

## Law Enforcement and Public Safety

Humboldt County is dedicated to ensuring efficient and effective enforcement of civil and criminal law on all state and federal public lands within the County's boundaries as a means of protecting citizens' rights and safety. Humboldt County recognizes that because the vast majority of public lands in Humboldt County are under the administration of the Bureau of Land Management (BLM), U.S. Forest Service (FS) or the U.S. Fish and Wildlife Service (FWS), such public lands are held by the federal government in a proprietary interest only. Therefore, federal jurisdiction on these lands is not exclusive; the federal government has not obtained any measure of the state or County's authority to enforce civil and criminal law on these public lands. Because multiple jurisdictions hold sway on these public lands, law enforcement on them is by necessity a joint endeavor requiring communication, cooperation, and the need to respect the limits of federal law enforcement authority.

While Humboldt County understands and agrees with the responsibility of BLM, FS, and FWS law enforcement officers (LEOs) to enforce federal rules and regulations on federal public lands for the needful protection of federal resources and property, jurisdiction of federal land management agency LEOs does not extend to enforcing state or County laws on the federal public lands or any law enforcement activities in areas outside of the federal lands—absent a written agreement with the County Sheriff.

In special cases, federal, state, and County LEOs may contract with and / or deputize each other to ensure adequate personnel and resources are available in a given situation. However, the Humboldt County Sheriff shall retain full authority over all state and County law enforcement actions and activities on lands managed by the Bureau of Land Management, National Forest Service, and U.S. Fish and Wildlife Service within the County with a view to ensuring the public health, safety, and welfare.

### Goals:

- ❖ Ensure there is sufficient and effective law enforcement and public safety on Humboldt County public lands through ongoing coordination between the County Sheriff's Office and federal land management agency law enforcement branches.
- ❖ Maintain the authority of the Humboldt County Sheriff over all state and local law enforcement matters on public lands.

### Objectives:

- ❖ At a minimum, the Humboldt County Sheriff and federal land management agency law enforcement officers meet annually to: 1) review and update cooperative agreements and / or MOUs; 2) determine fair compensation for County law enforcement services; 3) review any state law incorporated by reference into federal regulations.

- ❖ Draft County ordinances consistent with the Resource Conservation and Recovery Act (solid and hazardous waste) and the Federal Water Pollution Control Act with a view to ensuring public health and safety on public lands.

## Policies and Positions

### State Jurisdiction on Federal Lands

- ❖ Public lands within Humboldt County managed by the BLM, U.S. Forest Service, and U.S. Fish and Wildlife Service, are held by the federal government in a proprietary interest only. State and County civil and criminal laws therefore remain in full force and effect on such lands:
  - “Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or [...] as a limitation upon any State criminal statute or upon the police power of the respective States, or as derogating the authority of a local police officer in the performance of his duties, or as depriving any State or political subdivision thereof of any right it may have to exercise civil and criminal jurisdiction on the national resource lands...” 43 U.S.C. Section 701 (g)(6) (FLPMA)
  - “BLM LEOs do not have the authority to enforce State laws without the written authorization of the Sheriff, other authorized State official, or State Law.”

A Guide to Bureau of Land Management Law Enforcement for State and Local Law Enforcement Agencies (BLM, 2014).
  - Civil and criminal jurisdiction  
“The jurisdiction, both civil and criminal, over persons within national forests shall not be affected or changed by reason of their existence, except so far as the punishment of offenses against the United States therein is concerned; the intent and meaning of this provision being that the State wherein any such national forest is situated shall not, by reason of the establishment thereof, lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, or be absolved from their duties as citizens of the State.” 16 U.S.C. § 480 (Forest Service Organic Act)
- ❖ Humboldt County opposes any future cession of state jurisdiction over federal lands within the County pursuant to NRS Chapter 328.
- ❖ The County Sheriff is the chief law enforcement officer throughout the County, including on the public lands, and is charged with the duty to protect the lives, property and rights of all people, and to maintain order and enforce all state laws and County ordinances.

## FINAL DRAFT: APPROVED

- ❖ To the maximum extent feasible, law enforcement on the public lands shall rely upon the County Sheriff.
- ❖ Enforcement of all state laws and County ordinances, including arrest, investigation and prosecution, shall be under state law and in state courts. If state or County laws are suspected of being violated on public lands, federal LEOs should immediately contact the County Sheriff.

