



Brent White, Sheriff

Lyon County Courthouse

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August 31, 2021

The Honorable Rand Paul
United States Senate
167 Russell Senate Office Building
Washington, DC 20510

Dear Senator Paul:

Thank you for the opportunity to address the issues affecting Lyon County as it pertains to law enforcement response to the US Forest Service (USFS) Land Between the Lakes (LBL) National Recreation Area (NRA) in Western Kentucky. I have attached several documents as a matter of reference which were sent to your office yesterday. The purpose of this correspondence is to correlate the issues our local government faces with respect to the limited availability of federal law enforcement in the LBL NRA and determine the best course of action for a solution to these issues.

For perspective, our knowledge and research indicate from 1963 to the 1990's when the Tennessee Valley Authority (TVA) was in control of the management of the LBL, they had a maximum of twenty-seven (27) officers assigned to this NRA as part of their TVA Police division. Since 1998 when the US Forest Service took over management of the LBL NRA, they reduced this compliment to around nine to ten (9-10) Forest Service Law Enforcement Division officers. Today, the number of officers assigned to the LBL NRA is reported to be three (3).

In 2019, I became Sheriff of Lyon County after retiring from the Kentucky State Police in 2017. I'm humbled and honored to hold this position and continue serving our citizens. After approximately four months in office at the beginning of 2019, our agency began experiencing an abnormal call volume as it pertained to law enforcement response in the LBL NRA. Please see Exhibit 1 attached.

In the summer of 2019, I notified Lyon County Judge Executive Wade White about these occurrences and questioned our statutory obligation to respond to this federal property in order to provide services when the agency in control of this NRA had a dedicated law enforcement division.

On July 8, 2019, Judge White authored a letter to Congressman James Comer explaining the fiscal impact and essentially asking five questions as it pertained to our response within the LBL NRA. Please see Exhibit 2 attached.

Also in July of 2019, our agency received a call from Mr. Seth Hancock, AUSA, of the US Attorney's Office for the Western District of Kentucky-Paducah Division, asking if we could provide more resources to LBL, due to their officer numbers being reduced to four (4). We pledged to assist where we could; however, it was explained the financial impact we were already experiencing with the increased services we were providing to LBL.

On August 23, 2019, Congressman Comer received return correspondence from Ms. Victoria Christansen, Chief of the USDA Forest Service in Washington, DC. In this letter, Chief Christansen pledged to arrange a meeting with Judge White and myself to address these issues. Unfortunately, this meeting never occurred, and we never received the courtesy of a phone call from anyone within the Forest Service concerning these matters. Please see Exhibit 3 attached.

In addition, the Forest Service attempted to claim the Weeks Act of 1911 called for the respective county sheriff or other similar law enforcement agent to have the general responsibility for law enforcement within the NRA property. Our research indicates the Weeks Act does allow for concurrent jurisdiction; however, this was the first time we had ever heard a federal agency in charge of the LBL NRA assert that law enforcement on this federal property was the responsibility of the county sheriff's office.

In addition, we believe Section 1 of 16 USC 551(a), and 16 USC 553 commands the Forest Service to cooperate with local law enforcement; however, 16 USC 559 designates the primary agency with authority to enforce laws and regulations in the NRA squarely upon the "Forest Service of the United States".

In the late summer and fall of 2019, Lyon County was forced to lay off employees in county government and drastically cut expenditures to balance our budget. This was mainly attributed to rising pension and jail costs. These costs continue to plague our county and rob it of other services on a daily basis.

In 2020, I made the difficult decision to amend the dispatch protocol for deputies of the Lyon County Sheriff's Office as it pertained to LBL NRA response. We did not halt response to the LBL; but we did limit it, by putting our agency in a third level, or tiered response protocol. This was in an effort to cut costs and maximize coverage to the remainder of our county, where our tax paying citizens reside (i.e., outside of LBL). Please see Exhibit 4 attached.

In 2021, we learned there were two staffing formulas as it pertained to the deployment of law enforcement officers on federal lands. These formulas are listed below:

1. Officers per visit to the NRA (previously used to staff officers)
2. Officers per acres in the NRA (currently used to staff officers)

I submit to you the LBL NRA is unique to any other national forest managed by the Forest Service, and because it is an NRA rather than only a forest, it receives more visitors and more demand for law enforcement services.

On July 28, 2021, Judge Executive White, Trigg County Judge Executive Hollis Alexander, and I participated in a video conference call with members of the US Forest Service to discuss these same issues. During this conference call, I explained the reduction in the amount of state law enforcement officers and our inability to continue providing the support to LBL due to financial and manpower constraints.

I believe the Forest Service had intended to request our agency sign a Memorandum of Understanding (MOU) for Law Enforcement support to the LBL NRA at no cost; however, I suggested otherwise prior to this discussion. I specifically told the USFS we desired to assist them; but the only way we could continue assisting them with support to the LBL NRA was with a financial commitment from the federal government in the way of a Cooperative Law Enforcement Agreement.

At a minimum we suggested starting with adding two (2) deputies to our ranks for a total of \$200,000 annually (or \$100k per deputy). Realistically, if the USFS was serious about improving public safety in the LBL NRA, they would contract in each of the three affected counties of Lyon, Trigg, and Stewart County (TN) for three (3) deputies each, which would get us back to a compliment of nine (9) officers for service in the LBL NRA.

In exchange for the annual stipend, our agency agreed to provide (1) dedicated patrols in high visit areas; (2) dedicated patrols on weekends and during other high visit periods; (3) have additional officers assigned to LBL during large events or gatherings; and (4) enforce laws and regulations by means of vehicle checkpoints in areas of high use, to enforce DUI laws, area use permits, other NRA regulations.


Lastly, I call your attention to the Payment in Lieu of Taxes (PILT) received by Lyon County as it pertains to the LBL NRA. Just ten (10) years ago, our county received over \$352,000 in PILT. The current year, we are expecting \$120,959 in PILT. This will be the lowest amount of PILT we've received since prior to FY 2003. The amount of money requested to provide three (3) additional deputies (i.e., \$300,000) to our ranks to supplement law enforcement services in the LBL NRA is not much more than the highest PILT paid to our county. Please see Exhibit 5 attached.

In closing, we respectfully request the USDA either (A) fully fund the Law Enforcement Division of the USFS for the LBL NRA in order to increase their compliment to a level whereby they can adequately respond to the call volume within this federal property; or

(B) enter into a Cooperative Law Enforcement Agreement whereby the USFS contracts financially with our agency to provide law enforcement services in the Lyon County portion of LBL. Our agency already has the radio capability (i.e., tower sites in LBL and Kuttawa) to serve this area, and the knowledge to police this area; however, we do not have the manpower nor funding to continue the current course.

The situation at LBL NRA is critical at best and dire at worst. We request your investigation of this matter in the United States Senate, as the USDA has previously promised to rectify this unfortunate set of circumstances with a sitting US Congressman and have failed to make good on their promises. Lyon Countians and the visitors to this NRA deserve better. Thank you in advance for your cooperation with this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Brent White". The signature is written in black ink and is positioned above a horizontal line.

Brent White, Sheriff

cc: Affected County Judge Executives, Sheriffs, and County Mayor