

# Umatilla Tribal Fish & Wildlife Enforcement

Project ID # 195505500

## Responses to ISRP Preliminary Comments and Recommendations

### Conservation Enforcement

#### General Comments on Conservation Enforcement Proposals:

#### Response to General Comments on Conservation Enforcement Proposals:

A basic question these proposals should address is how to determine the best mix of enforcement personnel and public education to produce the greatest net enforcement benefits.

We propose a three-prong approach to determine the best mix of enforcement personnel and public education to produce the greatest net enforcement benefit:

- (1) Historical Perspective -- examine the methods and mix of enforcement to public outreach used in the previous (1992-97) system-wide project (Project 92-024) with nine participating enforcement entities – and examine system-wide strategies that the Umatilla Tribal Project could contribute to and benefit from;
- (2) Adaptive Management – start by seeking the cooperation of existing Tribal (Umatilla and CRITFE) public outreach resources and match it with the efforts of the two proposed conservation enforcement officer positions. Part of the conservation officer’s job will be to provide information and education to resource users. After the first year of project implementation experience, we can examine project levels of effort (enforcement/outreach) and strategies for public education and identify opportunities for improvement; and
- (3) Innovative -- consider new approaches that would integrate advanced technology and the web-based Conservation Enforcement Data Center Concept with the need to reach out and inform various segments of the public. If the Conservation Enforcement web site is fully developed, it could provide a means to monitor public awareness relative to key resource issues – both for tribal fishers and the general public.

Each proposal should justify the size of a core staff necessary for effective enforcement and place the current request in the context of core staffing needs.

We are requesting funding for two positions dedicated to natural resource enforcement issues. Based on our experience from the initial BPA-funding in 1997 this is a minimum level that is probably much less than a “core” level needed to achieve “effective enforcement”. Our strategy is to initiate our BPA-funded conservation enforcement program at a low level and seek to optimize the level of effort in the future based on post-implementation experience and Adaptive Management.

Our core responsibilities include a variety of resource issues, including: fishery and habitat protection on the Umatilla Reservation; cooperative Enforcement of Umatilla Tribal members in Treaty Fisheries (including Zone 6); public calls to service on various natural resource issues; cultural resource (ARPA and NAGPRA) enforcement; assistance to local enforcement entities with emergency life-saving actions (e.g., boat search & rescue) for fishers and other resource users; safety issues for Umatilla Tribal members at usual and accustomed areas and in lieu sites; cooperative efforts among the four Treaty Tribes to protect essential fish & wildlife habitats; and, cooperation with inter-agency (state and Federal) anadromous fishery enforcement efforts. Enhanced enforcement plans would be developed to protect ESA-listed species and their critical habitats. With respect to the necessary level of enforcement effort; we would consider historical anadromous fish run-size trends, current conditions, future salmon population projections, Salmon Recovery Planning Horizons, and needs documented in Subbasin Planning. After sufficient implementation experience, we would evaluate “effective enforcement” via continuous long-term monitoring of various enforcement compliance rates, inter-dam loss, estimates of illegal take within tributary streams, and available biological data (e.g., harvest levels, other sources of in-stream mortality, and trends in hatchery returns).

Since we first started a conservation enforcement effort in 1997, Oregon State Police has reduced cooperative enforcement efforts within our area of co-management due to budget cuts and defers all responsibility for fish & wildlife enforcement within the Umatilla Reservation to Tribal Police. In addition, since 1997 additional species and stocks of anadromous salmonids have been listed as Threatened or Endangered and received additional protection under the ESA. The ESA-listed stocks receive increased consideration relative to various ESA processes including the Hydropower Biological Opinion and the reasonable and prudent actions it stipulates. Furthermore, greater consideration of habitat protection has been identified during the NPPC Provincial Review Process that includes the development of detailed subbasin assessments and subbasin plans.

