

# **A Guide to Bureau of Land Management Law Enforcement**

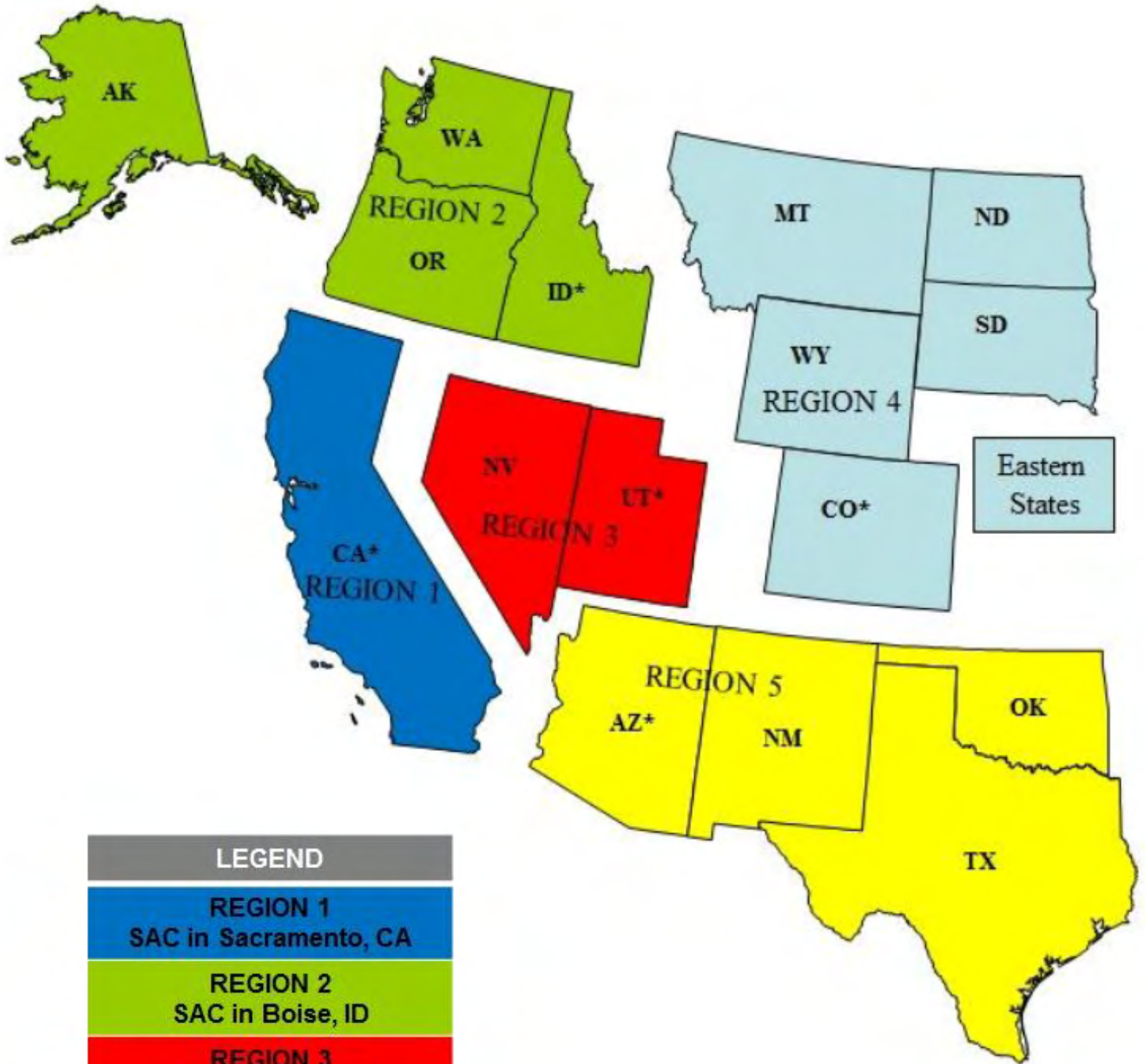


**for  
State and Local  
Law Enforcement Agencies**



**A Guide to  
Bureau of Land Management  
Law Enforcement  
for State and Local  
Law Enforcement Agencies  
(2014)**

# BLM Law Enforcement Organization



LEGEND
REGION 1 SAC in Sacramento, CA
REGION 2 SAC in Boise, ID
REGION 3 SAC in Salt Lake City, UT
REGION 4 SAC in Denver, CO
REGION 5 SAC in Phoenix, AZ

