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BY THE U.S. GENERAL ACCOUNTING OFFICE
**Report To The Secretaries Of
Agriculture And The Interior**

**Illegal And Unauthorized Activities
On Public Lands---A Problem
With Serious Implications**

Illegal and unauthorized activities on Federal lands--crimes against persons and property, marijuana cultivation, timber thefts, and trespassing--limit the ability of others to use and enjoy resources and recreation facilities. GAO's reviews in California and Oregon show that the Bureau of Land Management and the Forest Service are not effectively enforcing pertinent laws and regulations. The National Park Service is doing a better job, but is experiencing some problems.

Land managers, by issuing and enforcing regulations, have the power to control illegal and unauthorized activities. Accordingly, more emphasis should be given to enforcement activities and clearing up the confusion field officials have about their law enforcement responsibilities and powers. Many of the problems stem from management constraints on travel, vehicle use, and duty hours.



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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D. C. 20548

COMMUNITY AND ECONOMIC
DEVELOPMENT DIVISION

B-203050

The Honorable John R. Block
The Secretary of Agriculture

The Honorable James G. Watt
The Secretary of the Interior

During our review in California and Oregon of the Federal role in providing outdoor recreation, we noted that field officials at selected locations of the Bureau of Land Management (BLM), Department of the Interior, and the Forest Service (FS), Department of Agriculture, were not always effectively enforcing laws relating to illegal and unauthorized activities on public lands. Although the magnitude and seriousness of such activities--crimes against people and their property (such as burglary and larceny), marijuana cultivation, timber thefts, and trespassing--are not fully known, available evidence indicates that such activities are widespread and increasing on BLM and FS lands. Field officials of Interior's National Park Service (NPS) were doing a better job of enforcing laws and regulations in park areas in California. Nevertheless, NPS was also experiencing an increase in crimes against people and their property.

For each of the three agencies, we noted some management constraints, such as travel, vehicle, and duty restrictions, that were limiting efficient and effective enforcement activities.

Although many factors, including limited agency resources and remoteness of the land, contributed to the rise in illegal and unauthorized activities, a primary factor is that the agencies' top management did not believe that a serious problem existed. This belief was due in part to a lack of information on the magnitude and seriousness of illegal and unauthorized activities on the public lands the agencies manage nationwide. Interior has not developed effective, uniform, and timely management information systems as we previously recommended in June 1977. ^{1/} The Forest Service, responding to our previous recommendation, developed a reporting system which, after testing, was approved for use in October 1981. Because the system is new, nationwide Forest Service statistics have not yet been developed.

^{1/}"Crime in Federal Recreation Areas--A Serious Problem Needing Congressional and Agency Action" (GGD-77-28, June 21, 1977).

Without such crime data, it is very difficult for management at any level to determine the magnitude of the crime problem and assess or evaluate the effectiveness and efficiency of law enforcement efforts. Therefore, Interior should develop reporting systems which, together with FS' system, should provide top management with valid and reliable information on the seriousness and extent of crime in national parks, forests, and public domain lands.

The Departments of Agriculture and the Interior should also

--inform field staffs of their obligations and responsibilities to enforce laws and regulations on public lands and

--remove constraints which limit the scope or coverage of law enforcement activities, such as travel, vehicle, and duty assignment restrictions, to the extent possible.

OBJECTIVES, SCOPE, AND METHODOLOGY

We directed our work toward identifying the nature and extent of illegal and unauthorized activities occurring on NPS, BLM, and FS lands in southwestern Oregon and California and the agencies' efforts to combat them. The following Federal installations and corresponding locations were included in our evaluation.

| <u>Agency and installation</u> | <u>Location</u> |
|--|------------------------|
| Forest Service: | |
| Pacific Southwest Region | San Francisco, Calif. |
| Pacific Northwest Region | Portland, Oreg. |
| Siskiyou National Forest | Grants Pass, Oreg. |
| Rogue River National Forest | Medford, Oreg. |
| El Dorado National Forest | Placerville, Calif. |
| Stanislaus National Forest | Sonora, Calif. |
| Sierra National Forest | Mariposa, Calif. |
| San Bernardino National Forest | San Bernardino, Calif. |
| National Park Service: | |
| Western Regional Office | San Francisco, Calif. |
| Yosemite National Park | Yosemite, Calif. |
| Lassen Volcanic National Park | Mineral, Calif. |
| Golden Gate National Recreation Area | San Francisco, Calif. |
| Santa Monica Mountains National Recreation Area | Los Angeles, Calif. |
| Bureau of Land Management: | |
| California State Office | Sacramento, Calif. |
| Oregon State Office | Portland, Oreg. |
| Medford District Office | Medford, Oreg. |
| Redding District Office | Redding, Calif. |
| Susanville District Office | Susanville, Calif. |

We centered our study at these locations because activities there represent the types of Federal land management activities within these States. We did not look at BLM's ranger program in southern California because it is unique to that area and is not comparable to BLM law enforcement efforts elsewhere. We made our review in accordance with GAO's current "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

At the respective installations, we interviewed NPS, FS, and BLM officials, including NPS park superintendents and law enforcement officials, FS regional and/or assistant foresters, and BLM regional or acting assistant regional directors and their respective law enforcement officials. We also discussed illegal activities occurring on FS and BLM lands with officials of six county sheriff departments; the Department of Justice's Drug Enforcement Administration (DEA); and the Department of the Treasury's Bureau of Alcohol, Tobacco, and Firearms.

We discussed our findings with NPS, BLM, and FS headquarters officials responsible for management and law enforcement programs and activities. These included NPS' Associate Director for Management and Operations and Chief, Ranger Activities and Protection Division; BLM's Associate Director for Management and Technical Services and Chief, Resource Protection Division; and FS' Deputy Chief for Administration, Director of the Fiscal and Accounting Staff, and Chief, Law Enforcement Group. In addition, we received comments from officials of Interior's Enforcement and Security Management Division.

We asked agency officials to define for us the causes for specific illegal or unauthorized conditions. We were not able to obtain documented information on the magnitude of illegal or unauthorized activities although Federal and local officials provided estimates.

We also reviewed (1) authorizing legislation, (2) the Departments' rules and regulations pertaining to law enforcement, (3) internal agency program evaluations and studies, including those of Interior's Office of Inspector General, and (4) prior GAO reports.

ILLEGAL AND UNAUTHORIZED ACTIVITIES ON FEDERAL LANDS IN CALIFORNIA AND OREGON

Historically, Federal land managers have had resource-related backgrounds, attuned to managing isolated environments that were relatively free of people and of illegal or unauthorized activities. However, since the late 1960's, increasing numbers of people have been attracted to Federal land because of its valuable natural resources, remoteness, climatic conditions, and recreational opportunities. With changing technology, population increases, and changing times, land managers are increasingly faced with the following illegal or unauthorized activities.

- Crimes against people and their property: Persons using public lands for recreation have been confronted with criminal activity, such as burglary and larceny. Documented evidence and those persons we interviewed indicated that this activity is increasing. However, at the same time, Federal and State governments have undergone budget cuts limiting their resources. Consequently, better management is needed so that Federal law enforcement officials can properly investigate violations. (See app. I.)
- Marijuana cultivation: According to Federal, State, and local officials and published documents, illegal marijuana cultivation is extensive and widespread on Federal lands throughout California and Oregon. Although confiscation and eradication efforts have been made on Federal lands, county sheriffs and Federal law enforcement agents told us that they are unable to effectively control marijuana cultivation. The value of the 1981 marijuana harvest in California alone was estimated to possibly exceed \$1 billion. Federal and State drug raids on marijuana farms took place in 43 of California's 58 counties, and in the summer of 1981 DEA agents confiscated \$22 million worth of marijuana on BLM and FS lands in southwestern Oregon. ^{1/} In addition, marijuana cultivators adversely affect public use (recreationists are sometimes harassed and assaulted) and employees' ability to do their jobs. According to FS field officials, timber production quotas are being met, but both loggers and Federal employees sometimes must work in a hazardous environment. Because of the hazards, timber is sometimes harvested in areas not previously scheduled for harvest, a practice which could have a long-term effect on timber quotas. (See app. II.)
- Timber thefts: According to FS and BLM field officials and documents, timber thefts are a serious and increasing law enforcement problem resulting in monetary loss and environmental damage. FS and BLM headquarters officials said that they could not assign a dollar value to timber thefts but estimated that the cost runs into millions. (See app. III.)

^{1/}DEA agents told us that one of DEA's responsibilities is eradicating marijuana on public lands and that DEA conducts eradication operations jointly with State and local law enforcement officials under the authority of section 503 of the Controlled Substances Act (21 U.S.C. 873(a)(5)). However, one DEA agent said that marijuana control efforts are subordinate to DEA efforts involving hard drugs such as heroin and LSD. As a result, this agent told us that assistance from NPS, FS, and BLM law enforcement officials has been and will continue to be desirable.

--Trespass: Unauthorized occupancies, paramilitary activities, garbage dumping, grazing violations, and cultural artifact thefts are also occurring. The result is the loss of irreplaceable artifacts; the destruction of public property; unsightly or unsafe conditions; conflict with legitimate users; and in some cases, the loss of Federal revenue. (See app. IV.)