### Overlapping, Intermingled, or Ambiguous Jurisdiction

- ❖ In any instance where federal public land law overlaps with state or County law (whether by duplication or by incorporation by reference) or jurisdiction is unclear, federal LEOs should promptly coordinate with and defer to the County Sheriff's Office to ensure law enforcement is executed, to ensure consistency of interpretation and implementation of rules and regulations, and to safeguard the rights and safety of citizens.
- ❖ Humboldt County is opposed to federal agencies incorporating state laws and / or County ordinances by reference in federal regulations. Alternatively, Humboldt County encourages federal agencies to seek deputization by the County Sheriff as appropriate. In any instance where federal public land rules and regulations do incorporate state or County laws by reference, federal LEOs should exercise transparency by fully disclosing all such adopted laws to the County Board of Commissioners and the County Sheriff.
- ❖ Except by deputization and at the discretion of the County Sheriff (or other applicable state or County authority) the County is opposed to federal LEOs enforcing state law, including but not limited to the state vehicle code, state wildlife laws, and state laws regulating hunting and fishing. Absent deputization, federal LEOs should report presumed violations of Nevada law to the County Sheriff, NDOW, the Nevada Department of Agriculture, or other relevant authority as appropriate.
- ❖ Federal LEOs should assume primary law enforcement responsibility for ensuring the orderly implementation of federal laws. Where individuals seek to obstruct federal activities (e.g. wild horse gathers, permitted grazing, mining) through interference, intimidation, trespass, or other means, federal LEOs should take the lead in ensuring that federal programs and authorized activities are safeguarded from disturbance, coordinated with the County Sheriff.
- ❖ Cattle trespass and other grazing violations should typically be addressed by agency range conservationists ("range cons") and not by federal LEOs. It is inappropriate to involve federal law enforcement personnel in resolving routine grazing violations. Federal law enforcement personnel should become involved only in the instance in which grazing violations are chronic, known to be intentional, and permittees are unresponsive to warnings from the range con.

## FINAL DRAFT: APPROVED

- ❖ Any federal law enforcement action involving “animals” as defined by NRS 565 (including all bovines and all equids) shall be coordinated through the Nevada Department of Agriculture’s Livestock Identification Division.
- ❖ Federal agents shall not assume ownership of, transfer ownership of, transport, or slaughter impounded livestock without brand inspection and authorization by the Livestock Identification Division. NRS 565.100.
- ❖ Prior to seizing livestock subject to brand inspection, a federal agency must first obtain authorization for such seizure through a court order issued by a court of competent jurisdiction and submit a copy of such order to the Nevada Department of Agriculture’s Livestock Identification Division. Absent submission of a prior court order, no brand inspection certificate, no permit to remove the animals from a brand inspection district, and no permit or for the transfer of ownership will be issued. NRS 565.125.
- ❖ Federal LEOs should coordinate with the County Sheriff’s Office to enforce federal and State laws prohibiting drug growing, manufacture, transport, transactions, and use on federal land. Humboldt County fully supports the coordinated efforts of the County Sheriff’s Office, Nevada State Police, federal LEOs, and other pertinent entities in the enforcement of illegal drug production and trafficking on federal lands.

### Interagency Cooperation

Federal, state, and County law enforcement agencies shall cooperate by communicating, sharing information, providing assistance, executing contracts, and mutually deputizing each other as deemed necessary consistent with the following statutes:

- ❖ (c) Contracts for enforcement of Federal laws and regulations by local law enforcement officials; procedure applicable; contract requirements and implementation.
  - (1) When the Secretary determines that assistance is necessary in enforcing Federal laws and regulations relating to the public lands or their resources he shall offer a contract to appropriate local officials having law enforcement authority within their respective jurisdictions with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing such laws and regulations. The Secretary shall negotiate on reasonable terms with such officials who have authority to enter into such contracts to enforce such Federal laws and regulations. In the performance of their duties under such contracts such officials and their agents are authorized to carry firearms; execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view, or for a felony if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; search without warrant or process any person, place, or

conveyance according to any Federal law or rule of law; and seize without warrant or process any evidentiary item as provided by Federal law. The Secretary shall provide such law enforcement training as he deems necessary in order to carry out the contracted for responsibilities. While exercising the powers and authorities provided by such contract pursuant to this section, such law enforcement officials and their agents shall have all the immunities of Federal law enforcement officials.

The Secretary may authorize Federal personnel or appropriate local officials to carry out his law enforcement responsibilities with respect to the public lands and their resources. Such designated personnel shall receive the training and have the responsibilities and authority provided for in paragraph (1) of this subsection.

