 3833 South Development Avenue Boise, ID 83705-5354 208-387-5126
<b>Special Agent-in-Charge</b> Bureau of Land Management Alaska State Office 222 W 7th Ave. Anchorage, AK 99513-7599 907-271-6622	<b>Special Agent-in-Charge</b> Bureau of Land Management Arizona State Office 222 N. Central Ave. Phoenix, AZ 85004-2203 602-417-9339 (includes AZ, NM, TX, OK, KS)
<b>Special Agent-in-Charge</b> Bureau of Land Management California State Office 2800 Cottage Way Sacramento, CA 95825 916-978-4450	<b>Special Agent-in-Charge</b> Bureau of Land Management Colorado State Office 2850 Youngfield St. Lakewood, CO 80215-7076 303-239-3803
<b>Special Agent-in-Charge</b> Bureau of Land Management Eastern States Office 7450 Boston Blvd. Springfield, VA 22153-3121 703-440-1573 (includes all other states bordering upon and east of the Mississippi River)	<b>Special Agent-in-Charge</b> Bureau of Land Management Idaho State Office 1387 S. Vinnell Way Boise, ID 83709 208-373-4023
<b>Special Agent-in-Charge</b> Bureau of Land Management Montana State Office P. O. Box 2275 Billings, MT 59103 406-255-2908 (includes MT, ND, SD)	<b>Special Agent-in-Charge</b> Bureau of Land Management Nevada State Office 1340 Financial Blvd. Reno, NV 89502-7147 775-861-6667
<b>Special Agent-in-Charge</b> Bureau of Land Management Oregon State Office P. O. Box 2965 Portland, OR 97208-2695 503-952-6345 (includes OR, WA)	<b>Special Agent-in-Charge</b> Bureau of Land Management Utah State Office 324 South State Street, Ste. 301 P. O. Box 45155 Salt Lake City, UT 84145-0155 801-539-4085
<b>Special Agent-in-Charge</b> Bureau of Land Management Wyoming State Office P. O. Box 6662 Cheyenne, WY 82003-6662 307-775-6266	

## Introduction

The Bureau of Land Management (BLM) has responsibility for vast amounts of Federal lands and resources. Most of these lands are located in the Western United States. The varied resources for which the BLM is responsible include timber, minerals, livestock forage, historic artifacts, and wild horses and burros. During 1997, the BLM public lands sustained 71,964,000 visitor days of recreation use. The public lands are also subject to a variety of commercial uses.. Many of these lands are located in places generally provided law enforcement services by local Sheriffs' Departments. The BLM has had authority and responsibility for certain law enforcement functions since the enactment of the Federal Land Policy and Management Act of 1976. Throughout its history the BLM law enforcement program has involved a great deal of cooperative effort with State and local law enforcement officers. On many occasions BLM law enforcement officers have worked side by side with their State and local counterparts in providing adequate law enforcement services to the persons who use the BLM administered lands.

## BLM Law Enforcement Authority

With the founding of a Constitutional government, provisions were made for dealing with the property that was owned by the United States. The first provision is in Article I. This provision is known as the Cession Clause and states:

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.

This is the clause that has provided Federal authority and jurisdiction over the District of Columbia, military bases, and a variety of Federal facilities. It has been thought by some that this is the only clause that gives the Federal government the authority to own lands and exercise jurisdiction over same. However, Article IV contains a provision known as the Property Clause which states:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

This clause is the provision under which most Federal lands are owned and managed by the United States government. There is quite an extensive history of the Congress disposing of and making needful rules and regulations respecting the property belonging to the United States. The BLM, an agency within the Department of the Interior, manages the land that remains from America's original "public domain." The public domain, which originally comprised 1.8 billion acres, once stretched from the Appalachian Mountains to the Pacific Ocean. Two-thirds of that land was turned over by the United States to individuals, corporations, and the States. The remainder was set aside for national forests, wildlife refuges, national parks, monuments and other public uses, leaving BLM to manage 270 million surface acres and 570 million acres of sub-surface mineral estate.

The BLM, which is a successor to two former Federal agencies -- the General Land Office and the U.S. Grazing Service -- was formed during a government reorganization in 1946. Most of the public lands managed by the BLM are located in the Western States and Alaska, although small parcels are scattered throughout the East. These lands include some deserts, evergreen forest, and fragile Arctic tundra. The BLM protects the lands under its jurisdiction while providing for numerous land uses, such as recreation, livestock grazing, and mining.

The BLM also maintains custody of nearly nine million pages of historic land documents, including copies of homestead and sales patents, survey plats, and survey field notes. The BLM's cadastral surveyors define and mark the boundaries of the public lands, as public land surveyors have done for over 200 years.

The work of the BLM today is quite diverse. The mission of the BLM is to provide for the use, development, and protection of public lands under the principles of multiple use and sustained yield. The BLM is responsible for managing the public lands in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that where appropriate will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use. The BLM is committed to safeguarding the ecological sustainability of the public's lands. By conserving the diversity and protecting the integrity of the land, the BLM will ensure that present and future generations continue to derive economic, recreational, social, cultural, and aesthetic benefits from public lands.

In order to carry out its diverse mission and responsibility, the BLM employs a wide variety of employees with different backgrounds and skills. These employees include range management specialists, realty specialists, wildlife biologists, archeologists, and recreation and visitor services specialists. The BLM also maintains a rather large wildland firefighting organization. The BLM law enforcement officers are but one of many categories of employees necessary for the fulfillment of its mission and responsibilities.