SOME LAND MANAGERS HAVE NOT
ENFORCED ALL LAWS AND REGULATIONS

In California and Oregon, as elsewhere, the Federal land management agencies' ability to exercise law enforcement powers may be constrained by the jurisdictional status under which the Federal Government holds a particular land area. Federal lands, even within the control of a single agency, may be held in any one of three different jurisdictional categories: exclusive, concurrent, or proprietary. 1/ Each category varies in terms of the prescriptive and enforcement powers possessed by the Federal and State governments. The complexities of the jurisdictional differences are a source of much confusion among Federal land managers.

In California and Oregon, illegal and unauthorized activities are having a substantial effect on resource utilization. Because of this effect, Federal land management agencies may prescribe and enforce rules controlling such activities regardless of the jurisdictional status of the land area in question, so long as the Federal Government holds minimal proprietary jurisdiction. Although the statutory law enforcement powers of each of the three land management agencies vary, 2/ all three have, at a minimum, the power to promulgate and enforce (for example, through arrest or citation) regulations intended to prevent interference with proper management and utilization of public resources.

The agencies' law enforcement responsibilities are set forth in their regulations. However, headquarters, regional,

1/In exclusive jurisdiction areas, legal authority rests with the United States, thus generally precluding the exercise of legal authority by State and local agencies. Other areas fall under concurrent jurisdiction, which allows the exercise of appropriate authority by State, local, and Federal agencies. In proprietary jurisdiction areas, the Federal Government has acquired title to land within a State but has not received any measure of the State's authority over the land.

2/Law enforcement powers of Agriculture and Interior land managers are provided for in 16 U.S.C. 1a-6 (NPS), 16 U.S.C. 551a, 559 (FS), and 43 U.S.C. 1733 (BLM).

and field management levels are not always consistent in dealing with certain activities. FS, for example, allows regional managers to set their own local policies; it does not have uniform, nationwide law enforcement policies. As a result, regional FS managers in Oregon did not accept the law enforcement responsibility for stopping marijuana cultivation. In California, however, an interdisciplinary team is assessing the extent of marijuana cultivation, and FS law enforcement officials participate with State and local officials in marijuana eradication efforts. FS regional policy in Oregon instructs employees to report incidents to local officials but not to participate in marijuana eradication efforts.

Although enforcing laws against marijuana cultivation is not an accepted FS responsibility in Oregon, in both Oregon and California FS accepts responsibility for dealing with timber thefts. However, some FS officials in the two States told us that with the increasing level of timber theft, more attention should be given to the problem. For example, in California several FS special agents told us that a lack of accountability in administering the FS public firewood permit system contributes to timber losses. Primarily, FS does not follow up to ensure compliance with permit terms.

BLM land managers in California and Oregon were not effectively carrying out all their law enforcement responsibilities. BLM regional and field-level managers did not accept certain law enforcement responsibilities, such as investigating and stopping marijuana cultivation. As a result, FS and BLM officials in Oregon have not cooperated with DEA in its marijuana eradication program even though marijuana cultivation is widespread on BLM and FS lands. DEA officials said that assistance from BLM and FS would be helpful in DEA's eradication efforts.

Although factors such as the lack of resources contribute to FS' and BLM's inability to meet their enforcement responsibilities, the lack of management emphasis is also a contributing factor. Some land managers at the locations we visited have been slow to recognize and deal with enforcement-related problems.

NPS, on the other hand, emphasizes the law enforcement function and is viewed by Interior as a model. Although NPS enforces laws and regulations on its land in California, crimes against people and property continue to occur in national parks. Despite reductions in law enforcement funds, NPS' reputation as an effective law enforcer is very strong because NPS has (1) a definite mission to protect resources and people, (2) its own police force, and (3) experience and expertise proven over time. However, NPS headquarters and regional officials pointed out that they have been confronted with increased numbers of crimes committed by and against the public visitor as opposed to natural resource-related crimes, such as timber thefts or grazing violations.

The Forest Service, like NPS, emphasizes the law enforcement function. Through extensive training and by decentralizing responsibility, FS has spread responsibility for law enforcement throughout the agency. At the same time, however, it has assigned selected tasks to designated, trained personnel. For example, only the agency's formally trained personnel are assigned detailed investigation and other highly technical law enforcement work and carry firearms. In addition, FS has special agents available to provide technical guidance and cooperative agreements to foster active participation by local sheriffs. Yet, according to a February 1981 FS regional law enforcement document, impediments to gaining a greater FS commitment to the law enforcement program include the general lack of (1) understanding of FS' objectives and policies, (2) knowledge of the actual on-the-ground situation, and (3) confidence in the ability of law enforcement to complement management's other programs.

Because of the remoteness of the land and limited agency resources, FS officials in southwestern Oregon and California do not always enforce laws and regulations which prohibit unauthorized occupancies, garbage dumping, paramilitary training, cultural artifact thefts, and grazing trespass. FS regional officials and documents indicate that the magnitude of various trespass occurrences is not known but large increases have become apparent. These activities result in restricted public and employee access, environmental degradation, revenue loss, increased costs to the Government, and endangered public and employee safety.

BLM in California and Oregon is comparable to FS in terms of mission, the geographic and demographic characteristics of the land being managed, and shared responsibilities with State and local law enforcement authorities. Yet, it has a poor law enforcement image. BLM law enforcement activities are handled by a few special agents. It has only four special agents in California and three in Oregon, although it administers the largest share of Federal land in these States. Moreover, BLM appears to be lenient in settling trespass cases. According to BLM State officials, trespassing is a major problem. (See app. IV.)

BLM views enforcement against trespass occurrences as being within its realm of responsibility. However, BLM headquarters and field office management are generally reluctant to accept law enforcement responsibility. This reluctance is evident in BLM's failure to clarify to field officials the extent of their authority to issue citations for violations of laws and regulations. It is also evident from BLM's noncompliance with Interior's law enforcement guidelines. (See app. I.)

MANAGEMENT CONSTRAINTS LIMIT EFFICIENT
AND EFFECTIVE LAW ENFORCEMENT

Certain constraints inhibit the three agencies' ability to enforce laws and regulations prohibiting illegal and unauthorized activities. They have little control over some factors, such as limited monetary resources, the exercise of prosecutorial discretion, and remoteness of the land. However, other factors, such as management decisions about vehicle use, travel, and duty assignments, are equally as important and can encourage or deter these activities.

Vehicle and travel restrictions

Efficient and effective law enforcement efforts, which includes emergency response, have sometimes been hampered by budgetary and administrative constraints affecting vehicle use and travel. Specifically, NPS law enforcement officials in California have had to respond to emergency situations in their personal vehicles, without benefit of lifesaving equipment or communications. Also, travel constraints have forced NPS and BLM to drop some investigations.

Executive Order 12003, dated July 20, 1977, calls for each executive agency to conserve fuel and energy in most operations and to submit plans accordingly. However, section 1(a) specifically exempts automobiles designed to be used in law enforcement work or emergency rescue work. A subsequent Secretary of the Interior order (No. 3007, dated Aug. 19, 1977) sets forth fuel efficiency requirements for the Department's entire motor vehicle fleet. The Chief of NPS' Ranger Activities and Protection Division told us that vehicle and travel restrictions were applied across the board, even to law enforcement activities. Over time some negative implications have occurred.

The General Services Administration (GSA) supplies patrol vehicles at Yosemite National Park. In early 1980 budget constraints forced NPS to take all GSA patrol vehicles out of service at the park. The net effect was to eliminate routine patrolling--a preventive law enforcement measure--and impede emergency responses.

In addition, law enforcement officials from all three agencies told us that some cases (generally those relating to property violations) were just "sitting" because they lacked funds to investigate--that is, funds were not available for travel needed in connection with interviewing witnesses. When we discussed travel constraints with BLM headquarters officials, we were told that budgetary constraints have been applied across the board to all activities. Further, the BLM California office's fiscal year 1982 budget impact analysis indicates that funds for statewide law enforcement will be cut by \$70,000--a 35-percent reduction. According to the budget impact statement, these cuts will terminate all

law enforcement cooperative agreements and significantly reduce unauthorized use compliance and regulatory investigations.

In California, only 40 percent of BLM's reported criminal incidents are investigated due to the lack of personnel and funds. For example, in one case, a special agent from California investigated a firewood theft in Arizona. The suspect had applied for a wood permit to cut one cord of firewood for personal use. Allegedly, he cut about 120 cords, 45 of which he sold for \$3,360; all the wood came from public land. Before completing the investigation, the special agent returned to California, but when he was to go back to Arizona to complete the investigation, neither the California nor Arizona BLM offices could fund his air transportation. Subsequently, the case was dropped.

Duty assignment limitations

Regardless of where it takes place, crime does not confine itself to an 8-hour Federal work schedule. Federal law enforcement officials are hampered in preventing, identifying, and investigating crime by duty assignment limitations.

Because of staffing reductions, NPS has discontinued 24-hour ranger coverage. Yosemite and Lassen Volcanic National Parks have no police patrols between 10 p.m. and 6 a.m., and any law enforcement response to a crime is delayed because a dispatcher has to recruit assistance from off-duty staff.