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# **BLM's Mission & History**

The Bureau of Land Management (BLM) may best be described as a small agency with a big mission: To sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations. It administers more public land – over 245 million surface acres – than any other Federal agency in the United States. Most of this land is located in the 12 Western states, including Alaska. The BLM also manages 700 million acres of sub-surface mineral estate throughout the nation.

The BLM's multiple-use mission, set forth in the Federal Land Policy and Management Act of 1976 (FLPMA), mandates that the public land resources are managed for a variety of uses, such as energy development, livestock grazing, recreation, and timber harvesting, while protecting a wide array of natural, cultural, and historical resources, many of which are found in the BLM's 27 million-acre National Landscape Conservation System. The conservation system includes 221 Wilderness Areas totaling 8.7 million acres, as well as 16 National Monuments comprising 4.8 million acres.

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 a wide variety of ecosystems including deserts, evergreen forest, and fragile Arctic tundra.

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. By conserving 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 large wild land firefighting organization. The BLM law enforcement officers are but one of many categories of employees necessary for the fulfillment of the agency's mission and responsibilities.

# Constitutional Basis of 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 the remaining millions of acres.

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 right or title to land 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.

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.

In 1976, Congress passed a set of "needful rules and regulations" in the form of the Federal Land Policy and Management Act (FLPMA). 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.

# 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. Being 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 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. Detain suspects and protect 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. When authorized by the Sheriff or other authorized official, enforce State laws on public lands while in the performance of their duties as a BLM LEO.
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;
  - aircraft assets as appropriate.

# Scope of BLM's Law Enforcement Authority

Because the BLM is a federal agency that draws its authority from federal law (primarily FLPMA) under federal (proprietary) jurisdiction, BLM LEOs enforce federal laws and regulations. BLM LEOs do not have authority to enforce State laws without the written authorization of the Sheriff, other authorized State official or State law.

There are many laws and regulations BLM LEOs enforce that are similar to State and local laws and there are many federal regulations that prohibit the same acts as State laws. For example, crimes such as littering, illegal take of migratory waterfowl, and exceeding the posted speed limit in a motor vehicle are all prohibited by both federal and State laws.

There are also federal regulations that adopt various State laws by reference. This is generally done in cases such as vehicle code violations where every State may have slightly different standards and it would be a burden on the public to have to comply with a different federal standard while on public lands. Adopting the State law by reference allows federal agencies to stay consistent with their State and local partners.

Regardless of whether BLM LEOs are enforcing a federal regulation that is similar to a State law or adopting a State law by reference, unless there is legal conveyance of State Peace Officer authority to the BLM LEO, the LEO is enforcing a federal law, issuing federal citations and charging suspects in federal court. They are not enforcing State laws.

Over the years there have been challenges to the BLM's (and similar agencies) authority to manage federal lands or the ownership of the land itself. These issues have been decided in the courts, and it has been repeatedly found that the federal government does own the land and can make needful rules and regulations as they necessary to protect the resources and public using them. A good reference for the issues of ownership & authority is the US Supreme Court case of *Kleppe v. New Mexico* (1976) and the District of Nevada decision in *US v. Nye County* (Dist. NV, 1996).

Along those same lines, the argument that public lands belong to the States is incorrect as well. In fact many western States renounced all claim to the public lands in their State constitution. An example from the Nevada State Constitution is:

*Third. That the people inhabiting said territory do agree and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States...*

# State & Local Law Enforcement Cooperation

The authority granted by FLPMA 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.