For most of its history, the BLM was quite successful in achieving compliance with many early land management related statutes without employing officers with arrest and firearms authority. This was primarily done through use of administrative and civil remedies that were made available through the various statutes. This worked well for managing compliance with the traditional users of the public lands. Mining users were not subject to a high degree of regulation at the time, so intense compliance activities were not required. Grazing and timber users already had a contractual relationship with the BLM, and compliance could be managed through penalties and cost collection techniques available through such relationships.

In 1976, Congress passed a set of "needful rules and regulations" in the form of the Federal Land Policy and Management Act. The Act gave the Secretary of the Interior authority to: (1) establish regulations; (2) provide criminal penalties for violations; (3) designate personnel for law enforcement authority; (4) authorize persons (special agents and law enforcement rangers) to make arrests, carry firearms, serve warrants, and conduct searches and seizures; (5) cooperate with local law enforcement officials; and (6) establish a desert ranger force for the California Desert Conservation Area.

## Local Law Enforcement Authority on Public Lands

The authority granted by the Federal Land Policy and Management Act of 1976 opened the door to the establishment of a Nationwide law enforcement program for the BLM. To increase enforcement, the Congress chose to provide the BLM with the ability to cooperate with State and local agencies in the enforcement of State and local laws and regulations on the public lands.

The Property Clause of the Constitution is that from which Congress draws its authority to enact laws related to the BLM public lands. Federal lands that fall under the authority of the Property Clause are said to be administered under "proprietary jurisdiction" status. Proprietary jurisdiction is the status under which the United States has acquired some right or title to an area within a State, but has not obtained any measure of the State's authority over the area. Public lands administered by the BLM are held in the proprietary status since no cession of State authority over these lands has occurred. Nevertheless, in applying the definition of proprietary jurisdiction, it must be recognized that the United States, by virtue of the Property Clause and the supremacy clause, has many powers and immunities with respect to such lands not enjoyed by ordinary landowners. The result is that even though State law does apply to public lands, Congress may exercise its police power authority over public lands without interference from the State.

## Exhibit 2

### How Local Law Enforcement Can Help BLM

1. Continue to provide the necessary response to major crimes (murder, assault, grand theft auto, drug trafficking and manufacturing, etc.) of State and local jurisdiction on BLM administered public lands.
2. Continue to respond to requests and reports made by users (recreation, grazing, mining, etc.) to crimes affecting their safety and property.
3. Provide patrols to BLM recreation sites and areas to deter lawlessness or public disturbances.
4. Maintain regular contact with local BLM law enforcement officers to coordinate law enforcement issues and exchange information.
5. Check with the local BLM before conducting any operations that will require the use of motorized vehicles where there are no roads or trails.
6. Check with the local BLM if you need to investigate or recover any human remains that may be of historic or ancient origin.
7. Recognize that the local BLM law enforcement officers have jurisdiction over Federal laws and regulations that relate to the public lands and resources and provide any necessary support and backup.
8. Enter into any necessary law enforcement agreements for radio frequency sharing, radio dispatch support, or granting of State and/or local authority to BLM law enforcement officers.
9. Be alert to public land resource crimes, such as:
  - persons digging for Native American artifacts on public lands;
  - persons chasing, capturing, or shooting at wild horses and burros;
  - persons digging or transporting firewood, cactus or other plant material without bills of sale, permits, or tags required by State laws;
  - persons operating motorized vehicles in areas posted as closed or riding around gates or barriers;
  - persons dumping trash, refuse, waste oil, tree trimmings, old appliances, hazardous waste, or defunct vehicles on public lands.

Article X of the Constitution provides that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. This includes the application of general police powers. As pointed out above, this measure of police power is also applicable to Federal lands under proprietary jurisdiction. The framework provided by the Property Clause, the Supremacy Clause, and reserving general police powers to the States creates a situation where providing law enforcement services to the public lands must be a partnership between the Federal government, and State and local authorities.

Clearly understanding the authority granted by the "Property Clause," Congress granted law enforcement authority only for "Federal laws and regulations relating to the public lands and their resources." In fact, the word Federal was specifically inserted into the final version of the Act in consideration of State and local concerns. The testimony related to this amended change was as follows:

"What this amendment does is to make clear that, insofar as the powers of those persons charged with enforcing any law or regulation related to lands and resources managed by the Secretary, it shall be the Federal law or regulation that is to be interpreted.....I have letters from constituents in my State saying, 'Are we going to make cops out of every single Bureau of Land Management employee?' It is not the intention in this section of the bill to do any such thing."

This act designated the lands owned by the United States and administered by the BLM as the "public lands." The point has been made by some that the BLM law enforcement program is duplicative of State and local law enforcement. A close examination of the BLM law enforcement mission and the laws and regulations enforced by the BLM will serve to illustrate the fallacy of this assumption. With so few officers and so much specific responsibility, the BLM can ill afford to duplicate the law enforcement work done by State and local agencies. At the same time, the BLM cannot assume that a State and local agency will take on the complete law enforcement mission of the BLM. To meet its obligations under the law, the BLM must provide for a law enforcement program of its own as well as seeking the assistance of State and local agencies. The BLM continues to rely on State and local law enforcement to provide general police services to the public lands, adjacent private lands, and to the citizens that use those lands. The BLM has no intention of duplicating or interfering with this important responsibility of State and local government.

