

# Western States Sheriffs Association

## Public Lands Committee



### Position Paper

Re: Proposed Rules Changes by the U.S. Forest Service Law Enforcement

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The members of the Western States Sheriffs Association received official notice of the U.S. Forest Service Law Enforcement proposed rule changes to the code of federal regulation 36 (CFR) 262, 261 and 212 on July 15, 2011

**“Issue:** The proposed revisions to 36 CFRs 262, 261, and 212 make the Forest Service (FS) regulations more consistent with other land management agencies; clarify the agency’s authority and **give it enforcement measures and means commensurate with state law**; and update regulations regarding payments for evidence, rewards, and impounding abandoned property.”

The membership of the Western States Sheriffs Association has reviewed the proposed rule changes and believes they exhibit the following:

- An absolute disregard for the sovereignty of the individual States.
- A disregard for the authority of the Office of Sheriff
- A continued inability of the Forest Service to understand the mission and function of its Law Enforcement component.

The impetus behind the rule changes appear grounded in the belief they will create consistency in enforcement across National Forest Lands, provide for greater protection of the public, Forest Service employees and natural resources. This reflects a belief among the Forest Service that they have a greater ability to provide a law enforcement function in the rural and remote areas of our nations counties than is constitutionally apparent. Leaving the constitutional authority for Forest Service Law Enforcement aside, it is concerning that it believes these rule changes will “clarify the agency’s authority.” This statement is concerning in that the Forest Service is unclear what law enforcement authority they have and yet are attempting to expand that authority to create a modern federal police agency.

This effort is viewed as an unnecessary and unauthorized expansion of federal police powers. The ultimate legal and constitutional authority for the protection of the public and the land within an individual county is vested in the Office of Sheriff. The Roles and responsibilities for the Office of Sheriff are well enumerated within the laws of each State, and the Sheriff possesses the authority to extend enforcement powers as appropriate.

This expansion of powers is also viewed as usurpation on the authority of Office of Sheriff.

It is the position of this committee that the membership of the Western States Sheriffs Association utilizes all appropriate methods and resources to oppose this effort.

Sheriff Dave Brown  
Skamania County Washington  
Chair, Public Lands Committee  
Western States Sheriffs Association  
September 21, 2011