FLPMA places a very high emphasis on conducting law enforcement activities in cooperation with State and local officials. One particular section of FLPMA 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. FLPMA states that it 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.

Many public lands are located in places generally provided law enforcement services by local Sheriffs' offices. Throughout its history the BLM law enforcement program has relied upon a great deal of cooperative effort with State and local law enforcement officers. BLM LEOs routinely work side by side with their State and local counterparts in providing law enforcement services to the persons who use the public lands.

While State and local agencies retain their authority and jurisdiction over public lands, the original driving forces in beginning the ranger program still holds true today. A sheriff's office (for example) has the same authority on public lands as they do everywhere else in their jurisdiction however; they rarely have the staffing to effectively patrol those lands. There are also times when a special event is permitted on public lands that bring thousands of people into an area with limited resources and BLM brings in additional LEOs to assist. Other factors include a lack of specialized training or authority to investigate and prosecute specialized natural resource crimes (such as an archaeological theft case to be prosecuted under ARPA in federal court.)

In most cases, the activities of the BLM LEOs are concentrated in the more remote public lands or in areas of special management interest that have been identified as needing additional law enforcement presence. Similar to the relationship between a city police department and county sheriff's office, the BLM generally tries to direct its law enforcement to areas not covered by other agencies. A sheriff's office has authority inside a city's annexed area, but generally directs its deputies to duties outside the city leaving the city limits

for the police department to patrol. The BLM generally prefers that its LEOs leave commonly patrolled areas such as highways to State and local LEOs and concentrate patrol on the places and crimes those agencies don't.

With so few officers and so much specific responsibility, the BLM cannot afford to duplicate the law enforcement work done by State and local agencies.-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 relies on State and local law enforcement to provide general police services to the public lands and to the citizens that use those lands.

## 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 if you need to investigate or recover any human remains that may be of historic or ancient origin.
6. 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.
7. 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.
8. Be alert to public land resource crimes, such as:
  - persons digging for Native American artifacts or historic objects on public lands;
  - persons chasing, capturing, or shooting at wild horses and burros;
  - persons removing or transporting firewood, cactus or other plant material;
  - persons operating motorized vehicles in areas posted as closed;
  - persons dumping trash, refuse, waste oil, tree trimmings, old appliances.

# BLM Law Enforcement Officers

FLPMA specifically gives BLM LEOs traditional police powers such as: enforcing (federal) laws, carrying firearms, serving search warrants, making arrests with or without a warrant and conducting searches of places or people with or without a warrant in accordance with applicable laws and seizing evidence.

The BLM employs two types of Law Enforcement Officers (LEO) to accomplish its mission: Law Enforcement Rangers and Special Agents. Both types of LEOs carry the same authority and enforce the same laws and regulations by providing education and warnings, issuing citations and/or making arrests.

Law Enforcement Rangers provide a uniformed presence on public lands and drive marked law enforcement vehicles. Special Agents are plain clothes investigators that are responsible conducting long-term, complex criminal investigations.

There are approximately 250 BLM LEOs nationwide. The BLM administers over 245 million surface acres of land, meaning there is approximately one LEO per million acres of public lands.

While the BLM has thousands of other employees nation-wide such as biologists, park rangers, foresters and range conservationists, only rangers and special agents are authorized to enforce laws and carry firearms for law enforcement purposes. The BLM does not employ seasonal, part-time or other employees with limited law enforcement commissions.