## Law Enforcement Cooperation

The Federal Land Policy and Management Act places a very high emphasis on conducting law enforcement activities in cooperation with State and local officials. One particular section of the Act authorizes the BLM to cooperate with the law enforcement officials of any State or political subdivision thereof in the enforcement of the laws and ordinances of such State or subdivision. The section further requires that this cooperation be in connection with the use and occupancy of the public lands. This section enables the BLM to assist and provide support to the local agencies. In many cases, this support has been formalized through the development of what have become known as law enforcement agreements. Another section states that the Act shall not be construed as a limitation upon any State criminal statute or upon the police power of the respective States. It is quite clear that this "needful rule and regulation" requires the BLM law enforcement program to be conducted in full cooperation with State and local law enforcement agencies.

BLM law enforcement officers work closely with other Federal, State and local law enforcement agencies. In some cases, the BLM receives supplemental law enforcement services on the public lands through the use of cooperative agreements that reimburse State and local law enforcement agencies for their assistance on public lands.

## **Major BLM Offenses**

The laws and regulations that BLM is authorized to enforce provide most of the focus of the law enforcement program. The Federal Land Policy and Management Act is the primary mandate that provides for regulating uses and protecting resources and users on the public lands. The BLM enforces many other Federal laws and regulations as well that are far too numerous to mention. The following are some of the major laws and regulations enforced by the BLM.

The BLM enforces the Land and Water Conservation Fund Act. This law and its related regulations requires the payment of use fees in BLM campgrounds and recreation sites. It also requires fees to be paid by outfitters, guides, and event sponsors for permits to conduct special recreation uses on the public lands.

The BLM provides for the protection of archeological resources and sites on the public lands pursuant to the Archeological Resource Protection Act. Despite our best efforts to educate

## Exhibit 3

### How BLM Can Help Local Law Enforcement

1. Report major crimes (murder, assault, grand theft auto, drug trafficking and manufacturing, etc.) of State and local jurisdiction to the responsible agencies.
2. Take initial reports made by users (recreation, grazing, mining, etc.) to crimes affecting their safety and property and refer them to the proper State and local agencies.
3. When driving to and from public land areas be alert for criminal activity that may be of interest to State and local agencies.
4. Maintain regular contact with local law enforcement officers to coordinate law enforcement issues and exchange information. When feasible, notify State and local law enforcement agencies when it becomes necessary to serve arrest and search warrants in developed areas within their jurisdictions. Seek the assistance of such agencies in serving such warrants.
5. Provide local law enforcement agencies with an adequate supply of public land maps showing open roads and trails and areas where such use is limited. Facilitate any authorization needed for State and local law enforcement to use motorized vehicles in closed or limited areas.
6. Protect any crime scenes that result from State and local offenses until State and local investigators arrive on scene. Provide any requested assistance in investigations, evidence collection, body recoveries, etc.
7. Recognize that the local law enforcement officers have jurisdiction over all State and local laws and ordinances on public lands and provide any necessary support and backup within the scope of BLM authority and jurisdiction.
8. Enter into any necessary law enforcement agreements for radio frequency sharing, radio dispatch support, and receiving a grant of State and/or local authority to BLM law enforcement officers. When assistance is determined to be necessary, request reimbursement to State and local enforcement for expenditures incurred for activities that assist in the administration and regulation of the use and occupancy of public lands.
9. Respond to any requested assistance for search and rescue incidents by providing:
  - local geographic expertise;
  - 4-wheel drive and other specialty vehicles;
  - access to global positioning system devices and updated maps;
  - access to radio equipment with improved coverage in remote areas;
  - aircraft assets as appropriate.

and inform the public of the need to leave archeological resources in their place, the theft and destruction of such resources continues at an alarming rate. Maintaining a law enforcement force that can provide regular and recurring presence and surveillance to archeological sites may be our only chance at protecting these resources from loss and destruction. It is also important to apprehend the perpetrators of these crimes so that they may be brought to justice and others deterred.

When the Congress designates areas of the public lands as wilderness, then the BLM must enforce the restrictions that apply to the uses of such areas under the Wilderness Act. Protection of wilderness areas does not end after designation and the writing of a wilderness area plan. Even when there are clearly marked and defensible boundaries, there will be those who will choose to ignore such restrictions.

Likewise, the BLM provides protection of other specially designated areas such as National Wild and Scenic Rivers System and National Trails. These designations create an attraction to increased use and visitation. This not only has ramifications for resource management problems, but also, gatherings of people attract crime activity and create conflicts. As these problems increase, the "values" of the area decrease. Our visitors have an expectation that the BLM will provide sufficient law enforcement services to counteract these problems.

The BLM is the primary agency for enforcing the Wild Free-Roaming Horse and Burro Act. This law protects wild horses and burros from capture, branding, harassment or death. Carrying out this responsibility has always been difficult. Initial efforts of the law enforcement program concentrated on protecting those wild horses and burros in private hands from inappropriate uses. This responsibility continues to be important today. However, the law enforcement program also must increase its efforts in protecting these animals from illegal removal from the public land setting.

In over twenty years since the enactment of the Federal Land Policy and Management Act, the Department of the Interior has issued over 25 different subparts of regulations with criminal provisions that are applicable to the public lands and activities of the BLM. These subparts are for a variety of activities such as recreation rules of conduct, off-road vehicles, rangelands, forest products, etc. Bureau of Land Management law enforcement officers enforce these Federal regulations.

## BLM Law Enforcement Officers

The BLM law enforcement mission is accomplished through the enforcement of all Federal laws and regulations related to the use, management, and development of the public lands and their resources. The BLM employs two types of law enforcement officers to accomplish its law enforcement mission: Law Enforcement Rangers and Special Agents. The Special Agents are responsible for enforcing Federal laws and regulations relating to the public lands and resources.

