

Statement
By Leland F. Pollock
Garfield County, Utah Commissioner
Before the House Natural Resources Subcommittee on
Public Lands and Environmental Regulation Hearing on
*“Threats, Intimidation and Bullying by Federal Land
Managing Agencies, Part II.”*
Thursday, July 24, 2014 at 2:00 p.m. Room 1324
Longworth House Office Building

Chairman Bishop, Ranking member Grijalva and members of the committee:

My name is Leland Pollock and I am a County Commissioner from Garfield County, Utah. I also serve as a member of the National Associate of Counties Public Lands Committee and have been designated by my fellow commissioners in Utah as the Chairman of the Utah Association of Counties Public Land Steering Committee.

Garfield County is a scenic rural area roughly the size of Connecticut. 93% of the land base is under federal ownership, and I believe we are the only U.S. County that contains portions of 3 National Parks (Bryce Canyon, Capitol Reef and Canyonlands). We are also home to significant portions of the Glen Canyon National Recreation Area, the Dixie National Forest, the Grand Staircase-Escalante National Monument, two BLM field

offices, and a small segment of the Fish Lake National Forest.

I grew up cherishing the lands in Garfield County as the son of a Park Service employee. An ex-marine, my father worked for Bryce Canyon National Park. My father's employment was outside strict law enforcement responsibilities, but because of his military experience, he was often called upon to assist NPS officers – especially in the most volatile situations. I observed with my own eyes proper methods for protecting and serving the people of the United States.

I am here today to testify regarding two issues regarding BLM law enforcement activities that have moved away from a public service philosophy: 1) Militarization of BLM law enforcement personnel / movement toward a police state; and 2) Cancellation of cooperative law enforcement agreements between BLM and local governments.

As a preface to my remarks I want to inform you that Garfield County has a cooperative and productive relationship with Park Service and Forest Service law enforcement personnel. Things are not always perfect, but we work them out within the confines of the law and with honest consideration for the American public. I also want to let you know we enjoy a very positive and productive relationship with Juan Palma, Utah's State BLM Director. We meet and talk on the phone frequently; and he has been attentive to our requests and has responded expeditiously and appropriately within his authority.

Unfortunately, we cannot make the same statement regarding BLM law enforcement personnel in Utah that fall under a different line of authority. Discussing BLM law enforcement operations is my purpose today.

This is not our first attempt to resolve issues of bullying, intimidation and lack of integrity exhibited by BLM law enforcement agents. We have tried locally, and earlier this spring Utah's Lieutenant Governor convened an executive level meeting to discuss law enforcement on federal lands in Utah. The meeting was attended by the Lieutenant Governor, Utah's Attorney General Sean Reyes, the Regional Forester, the Regional Chief of Law Enforcement for the Forest Service, Utah's State BLM Director, BLM's Chief of Law Enforcement, and numerous federal, state and local leaders. The meeting was open, cooperative and productive, except for participation of the BLM's Chief of Law Enforcement. To put it frankly, he lied to the group and was exposed in his deception. His arrogant behavior lacked integrity and was illustrative of his department's unacceptable culture.

Our concerns/complaints are not just a matter of hurt feelings, bullying, intimidation, lack of integrity, and a host of social issues. BLM's Chief of Law Enforcement has cost Garfield County real dollars. Last year Garfield County and the Utah State BLM Director worked out a cooperative agreement providing Garfield County Sheriff's office law enforcement on BLM land. The BLM was to reimburse the county a set amount that resulted in significant savings to the federal government. The County

– with BLM concurrence – hired law enforcement staff, acquired vehicles and equipment, provided training and preceded with implementation of the agreement. Contrary to the State BLM Director's orders and without concurrence, BLM's Chief of Law Enforcement cancelled the agreement leaving Garfield County with a significant budget shortfall and staff operating in an area without agreement. We are befuddled how one individual can override a State Director and negatively impact an entire county with impunity.

We need your help to correct these serious problems. Let me address the two issues cited above:

Militarization of BLM law enforcement personnel

Over the past decade or so we have observed and experienced a militarization of BLM's officers. I am confident you are aware of recent, highly publicized actions involving BLM agents in Nevada. But you may not be aware that much of the support for the rancher by everyday citizens may have resulted from a growing frustration from the way they are treated by local BLM officers. Right or wrong, some equate BLM's law enforcement operations to the Gestapo of the World War II era.

Submitted under separate cover is a list of actions that illustrate BLM's heavy handed authority. Three additional examples from only one BLM unit in Garfield County illustrate the problem.