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

**PHYSICAL FITNESS:** Prior to entry on duty for this position, the applicant appointed to this position must pass all test elements of the Federal Law Enforcement Training Center (FLETC) Physical Efficiency Battery (PEB). An applicant appointed to this position must continue to pass all test elements of the PEB on an annual basis for the remainder of his/her law enforcement career, in the manner prescribed by agency policy. Current PEB test elements include:

1. Trunk flexibility as measured in inches through a sit and reach test.
2. Agility as measured through the use of the Illinois Agility figure eight running course.
3. Cardiovascular endurance as measured in minutes through the use of a 1.5 mile run.
4. Percent of body weight pushed as measured in pounds using a standard bench press.
5. Body fat as measured in percent using a skin fold caliper.

**BACKGROUND INVESTIGATION:** All BLM law enforcement officers are required to complete and receive a favorably adjudicated background investigation clearable for access to Top Secret classified information prior to his/her appointment. These background investigations are updated every 5 years.

**DRUG TESTING:** BLM LEOs are required to submit to and pass a urinalysis screen for illegal drug use. An applicant appointed to this position is subject to random testing for illegal drug use for the remainder of his/her law enforcement career.

**BASIC TRAINING:** All BLM law enforcement officers must successfully complete or have previously completed the Land Management Police Training Program (Rangers), Criminal Investigator Training Program (Criminal Investigators) or an approved equivalent training program.

**IN-SERVICE TRAINING:** All BLM law enforcement officers must complete 40 hours of law enforcement in-service training annually. This in-service includes refresher and advanced training in topics such as legal update, firearms, control tactics, arrest techniques and judgmental pistol shooting.

**FIREARMS TRAINING AND QUALIFICATIONS** All BLM LEOs must be able to safely and proficiently utilize firearms, non-lethal weapons, and defensive tactics in the conduct of daily activities; and be prepared at all times to employ force, including deadly force, to defend themselves and others.

## 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	Aerial hunting of wild horses or burros
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	Controlled Substances
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



# Common Crimes Committed on Public Lands

The public lands are vast, are commonly far removed from developed areas and rangers are often the only law enforcement officer actively patrolling. Conversely, other lands are urban-interface areas immediately adjacent to large population centers that are extremely popular for both the recreating and law breaking public.

The laws and regulations that BLM is authorized to enforce provide most of the focus of the law enforcement program and are as diverse as the settings the LEOs work in. FLPMA 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.

Millions of Americans enjoy recreating on their public lands each year. Maintaining a safe environment for those people to recreate in is as important a task as protecting the resources themselves. The BLM law enforcement program recognizes that the perpetrators of crimes involving drugs and alcohol are not only more likely to commit acts that damage the resources, but they also endanger the public while doing so.

## 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. All too often, persons will shoot, spray paint, run over, burn or otherwise destroy these public properties and facilities.

BLM offices and facilities have been subjected to arson and bombing by groups that oppose the BLM carrying out its natural resource management responsibilities. The public lands also have many critical infrastructures such as oil and gas productions sites and pipelines, bridges, power transmission lines, and communication sites, as well as rangeland improvements that are vulnerable to acts of vandalism, destruction and domestic terrorism. The BLM works alongside State and local law enforcement agencies 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

There are many threats to the public lands. Sometimes resources are vandalized or damaged out of ignorance or maliciousness. Other times they are intentionally stolen for financial gain or personal collections.

The property of the United States not only includes the public lands, but also the natural resources 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:

- Archaeological & paleontological resources;
- Timber & firewood;
- Vegetative resources & forest products;
- Cactus and other plants used in landscaping;
- Decorative & landscaping rock;
- Mineral resources such as sand and gravel for commercial operations;

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 a deterrent; collect the values lost, and assess any necessary penalties and damages.

## Archaeological Resources

The vast public lands entrusted to the Bureau of Land Management hold some of the most significant evidence of human prehistory and history in the West and Alaska, the once-untamed frontier lands that lend America so much of its self-image. These Western and Alaskan lands also count among the world's very best outdoor laboratories for studying the fossilized remains of plant and animal life, which span from the tens of thousands to the hundreds of millions of years in age.

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

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 grave robbers, 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 that are historic rather than evidence of a recent homicide.