This includes conducting criminal investigations and the arrest of violators. The Law Enforcement Rangers are uniformed and drive clearly marked patrol vehicles to produce a deterrent effect on violators. Generally, the areas patrolled are vast, lack readily available water, and have extremes of temperature that make them places where an unwary visitor could easily get into serious trouble. These areas are often far removed from towns and developed areas where the ranger may be the only law enforcement officer on patrol. Rangers carry out the following duties:

- Enforce Federal laws and regulations relating to the public lands and resources.
- Provide a regular and recurring presence over vast amounts of public land.
- Take appropriate actions when any unauthorized use or illegal activity is detected, including conducting investigations, issuing warnings and citations, and making arrests.
- Work closely with local, county, and State law enforcement officials.
- Conduct informational and educational programs.
- Provide emergency medical aid.
- Assist local Counties with Searches and Rescues of persons lost or hurt on public lands.
- Monitor resource conditions.
- Eliminate hazardous situations (including coordinating cleanup of hazardous waste).

There are about 200 BLM law enforcement officers. The BLM administers 270 million acres of land. There is approximately one BLM law enforcement officer for each 1.1 million acres. This law enforcement force allows for the BLM to at least react to most of the law enforcement needs on the public lands. However, this is certainly not an ominous Federal force in its presence or effect on the public at large. In fact, in many areas of the West, there may be little awareness that this "force" even exists.

The question often surfaces among some members of the public as to why BLM law enforcement officers wear guns? This question seems to arise from the notion that guns are not necessary because the BLM is not a law enforcement agency. It is certainly true that BLM is not an enforcement agency, but the BLM cannot accomplish its mission without some law enforcement ability. If BLM must carry out a law enforcement function, are the perpetrators they deal with capable of life threatening hostility? The answer to this question is no different for the BLM than it is for a State or local law enforcement agencies.

BLM law enforcement officers must face members of the general public when carrying out their duties. While most of the public are not a threat to the BLM officers, there are no gates and fences on the public lands that keep the "bad" people out. The potential for a BLM law enforcement officer to encounter a hostile assailant is just as high as it is for a Deputy Sheriff or Police Officer. This principle was recognized by Congress in debating the firearms issue. The Committee stated:

"Officials designated by the Secretary are given authority to carry firearms. Persons who are committing acts of vandalism on the national resource lands are often armed and dangerous. State and local governments do not expect their enforcement officials to make these arrests unarmed. Similarly, the Committee believes that the carrying of firearms is necessary both for the protection of Departmental personnel and for effective enforcement of the laws on the national resource lands."

When enacted, the Federal Land Policy and Management Act specifically included a provision authorizing BLM law enforcement officers to carry firearms. Bureau of Land Management law enforcement officers are provided firearms for the same reasons as other law enforcement officers. Bureau of Land Management firearms are to be used when there is an imminent danger of loss of life or serious bodily injury to the officer or others. Other non-law enforcement BLM employees (biologists, foresters, range conservationists, etc.) are not authorized to carry firearms for law enforcement purposes.

Like any law enforcement agency, the BLM must administer its law enforcement program through appropriate policy and directives. This is done with a system of General Orders which establish the standards of the program.

**EDUCATION/EXPERIENCE** All BLM law enforcement officers must possess adequate education and experience to qualify for entry into their positions. Most of our current officers have college degrees in the field of natural and cultural resource management, criminal justice or police science. Also, many of these officers have had a great deal of past experience in other land management law enforcement positions, other Federal law enforcement positions, and some with State and local law enforcement agencies.

**MENTAL/PHYSICAL FITNESS** All BLM law enforcement officers must be evaluated at entry and annually for determination of their mental and physical fitness to perform the law enforcement function.

**BACKGROUND INVESTIGATION** All BLM law enforcement officers are required to undergo a background investigation to determine if they are suitable to occupy a position of public trust. These background investigations are updated every 5 years.

**BASIC TRAINING** All BLM law enforcement officers must complete a course of basic law enforcement training at the Federal Law Enforcement Training Center. The primary course utilized by the BLM is the 11-week basic law enforcement for land management course. This course provides specific training in the areas of Constitutional law, civil rights, behavioral sciences, officer safety and survival, and other basic law enforcement subjects. Very specific firearms training is provided in firearms skills and legal aspects to include: marksmanship and skill testing, policy and legal aspects of using deadly force and judgement pistol shooting (shoot/no-shoot). It should be noted that students must score 100% in judgement pistol shooting to pass the overall course.

**IN-SERVICE TRAINING** All BLM law enforcement officers must complete 40 hours of law enforcement in-service training annually. This in-service includes firearms qualification, skill testing, and judgement pistol shooting.

**FIREARMS TESTING AND QUALIFICATIONS** All BLM law enforcement officers are required to qualify with their duty firearms semi-annually. During the course of semi-annual qualifications, officers review the agency firearms policy and guidelines.

## **Assaults on BLM Employees and Volunteers**

Of all the laws that the BLM enforces, none are more important than those that protect the BLM employees and volunteers from harm. Section 111 of Title 18 of the United States Code provides, in part:

"Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person in section 1114 of this title (for this purpose: any BLM officer, employee, or volunteer) while engaged in or on account of the performance of official duties; ... shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases, be fined under this title or imprisoned not more than three years, or both".

When potential hostility is expected, BLM cooperates with State and local law enforcement to request assistance in maintaining order and preventing any rhetoric from turning into crimes of violence. The BLM counts on the knowledge, skill, and diplomacy often provided by local law enforcement officials in settling such disputes without subjecting anyone to physical harm or any acts of interference.

