



NEVADA SHERIFFS' & CHIEFS' ASSOCIATION

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**TESTIMONY
REGARDING
OFF-HIGHWAY VEHICLE REGULATION
MANAGEMENT ON PUBLIC LANDS
PRESENTED BEFORE
THE
UNITED STATES SENATE
COMMITTEE
ON
ENERGY AND NATURAL RESOURCES**

JUNE 5, 2008

Good morning Mr. Chairman and Members of the Committee. Thank you for extending the invitation to me to address the committee today.

My name is Frank Adams, the Executive Director of the Nevada Sheriffs' and Chiefs' Association. Through this association, I represent the 17 elected Sheriffs, 13 municipal Police Chiefs and most other local, state and federal law enforcement chief executives officers in Nevada. I am a 38 year veteran of Nevada law enforcement, having worked at the local, state and federal level. Besides my professional experience, I am also a native Nevadan who grew up hunting, fishing and just enjoying the great outdoors of our State. I have owned and used a number of off highway vehicles (OHV) for all of my adult life. My wife and I enjoy using our four wheel drive truck and our ATV to travel the back roads of Nevada. So I speak to you today as a representative of local law enforcement from Nevada and as a long time user of our public lands.

On behalf of the Nevada's Sheriffs and Police Chiefs, it is my privilege to testify before you today about the growing burden on local law enforcement caused by a growing minority of reckless OHV riders and the need for effective management.

When Nevada was admitted to the Union in 1864, one of the prerequisites for State Hood was all non-deeded land was to become property of the federal government. Today that situation still remains with approximately 87% of the land in our State being held in trust by the Federal Government. That is 87% of 110,540 square miles or about 96,000 square miles. As you know, the Bureau of Land Management, U.S. Forest Service and the National Park Service are charged with protecting and managing this land for the good of all Americans. This is a vast amount of land to try to protect and manage. BLM is responsible for 48,000,000 square acres and they police that land with just 28 uniformed officers and 5 special agents. Of those 28 uniformed officers, 16 are assigned to Southern Nevada. The Ely District which is in Northeast Nevada has two officers patrolling 6,000,000 acres of land. The U.S. Forest Service and National Park Service have even few officers. As you can imagine this makes any kind of public lands law enforcement challenging, but particularly with OHVs given the technology that allows users to cover vast distances in remote areas over a short period of time. My fellow officers in other Western states face a similar dynamic.

Fourteen of our 17 counties are considered rural counties and they make up a greater portion of the State. Our local law enforcement agencies outside the urban areas have similar staffing problems as the federal agencies for the area they have jurisdiction over. A good example of this is Elko County located in the northeastern part of our State. Elko County is one of the more populated of our rural counties but it has 17,000 square miles of land. The Sheriffs' Office has just 55 officers available to provide for law enforcement services outside the city limits of three incorporated cities in the county. This number also includes officers required to run the county jail. Another example of our rural counties is Lincoln County with a population of approximately 4,500 people and 10,637



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square miles of land. The Sheriff's Office which is the only local law enforcement in the county has just 15 officers which also include officers to run the county jail.

Besides providing law enforcement services throughout their county, the Sheriffs are also required by Nevada law to be responsible for any Search and Rescue calls within their jurisdictions. In Northern Nevada, there are three or four Search and Rescue missions per month dealing with OHVs. In 2007 in Clark County where Las Vegas is located the Sheriffs' Search and Rescue teams responded to 98 missions involving OHVs. So far this year they have responded to 24 Search and Rescue missions. Although Clark County (i.e. Las Vegas) is considered an urban county, there is still a total of 8,091 square miles of land in the county. Search and Rescue responsibility is commonly the duty of the local Sheriffs thorough out the west. In my conversations with my counter parts in the other western states, I find that the issues of large jurisdictions and small agencies prevail through out our region. .