BLM cultural specialists seek to coordinate the removal of human remains that have Native American 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.

## Controlled Substances & Alcohol Related Crimes

The damage to public lands and threat to public safety due to the drug trade is significant. Drug Trafficking Organizations set up large and destructive operations without regard to their impact. Poisons, chemicals and trash left behind in marijuana gardens are significant and long lasting problems. Marijuana growers sometimes use intimidation, armed guards and booby traps to protect their crops. These growers endanger BLM employees as well as the public 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.

The smuggling of humans and controlled substances across the US/Mexico border has also had serious impacts to the public lands. Smuggling vehicles are often driven long distances cross-country or on remote roads to avoid detection by law enforcement. Not only do the vehicles do great damage to the resources (often being driven at night and without lights) but the presence of armed drug smugglers is a huge safety threat to the public recreating on public lands.

The BLM also has problems with gatherings of certain groups that most likely would not seek permits for potential unlawful activity such as underage drinking parties. The dangers of underage drinking and driving are well known and a concern shared by federal and State/local agencies alike. Of additional interest to the BLM are the 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.

Another serious issue for law enforcement are rave parties (an unlawful event that the sponsors market over the internet offering free entertainment and music). The sale and use of illegal drugs and alcohol by large numbers of people in remote area is a problem all by itself, but the BLM also has the additional concern that organizers do not obtain permits for these events and therefore have little to no provisions for sanitation, medical aid or safety and the

BLM has little opportunity to address resource violations that occur (such as litter, resource vandalism and destruction.)

### Wildland Fire & Arson

Rangers and agents work closely with firefighters to determine the origin and cause of wildfires. Prosecution of arsonists is a high priority, as is pursuing restitution for fire suppression costs for fires started by negligence.

### Dumping of Trash and Hazardous Materials

Few crimes are as needless and thoughtless as dumping. Whether is it household, commercial, industrial or hazardous, some people think that your public lands are their dumping grounds. BLM LEOs work hard to prevent dumping and also identify suspects for prosecution and clean-up.

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 make 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.

### Grazing and Range Management

The BLM began as a merger of the US Grazing Service and General Land Office and has a long history of managing the use of public lands for cattle & the BLM, which administers about 245 million acres of public lands, manages livestock grazing on 155 million acres of those lands, as guided by Federal law. The terms and conditions for grazing on BLM-managed lands (such as stipulations on forage use and season of use) are set forth in the permits and leases issued by the Bureau to public land ranchers.

The BLM administers nearly 18,000 permits and leases held by ranchers who graze their livestock, mostly cattle and sheep, at least part of the year on more than 21,000 allotments under BLM management.

### Wild Horses and Burros

The BLM protects, manages, and controls wild horses and burros under the authority of the Wild Free-Roaming Horses and Burros Act of 1971 to ensure that healthy herds thrive on healthy rangelands. The Bureau of Land Management estimates that 40,605 wild horses and burros (about 33,780 horses and 6,825 burros) are roaming on BLM-managed rangelands.

The law enforcement program protects those wild horses and burros in private hands from inappropriate uses and those still on the public lands from illegal removal, disturbance and destruction.

Wild horses and burros have few 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.

## Hunting and Recreational Shooting

The vast majority of the public lands are completely open to all forms of recreational shooting and hunting. Some areas, such as campgrounds, are closed to shooting for safety reasons. Some people unfortunately abuse that freedom and destroy resources and property or simply leave their trash behind.

While the BLM is not the primary agency responsible for most wildlife management, it does have authority to protect migratory birds, threatened or endangered species, regulate commercial hunting and always works closely with state agencies to preserve wildlife on public lands.

When necessary to protect the public and resources, the BLM closes certain lands to entry, vehicles or even the use of firearms; however the BLM does not set seasons or other controls on hunting and fishing itself – authorities left to the States and/or US Fish & Wildlife Service.