## **Vandalism and Destruction of Facilities**

Vandalism and destruction of facilities is quite common place on the public lands. The BLM develops and builds fire stations, campgrounds, visitor centers, signs, fences, windmills, and other facilities necessary for legitimate public uses of the public lands. Regardless of the noble reasons that the BLM put it there, sooner or later someone will shoot at it, spray paint graffiti on it, cut it, burn it, run over it, or render it useless for its intended purpose. Lately, BLM offices and facilities have been subjected to arson and bombing by groups that oppose the BLM carrying out its responsibilities. The public lands also have many private developments such as those for oil and gas production, communication sites, pipelines and utilities, and rangeland improvements that are vulnerable to acts of vandalism and destruction. The BLM continues to rely on State and local law enforcement agencies to assist in the protection of facilities and deter destructive acts. The BLM places a high priority on addressing these types of offenses. Destruction of this nature not only represents a significant monetary loss, but it also eliminates the opportunity for the use of the facilities by lawful citizens.

## Theft of Government Property

The property of the United States not only includes the public lands, but also every resource and thing of value present there. Financial gain is a major reason behind the deliberate taking of resources from the public lands. Since many public land resources have high value, they are tempting targets for illegal exploitation. For example:

- A 16-foot sawlog may bring as much as \$500 at a sawmill;
- A cord of firewood can often be sold for over \$100;
- Cactus plants removed from the public lands find a lucrative market for distribution throughout the United States;
- Some vertebrate fossils, such as dinosaurs, are worth hundreds of thousands of dollars on worldwide markets;
- Stolen oil and gas resources not only have extremely high values but are fairly easy to steal, transport, and sell;
- Even mineral resources like sand, gravel, and stone when taken in large quantities can provide a thief with a handsome profit.

Although the BLM often grants permits for the lawful harvest and removal of some of these resources, theft occurs to avoid the environmental requirements involved in their removal and the fee charged by the BLM for the permit. The BLM most often pursues cases of this nature using its own investigators in order to provide deterrent, collect the values lost, and assess any necessary penalties and damages.

## Marijuana Cultivation and Drug Labs

Cultivation of marijuana on public lands remains a major concern. Illegal growers of marijuana sometimes use intimidation, armed guards and booby traps to protect their crops. These growers endanger BLM employees as well as individuals who use and enjoy these public lands for hunting, fishing, family recreation, and camping or who carry out authorized uses such as livestock grazing, mining or other commercial operations.

## Exhibit 4

### Significant Federal Laws Enforced by BLM

16 USC 433	Antiquities Act
16 USC 460l-6a	Land and Water Conservation Fund Act
16 USC 470aa	Archaeological Resources Protection Act
16 USC 668a	Bald Eagle Act
16 USC 670j	Sikes Act
16 USC 703	Migratory Bird Act
16 USC 1241-46	National Trails System Act
16 USC 1331-40	Wild Free-Roaming Horse and Burro Act
16 USC 1538	Endangered Species Act
16 USC 3372	Lacey Act
16 USC 4306	Federal Cave Resources Act
18 USC 47	Use of aircraft or motor vehicles to hunt certain wild horses or burros; pollution of watering holes
18 USC 111	Assault on a BLM employee or volunteer
18 USC 641	Theft of Government property
18 USC 1001	False statements or entries
18 USC 1170	Native American Graves Protection and Repatriation Act
18 USC 1361	Destruction of Government property
18 USC 1852	Timber removed or transported
18 USC 1853	Trees cut or injured
18 USC 1855	Timber, grass, or brush set afire
18 USC 1856	Fires left unattended and unextinguished
18 USC 1857	Fences destroyed; livestock entering
18 USC 1858	Survey marks destroyed or removed
18 USC 1859	Surveys interrupted
18 USC 1860	Bids at land sales
18 USC 1861	Deception of prospective purchasers
18 USC 1864	Hazardous or injurious devices on Federal lands
21 USC 841	Cultivation of a controlled substance, creating a hazard, causing pollution, or using booby traps
30 USC 195	Mineral Leasing Act
30 USC 1701	Federal Oil and Gas Royalty Management Act
33 USC 1319	Clean Water Act
42 USC 6928d	Resource Conservation and Recovery Act
43 USC 315a	Taylor Grazing Act
43 USC 1061-64	Unlawful Inclosures of Public Lands Act
43 USC 1733	Federal Land Policy and Management Act
Executive Order 11644	Use of Off-Road Vehicles

The BLM is working closely with other concerned agencies to combat these illegal actions. Cultivating marijuana or other plants to produce controlled substances; using poison, chemicals, or hazardous substances; and placing booby traps on Federal land were made specific Federal crimes when the Congress amended Section 841 of the Controlled Substance Act. The BLM not only eradicates marijuana plants found growing on public lands, they also investigate and seek prosecution of these crimes to discourage this illegal use of public lands.

Unfortunately, the public lands have become a place where hazardous wastes are being dumped. This either occurs because the dumpers are attempting to avoid the high cost of proper disposal or they are trying to conceal evidence of their illegal drug manufacturing activities by dumping the waste chemicals and containers in isolated public land areas. Such dumping is strictly prohibited by the Resource Conservation and Recovery Act of 1976. Further, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 makes BLM responsible for the proper disposition of wastes that are on the public lands. A small cleanup of just a few chemical containers can cost the BLM thousands of taxpayer dollars. The BLM investigates and seeks prosecution on these violations to hold the dumpers accountable for their actions and recoup the costs of cleanup.

The BLM believes that State and local law enforcement agencies have the primary responsibility for conducting drug enforcement activities within their jurisdictions, and the BLM encourages those agencies to fulfill those responsibilities. However, the BLM will do all it can to make certain that these types of offenses are investigated and addressed.