Although its law enforcement coverage is limited, especially at night, FS does provide other types of coverage. For example, it provides administrative recreation support, such as a campground host (a volunteer non-law-enforcement official), at some recreation sites for assistance on a 24-hour basis. Some FS information centers are open weekends, and FS employees staff campsites, collect fees, and patrol sites 7 days a week.

Perhaps the weakest of the agencies on duty assignment limitations is BLM, whose special agents and administrative staff normally do not work weekends or at night. In emergencies special agents will work off hours. Local sheriffs are available, but normally they react to emergency cases which occur on Federal lands. Moreover, because of budget constraints BLM has decided not to pay overtime to temporary employees, the very people who handle trespass violations.

NO UNIFORM, EFFECTIVE, AND TIMELY REPORTING SYSTEMS

In our June 21, 1977, report, we pointed out that a lack of monitoring by Federal agencies responsible for managing recreation areas has encouraged inconsistencies in visitor protection programs. We recommended that such agencies establish information systems so that (1) essential and reliable information

would be available to top management on the seriousness and extent of recreation area crime and (2) such systems could serve as the basis for a program to supervise and control visitor protection efforts.

Interior's Departmental Manual, Part 446, requires that each Interior agency establish a management information system or reporting system to obtain and record data on crime and related law enforcement activities. Interior's Office of Inspector General, in a September 1981 report on the vulnerability of selected law enforcement program areas, said that NPS had an automated reporting system which generated reports but that the reports were untimely and unreliable 1/ and that BLM, which lacked a reporting system, could not provide timely information on the extent, nature, and seriousness of crime problems. We found that as of October 1981, Interior did not have law enforcement reporting systems capable of producing accurate and timely data. Without such reporting systems, it is very difficult for Interior management at any level to (1) determine the magnitude of the crime problem and (2) evaluate or assess the effectiveness and efficiency of law enforcement efforts.

The Forest Service, responding to our 1977 report recommendation, developed a reporting system for collecting information on crimes occurring in national forests. After testing, the system was approved for use by the Chief of the Forest Service in October 1981. We did not review the operation of the system because it was implemented subsequent to our audit work.

According to the Chief of the Department's Enforcement and Security Management Division, the primary reason that Interior agencies have not established workable law enforcement reporting systems is lack of priority. He said that one barrier to more effective law enforcement efforts, including the establishment of reporting systems, is that top Department management is not convinced that recreation area crime and vandalism are serious problems. Thus, they are unwilling to commit the funds and personnel to improve law enforcement efforts.

CONCLUSIONS

Illegal and unauthorized activities on public lands can have a substantial impact on resource management and use. Because of this impact, land management agencies, through promulgating and

1/In March 1981 NPS temporarily halted use of its information reporting system and began reviewing operational problems, especially high costs and error rates. In the interim, each park, using a manual system, sends a limited amount of statistics to headquarters.

enforcing regulations, have the power to control such activities. Although some regulations exist, Federal land management officials do not always consistently use their law enforcement responsibilities and powers.

NPS, BLM, and FS field officials in Oregon and California have not consistently enforced laws relating to illegal and unauthorized activities on Federal lands. More management emphasis is needed on enforcing the present laws and regulations to halt the widespread and increasing incidence of illegal and unauthorized activities on public lands. The efforts needed to improve enforcement must include clarifying the field offices' critical role by defining the obligations and responsibilities of each employee with respect to the agencies' law enforcement activities mandated by the Congress.

Management needs to deal with constraints such as vehicle and travel restrictions. Also, for top management to effectively control illegal and unauthorized activities, management reporting systems must be developed that will produce quality and timely information.

We recognize that resources are required to carry out the Congress' mandates to Interior and Agriculture for enforcing laws relating to illegal and unauthorized activities on public lands. Although we are not in a position to suggest additional funding for these activities, we do believe that Interior and Agriculture must look at their activities and adjust the use of their present resources so that illegal and unauthorized activities on public lands are curbed. The administration has identified combatting crime, especially violent crime, as a significant priority. The Departments could help support this emphasis by enhancing their efforts to combat crime and unauthorized activities on the lands they manage.

RECOMMENDATIONS

We recommend that the Secretaries of the Interior and Agriculture direct the heads of the land management agencies to:

- Give increased emphasis to using the agencies' law enforcement powers and carrying out their responsibilities whenever unauthorized activities affect resource management and use. Where necessary, existing regulations should be revised to deal specifically with the problems of crimes against persons and property, marijuana cultivation, timber theft, and trespass. Also, the roles of land managers in enforcing such regulations should be clarified.

- Increase the level of law enforcement effort devoted to preventing and controlling the illegal and unauthorized activities we identified. This action should instruct the field staffs to (1) meet their obligations and responsibilities for dealing with these activities and (2) foster mutual aid and cooperation with other law enforcement entities.
- To the extent feasible remove manpower, resource, and policy constraints which impede efficient and effective law enforcement efforts by giving emphasis and support to prevention activities, including preventive patrolling, making vehicles available when needed, and assuring adequate coverage of law enforcement personnel through improved duty assignment planning.
- Establish and effectively implement law enforcement information systems that provide management with essential and reliable reporting information on the seriousness and extent of crime on public lands. Such systems are vital to supervising and controlling law enforcement efforts.

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As you know, section 236 of the Legislative Reorganization Act of 1970 requires the head of a Federal agency to submit a written statement on actions taken on our recommendations to the Senate Committee on Governmental Affairs and the House Committee on Government Operations not later than 60 days after the date of the report and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of the report.

We are sending copies of this report to the above committees; the appropriate legislative committees; the Director, Office of Management and Budget; the Directors, NPS and BLM; the Chief, FS; and the Inspectors General of the Departments of Agriculture and the Interior.



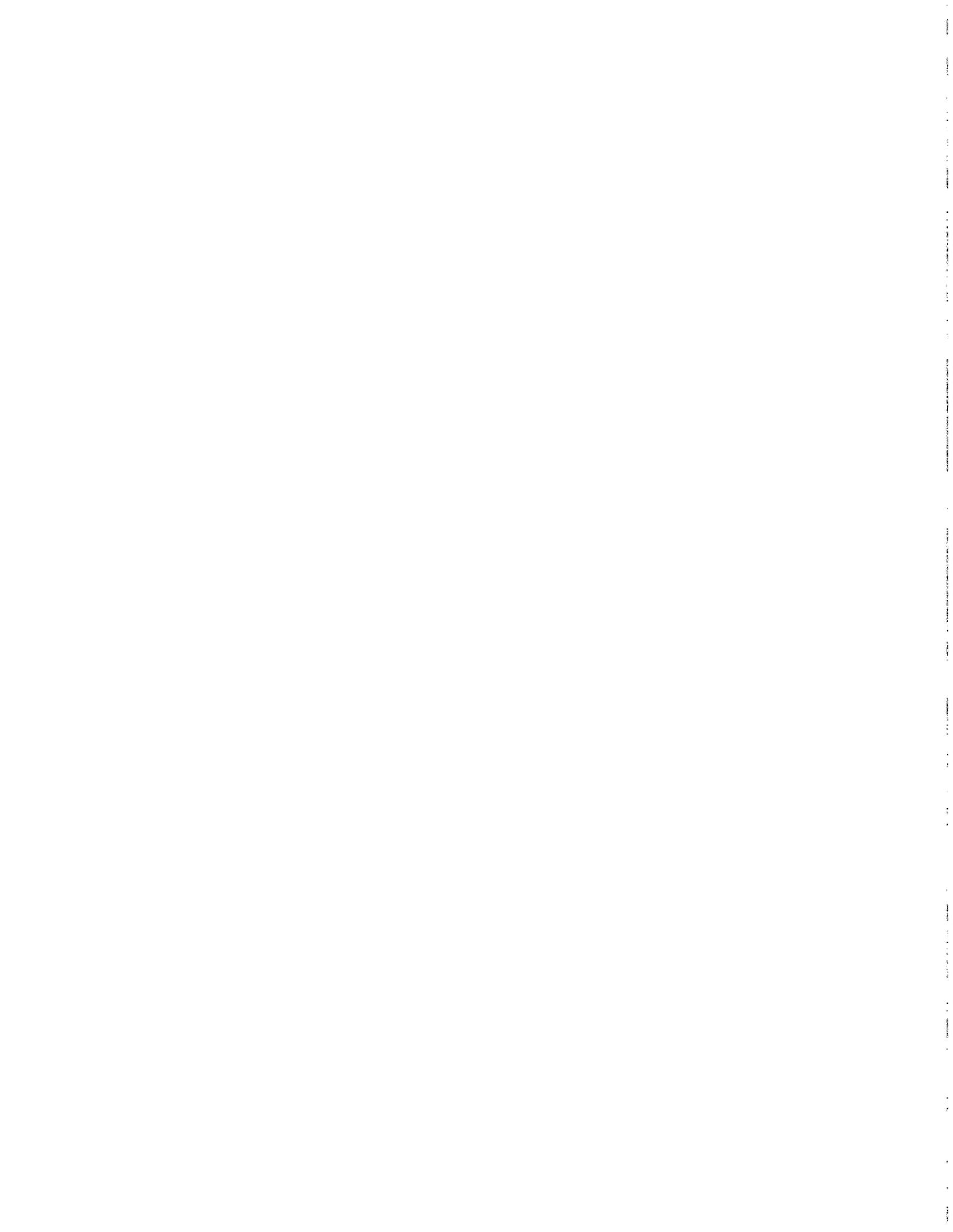
Henry Eschwege
Director

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ABBREVIATIONS

| | |
|-----|---------------------------------|
| AUM | animal unit month |
| BLM | Bureau of Land Management |
| DEA | Drug Enforcement Administration |
| FS | Forest Service |
| GAO | General Accounting Office |
| NPS | National Park Service |



