



Written Testimony of
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Kane County, Utah
President, Western States Sheriffs' Association
Before the Committee on Agriculture, Subcommittee on Forestry and Horticulture
June 25, 2026

Chairman Newhouse, Ranking Member Salinas, and Members of the Committee,

My name is Tracy Glover, and I serve as the Sheriff in Kane County in the State of Utah.

I am here today to testify on behalf of the Western States Sheriffs Association (WSSA), and more than 1100 Sheriffs in the 19 western states we represent.

The nearly 200 million acres of federal land managed by the United States Forest Service (USFS) represent a national treasure of incredible value. A treasure that deserves sound management and resource protection.

The U.S. Forest Service along with their dedicated Law Enforcement Officers (LEOs) has been tasked with that management and resource protection.

The elected Sheriff of those counties within the 19 states we represent are tasked with providing primary law enforcement services throughout their area of jurisdiction which includes our National Forest System.

Sheriffs, by and large, enjoy strong working relationships with those USFS LEO's on the ground in their county. The ability to relay a strong understanding of the public safety philosophy of the Sheriff is often absorbed by USFS LEO's through their relationship with those county deputies with whom they work.

At the management level however, our relationship is fracturing. I am here to ask Congress, through this committee to take the first step in helping sheriffs move toward recovering this important relationship, returning to a level of mutual respect.

Over the past 30 years the USFS Law Enforcement and Investigations (LE&I) division has shifted their focus from "resource protection" to other policing functions best left to local law enforcement. As time progressed through the 1990's and into the early 2000's, additional LEOs

have been added to the patrol efforts of the USFS and funding that was provided to Sheriffs for cooperative law enforcement contracts has remained stagnant.

While we purport to maintain a solid working relationship with the USFS LE&I division, there have been instances over the years where we have found significant differences in our beliefs regarding jurisdiction and authority. In 2011, the USFS submitted a proposed rule to expand their enforcement authority off National Forest System lands. In addition to this proposed expansion, there was proposed assimilation of state laws to expand the treasure chest of enforcement. There was a less than harmonious relationship for several months as Sheriffs in the west fought against the implementation of this proposed rule. After a long and difficult period, the USFS LE&I put the proposed rule on the shelf, and we worked together to create a National Memorandum of Agreement to address many of the issues the Forest Service believed existed. This was all accomplished while maintaining the proper authority of the elected Sheriff. This National Memorandum of Understanding was promulgated through a joint effort of the WSSA and USFS LE&I. It was through this document that the USFS ultimately recognized the Sheriff as the Chief Law Enforcement Office of the county. Through the document, several avenues were created to provide the County Sheriff with the ability to utilize USFS LEO's within the county to assist with many of the issues spelled out in the proposed rule change now being considered. We are convinced that this document continues to provide the necessary means for the Sheriff to obtain the necessary assistance needed from the USFS law enforcement resources while at the same time retaining the legal obligation to the Office, we are elected to serve. This MOU should stand as the guiding document moving forward and a concerted effort should be made by both the WSSA and the USFS to expand its use to serve more effectively those whose utilize the public lands of the western U.S. A copy of the now expired MOU is included as a supplement to this written testimony.

Unfortunately, in 2023, this rule was modified and submitted to the federal register again. WSSA was left to submit written comments along with the public on the matter. WSSA made several attempts to meet with the Forest Service to try to negotiate the language in the rule and were turned away at each attempt. The "Criminal Prohibition" rule was finally promulgated in December of 2024. This new rule assimilates state law, expands authority and exhibits disregard for the sovereignty and authority of the elected office of Sheriff.

This administrative rule takes a direct route toward assimilating state law into the Code of Federal Regulation. Through this assimilation and, by channeling a large portion of Subpart B orders to the category of Subpart A orders, the nationalization of enforcement of rules becomes troubling. While we recognize that Congress provided the USFS with the authority to create needful rules and regulations to effectively manage NFS lands, we stand firm in the belief that the law prohibits assimilation of state law on those lands held in proprietary interest. Most lands managed by the USFS in the western United States fall under the definition of proprietary interest. We oppose this effort to bolster the federal enforcement tool chest through the assimilation of state law and in fact, we believe by doing so, the USFS may create significant legal challenges across the lands they manage in the western United States. The County Sheriff, working within the legal systems in each of the western states, is best suited to address crimes against people and property. The various legal ramifications for any person charged with alcohol and drug offenses in a state are designed to carry long term impacts associated with not only a

85 citation, but several other requirements related to rehabilitation of the offender and long-term
86 consequences that State legislatures have implemented to increase the safety to the public. The
87 federal government has not legislated in the same manner and is therefore not designed to
88 effectively address these lesser offenses.