## Regulations Enforced by BLM

43 CFR Part 7	Protection of archaeological resources
43 CFR 24.4	Hunting, fishing, trapping (State Federal laws)
43 CFR Subpart 2800	Rights-of-way
43 CFR Part 2810	Tram roads and logging roads
43 CFR Part 2800	Rights-of-way under the Mineral Leasing Act
43 CFR Part 2920	Leases, permits, and easements
43 CFR Subpart 2930	Special recreation permits
43 CFR Subpart 3715	Use and occupancy under the mining laws
43 CFR Subpart 3809	Surface management
43 CFR Subpart 4140	Prohibited acts, grazing
43 CFR Subpart 4770	Prohibited acts, wild free-roaming horses and burros
43 CFR Subpart 5462	Contracts and permits, timber and other vegetative resources
43 CFR Subpart 5511	Free use of timber
43 CFR Subpart 6302	Designated wilderness areas
43 CFR Subpart 8223	Research natural areas
43 CFR Subpart 8224	Fossil forest research natural area
43 CFR Part 8340	Off-road vehicles
43 CFR Subpart 8351	Designated national areas
43 CFR Subpart 8364	Closures and restrictions
43 CFR Subpart 8365	Rules of conduct
43 CFR Subpart 9212	Wildfire prevention
50 CFR Part 20	Migratory birds hunting
50 CFR Part 100	Subsistence management for public lands in Alaska

## 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, sightseeing, 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.

## Motorized Vehicles

The use of off-road or off-highway vehicles is a pastime enjoyed by millions of Americans every year and it is generally legal to do on public lands. Unfortunately, irresponsible vehicle operation endangers the public and resources; therefore the BLM enforces rules to regulate their use as necessary. 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 vehicles. The BLM provides 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.

The BLM administers 2,829 recreation sites, 71,851 miles of road, and 14,374 miles of trail (2013 data). By virtue of the 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 (in conjunction with State and local authorities).

## **Special Recreation Permits**

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 organization 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 requires provisions for appropriate sanitation, medical aid, crowd control, and security. This may involve local law enforcement agencies or contract security providers. These events may have an effect on the local law enforcement agency and 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 (such as the sale of alcohol, DUI, and disturbances).

## **Special Management Areas**

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.

## **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 and their death requires investigation by the Coroner, and the body must be transported from a remote area. While the 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 FLPMA, which 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 persons lost on the public lands. The BLM is also authorized to assist in protecting or rescuing persons or animals endangered by an act of God, and transporting deceased persons or persons seriously ill or injured to the nearest interested parties or local authorities.



The BLM responds to many search and rescue incidents annually, generally at the request of State and local agencies or in areas where there are high concentrations of recreation use and the BLM has facilities 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 updated maps, access to radio equipment with improved coverage in remote areas.

## **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 LEOs is few, and the laws enforced 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. 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 originally developed in 1998 in consultation with the Western States Sheriff's Association*

### MODEL MEMORANDUM OF UNDERSTANDING STATE/LOCAL LAW ENFORCEMENT AUTHORITY

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE

BUREAU OF LAND MANAGEMENT  
[STATE(S) OFFICE(S)]

AND THE

[STATE OR LOCAL AGENCY]

#### **I. PURPOSE**

This Memorandum of Understanding (MOU) provides for the increased protection of persons and property on the public lands and roads administered by the United States Department of the Interior, Bureau of Land Management (BLM), through cooperation between the [State or Local Agency, i.e., Riverside County Sheriff's Office or New Mexico State Police] and the BLM, by the granting and acceptance of authority for BLM law enforcement officers to enforce State and local laws and regulations pursuant to this MOU.

#### **II. AUTHORITY**

##### A. Bureau of Land Management

Section 303(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(d)) provides that, in connection with the administration and regulation of the use and occupancy of the public lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof in the enforcement of the laws or ordinances of such State or subdivision.