FEDERAL LAND MANAGERS ARE NOT EFFECTIVELY DEALING
WITH CRIMES AGAINST PEOPLE AND THEIR PROPERTY

The early 1981 Federal Bureau of Investigation Crime Index figures, as quoted by the Forest Service, showed a 10-percent annual increase in major crimes. These crimes include burglary, larceny, and arson. According to those we interviewed, Federal land agencies--Forest Service, Bureau of Land Management, and National Park Service--have not escaped this trend. In addition, these Federal land agencies have been affected by budget cuts and subsequent staff reductions. Consequently, the agencies' law enforcement officials have not been able to properly investigate or deter all violations. Often, violations have not been investigated or have been dropped for lack of funds and staff. With no credible deterrent in place, repeated violations have occurred.

NATIONAL PARK SERVICE--STRONG
LAW ENFORCEMENT IMAGE

In California we visited Yosemite and Lassen Volcanic National Parks. In these parks NPS itself primarily handles all law enforcement efforts. Because it has (1) a definite mission to protect resources and people, (2) its own police force, and (3) experience and expertise proven over time, NPS' image as an effective law enforcer is very strong. However, according to park officials, the decrease in funds and resulting limitations on vehicle use and duty assignments have reduced law enforcement efforts.

Outside assistance from other Federal law enforcement groups is minimal. In California, State law enforcement assistance is virtually nonexistent because Federal workmen's compensation coverage is lower than the State's. In 1970 the California Highway Patrol was stopped from entering Yosemite to assist with riot control because its employees would not be covered by the State while in the park. This situation still exists.

Since 1970 NPS has instituted an extensive riot training program for its rangers. In fact, ranger riot control squads responded from Yosemite to assist the communities of Groveland and Buck Meadow in Tuolumne County in 1976 and 1980 during motorcycle gang incidents.

Yosemite National Park

Yosemite National Park is within easy access of Los Angeles and San Francisco and receives about 2.5 million visitors a year into a fairly condensed recreational area. During peak visitor periods, the park's daily problems become those of a city with a population of 30,000.

Yosemite is under exclusive Federal jurisdiction. Thus, NPS alone handles all unauthorized activity. According to Yosemite records, about 7,090 violations occurred in 1980. According to the park's chief law enforcement official, some 2,000 were criminal cases. The largest category was crime against property--burglary, larceny, and auto burglary. He also said that the law enforcement staff's workload (2,000 cases) and funding enabled it to investigate only about 35 percent of these cases. According to this official, the figure has dropped from 65 percent in 1975. Budget and staff cuts have reduced the investigative staff from seven in 1975 to three in 1981.

Yosemite's law enforcement efforts have been restricted not only by staff cuts but by such constraints as vehicle-use restrictions and duty assignment limitations. Funding constraints affecting police vehicles have reduced patrolling operations and emergency response capability. In early 1980, for example, all patrol vehicles were taken out of service and the rangers had to respond in privately owned vehicles without lifesaving equipment or radios. Also, at the time of our review, the park operated without 24-hour patrol. A dispatcher was used to recruit assistance from 10 p.m. to 6 a.m.

Lassen Volcanic National Park

Lassen Volcanic National Park, completely surrounded by Lassen National Forest, is located in northern California away from any large metropolitan area. It received 394,425 visitors in 1980. It does not have Yosemite's concentrated recreational area or its large concessionaire activities. Law enforcement officials told us that the crime rate is fairly low. The main problems are larceny, vandalism, and burglary.

Like Yosemite, Lassen Volcanic National Park is under exclusive Federal jurisdiction. However, because it has fewer visitors, law enforcement is combined with other duties. For example, the chief ranger is also the chief fire management officer. The chief ranger told us that although Lassen attracts fewer visitors than Yosemite, the same constraints--vehicle-use restrictions and duty assignment limitations--place law enforcers in a position of reacting to incidents rather than trying to prevent them.

FOREST SERVICE--LAW ENFORCEMENT IS EVERYONE'S RESPONSIBILITY

Federal law (16 U.S.C. 559) gives all FS employees the power to enforce laws and regulations relative to national forests. In addition, the FS Manual Title 5300, Law Enforcement, specifies that law enforcement work will be assigned to properly qualified, trained, and equipped employees.

Confronted with managing vast and remote areas under proprietary jurisdiction (see p. 5 of cover letter), FS uses a decentralized management approach which allows each forest to operate as an independent entity. As a result, management acceptance of law enforcement as an integral part of FS operations varied from location to location. For example, in California FS has taken an active role in marijuana eradication, demonstrating management commitment to this effort. In Oregon FS has not participated in marijuana eradication efforts.

Law enforcement activities are performed throughout the agency with certain enforcement actions reserved for qualified and trained personnel. Law enforcement is a collateral duty with most employees. Some forests also have special technical assistance in the form of law enforcement special agents. The major areas of FS law enforcement activities are recreation offenses, fire investigations, timber thefts, and unauthorized occupancies and claims.

According to the regional chief special agent in California, about 90 percent of the offenses on FS land are minor regulation violations such as recreation offenses, which are usually handled by local FS employees with a warning or violation notice. The other 10 percent, including such offenses as arson, rape, and murder, are more serious and must be handled either by other Federal authorities or by State and local authorities.

According to the FS Manual, State and local law enforcement officials have primary responsibility for taking action when crimes are committed against people and their personal property on national forest land. They may receive financial support for expenses incurred in connection with activities on national forest system lands through a cooperative law enforcement program under Public Law 92-82. However, according to FS officials, appropriated funds to operate this program continue to decline each year. In fiscal year 1981 the California allocation was \$850,000, which was 63 percent of program needs.

A February 1981 FS regional law enforcement document identified assistance from other agencies as a valuable resource but one often limited. According to the document, future relief is doubtful. It stated that law enforcement activities in areas under proprietary jurisdiction will increasingly fall to the Forest Service because State and local authorities will not have the funds to provide enforcement activities.

Although close cooperation often exists between FS officials and State/county law enforcement officers, information is not available on the magnitude of crime on public lands or on the total enforcement effort. The new FS reporting system covers only FS activities. It is possible in some cases, however, to demonstrate the kinds of problems occurring. For example, the Amador Ranger District in the El Dorado National Forest reported

168 violations in calendar year 1980. The major categories were fire regulation violations (54), unauthorized damage to or removal of forest products (20), destruction of Government property (14), unauthorized vehicle use (14), and failure to pay fees (11). Also, for fiscal year 1979, the nearby Alpine County sheriff reported 61 burglary cases, 2 stolen property cases, and 15 miscellaneous actions on national forest land.

BUREAU OF LAND MANAGEMENT--LAW ENFORCEMENT
RECEIVES MINIMAL EMPHASIS

Section 303 of the Federal Land Policy and Management Act of 1976 authorizes BLM to enforce laws relating to the public lands or their resources. Since most BLM lands are held under proprietary jurisdiction, however, crimes against persons are generally referred to the cognizant State or local law enforcement authorities for investigation. The act authorizes a uniformed ranger force, which was staffed by 17 rangers at the time of our review, to enforce Federal laws and regulations in the California Desert Conservation Area established by section 601 of the act. We did not, however, review BLM's ranger program because it is strictly confined to southern California.

Currently, BLM has 26 special agents (4 in California and 3 in Oregon) who are responsible for investigating natural resource crimes and for managing contracts and cooperative agreements with local law enforcement officials. BLM relies mainly on these agreements with the local county sheriffs for enforcement. Yet, according to BLM officials, funding for law enforcement cooperative agreements is minimal. BLM's California office, for example, received only \$72,500 for six such agreements in fiscal year 1981.

Law enforcement activities are decentralized within BLM's State offices. Special agents and rangers report to different supervisors. The special agents are not responsible for investigating unauthorized use activities, which are handled by various program officials within State offices. BLM had a backlog as of October 1981 of about 10,000 unauthorized use cases, some of which involved illegal occupancy of prime public recreational lands.

BLM field officials appeared to be confused as to the extent of their authority to issue citations for violating rules and regulations. These officials told us that many violations, such as trespassing or timber thefts, go unenforced because they have not been given authority to issue citations. BLM employees noticing these violations are instructed to either locate the local sheriff or contact one of BLM's special agents. BLM headquarters law enforcement officials with whom we discussed this matter told us in January 1982 that BLM is seeking the Secretary of the Interior's approval for field officials to issue citations.