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90 Collectively, we find common ground in those specific rule changes that seek to address the use
91 of fireworks on NFS lands as well as use of exploding targets as a commonsense approach to the
92 safety of people and the public lands they use. However, we urge caution in a global approach
93 that may lead to the creation of national ban on the practice of recreational shooting on public
94 lands. Further, we hold some reservations that the banning of these practices will lead to
95 arbitrary enforcement through traffic stops on county and state highways that traverse NFS lands.

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97 The change amending CFR 261.50 (a) and (b) to expressly authorize persons holding positions
98 that are specified in the paragraph, to delegate the authority to persons serving in an acting
99 capacity or to their deputies, appears to contradict and exceed the opinion of the 9th circuit court
100 of appeals. As stated in the document published on the federal register, the court interpreted in
101 *United States vs. True* 946 f.2d 682, 687 that only those persons *holding* the position, or *acting* in
102 the position, can issue orders under 36 CFR 261 subpart B. By amending this definition, it
103 opens the door to a plethora of individuals who could potentially have authority to issue special
104 closure orders. Sheriffs have long recognized the negative impacts of special closures on public
105 lands, and we have argued that Counties should be afforded all opportunities for coordination in
106 these decisions. Great strides should be taken to ensure those who have authority to limit the
107 public use of public lands should be provided with a level of understanding of the impacts of
108 restrictions through the actions of special closure orders. In most cases, the County Sheriff and
109 legislative bodies of the county can provide perspective and alternatives that will least impact the
110 ability to provide public safety services and continue to allow for public access.

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112 The Western States Sheriffs' Association has remained active over the past 18 months in
113 attempting to have this rule voided. We have requested direct assistance from the USFS LE&I
114 division to no avail. The appropriate steps were taken to secure a review by Congress under the
115 "Congressional Review Act" and this effort timed out with no action taken by Congress.
116 Currently, H.R. 6802 serves as our most recent effort to negate the effects of this administrative
117 rule. H.R. 6802 effectively voids the Criminal Prohibition rule. We believe this needs to be the
118 first step toward the restoration of trust and relationship with the leadership of the USFS LE&I
119 divisions.

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121 Sheriffs across the west want a strong working relationship with our federal land managers and
122 the associated law enforcement components. In many cases, Sheriffs are willing to enter into
123 deputation agreements with federal officers to bridge any gaps. Instead of pushing the
124 constitutional boundaries of federal rulemaking, we suggest that MOU's and Deputation
125 agreements are the proper way to deal with shortcomings in efficiency in law enforcement on our
126 national forests.

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128 The people of west deserve professional and competent law enforcement on our nation's public
129 lands. This philosophy and manner of enforcement should be dictated by those who are elected
130 to provide it. That is the County Sheriff.

Many sheriffs across the nation provide law enforcement services within national forests under cooperative law enforcement agreements. This money is allocated to Sheriffs to assist with patrol and response to calls for service on NFS lands. On average, most Sheriffs receive \$5,000 to \$7,000 dollars per year. Over the past 40 years, there has been no increase to this annual allocation. In 1985 the program was funded at about \$7.5 million. In 1993, USFS law enforcement stove-piped their line authority and the funding dropped to \$5 million. Today, 41 years later, the funding remains at \$5 million. During that same timeframe, Sheriffs have dealt with marked cost increases. For example, since 1985 according to the social security index, adjusted cost of living alone totals a whopping 138% increase. A fully equipped Ford F150 cost less than \$15,000 in 1985. That same truck is now pushing \$70,000. Today, with USFS staffing shortages and special assignments, sheriffs are being asked to do more on national forests the program is literally on life support at the current funding levels. We respectfully ask that this committee to review this program and bring it up to a 2026 standard.

The Sheriff's jurisdiction does not end at the boundary of the National Forest System. The enforcement of crimes against persons and property extends well within the boundaries of the National Forest. The decrease in revenues from the curtailment of natural resource management has had devastating economic impacts on counties that contain large portions of NFS lands. It is beyond time that congress addresses this lack of adequate funding to assist with public safety on our nation's public lands. Many of these public lands can be found in the American west. Our member Sheriffs are tasked with providing services to areas that now attract millions of visitors each year. These visitors are often taking advantage of high risks activities that put them in danger and often require an emergency response from the Sheriff and local Search and Rescue teams to conduct sometimes dangerous rescues and recovery. The ability to perform these services at the highest level comes with a cost that is proving to be a heavy burden for small rural counties.

There should be no question, as a matter of state statute, as to who the Chief Law Enforcement Officer of the County is. The elected sheriff is responsible for determining the law enforcement philosophy of the unincorporated land mass of the county including our national forest lands.