(d) Cooperation with regulatory and law enforcement officials of any State or political subdivision in enforcement of laws or ordinances

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. Such cooperation may include reimbursement to a State or its subdivision for expenditures incurred by it in connection with activities which assist in the administration and regulation of use and occupancy of the public lands. 43 U.S.C. § 1733 (FLPMA)

❖ Cooperation by Secretary of Agriculture with States and political subdivisions in law enforcement

The Secretary of Agriculture, in connection with the administration and regulation of the use and occupancy of the national forests and national grasslands, is authorized to cooperate with any State or political subdivision thereof, on lands which are within or part of any unit of the national forest system, in the enforcement or supervision of the laws or ordinances of a State or subdivision thereof. Such cooperation may include the reimbursement of a State or its subdivision for expenditures incurred in connection with activities on national forest system lands. This section shall not deprive any State or political subdivision thereof of its right to exercise civil and criminal jurisdiction, within or on lands which are a part of the national forest system. 16 U.S.C. § 551a (Forest Service Organic Act)

Co-operative Agreements and Reimbursement

Wide-spread commercial and recreational activities on public lands have the potential to increase Humboldt County's law enforcement costs. Emergency management, emergency medical

## FINAL DRAFT: APPROVED

services, fire incident response, search and rescue, and law enforcement all are services required of the Humboldt County Sheriff's Office on the public lands. Recreation, special events, utility corridors, energy production, military operations, grazing operations, professional research, and mining are all activities that require County law enforcement services in the event that an individual or party become injured, incapacitated or lost, fire breaks out, or law enforcement is required.

The Humboldt County Sheriff's Office has historically entered into co-operative agreements and / or MOUs with federal agencies to provide an increased police presence on certain areas of the public lands and in particular circumstances. At his discretion, the County Sheriff will continue to keep, renew, and review such agreements with a view to safeguarding public health, safety, and welfare. Pursuant to 43 U.S.C. § 1733 and 16 U.S.C. § 551a (above), the County expects federal agencies to reimburse the Sheriff's Office for "expenditures incurred by it in connection with activities which assist in the administration and regulation of use and occupancy of the public lands" which are expended at local taxpayer expense. At a minimum, the Sheriff will review all public lands law enforcement agreements and compensation packages annually.

### Law Enforcement Access on Federal Lands

Humboldt County expects federal agencies to provide local law enforcement agencies with public land maps showing open roads and trails and areas where such use is limited. When requested, federal agencies should immediately authorize access for State and local law enforcement to use motorized vehicles in closed or limited access areas.

### Public Safety

#### ❖ Search and Rescue

The Humboldt County Sheriff's Office shall oversee all search and rescue operations. Humboldt County strongly supports the contribution by federal agencies of equipment and personnel to assist the Sheriff's Office in search and rescue activities. Federal agencies should respond to any County request for assistance on search and rescue incidents by providing:

- Personnel;
- Local geographic expertise;
- 4-wheel drive and other specialty vehicles;
- Access to global positioning system devices and updated maps;
- Aircraft assets as appropriate.

Humboldt County supports cooperative training for search and rescue operations. Federal and state agencies should work with the County Sheriff's Office to ensure adequate personnel, training, and equipment are available and on call for quick response for back country rescues.

#### ❖ Abandoned Mines

Federal agencies should coordinate with the Nevada Division of Minerals to ensure that abandoned mines and adits are inventoried and properly fenced and/or secured. Emphasis should be placed on mining sites in close proximity to communities and high-use recreational areas. Safety fencing should be regularly inspected and maintained.

❖ Road Maintenance and Signage

Non-County roads on public lands should be maintained by federal agency personnel as needed for safe passage, or through a cooperative agreement with the County or private contractors (see Chapter XX Roads and Transportation). Areas of high travel should be prioritized. Where road conditions are dangerous, warning signs and other public notification should be posted until roads are repaired.

❖ Hazardous Materials, Hazardous Waste, and Water Pollution

Federal agencies shall immediately alert the County of any emergent, increasing, or dangerous hazardous waste, hazardous materials, or water pollutants on federal lands within Humboldt County.

Humboldt County should be reimbursed by federal agencies for any County expenditures to equip for, respond to, or mitigate the presence of hazardous waste, hazardous materials, or water pollution on or emanating from federal lands.

Federal agencies shall comply with all County requirements pertaining to control and abatement of solid or hazardous waste pursuant to the Resource Conservation and Recovery Act:

- “Each department, agency, instrumentality of the executive, legislative and judicial branches of the Federal Government (1) having jurisdiction over any solid waste management facility or disposal site, or (2) engaged in any activity resulting, or which may result, in the disposal or management of solid waste or hazardous waste shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting control and abatement of solid waste or hazardous waste disposal in the same manner, and to the same extent, as any person is subject to such requirements, including the payment of reasonable service charges.” 42 U.S.C. § 6961

Federal agencies shall comply with all County requirements pertaining to control and abatement of water pollution pursuant to the Federal Water Pollution Control Act:

- “Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge or runoff of pollutants, and each officer, agent, or employee thereof in the performance of his official duties, shall be subject to, and comply with, all Federal, State, interstate, and local requirements, administrative

FINAL DRAFT: APPROVED

authority, and process and sanctions respecting the control and abatement of water pollution in the same manner, and to the same extent as any nongovernmental entity including the payment of reasonable service charges.” 33 U.S.C. § 1323(a)