B. *[State or Local Agency]*

*[Cite the specific section of law that authorizes the Sheriff or other State/local law enforcement agency to confer authority to BLM law enforcement officers to enforce State/local laws. Include appropriate language that highlights the major points of the authorizing section. For example, "California Penal Code Section 830.8(b) grants authority to the Sheriff to give written consent to BLM law enforcement personnel to enforce laws of the State of California and ordinances of Riverside County on property owned or possessed by the United States Government or any street, sidewalk, or property adjacent thereto."]*

### **III. DEFINITIONS**

*[The following are mandatory. Others may be added as needed or required.]*

- A. Public Lands – Means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior, through the BLM without regard to how the United States acquired ownership, except:
  - 1. Lands located on the outer Continental Shelf
  - 2. Lands held for the benefit of Indians, Aleuts, and Eskimos. 43 U.S.C, 1702 (e)
- B. Law Enforcement Officer (LEO) – Law Enforcement Rangers and Special Agents employed by the BLM who have been delegated law enforcement authority by the Director, BLM.
- C. State Director – The State Director, BLM, *[State]* State Office
- D. Special Agent-in-Charge (SAC) – BLM Special Agent-in-Charge for the *[State]* State Office

### **IV. PROCEDURES**

- A. The *[State or Local Agency, i.e., Sheriff of Imperial County]* has the authority to enforce *[the State and local laws for State or County]* on such public lands administered by the BLM that lie within the confines of *[State or County]*; and is limited as to the amount of protection, patrol, and investigation that can be provided on those public lands, waters, roads, and trails administered by the BLM within *[State or County]*.
- B. The State Director, SAC, and the *[State or Local Agency]* hereby mutually agree that it is desirable to cooperate and collaborate in better utilizing the resources of both agencies while providing for more adequate protection of persons and property on the

public lands as follows:

1. The *[State/Local Agency]* agrees to continue to enforce the civil and criminal laws of the *[State or County]* on the public lands, waters, roads, and trails administered by the BLM within the normal scope of duty to the extent of current financial and manpower resources without reimbursement by the BLM.
2. The BLM agrees, within the availability of funds and established Federal regulations and policies, to enforce the authorized Federal laws and regulations pertaining to the public lands administered by the BLM, and State and local laws in connection with their duties in the administration and regulation of the use and occupancy of the public lands as defined herein.
3. The *[State or Local Agency]* and the BLM mutually agree to provide the maximum cooperation, assistance, and coordination possible, within the availability of funds and established laws, regulations, and policies governing the respective agencies that will assure the protection of persons and property on the public lands, waters, roads, and trails administered by the BLM within the confines of *[State or County]*.
4. The *[State/Local Agency]* further agrees that pursuant to *[applicable Code Section]* will designate certain identified BLM LEOs as *[peace officers/special deputies/wardens]* of the *[State/Local Agency]* for enforcement of *[State/local laws, regulations, and ordinances]* in the *[State/County]*. The *[State/Local Agency]* further understands and agrees that the BLM LEOs so designated are limited by the BLM to exercise said enforcement authority only in connection with their duties in the administration and regulation of the use and occupancy of the public lands as defined herein. All LEOs will be further instructed that the BLM may discipline any of its LEOs who exercise State and/or local law enforcement authority in violation of the restrictions imposed upon them by the BLM. Prior to any such designation, the BLM agrees to provide any training required by *[State or local law, or the Agency]* to such specified BLM LEOs.

It is understood and agreed that the authority granted by the *[State or Local Agency]* includes authority to execute any valid State or local warrant that the *[State or Local Agency]* has the authority to execute and for which the *[State or Local Agency]* has the authority to grant. However, it is understood that BLM limits its LEOs to exercise such authority only in connection with their duties in the administration and regulation of the use and occupancy of the public lands as defined herein, and, when feasible, upon the request of the *[State or Local Agency]*.

