

BLM LE History Part 5.2

There are four provisions of FLPMA fundamental to BLM law enforcement. First, FLPMA legally defined public lands, BLM's law enforcement jurisdiction, as lands and interest in lands managed by the secretary of the interior through the Bureau of Land Management. Second, FLPMA authorized the secretary of the interior to issue regulations with respect to the management, use, and protection of the public lands and the property located there on and prescribed the penalty for violation of those regulations as class A misdemeanors. Third, FLPMA provided BLM law enforcement authority and the authority to hire federal personnel to enforce federal laws and regulations promulgated by the secretary of the interior. Fourth, FLPMA established a desert ranger force in the California Desert Conservation Area. BLM used the authority granted by FLPMA to hire its first chief of law enforcement in 1976. Secretary of the Interior Cecil Andrus directed the BLM to determine that no state or local law enforcement was available for contract before approving the deployment of no more than 17 law enforcement rangers whose duties were restricted to the California Desert Conservation Area and included a state staff ranger in Sacramento. Secretary Andrus further directed that rangers were only to wear a sidearm when engaged in active search for violators. Otherwise, arms should be kept in the patrol vehicle and out of site of the public. Secretary Andrus did not want ostentatious public display of firearms as the initial expectation was that a ranger's workload would primarily involve interpretive duties. On April 7, 1978, after completing a nine-week basic police training academy at the Federal Law Enforcement Training Center, 13 rangers were sworn in as BLM's first uniformed law enforcement officers.

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California State Director Ed Hasty in addressing the first BLM rangers said, "The role of the ranger is to sell good resource management and conservation practices to the users." By August 1978, Secretary Andrus approved a policy variance for expansion of the law enforcement program to McCain Valley, Chimney Peak, and the Owens Valley. On expansion to include the Snake River Birds of Prey natural Area in Idaho was denied. Even though FLPMA clearly authorized BLM to hire a force of uniformed rangers in the California Desert, Secretary Andrus evidently interpreted FLPMA's compromising language to mean the BLM should rely on local officials as much as possible in the enforcement of federal laws and regulations. Concurrently, the Sage Brush Rebellion was born out of opposition to the federal government's enlarged role in public land management. In 1979, the Nevada Legislature passed a resolution calling for state ownership of BLM public lands. Four other western states soon passed similar legislation, but the movement quickly dissipated with the election of Ronald Regan to the presidency in 1980. Prior to 1980, federal law enforcement officers could not issue a citation for class A misdemeanors. Congress intentionally set the penalties for FLPMA promulgated regulations as class A misdemeanors as a means of compromise to placate those who believed BLM should not have law enforcement authority at all. In so doing, congress effectively gave BLM power it couldn't utilize. That problem was resolved in 1980 when the US Supreme Court issued its rules of procedure for the trial of misdemeanors, which allowed for the issuance of citations for class A misdemeanors. The new rules allowed BLM to develop collateral fine schedules

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and citation procedures. In 1982, BLM received its first bail schedule for the central district of California allowing rangers to issue citations. Although citations could now be issued for a class A misdemeanor, the rules require the citation to be superseded by information in order to proceed to trial. The Federal Law Enforcement Training Center sets the minimum training standards for federal law enforcement. It soon became apparent to BLM that maximum feasible reliance on state and local law enforcement to enforce federal law was impractical as peace officer training standards vary dramatically from state to state. FLPMA also requires all personnel delegated law enforcement authority by BLM to receive mandatory 40-hour law enforcement refresher training, and bureau policy mandates attendance of a 40-hour introduction to resource protection class. It proved impractical to hold the various law enforcement jurisdictions to FLETC training standards and bureau policy. As a result, BLM only delegates its law enforcement authority to full-time law enforcement officers employed by BLM. Having a force of law enforcement rangers proved invaluable to BLM. In 1984, the secretary of the interior authorized the expansion of the BLM ranger force outside the California Desert. That same year, BLM issued its first law enforcement program manual therein stating the objective of its law enforcement program. The objective of this program is to seek voluntary compliance with federal laws and regulations relating the public lands. When such compliance is not possible, law enforcement employees are responsible for enforcement of applicable laws and regulations as they relate to the use, management, and development of public lands and resources.