Example 1. BLM law enforcement officers have been known to block open public roads asserted under Revised Statute 2477 and maintained by Garfield County with rocks, logs and debris. Such actions constitute a Class B Misdemeanor under Utah law.

Example 2. Immediately prior to a big game hunt authorized under Utah Law by the Utah Division of Wildlife resources, a BLM agent placed road closed signs in several County roads that accessed the hunting area. The BLM land manager heard about the problem and took a field trip to investigate. The land manager reports that during the investigation he was harassed and intimidated by the law enforcement officer. At one point the officer put his hand on his gun in an effort to discourage the land manager from continuing. This was a direct threat to an individual with management authority in the officer's own agency.

Example 3. BLM requested the County's help to install an underground waterline to serve wildlife, livestock, recreation and other public interests. The County offered to put the waterline in a County road to minimize any disturbance on federal land. A BLM back country ranger observed County equipment being transported to the jobsite and followed County crews for more than 20 miles. When the County crews stopped the BLM officer got out of his vehicle and walked behind crew members harassing and interrogating them. Some crew members became so upset they returned to their vehicle to cool down. This

occurred on a project where the County was donating thousands of dollars of equipment time and a road easement just to help BLM.

BLM law enforcement in Garfield County is totally uncooperative and unresponsive. Dispatchers have been rebuffed so many times by BLM agents that the County only contacts them as a last resort and with little hope for assistance.

Cancellation of cooperative law enforcement agreements between BLM and local governments

As mentioned above, we have a positive and healthy relationship with many federal agencies and especially with Juan Palma, Utah BLM State Director. We have worked with Mr. Palma to develop a cooperative law enforcement agreement similar to those executed for neighboring counties; and he is supportive of moving forward in accordance with federal law.

The Federal Land Policy Management Act (FLPMA) states that the Secretary of the Interior shall contract with local law enforcement *to the greatest extent possible* for law enforcement services on public lands. Typically, BLM has cooperated with local county sheriff departments to enforce state, local, local BLM laws on federal land. Yet lately, BLM has refused to enter into such contracts due to resistance from BLM's Chief of Law Enforcement in Utah.

Earlier this spring Utah's Lieutenant Governor took steps to develop cooperative agreements and contracts in accordance with federal law. The BLM agent in charge opposed such contracts but agreed to provide some additional information. However, to date, no communication has been received from him and no improvement has occurred in BLM's heavy handed actions.

This testimony is not intended to just document complaints. We offer a simple solution: Comply with FLPMA by contracting with local law enforcement to the greatest extent possible for law enforcement services on public lands. This may require direction to BLM's Chief Law Enforcement Officer, but it is compliant with federal law and is supported by local BLM leadership. Such contracts will also cut federal administrative costs, provide better service and increase public safety at a time when fiscal constraints demand more efficiency.

We are hopeful that after careful consideration, the BLM will take appropriate steps to better coordinate law enforcement with local governments in Utah and BLM law enforcement will enter into contracts as directed by federal law. Thank you for the opportunity of speaking today.

NACO Sheriff's Resolution 2013

Issue: Local Law Enforcement on Public Lands

Proposed Policy: NACO urges all federal land management agencies to recognize and respect sheriffs (or the chief local law enforcement officer) in public land counties as the primary and chief law enforcement officer of the entire county. Federal agencies should execute cooperative agreements with counties to ensure fair and prompt federal payment of compensation for additional local law enforcement activities desired of sheriffs, and federal agencies submit their agents for deputization and accountability under local sheriff authority and control.

Background: Federal land counties are frequently impacted by lack of coordination from federal law enforcement officers. Federal officials fail to recognize the County Sheriff's role as the chief law enforcement officer within his/her jurisdiction; and, often, federal officers undermine local law enforcement efforts by usurping local authority in violation of established law. Counties are also forced to expend limited local funds to perform uncompensated law enforcement functions on federal land. This resolution is needed to encourage federal agencies to: a) recognize the sheriff's role as the chief law enforcement officer; b) work cooperatively with local government to coordinate law enforcement functions on federal land in accordance with established law; and c) develop cooperative agreements to compensate local government for services provided on federal land and to establish clear lines of authority.

Fiscal/Urban/Rural Impact: There will be limited fiscal impact for urban areas. Rural areas, especially public land counties, can expect greater coordination with federal law enforcement officials, reduced duplication of effort, and increased funding resulting from cooperative agreements and clearly defined roles. Citizens will reap the benefits of more efficient responses to problems, reduced cost by eliminating duplication, a streamlined approach to law enforcement issues, and greater efficiency of all levels of government.