5. The BLM further agrees to take the following mutually agreed upon actions related to violations of *[State or County laws, regulations, or ordinances]*. *(Each is optional. Include all that apply. Limitations on what laws, regulations, or ordinances that may be enforced within the terms of this MOU may be included also.)*
- a. To respond to requests for back-up services to each other in emergency "officer needs assistance" situations, as may be reasonable, prudent, and necessary under the circumstances. It is further understood and agreed that all officers will be instructed that BLM LEOs are limited to responding to those situations not on public lands where they are the closest available officer and are within reasonable proximity, considering all factors, to the situation requiring assistance.
  - b. To issue citations, arrest, and/or release persons suspected of violations of *[State or Local]* laws, regulations, or ordinances related to the administration and regulation of the use, occupancy, and development of Public Lands.
  - c. To detain persons suspected of violating *[State or Local]* laws, regulations, or ordinances, any witnesses to those violations, and to protect any related crime scene, pending arrival of the State or local agency having primary jurisdiction.
  - d. To arrest, transport, and release to an available *[State or Local]* law enforcement officer any person having a valid State or local warrant for his/her arrest when requested by *[State or Local Agency]*.
  - d. To take other mutually agreed upon actions related to violations of *[State or County laws, regulations, or ordinances]* as described in Attachment *[X]* of this MOU.

## **V. SCOPE AND CONDITIONS**

- A. Neither party shall be liable to the other or to its agents or employees for any loss, damage, personal injury, or death occurring in consequence of the performance of this MOU, except as provided herein.
- B. No member of, or delegate to Congress, or State Official, shall be admitted to any share or part of this MOU, or any benefit that may arise there from.
- C. The BLM LEOs will remain under the supervision and responsibility of the BLM. The BLM LEOs shall not be considered as coming within the scope of the *[State or Local Agency]* employment and none of the benefits of *[State or Local Agency]* will be conferred under this MOU.

- D. During the performance of this MOU, the participants agree to abide by the terms of Executive Order 11246 on nondiscrimination and will not discriminate against any person because of race, color, religion, sex, age, disability, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, age, disability, or national origin.
- E. Each party will furnish written information necessary for mutual enforcement operations.
- F. Any issues which cannot be reconciled between the *[State/Local Agency]* and individual BLM LEOs or any issue that affects either party's performance under this MOU shall be referred to the SAC. The SAC will be responsible for coordinating with the appropriate officials to mutually resolve any issue.
- G. Nothing in this MOU will be construed as affecting the authorities of either party or as binding beyond their respective authorities.
- H. Nothing in this MOU shall obligate the BLM to expend appropriation or to enter into any contract or other obligation. Specific work projects or activities that involve the transfer of funds, service, or property between the parties to this MOU will require the execution of separate agreements or contracts, contingent upon the availability of funds as appropriated by Congress. Each subsequent agreement or arrangement involving the transfer of funds, service, or property shall be made in writing and shall be independently authorized by appropriate statutory authority and regulations, including those applicable to procurement activities.
- I. Subject to availability of funds, each party agrees to fund their own expenses associated with the implementation of this MOU. Nothing contained herein shall be construed as obligating the BLM to any expenditure or obligation of funds in excess or in advance of appropriations, in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341.
- J. Any records or documents generated as a result of this MOU shall be part of the official BLM record maintained in accordance with applicable BLM Records Management policies. Any request for release of records associated with the implementation of this MOU to anyone outside the parties must be determined based on applicable laws, including the Freedom of Information Act and the Privacy Act.
- K. This MOU shall be effective from the date of execution and shall remain in effect for five years, unless terminated with a 60-day written notice from either party to the other party. This MOU may be modified or amended upon written request of either party and written concurrence of the other party.

**VI. APPROVAL**

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*[Signature]*  
*[Printed Name, Title, Agency Name]*

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Date

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*[Signature]*  
State Director, *[State]*  
Bureau of Land Management

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Date

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*[Signature]*  
Special Agent-in-Charge, *[State]*  
Bureau of Land Management

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Date

# Appendix 2

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