

ORDER

USDA - FOREST SERVICE

BLACK HILLS NATIONAL FOREST

Pursuant to 36 CFR, 261.50 (a) & (b), the following acts are prohibited on the BLACK HILLS NATIONAL FOREST, until further notice.

POSSESSING, STORING, OR TRANSPORTING ANY PART OF A PLANT AS SPECIFIED BY THE ORDER. 36 CFR 261.58(T)

Cannabis sativa L. as defined by Title 21 Section 802 (16).

Pursuant to 36 CFR 261.50(e), the following are exempted from this order:

1. Any Federal, State or local Law Enforcement Officer engaged in official duty.

Done at Custer, South Dakota, this 22 day of July 1997.

/s/ John C. Twiss
JOHN C. TWISS
Forest Supervisor

Violation of this prohibition is punishable by a fine of not more than \$5,000.00 or imprisonment for not more than six(6) months or both. Title 16 USC, Section 551.

JUSTIFICATION

This regulation is intended to give Forest Service Law Enforcement Officers the ability to issue Class B Misdemeanor citations in violation of the above special order.

SUBMIT THE FOLLOWING INFORMATION.

1. STATE THE DESIRED ACT: This prohibition will allow Forest Service Law Enforcement Officers to effectively address misdemeanor marijuana violations on the Black Hills National Forest.

2. REASON FOR THE ORDER: The Black Hills National Forest is becoming a popular location for illegal drug use. This is supported by the increasing number of contacts that Forest Service Law Enforcement Officers have had with marijuana users. Currently, Forest Service Law Enforcement Officers detain violators until State and Local law enforcement can arrive on scene to handle the violation. However, this procedure often causes an inconvenience for everyone involved.

Example: A Forest Service LEO makes an initial group contact, and marijuana pipe is observed in the hand of one of the individuals. The Forest Service Officer seizes the pipe and calls the Sheriff's Dept. for assistance. However, the Sheriff's Dept. dispatch advises the nearest deputy is busy on a disturbance call and no one else is available -- including deputies working in the Rapid City area. After detaining the violator, a deputy arrives on scene. The deputy is frustrated because he/she can't believe Forest Service Officers don't have the authority to handle a misdemeanor controlled substance violation. The Forest Service Officer is also frustrated because he had to wait for the deputy.

3. HAVE OTHER METHODS BEEN TRIED TO RESOLVE THIS PROBLEM? Yes
DESCRIBE: Voluntary compliance, education and state referrals.

4. PERIOD OF TIME THE ORDER WILL BE IN EFFECT: Until Rescinded

5. LIST THOSE EXEMPT FROM THE ORDER: See Order

6. HAS AN ENFORCEMENT PLAN AND A SIGN PLAN BEEN ESTABLISHED?: NO
Who will enforce the order?: Law Enforcement & Investigations

7. WILL THIS ORDER BE REVIEWED ANNUALLY FOR NEED AND PROPER ENFORCEMENT?: Yes