With such great land masses and so few enforcement officers, it does not take a large group of individuals disobeying federal and local laws to cause a problem. We have determined that a small number of individuals riding OHVs that use our outdoors for recreation are causing the problems. They are reckless in the operation of their vehicles; they disregard instructions to stay off of sensitive lands and are destructive to the facilities that are provided for their use. This is evident by the increase in the number of injuries that are being reported and the increase in the number of search and rescue mission that occur. We see blatant disregard for areas that are posted as "do not travel" as they have been designated sensitive areas. Part of the problem that encourages this reckless behavior stems from the feeling of anonymity that many of the OHV riders have because there is no way of identifying them or their vehicles. Most States do not require a license plate for such vehicles. Those States that do require tagging, the tags are not large enough to be seen with out being in almost on top of the vehicle. If you are able to determine that there is a tag on the OHV, determining the tag number is almost impossible.

When I was an activity duty officer, I have worked a number of cases where irresponsible individuals have disturbed streams and springs to plant marijuana gardens. (Yes, marijuana will grow in the desert with enough water). Or have dumped by-products of drug labs in our deserts, on our watersheds and in our lakes. We have seen pristine areas disturbed by OHV riders for the thrill of an exciting ride. Elk and deer horn hunters have used their OHVs to chase the animals through the trees in hopes of knocking their antlers off so they could be collect for sale. Our Division of Wildlife has confiscated a number of OHVs that have been used in poaching operations and harassing of animals. We have even seen incidents where individuals have used dynamite to blow up restrooms built by the Forrest Service. The reason that they gave for committing such an act was they thought it would be fun and they didn't think they would get caught.



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Wyoming officers have reported to me that they have had OHV riders taking to the high ridges off the marked trails to harass and chase the Elk herds. This has caused them to leave their natural habitats and disturbed the herd's normal activities. Colorado has reported that they have had problems with OHV riders diverting water into meadows and low areas to make a mud bog to ride their vehicles through. This does irreparable damage to some of these very sensitive lands.

The topic of joint cooperation in the enforcement of federal regulations on public lands has been on the working agenda of my association and that of the Western States Sheriffs' Association for a number of years. In order to try to get a handle on these problems, it will take a joint effort by all of the law enforcement resources available. In Colorado, they just passed a State law that makes the violation of federal road closure rules a State violation. The adoption of federal regulations as State law is an approach that will help the problem, but it always comes down to a matter of resources. Speaking for Nevada, many of the local and state agencies are working on or have memorandums of agreement between themselves and the federal agencies such as BLM, US Forest Service and National Park Service. More work needs to be done in this area to insure all our resources can be applied to the successful management of OHV on public lands. As you conduct oversight over Federal Agency plans for managing OHV use on public lands, I would encourage you to ensure there is a law enforcement component in that planning process. Specific actions that can help mitigate this problem before it spins out of control include:

1. Continued and expanded cooperation between federal and local law enforcement
2. Training for local officials and law enforcement officers on the joint protection of our public lands
3. Resources for our law enforcement agencies to complete their mission on public lands
4. Education of the public regarding the seriousness of the problem and the consequence of such reckless behavior
5. Consideration of some type of identification system for those OHV that are not licensed highway vehicles.
6. Federal incentives to States to implement plating of the vehicles and perhaps inclusion of points against drivers licenses for reckless operation of OHVs
7. Encourage the use of basic safety equipment such as signaling devices, ground location panels, and with new technologies. i.e. GPS locators

The Nevada Legislature considered a law last session regarding the licensing and titling of OHV. The big problem that we saw with this bill was that it left out a law enforcement component. The funds that were to be raised by this system would have gone to developing trails which is a admirable thing, but no consideration was given to providing resources to the law enforcement agencies that have to enforce this new law. I fear that there will be a similar absence of enforcement components in the BLM and



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Forest Service travel planning. If this bill is presented again in the legislature, we will be there again trying to make sure that law enforcement has the resources to provide the enforcement required to protect our public lands and the safety services that our OHV users need while using those lands.

Thank you again for the opportunity of addressing this committee and allowing me to share with you some of the issues that are facing us in the Western States. I would like to applaud the committee's leadership in looking into this issue of grave importance. Public lands are a heritage that we need to preserve for all Americans to use and enjoy. We do not want to see a small minority of irresponsible individuals ruin that for those of us that love the outdoors and all that benefits it provides. By focusing on enforcement and education we can solve this problem and improve the quality recreation for everyone, but if we continue to operate as we are now, the problems we are experiencing will only increase.



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