BLM regional officials acknowledge that trespass work in both California and Oregon is not emphasized and, in general, BLM has a low level of law enforcement. These officials do not view law enforcement as an integral part of BLM's job and believe that, as a result, a large but indeterminable number of violations go unreported.

BLM has a general reluctance to accept law enforcement as a critical part of management's job. This reluctance can be seen, in part, in its noncompliance with Interior instructions. Contrary to Departmental Manual Part 446--Law Enforcement, BLM uses part-time employees as law enforcement officials in California, does not have a law enforcement management information system, and maintains no direct or clear line of authority and accountability from top to bottom of the organizational structure. BLM's lack of emphasis on law enforcement is also visible in the low priority it gives to handling trespass work.

GROUP DISTURBANCES--A GROWING PROBLEM

FS and BLM officials told us that their employees are increasingly being confronted in the normal conduct of business with what could be called group disturbances. These include, but are not limited to, herbicide spray protests, paramilitary and survivalist activities, and motorcycle group activities.

FS officials in Oregon and California are concerned about motorcycle groups which, according to FS officials, are moving into forest areas and trying to take over marijuana cultivation operations. The lack of enough qualified law enforcement officials to adequately confront such groups contributes to the potential threat of group violence.

MARIJUANA CULTIVATION ON FEDERAL LANDS

According to Federal, State, and local officials and published documents, illegal marijuana cultivation is extensive and widespread on BLM and FS lands throughout California and Oregon. While confiscation and eradication efforts have been made on Federal lands, county sheriffs and many Federal law enforcement agents told us that they were unable to effectively control marijuana cultivation. Many marijuana cultivators are armed and present a threat to the public and to FS and BLM employees and interfere with the agencies' management activities.

THE PROBLEM IS EXTENSIVE

Marijuana cultivation is an increasing problem on FS and BLM lands in California and southwestern Oregon. In California the value of marijuana harvested statewide in 1981 was reported to possibly exceed \$1 billion. Information on the amount harvested from Federal lands was not available. In 1979 the wholesale value of marijuana grown in the Shasta-Trinity, Six Rivers, and Mendocino National Forests in California exceeded \$150 million based on reports from sheriffs' departments. In northern California patches as large as 150 acres have been found.

According to a Drug Enforcement Administration official, marijuana plants valued at about \$72.8 million were seized from private and public lands in Jackson, Douglas, Josephine, Coos, and Curry Counties in southwestern Oregon during the summer of 1981. This official estimates that about 30 percent of the seized plants came from BLM and FS lands. Another DEA official anticipated that the total number of plants seized would increase significantly in Oregon through October 1981 as hunting season opened and hunters' reports of marijuana gardens became more frequent. In addition, the DEA official said that many gardens would not be found and thus would not appear in the final statistics.

A DEA official, along with State and local law enforcement officials, verified information showing that in the last 3 years, the illegal harvest of marijuana has become big business in California. There are reports that marijuana is replacing wine grapes as the biggest cash crop in California's Mendocino County. FS reports that marijuana is being illegally cultivated in all 17 national forests in California, in many forest areas of the Pacific Northwest, and in almost all national forests in the Southern States. According to FS documents and officials and a DEA official, the problem is widespread and will probably increase.

Growers are cultivating more plants on public land because of remoteness and the difficulty of proving who owns the plants. For example, an alleged cultivator in southwestern Oregon led

deputy sheriffs to a garden on FS property located adjacent to his land. A well-marked path led from his residence to the garden. If the marijuana had been grown on private property, the landowner would have been the primary suspect. However, the deputies did not arrest the alleged cultivator because the plants were on public land. According to a DEA official, another factor contributing to Oregon's marijuana problem is a California eradication program which has forced some of the cultivators into southwestern Oregon.

According to the Director of Law Enforcement for FS' Pacific Southwest Region, 1/ marijuana farming in hidden forest areas has been on the rise because of the forest regions' suitable climate and marijuana's increasing profitability. Small marijuana plots consist of a few dozen plants, while larger ones can cover several acres and may be irrigated by extensive and costly systems of plastic pipe and pumps. To escape detection, growers choose remote terrain seldom visited by Government employees or others.

HOW HAS THE PROBLEM BEEN HANDLED?

Currently, no single comprehensive program exists to deal with the apparently widespread cultivation of marijuana on BLM and FS lands. According to an FS document, State and county law enforcement agencies have limited resources to deal effectively with the problem and instead have concentrated most of their efforts on large-scale operations on private land outside the national forests. According to county sheriffs and Federal law enforcement officials, the extent of marijuana cultivation is far beyond their current capability to control. For example, in Oregon a county law enforcement official estimated that in 1980 the county confiscated only about 10 percent of the total crop.

FS and BLM deal with marijuana cultivation in various ways. FS policy in Oregon states that employees discovering a marijuana garden should promptly get out of the area and report immediately to the district ranger or county sheriff. Also, the employee should be a cooperative witness in any action initiated by the county sheriff or FS. According to the regional forester, employees are not to initiate or participate in any marijuana arrests or raids. California FS officials have not only reported incidents to State and local law enforcement departments, but have also cooperated with other law enforcement agencies in marijuana arrest and confiscation efforts. BLM officials in Oregon have merely reported incidents of cultivation to county sheriffs or the State police because BLM does not consider enforcing marijuana laws to be its responsibility.

1/FS' Pacific Southwest Region includes California and Hawaii.

State and Federal drug agents have made raids on commercial marijuana plots/farms. Such raids have occurred in 43 of California's 58 counties and have included raids on Federal land. For example, FS and other Federal and local law enforcement officials raided two marijuana plantations in July and August 1981 at Los Padres National Forest. The July raid netted 1,020 plants with a value at maturity of \$5 million. The August raid netted 8,353 simsemilla marijuana plants valued at about \$41.8 million.

One large-scale marijuana eradication effort--called Operation Simsemilla--is a combined DEA (10 agents) and State and local effort directed at eradicating marijuana in 22 California and 5 Oregon counties. DEA is providing financial assistance, technical advice, and aircraft observation service. For example, in fiscal year 1981 DEA provided \$179,000, of which 75 percent went primarily to fund overtime worked by sheriffs, plus minor equipment purchases. The remaining 25 percent went to DEA agent operation costs. The 1981 operations resulted in eradicating about 150,000 plants valued at \$150 million.

According to NPS officials, NPS has taken strong action in its western region ^{1/} against those found cultivating marijuana within park boundaries. A highly visible example of this effort is NPS' participation in a series of Hawaii police eradication actions known as "Operation Green Harvest." Operation Green Harvest includes special teams of NPS rangers, some of whom are specially trained for drug enforcement and have been temporarily transferred from mainland parks to assist in the operation. The teams cooperate with the Hawaii police to deal with the problem of extensive marijuana growing in and near the parks.

In cooperation with local police, Hawaii Volcanoes National Park employees conducted numerous marijuana eradication operations within the Hawaiian Islands. A Green Harvest operation in May 1981 was perhaps the most successful ever--authorities confiscated 101,333 marijuana plants with an estimated street value of \$4,066,560. Moreover, 14 individuals were arrested and three firearms were seized. Within Hawaii Volcanoes National Park itself, 7,286 marijuana plants with an estimated \$272,400 street value were confiscated. Western region records show that the May 1981 operation cost \$31,010 in special law enforcement funds.

MARIJUANA CULTIVATION THREATENS PUBLIC AND EMPLOYEE SAFETY AND HINDERS MANAGEMENT

Marijuana cultivation on public lands not only poses a threat to public and employee safety but can hinder management

^{1/}NPS' Western Region includes Arizona, California, Nevada, Hawaii, Guam, and the Northern Mariana Islands.

activities. These effects are best illustrated by the following statements from FS and BLM memorandums.

"Biker groups * * * are moving into the area. They are trying to take over some of the drug cultivation."

"Because of the value of locally grown marijuana--criminal elements from the Bay Area and Los Angeles area are involved."

"The tremendous value of marijuana has created many problems. Drug dealers, bikers, and such groups are stealing marijuana from growers who in turn use extravagant means to protect their plants. They are armed, construct boobytraps, and constantly guard their gardens."

"Individuals and organizations have been growing marijuana and it has become a very lucrative business. It is being grown and cultivated in many isolated areas * * *. You have to be aware that the area may contain sophisticated boobytraps."

Since many marijuana growers are armed, they pose a danger to legitimate land users, such as miners and recreationists, as well as to FS and BLM employees. Some people have been harmed, while others have been threatened. For example, a memorandum from an FS district office said:

"Forest officers of the district have stumbled onto a number of illegal plantations. Each time they have encountered individuals at these sites the growers had firearms. Although none of our people have been injured during these encounters, the possibility is ever increasing * * *. Just recently, a miner camping in the Steve Fork area had his life threatened by marijuana growers. The miner came upon a marijuana plantation and encountered a man. The subject told him to leave and not come back and that if he didn't do as he was told he was a dead man. One night a short time later, the same man visited the miner's camp. He warned him again that he was being watched and that if word got out about the garden, they would kill him. The miner abandoned both his claims and left the county the next day."

A July 1981 letter addressed to the Josephine County (Oregon) sheriff's department contains an example of how growers can, through intimidation, prevent recreationists from using public lands.