The Western States Sheriffs Association does not dispute the legitimacy of the USFS law enforcement component but does hold the belief, based on state law, that the Sheriff is the Chief Law Enforcement Officer of the county. The ongoing use of administrative rulemaking by not only the forest service, but other federal agencies as well, to circumvent congress and its intent is both dangerous and counterproductive to solid working relationships and to the public we serve. There should be no question that this effort of expansion of authority is being conducted in clear contradiction to those rights reserved by the States.

That belief is firmly held by our membership. The county Sheriff, an elected representative of the people, is responsible for determining the law enforcement philosophy as it relates to the protection of life and property within their jurisdictional boundaries.

This philosophy should extend to all policing efforts on federally managed lands. This philosophy should be instilled into the leadership of the USFS. We cannot serve the county residents and visitors who use our nation's public lands when we are divided on the philosophy, method, and in the way we treat the people we serve.

Both County Sheriffs and the managers of federal law enforcement agencies deserve a positive working relationship and open lines of communications. I submit there are several effective remedies that must be considered:

1. The first of these remedies is for congress to advance H.R. 6802 to a vote. The administrative rule titled "Criminal Prohibitions" must be negated and the USFS LE&I division must be directed to the table to work with western Sheriffs to craft a reasonable and legal solution. This solution may manifest itself in the update of the National Memorandum of Agreement and the creation of local Law Enforcement Councils (LECs). In this model, the county Sheriff chairs the Council which is comprised of adjoining county Sheriffs and local USFS law enforcement leadership. These LECs provide the greatest opportunity for open communication on a variety of issues, and all occurs at the local level where it stands the best chance of being effective.
2. Conduct a widespread review of the Code of Federal Regulation currently in use by USFS law enforcement. Every effort should be made to eliminate language that assimilates state crime or state statutes into USFS enforcement. The enforcement of crimes against persons and personal property crimes is, and should continue to be, the primary role of the county Sheriff.
3. Examine the staffing levels of the USFS law enforcement agencies. We believe that funding for those positions that are budgeted, yet unfilled, should be reallocated to the Cooperative Law Enforcement Agreement line item within the USFS annual budget. This additional funding would potentially allow the county Sheriff a better ability to respond to and investigate criminal activity on our public lands.

We continue to be vigilant to ensure there is no expansion of authority and that the USFS law enforcement continues to recognize the authority and responsibility of the county Sheriff.

The Sheriff is chosen by the people of the county to serve as their elected law enforcement representative. The people did not choose the Forest Service for this function. If the local sheriff desires the assistance of the federal law enforcement officers, there is a mechanism in place to accomplish this. Sheriffs, under state statute, have the authority to cross-deputize LEOs. As mentioned earlier, this can also be accomplished through an agreed upon National Memorandum.

The health of our national forests has been on the decline for the past 20 years. This effect has led to a decline in local economies, a reduction in local and state government services, and has had a severe impact on public safety services in many counties across the west.

The original function of resource protection and timber related criminal investigations appear to no longer be the priority of the USFS LE&I division. This may be due to decline in management

222 of our national forests. However, the desire to morph into a traditional police force has been
223 realized and perpetrated in counties across the west. It is possible this was intentionally carried
224 out to preserve and grow the USFS law enforcement component during a time when the normal,
225 recognized functions of the agency were, and have continued to suffer.

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227 While these hearings are important to expose the issues and openly debate them, right now is a
228 time for action. Now is the time to take a substantial step to rebuild trust among Sheriffs and our
229 federal partners. Now is the time to truly evaluate the levels of enforcement capabilities of our
230 national forests law enforcement providers and to fully realize that the county Sheriff is in the
231 best position, from a matter of law, to effectively deal with crime on our nation's forest. I urge
232 this committee to take the time to review all the written testimony. I am hopeful that you will
233 recognize and appreciate our position and reach out to our leadership and the USFS law
234 enforcement leaders. By doing so, we will continue to have opportunities to dialogue with each
235 other and hopefully reach consensus regarding a course of action that improves our public safety
236 services to citizens who recreate and visit our national forest lands.

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238 The WSSA values the relationship that has been built with the USFS LE&I division. We share a
239 common commitment to addressing the issues arising on public lands that affect the use and
240 enjoyment of these lands. We will continue to advocate for the Office of Sheriff and the
241 responsibilities each Sheriff has on all lands within their respective jurisdiction. The transition of
242 management priorities of the USFS over the past 30 years is evident when viewing the
243 transformation of the congressionally approved original charter of the USFS LE&I division.
244 Created for the purpose of enforcing rules and regulations related to fire and resource
245 management, the division has evolved into a more traditional "policing" function. We continue
246 to monitor, with great concern, the deviation from its original mission and feel it should be the
247 subject of a great deal of scrutiny moving forward.

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251 Respectfully submitted,

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