## Wild Horses and Burros

Wild horses and burros have no natural enemies on the public lands and their numbers can and do increase rapidly unless controlled. To achieve a necessary balance between horses and burros and their environment - the food and water they need to survive - excess animals are gathered and removed from the public lands. The captured animals are then offered for adoption to individuals or groups with facilities to care for them. The Federal government retains title to adopted animals for at least one year.

These horses and burros are protected by the Wild Free-Roaming Horse and Burro Act of 1971 and subsequent regulations for as long as they remain in Federal ownership. Treating them in an inhumane manner, selling them to slaughter houses or rodeos, or otherwise misusing them are Federal violations and, when reported to the BLM, are investigated by law enforcement officers. Such investigations have played an important role in a number of successful prosecutions and convictions. Resultant sentences have ranged from repossession of adopted animals to a \$25,000 fine and 18 months imprisonment. These offenses are primarily Federal crimes and State and local agencies often cannot be of assistance to the BLM. However, some States utilize their animal cruelty statutes for the necessary prosecutions in their jurisdictions.

## Archaeological Resources

One of the most destructive and insensitive violations of Federal law involves stealing cultural artifacts - pottery, carvings, ornaments and even bones of Native Americans who once inhabited parts of the West. The Archaeological Resources Protection Act of 1979 and the Native American Graves and Repatriation Act of 1990 describe the criminal provisions related to these violations.

Some thefts are by amateur "treasure hunters" who may not know the law or who do not realize that their actions may permanently erase vital cultural records. The most destructive of such violations, however, are by commercial "black market" suppliers who sell stolen artifacts to private museums and collectors throughout the world.

Such individuals are the modern-day counterparts of the grave robbers of old, being totally insensitive to the sacred nature of such items. The BLM's law enforcement officers have investigated numerous cases of archaeological theft, resulting in many arrests and prosecutions.

Native American human remains and funerary and sacred objects found with the remains are protected by the Native American Graves and Repatriation Act. Occasionally, local law enforcement agencies become involved when a discovery of human remains results in a suspicion of foul play or recovery of the remains by Coroner officials. The BLM seeks to coordinate any body removals of this nature that may involve remains that seem to be of historic or ancient origins. The Native American Graves and Repatriation Act has very specific procedures for such recoveries that provide for appropriate dignity and return of the remains to the tribe of origin. The BLM requests that any State and local agencies make contact with the local BLM office should they encounter these circumstances.

## Interference and Obstruction of Lawful Users

Public lands are just that, public! All citizens have an equal right to use and enjoy them. These equal access rights have been provided for by statute since 1885. The Unlawful Inclosures Act of 1885 provides, among other things, that no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct free passage or transit over or through the public lands.

The public lands are put to many uses such as oil and gas development, grazing, mining, and timber removal. Some of these uses require large amounts of capital investment and their mere development activities can create safety hazards to members of the public. Because of this, BLM does authorize fences, gates, and other barriers that necessarily bar the general public from

entry. However, there are still vast tracks of public lands that are open to public use for recreation, hunting, fishing, hiking, sight seeing, etc. In those areas, even though a person may have a permit or authorization for a particular use (grazing, mining claim, etc.), they may not bar the general public from access unless specifically authorized by the BLM. Disputes have occurred when such authorized users have mistakenly requested State and local law enforcement officers to enforce trespass provisions against these legitimate public land users. The BLM has maps and information available to assist State and local law enforcement agencies in sorting out these disputes.

The BLM also must occasionally deal with groups that oppose certain legitimate uses of the public lands. We have had gatherings at certain public land locations where such groups have conducted protests against timber sales, lawful hunts, wild horse gathers, and off-road vehicle events. The BLM believes that much of this activity constitutes free speech and the citizens have a right to peaceably assemble in a location that is safe and does not obstruct the lawful activity. However, with any large gathering of people there may be occasions where hostilities flare, obstruction occurs, and arrests become necessary.

Although the protest activity has a direct relationship to the Federal action authorizing the lawful activity, the BLM is generally ill equipped to handle these types of situations. The BLM may close public lands where obstruction may occur or safety hazards are present. However, the BLM must necessarily rely upon State and local agencies for assistance when people *v.* people crimes occur.

## Control of Motorized Vehicles

A Presidential Executive Order (no. 11644) issued in 1972, mandates that the BLM develop and issue regulations for designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted and areas in which the use of off-road vehicles may not be permitted. These regulations also prescribe operating conditions for off-highway vehicles on the public lands. The BLM has many areas such as National Wilderness Areas, National Wild and Scenic Rivers, National Trails, and Areas of Critical Environmental Concern where some of the public lands are closed to off-road vehicles. The BLM tries to provide an adequate supply of maps and posting of signs to keep the public informed of these restrictions. Unfortunately, some people ignore these restrictions and use their vehicles in those places anyway. Law Enforcement Rangers periodically patrol these places and enforce the regulations. The BLM appreciates any assistance offered by State and local agencies.

The BLM administers 1,342 recreation sites, 75,962 miles of road, and 12,523 miles of trail. By virtue of ownership of the land and the capital investment in these developments, the BLM has a primary responsibility for public safety related to the use of motorized vehicles on such facilities. This means that the BLM sets speed limits, permit requirements, traffic control signs, and enforces traffic laws and regulations in such areas. These public safety duties, in conjunction with the control of off-road vehicles pursuant to Executive Order 11644, clearly puts the BLM in the traffic enforcement business. However, in places where custody and control over public lands

have been relinquished in various rights-of-way grants for State and local highways and roads, the BLM believes that traffic enforcement is more appropriately provided by State and local law enforcement agencies. This is especially true on controlled-access interstates and highways where law enforcement jurisdiction is actively asserted by State and local officials.