"I am writing you to let you know marijuana is growing near Kerby. I would like you to go in there and

destroy that crop so it would be safe for a man to hunt and fish in safety again. If a man goes to Josephine Creek or Canyon Creek, he is met by toughs who turn him back. You can't go fishing, hunting, or anything around there unless you keep looking over your shoulder for fear that you will be jumped. A lot of people in the valley are scared and they told me that I should not tell you my name for fear that someone would burn their house and mine down. I hope you will prove them wrong and go in that county and clean it up so people can go up there with their families to bottlehunt, fish, hunt, or enjoy the scenery again as I did when I lived in the valley."

While most FS and BLM employees have conducted their duties without incident, in some cases growers have prevented or hindered land management activities. According to FS and BLM officials, workers are sometimes afraid to go into certain areas because marijuana growers may be present. For example, in the northern California area, FS timber production quotas are being met by displacement (harvesting timber in areas not previously scheduled for harvest) because loggers and Federal employees fear a hazardous forest environment. According to FS field officials, this practice could have a long-term effect on quotas if Federal and State agencies cannot deter threats by marijuana growers.

In the Desquena National Forest, a tree-planting contract crew was fired upon. When sheriff's department officials arrived in the area, they found a marijuana garden. Also, in the Shasta-Trinity National Forest, a logger discovered a large marijuana patch in 1979 and reported it to the local sheriff; subsequently, over \$80,000 worth of damage was done to his logging equipment. Growers in southwestern Oregon have also prevented some legitimate users and some employees from having safe access to the land.

The regional forester for FS' Pacific Northwest Region ^{1/} said that illegal activities such as marijuana cultivation interfere with management activities such as timber sales, surveys, and spray projects. An FS memorandum from the Pacific southwest region said that marijuana growers interfere significantly in the administration of the national forests. Also, a forest supervisor in northern California said:

"It is my opinion that it is only a matter of time before a forest visitor or one of our employees is seriously injured or possibly killed because they stumbled onto an illegal marijuana plantation."

^{1/}FS' Pacific Northwest Region includes Oregon and Washington.

MONETARY LOSS AND ENVIRONMENTAL DAMAGE FROM TIMBER THEFTS

Timber thefts from FS and BLM land are a serious and increasing law enforcement problem resulting in monetary loss and environmental damage. Factors such as the increased market value of timber, low risk in being caught due to the vastness of the land area, and limited staff resources contribute to the increased thefts. FS and BLM headquarters officials were unable to assign a dollar value to timber thefts but estimated that the cost runs into millions annually.

OREGONProblem's magnitude not defined

Although FS and BLM officials did not have overall regional data showing the extent of the problem in Oregon, their comments pointed out that it is significant. For example, a BLM official said that in Clackamas County, timber worth \$9 million was lost in 1 year. Another example was Siskiyou National Forest where the number of investigated timber thefts rose from a total of 2 cases in 1978 and 1979 to 22 cases in 1980.

An FS official told us that people who steal timber usually do not pose a threat to recreationists or employees. FS and BLM officials, however, told us that timber thefts result in

- environmental degradation,
- revenue loss, and
- increased costs to the Federal Government.

Local law enforcement officials told us that most timber thefts occur at night or early morning, resulting in thefts which are difficult to prosecute because of lack of witnesses. Furthermore, FS officials explained that when an FS or BLM employee comes across tree stumps, the employee often doesn't realize that the trees were stolen, and the incidents are therefore not reported.

The following comments from FS, BLM, and FBI officials or documents illustrate the negative effects resulting from timber theft in the Northwest.

"Timber theft is our top problem in terms of monetary loss. Timber theft contributes to environmental damages. The nation's resources are becoming scarcer, which makes law enforcement an even more crucial function. We have less timber now which means we cannot allow people to steal timber from our National Forests."

* * * * *

"When people steal timber, damages can occur to roads, streams, and the area where the theft takes place. Also, revenue is lost to the government when timber is stolen."

* * * * *

"Live cedar trees are the favorite target of the thief since cedar shake bolts are easily removed from the woods and bring approximately \$250-300 per cord at the mill, or about \$1,000-2,000 per tree. The disappearing cedars, which take some three hundred years to grow to maturity, are not being replanted and are thus a non-renewable resource. At the current rate of use, the cedar will become extinct in Oregon Forests in a few years."

The Federal Government incurs incidental costs, as well as loss, when timber is taken from public land. For example, a subject secured a permit from a private company to remove dead and down material from the company's land. The subject cut over the boundary line into FS land, removing trees. The subject admitted cutting the trees but said he was unaware he had gone over the boundaries. FS was able to recover the trees, valued at \$22,372.75. Yet, the Federal Government incurred costs of \$7,386.59 to clean up the trespass area and survey the boundary lines.

What have the agencies done?

In the locations we visited, BLM and FS accept responsibility for enforcing laws to curtail timber theft violations. For example, they investigate and gather information to prosecute violators and seek assistance from other Federal and local authorities. However, they believe these measures are not commensurate with the increasing level of timber theft. They believe they need to increase their level of effort in proportion to violations.

BLM's law enforcement chief in Oregon told us that the agency now is emphasizing the need to prevent timber thefts. He said that at one time BLM did not have the staff to handle timber theft, so no action was taken. Currently, BLM has cooperative agreements with local authorities, which enables it to have better law enforcement coverage for preventing and prosecuting timber thefts.

BLM and FS officials told us that their agencies have had success prosecuting timber thieves. For example, BLM in Oregon and Washington collected about \$344,000 in fines in fiscal year 1980 for 149 timber theft cases. However, according to BLM and FS officials, many small-scale timber thieves have not been prosecuted because U.S. attorneys do not place priorities on prosecuting them.

CALIFORNIAProblem's magnitude not defined

NPS, FS, and BLM management and law enforcement officials in California could not define the magnitude of the timber theft problem there. At some locations FS and BLM officials told us that cutting more firewood than authorized was a problem. At the El Dorado National Forest, for example, officials cited losses of about 1,000 cords annually with a retail value as high as \$100,000. Although BLM's statewide losses are unknown, the Redding district estimated that 100 cords valued at \$8,000 were taken in 1 year.

FS field officials said that firewood thefts have increased directly as the value of firewood and lumber has gone up. The magnitude of illegal firewood thefts has, according to FS officials, become a major criminal problem. The incidents involve individuals taking wood not only for personal use, but also for sale. Additionally, the wood taken includes not only fallen dead wood but also green timber. In one incident, according to the Placerville district ranger, unemployed loggers came into the forest with large chain saws, dropped trees, and then drove away. A few days later they returned with smaller saws which could not have felled the trees and cut them into firewood lengths. When approached by FS personnel, the woodcutters explained that the trees were down on the ground and they were only removing the wood.

At national parks we visited, few timber thefts occurred. In Lassen Volcanic National Park, three separate cases had occurred in 1980-81 involving a total of 10 trees. The chief ranger valued the timber at about \$700. The incidents all took place near Juniper Lake, an area in the park which has few visitors. In addition, two of the incidents occurred in mid-October, late in the visitor season. Park rangers investigating the case believed the perpetrators were from the neighboring town of Chester and had cut the trees for firewood. No arrests had been made.

What have the agencies done?

Even though FS and BLM have tried to control the removal of firewood by permit systems, the unauthorized activity continues. FS officials told us that FS' permit system is intended to control the areas where wood may be gathered; educate people as to what may and may not be taken for firewood; ensure that chain saws, if used, have the proper spark arrestors to decrease fire hazards; and regulate the amount of firewood taken. However, the permit system is not consistently administered throughout the State.

FS highlighted the problem of inconsistency in the following excerpt from a summary report of a 1979 refresher course for law enforcement personnel.

"A lack of [Forest Service] consistency * * * regarding the administration of fuel wood sales, a lack of public awareness and a tendency to avoid law enforcement action in fuel wood theft cases contribute to the loss of firewood including dead and down and live trees * * *."

Examples of the inconsistencies include the amount of wood a permittee may remove and how much FS charges for the wood. The El Dorado National Forest, which issued 11,000 permits in fiscal year 1981, allowed each permit holder to take up to eight cords. Forest officials value the wood at \$2 a cord but do not charge for it. Conversely, San Bernardino National Forest charges \$5 a cord and limits the permits to one or two cords.

Under the El Dorado National Forest's system, before the wood is loaded into a vehicle, the user's permit must show the date, the amount of wood, and the location from which the wood is being taken. Additionally, if an FS employee sees someone loading wood, the employee is to ask to see a permit; if the person has no permit, he or she is to be cited.

According to the Placerville district ranger, El Dorado's firewood permit system is very difficult to enforce due to the

--large size of the forest,

--number of highways crossing the forest which provide easy access, and

--limited number of employees to monitor the firewood program.

BLM has difficulty preventing firewood timber thefts since most of these activities occur on weekends when employees are not normally on duty. BLM field officials told us that they believe some of the violators are from neighboring communities and know that employees are off duty.

BLM has done little to prevent timber and firewood thefts, although BLM officials consider these thefts a major problem. In those incidents where BLM identifies a violator, the case is sometimes processed as a civil trespass matter, but the damages assessed against trespassers do not create a deterrent to discourage repeat violations. In some cases when the agency undertakes investigations, the special agents have been hampered by funding constraints.

BLM in California had increased its emphasis on investigating improper firewood removal as a criminal offense. BLM officials said, however, that if such a violation has a civil trespass filed against it and later criminal intent is found, they will not proceed with criminal prosecution. BLM's California

State Director recently issued to district managers an instruction which cited the following specific examples of criminal firewood violations:

- Cutting wood without a permit or contract.
- Cutting with an altered permit.
- Cutting in a closed area.

If employees find any of these conditions associated with timber removal, they are to have the special agents investigate the incident. For example, a California special agent investigated an incident in which a 50-foot Ponderosa pine had been cut up into firewood lengths and packed into a truck. By laying out and matching each piece of firewood, investigators reconstructed the log. Then, by matching wood ring patterns and checking the cellular structure against the stump, they were able to confirm where the log had come from.

We believe that BLM's civil settlements entered into with timber violators are not a credible deterrent against timber thefts because the settlements do not equal the wood's retail value. This is illustrated by a case in which BLM filed a civil trespass action against a person for illegally cutting trees on withdrawn public lands. The original assessed damage was more than \$10,000, but after negotiations BLM settled for \$4,109 and allowed the person to pay the assessment over a 21-month period with no interest. BLM told us that the trees taken were all prime timber and that the lumber had been custom cut to special sizes. Ironically, the same quantity of prime, custom-cut lumber would have cost the violator more than \$4,109 at retail prices. It is also doubtful that he could have obtained an interest-free loan to pay for it.

TRESPASS ON FEDERAL LANDS AFFECTS THE
ENVIRONMENT, VISITORS, AND EMPLOYEES

Trespass on FS and BLM lands is an increasing problem which the agencies seem to do little to stop. Trespass incidents include unauthorized occupancies, paramilitary training, herbicide protests, garbage dumping, cultural resource removals, and cattle grazing violations. These activities can result in

- loss of Federal revenue,
- environmental degradation, and/or
- decreased public and employee safety.

UNAUTHORIZED OCCUPANCIES

According to agency officials in both California and Oregon, FS and BLM have problems with people who live illegally or conduct illegal activities on public lands under the guise of the mineral exploration authority provided in the Mining Law of 1872. 1/ Some people stake mining claims on Federal lands with no intention of mining. They build unauthorized dwellings and live there rent free. Additionally, they do not pay property taxes, although some enjoy county services paid by those taxes, such as public schools and fire protection. An estimated 75 percent of the unauthorized dwellings do not meet local building codes and become potential health and safety hazards. Furthermore, Federal land managers told us that they are hampered in removing squatters because of the ambiguities of the 1872 Mining Law.

BLM's California regional officials consider unauthorized occupancy to be the biggest trespass problem. For example, an estimated 1,000 unauthorized trespasses occurred in the Folsom district in 1978, and the number is increasing by about 100 a year. In the Redding district, agency officials identified 52 cases but believe many more exist.

For Oregon a BLM document stated that during the period 1965-70, a significant annual increase in new mining activities became apparent. It said:

1/The Mining Law of 1872 authorizes any citizen to enter and occupy unappropriated public land to explore for minerals under regulations prescribed by law.

"A new breed of pseudominers appeared which were younger, and counter-culture * * * oriented and well educated to means of aborting administrative process; i.e., validity determinations and trespass abatement procedures. A large share of these newcomers, by their own admissions, occupied public lands under the guise of mining locations. While the problem of mining claim abuse was not a new phenomenon, the rapid annual increase in occupancies and the adroitness of claimants in frustrating administrative procedures was alarming."

A 1980 FS memorandum stated that one southwestern Oregon area had shown a significant increase in problems related to mining claims in the previous 2 years. Similarly, a BLM memorandum stated that mining occupancies are increasing. The following examples and statements from BLM and FS officials and documents illustrate problems with mining claim occupants.

- One FS case involved an occupant who dammed a stream for mining activities without meeting the requirements of an FS regulation which prohibits placing in a stream any substance which may pollute. According to an FS document, the occupant's activity caused serious stream flow and fish migration problems, environmentally degrading the area.
- Two claims, located along a stream, were contiguous. Several cabins, a barn, and other livestock facilities were constructed on the claims. In addition, a garage/workshop was constructed and a number of old cars were moved onto the claims. All the buildings and junk cars were on stream gravel deposits adjacent to the creek where exploration and/or mining could be expected to take place. Thus, the claimant's intention to mine the claims was questionable.
- "Many claims are posted with no trespassing signs which prevent other public land users from entering the lands for legitimate purposes such as hunting or fishing. Most importantly, such occupancy frequently interferes with BLM programs, notably timber sales. For instance, some timber sales which include occupancies either require special felling provisions for trees near the occupancy, or sometimes areas must be deleted from the sale. Occupants also interfere with construction of timber access roads. A BLM crew surveying an access road across an occupied mining claim was forced to leave after the claimant confronted them with a gun. The crew managed to finish the job a few days later, but only after the county sheriff visited the claimant."

--"A mining claimant on BLM land blocked access through a BLM road to a private landowner. The landowner, who wanted to gain access to his land, was confronted by the claimant who stood in the roadway with a shotgun and did not allow the landowner to pass. The claimant, who was on BLM land, told the landowner 'the road is my road, you've got no right to be on our property and anyone who comes up without permission will be shot'."

According to BLM officials, regional management is reluctant to take action against occupancy trespassers. When a mining claim is involved, the eviction process is time consuming and may require years to complete. The first step in eviction, according to a BLM realty specialist, is a validity test (validity refers to the disclosure of minerals in sufficient quantity for a "prudent man" to want to expend further expenditure and means to remove them). This determination requires a mining engineer's expertise; the California region had only three engineers in July 1981. Additionally, a realty specialist must review documents filed with the local county and determine the land classification. Finally, if BLM determines the claim to be invalid and a court-ordered eviction decree is obtained and served, nothing stops the "miner" from changing the corner boundaries of his claim, which requires starting the whole process again.

A primary reason BLM and FS are not able to regulate mining claims is the Mining Law of 1872. Our February 1979 report entitled "Mining Law Reform and Balanced Resource Management" (EMD-78-93) states that the Mining Law of 1872 is not appropriate for controlling today's mining activities. It neither provides legislative guidance to assure stable development of Federal resources nor does it effectively manage public land resources in concert with land-use and environmental values.

Because of BLM inaction, a number of unauthorized occupancies exist in the Redding and Medford districts. In some cases, unauthorized land occupiers inhabit structures that fail to meet applicable building, fire, health, and safety codes. Two house fires illustrate the resulting danger to life and property. In the Medford district, six of eight members of a family residing on a mining claim along Galice Creek were killed in a house fire. In the Redding district, a similar house fire resulted in the death of a baby girl. In both cases charges were made that BLM's inaction contributed to the fires; nonetheless, no legal liability was ever established.

PARAMILITARY AND SURVIVALIST ACTIVITIES

In southwestern Oregon BLM and FS lands have been used for paramilitary and survivalist activities. As a result, FS is becoming increasingly concerned about the public and employees' safety. A 1981 FS Medford District document states:

"The presence of survivalists is becoming more and more apparent. On three occasions in the past 2 months they have been seen conducting maneuvers in the district. They were all in military-type vehicles, wearing camouflage clothing and carrying military-type rifles. There have been reports of automatic rifle fire a number of times in various parts of the district also. Most of these activities are reported near the Oregon and California border."

According to BLM officials, BLM employees have also witnessed or been told of armed survivalists or paramilitary activities on BLM land in southwestern Oregon.

HERBICIDE PROTEST ACTIVITIES

BLM and FS have encountered protestors of their herbicide spray activities. FS officials have charged protestors with violating 18 U.S.C. 111, which prohibits opposing, impeding, intimidating, or interfering with Federal officers engaged in performing official duties.

Officials at one of BLM's district offices said that the office had received bomb threats and forest arson threats when its intention was to spray herbicides for timber management reasons. According to the officials, attempts to spray certain areas have been halted because of protestors' opposition.

An example of herbicide protest activities appears in a Siskiyou National Forest report which states that in 1980, 14 FS employees and 2 county sheriff's deputies were confronted by about 125 herbicide protestors. During the confrontation the work team was verbally attacked. Protestors shouted, cursed, and spat on the team. Hoses on three sprayers were cut, and a rock was thrown into a pump assembly on the Forest Service's tanker. Numerous protestors attempted to slash Government vehicle tires. The work team was prevented from leaving as the protestors placed rocks, logs, and vehicles across the road. Items of garbage were thrown at the work team, and they were not allowed to leave until an FS official signed an agreement not to spray the area for a year. The report stated that no injuries were received, although the situation was extremely tense and explosive and the potential for injury to team members or further vandalism and destruction of Government equipment and vehicles was great.

GARBAGE DUMPING

According to BLM and FS officials, garbage dumping on Federal land is a frequent problem that results in expensive clean-up projects, creates unsightly conditions, and pollutes land and water resources. BLM cited several cases of unofficial garbage dumps on its land. According to BLM officials, in many cases they would need large earthmoving equipment to clear the garbage from

the areas. FS officials at the Rogue River National Forest told us that garbage dumping was a frequent problem resulting in unsightly conditions on FS land.