## Special Events and Gatherings

The public lands are not only attractive for individual or family recreation, but they also are popular for large group events and gatherings, both commercial and non-commercial. The BLM requires that permits be obtained before a person or corporation may conduct any commercial recreation events. Such events include outfitting and guiding river rafting, fishing, and hunting. They also include sponsoring certain sporting events such as off-road vehicle races or equestrian events. Many of the sporting events are an attraction to large groups of spectators. In most cases the BLM event permit requires provisions for appropriate sanitation, medical aid, crowd control, and security. This may involve the local law enforcement agencies, or the event sponsors may contract with private providers. One way or another, these events may have an effect on the local law enforcement agency. The BLM tries to coordinate these activities by consulting with the appropriate State and local agencies, notifying them of the impending event and seeking their advice in providing law enforcement services necessary to minimize conflicts and deter criminal activity (sale of alcohol, DUI, disturbances, etc.).

The BLM also has problems with gatherings of certain groups that most likely would not seek permits for potential unlawful activity. The most common occurrence of this kind is underage drinking parties in BLM developed recreation sites or other isolated locations. The BLM believes that the underage drinking and potential DUI (they all use vehicles to get to the location) are the responsibility of State and local agencies. However, the BLM remains most concerned with unlawful activities that tend to follow the drinking activity such as vandalism, deliberate burning of vegetation, and the defacing of natural features in the area. The BLM would naturally like to intervene and stop the party before it begins.

A new trend on the public lands is the "rave party." This is an unlawful event that the sponsors market over the Internet offering "free" entertainment in the form of live rock music. Then, when the sponsor has gathered a large crowd, unlawful alcohol and drug sales take place to generate a profit. This has resulted in many cases of more or less riotous behavior. The BLM's first concerns are that it is an unpermitted event with no provisions for sanitation, medical aid, or security. Second is the resource destruction and degradation that occurs with uncontrolled use of motorized vehicles, trash and litter, vandalism, and defacing of natural features. When BLM law enforcement officers get word of these events, contact is made immediately to seek the assistance of the local law enforcement agency. Although this trend is presently limited to Southern California, Southern Nevada, and Arizona, the concept is spreading rapidly and may come to affect many public land locations.

## Exhibit 5

### Regulations Enforced by BLM

(The year the regulations were issued by the Secretary of the Interior is shown in parentheses)

43 CFR Part 7	Protection of archaeological resources (1984)
43 CFR 24.4	Hunting, fishing, trapping within the framework of State and Federal laws (1983)
43 CFR Subpart 2800	Rights-of-way: general (1980)
43 CFR Part 2810	Tram roads and logging roads (1989)
43 CFR Part 2800	Rights-of-way under the Mineral Leasing Act (1979)
43 CFR Part 2920	Leases, permits, and easements (1987)
43 CFR Subpart 3715	Use and occupancy under the mining laws (1996)
43 CFR Subpart 3809	Surface management (1983)
43 CFR Subpart 4140	Prohibited acts, grazing (1996)
43 CFR Subpart 4770	Prohibited acts, wild free-roaming horses and burros (1986)
43 CFR Subpart 5462	Contracts and permits, timber and other vegetative resources (1995)
43 CFR Subpart 5511	Free use of timber (1995)
43 CFR Subpart 8223	Research natural areas (1978)
43 CFR Subpart 8224	Fossil forest research natural area (1985)
43 CFR Part 8340	Off-road vehicles (1979)
43 CFR Subpart 8351	Designated national areas (1978)
43 CFR Subpart 8364	Closures and restrictions (1983)
43 CFR Subpart 8365	Rules of conduct (1983)
43 CFR Subpart 8372	Special recreation permits (1978)
43 CFR Subpart 8560	Designated wilderness areas (1985)
43 CFR Subpart 9212	Wildfire prevention (1981)
43 CFR Subpart 9239	Trespass (1970)
43 CFR Subpart 9262	Land resource management (1989)
43 CFR 9264.1(h)	Violating any Federal or State laws concerning conservation or protection of natural and cultural resources or the environment (1980)
43 CFR 9264.7(a)(14)	Accepting a BLM marked wild horse or burro for slaughter without certificate (1980)
43 CFR 9264.7(a)(15)	Fail to retain certificate of title on wild horse or burro (1980)
43 CFR Subpart 9265	Timber and other vegetative resources (1995)
43 CFR 9268.3(e)	Use authorization penalties (1980)
50 CFR Part 20	Migratory bird hunting (1973)
50 CFR Part 100	Subsistence management for public lands in Alaska (1992)

## Search and Rescue

The public lands are vast, and it is not uncommon for persons to become lost and stranded. Others participating in a recreational activity, from off-road vehicle riding to rock climbing may become injured and in need of medical aid. Occasionally people die on public lands. The death requires investigation, and the body must be transported from a remote area. While the lead responsibility for search and rescue is vested in local sheriff departments, the BLM realizes that often these departments are not equipped and/or staffed to deal with these workloads. Fortunately, the Congress recognized this when they included a provision for search and rescue in the Federal Land Policy and Management Act of 1976. The Act provides that when sufficient search, rescue, and protection forces are not otherwise available, the BLM is authorized in cases of emergency to incur such expenses as may be necessary in searching for and rescuing, or in cooperating in the search for and rescue of persons lost on the public lands. The BLM is also authorized to assist in protecting or rescuing, or cooperating in the protection and rescue of persons or animals endangered by an act of God, and transporting deceased persons or persons seriously ill or injured to the nearest place where interested parties or local authorities are located.

The BLM responds to and/or conducts over 200 search and rescue incidents annually. The BLM does not intend to supplant the responsibility of the local sheriff for search and rescue. Most of these incidents are either in response to a sheriff's department request or in areas where there are high concentrations of recreation use and the BLM has permanent and temporary aid stations where the public can seek assistance. The BLM also seeks to develop specific search and rescue plans so that all State and local protocols for medical aid and transportation are followed. The BLM can be of tremendous assistance to sheriff's departments in providing personnel with local geographic expertise, 4-wheel-drive vehicles, access to global positioning system devices and updated maps, access to radio equipment with improved coverage in remote areas, and, in some cases, BLM contract aircraft could be diverted to search and rescue incidents.

While the BLM has designated many areas of the public lands as either closed to motorized vehicles or limiting their use, BLM regulations specifically exclude any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes. However, special circumstances may be involved in any use of motorized or mechanized equipment in Congressionally designated wilderness area. When the search and rescue mission requires use of motorized vehicles on public lands where there are no roads or trails, the BLM requests that the sheriff's department contact the local BLM office and give notification to minimize resource destruction or conflict with any use restrictions.

## Conclusion

The BLM has a big job in providing law enforcement on the public lands. The areas to cover are vast, the number of BLM officers are few, and the laws and regulations are diverse. The BLM cannot do the job alone. The BLM is required by statute and necessity to seek the greatest degree of cooperation possible with State and local law enforcement agencies. The BLM does not seek to duplicate the law enforcement responsibilities of State and local agencies, it merely seeks to carry out its mandated mission to protect the public lands, their resources and users. In doing so, the BLM wants its law enforcement program to be complimentary to State and local agencies. At the same time, the BLM seeks the support of State and local agencies in helping to achieve the effective conservation of resources for future generations of Americans.

## Appendix 1- Sample Law Enforcement Agreement

The following sample law enforcement agreement was developed in 1998 in consultation with the Western States Sheriff's Association

MEMORANDUM OF UNDERSTANDING  
between  
\_\_\_\_\_ COUNTY SHERIFF'S OFFICE  
and  
BUREAU OF LAND MANAGEMENT  
concerning  
LAW ENFORCEMENT AUTHORITY

*[EXPLANATORY NOTE: This form, when properly executed, is a legally sufficient instrument for the purpose of a Sheriff delegating (deputizing) his law enforcement authority, to properly designated individual Bureau of Land Management (BLM) law enforcement officers.*

*Bureau of Land Management law enforcement has been advised by counsel that BLM law enforcement officers act within the scope of their employment in enforcing state and local law pursuant to authorization by a sheriff where the act and such enforcement is connected with the administration and regulation of the use and occupancy of the public lands. Because of this and to ensure that BLM officers are operating within the scope of their authority, such agreements must be entered into for the BLM by the appropriate State Director.*

*Individual sheriffs or BLM State Directors may require additional clauses to more particularly express their wishes and those of their respective legal advisers. If so, participants in this process are directed to BLM, Law Enforcement General Orders, H-9260-1. The General Orders contain Model Agreements that can be used as a guide for the participants to such agreements to further allay their concerns and meet specific requirements.*

*Also within certain BLM jurisdictions, e.g., Alaska, there are no county Sheriffs. Therefore, these provisions may not necessarily be applicable. State and local officials and the BLM may wish to refer to the General Orders mentioned above.]*

WHEREAS, the \_\_\_\_\_ County Sheriff's Office hereinafter referred to as the Sheriff, has the authority and responsibility to enforce state and local laws on all lands within \_\_\_\_\_ County and,

WHEREAS, the BLM, has the responsibility to protect, manage, and enforce federal laws and regulations on the federal public lands assigned to them, pursuant to the Federal Lands Policy and Management Act (43 U.S.C. 1701-1771) (FLPMA), within \_\_\_\_\_ County and,

WHEREAS, The State of \_\_\_\_\_ code or statute authorizes delegation or deputation in appropriate circumstances to federal officers, of state and local law enforcement authority to those federal officers who have met the training requirements of the State of \_\_\_\_\_ and have received written delegation or deputation from the Sheriff and the concurrence of the BLM State Director in whose jurisdiction BLM desires to exercise state and local law enforcement authority and,

WHEREAS, the Sheriff and the BLM \_\_\_\_\_ State Director recognize the mutual benefits of such an agreement. Now therefore, the parties hereby agree that :

- A. The Sheriff authorizes BLM law enforcement officers and agents who meet the statutory requirements for being a law enforcement officer in the State of \_\_\_\_\_ (set out specific statute and/or requirements) and who have been individually authorized in writing by the Sheriff as officers to enforce state and local law within the County of \_\_\_\_\_ in the course of their regular assigned duties. A copy of all authorizations will be attached hereto.
- B. The BLM State Director of \_\_\_\_\_ authorizes those BLM law enforcement officers who are included in subparagraph A above, to enforce the laws of \_\_\_\_\_ only on, or in relation to BLM managed public lands in \_\_\_\_\_ and only in connection with their official BLM law enforcement duties relating to public lands as set out in FLPMA.
- C. This Memorandum of Understanding shall enter into force upon signature of both parties and shall remain in force until amended by mutual agreement of the parties or canceled by either party on written notice.

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County Sheriff

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Date

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BLM State Director, \_\_\_\_\_

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Date

## Appendix 2- Additional Reading

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