CULTURAL ARTIFACT THEFTS

BLM has experienced several cultural artifact losses that have not resulted in law enforcement action. An Oregon FS document states that illegal digging at archeological sites appears to be increasing.

For example, BLM's Medford District has 108 prehistoric Indian sites currently on its inventory. A BLM archeologist said that all but the most remote and inaccessible sites have suffered surface losses from souvenir collectors. He also said that at least 28 of the 108 sites have been extensively damaged or wholly destroyed. The sites disturbed were the largest and potentially the most scientifically valuable in the district.

The Congress imposed new responsibilities on Federal land managers in the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa). In less than a year, Federal law enforcement officials and prosecutors nationwide used this authority seven times; six violators were convicted and fined. As of February 1982, the Manager of NPS' Antiquities Program could not provide the total number of convictions and fines under the act.

An NPS task force is developing regulations that will establish uniform definitions, standards, and procedures for all Federal land managers in providing protection for archeological resources. When these regulations are released in June 1982, NPS anticipates more prosecutions under the act.

GRAZING VIOLATIONS

Grazing violations cause environmental damage to BLM rangelands in California and may deprive the Federal Government of leasing revenues. Grazing trespass seems to affect mostly FS and BLM--the agencies which lease rangeland. Yet NPS is not immune. Lassen Volcanic National Park officials told us of two incidents. In our California fieldwork, we inquired into the following grazing trespass cases that had been reported in BLM's Redding and Susanville Districts.

Redding district--grazing trespass work is not emphasized

According to BLM Redding District officials, grazing was not a major function there and grazing trespass received a low priority. The district had eight grazing trespass cases pending at the time of our visit. The district used some temporary employees to pursue trespass incidents. When the district discovers a grazing violation, it may not initiate civil trespass

action because the fine may not cover the cost involved. Instead, the district tries to persuade the owner to take corrective action, such as removing the animals from the land.

District officials said that the staffing necessary to process a civil trespass action against a grazing violator does not justify the effort. For BLM to levy a civil fine, it must verify the exact number of days and number of animals involved in the trespass. According to district officials, they normally charge twice the rate of an animal unit month (AUM). ^{1/} At the time of our visit, this rate was \$2.31; thus, the fine for one animal in trespass for a full month would be only \$4.62. According to district officials, this is why they believe they are justified in not filing a civil action but, instead, telling the owners of trespass animals to correct the violations. The officials said that as leverage against an owner, the district may use the threat of canceling grazing leases. The officials added that even though the district has never canceled a lease, these leases have an economic value and the threat has been effective.

The Susanville district--overgrazing
can lead to punitive action

The Susanville district manages 2.8 million acres, most of which is rangeland. Although district officials do not look for trespass, they had recorded 64 grazing violations since June 1976. Many of these incidents involved repeat violators. According to BLM documents, one particular rancher had become notorious for his blatant disregard for grazing laws and regulations over the past 20 years. District officials told us that they deal with violations by closing portions of the rangeland and impounding unauthorized animals.

Grazing trespass appears to be economically advantageous to the violator since trespass fines usually do not equal the cost of leasing commercial pasture. Susanville district officials told us that commercial pasture leased for about \$10 per AUM. Thus, a rancher could violate BLM grazing regulations and if BLM fined him the maximum allowable, which we were told was triple the AUM, he would pay only \$6.93.

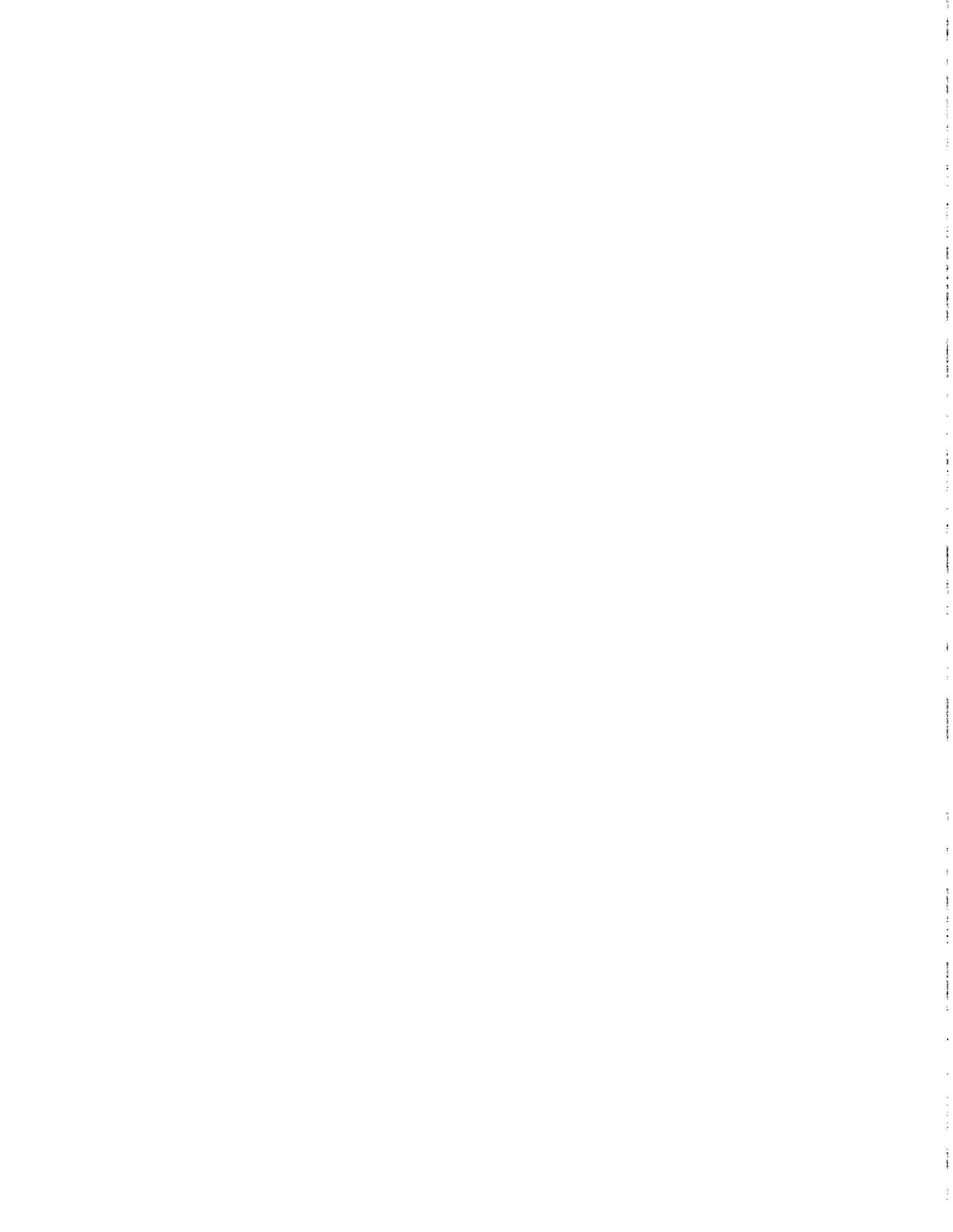
Furthermore, a rancher may be able to negotiate a lesser fine than originally assessed. For example, we noted the case of a rancher who had five different trespass violations filed against him for incidents of unauthorized grazing, overgrazing, and grazing after the season. The total initial fines amounted to \$13,168; however, BLM settled for \$5,000. In another example, a different rancher had been fined \$2,758. He came into the Susanville District office right at the close of normal business hours to

^{1/}An AUM is essentially the feed a cow or horse would consume in 1 month.

negotiate his fine. After discussing the trespass for a couple of hours on their own time, the officials settled for \$2,500, whereupon the rancher reached into his pocket and produced a prewritten check for that amount.

This same rancher had become known in BLM regions for blatantly violating grazing laws and regulations. He had even threatened to shoot any BLM employee found on his property. BLM had filed numerous trespass actions against him and permanently suspended his grazing privileges in Nevada and Montana. In the Susanville district one area manager had personally followed up on the rancher's trespass activities until he succeeded in having the rancher's grazing leases permanently canceled. The area manager took 5 years to amass enough evidence to suspend the leases. Many of the area's other ranchers were so tired of the subject rancher's repeated trespass violations on private and public lands that they signed a petition supporting BLM's action. However, the rancher filed suit against the Susanville district to get back his grazing privileges. The suit was finally heard before the U.S. Court of Appeals. In September 1981 the court upheld BLM's actions.

According to Susanville district officials, impounding livestock, with the threat of selling the animals, is the best method of correcting grazing trespass. BLM officials said that they can close the rangelands for 18 months after giving ranchers a 5-day notice. Animals found after the 5 days are rounded up and impounded. BLM identifies the owners of the impounded animals by ear tags and brands. After being notified that animals are being held, owners can redeem their stock by paying BLM for all associated impounding costs, including BLM employees' salaries, transportation costs, holding pen expenses, and daily feed bills.



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