Given the large geographic area of the Umatilla Reservation (about 292,000 acres) and probable increasing demand for services once the two positions come on line – we anticipate that the level of effort to meet “core responsibilities” would be much greater than the initial two FTE we have proposed for BPA funding. In future years we plan to seek additional support for conservation enforcement from BIA, NMFS and Department of Justice Grants – based on the success that CRITFE has had in obtaining funding from these sources in recent years.

The proposals should also describe the potential for matching effort.
---

The Umatilla Tribal Police is currently providing a minimal level of effort (0.5 FTE) to maintain a conservation enforcement program that we can build upon. The BPA funding would provide a significant level of additional effort to provide enhanced resource protection. In future years, we plan to seek additional matching effort from alternative funding sources, e.g., BIA, NMFS and Department of Justice (see above). Once the program is funded by the BPA, the Umatilla Tribal Police will increase the match to (1.0 FTE) during the grant period.

Officers should be trained in fish and wildlife (as with the NPT).

If our BPA funding is approved, we will immediately implement a hiring process and concurrently develop a plan for Police Academy training (based on Umatilla Tribal Police Standards). Umatilla Tribes Fish & Wildlife training will be based on the model developed by the NPT Conservation Enforcement Department (see description below). We will contact Chief Adam Villavicencio (NPT-CE) and Chief John Johnson (CRITFE) to get their advise on setting up a training plan for fish, wildlife, habitat, and other conservation-related issues. We will also contact National Marine Fisheries Service and request sponsorship into their Academy – as was accomplished by the NPT-CE Department.

The NPT conservation enforcement training example consists of federal academies and on-the-job training leading to conservation officer certification by the Tribe:

- Bureau of Indian Affairs – Indian Police Academy, Artesia, New Mexico
- Basic Land Management Academy – National Marine Fisheries Service, Glynco, Georgia
- Field Recruit training (officer ride along) – on reservation
- Officer Certification -- Federal Land Management Training Academy<sup>1</sup>

In addition to basic police training, specialized training will include resource management fundamentals, fish & wildlife biology, Endangered Species Act processes, Federal and State fish & wildlife regulations, CTUIR Fish & Wildlife code, physical fitness, hand to hand combat, emergency medical assistance, and search & rescue. The CTUIR Officers will attend the Oregon Police Academy for their Oregon Police Certification instead of the Indian Police Academy.

Describe how the impact of public education – e.g . changes in public awareness or increases in enforcement effectiveness – will be measured. Metrics to measure success and evaluate program performance need to be identified. These metrics and the monitoring program they enable should be described in advance of program enhancement.

---

<sup>1</sup> The Federal Land Management Training Academy is a multi-agency facility for training of federal conservation law enforcement personnel stationed throughout the United States; the National Marine Fisheries Service sponsors the Nez Perce Tribal officers.

The following null hypothesis and possible metrics are proposed for Public outreach, education, awareness, participation (refer to Table 1):

**H0:** Improved public education and awareness does not enhance LE efforts via public support and involvement.

**Metrics:** Public opinion polls, public volunteer work, voluntary compliance with laws and rules, “poacher hotline” information on violations.

Given a Conservation Enforcement web site that is accessible to large numbers of individuals interested in fish & wildlife, the internet could be used as a tool to conduct public opinion polls to measure public awareness of important conservation enforcement issues. The general approach would be to:

1. Develop a Public Opinion Web Site Page that is informative, interesting and accessible;
2. Develop a data base of individuals interested in resource management (with key descriptors to indicate special characteristics, e.g., sport fisher, tribal fisher, non-consumptive resource user, etc.);
3. Develop issue statements of fundamental importance to conservation enforcement;
4. Use e-mail as a tool to distribute questionnaires (possible rewards for participation);
5. Publish results on the web site to enhance interest and participation;
6. Monitor results of the public opinion polls over time.
7. Public presentations at local schools, media press releases and manning public informational booths at fairs and civic events promoting our conservation efforts.

In addition, statistics on public participation could be derived from conservation officer contacts and web site enhanced “poacher hotlines” to report violations. For example, various public participation statistics could be monitored over time:

- the number of citizens volunteering to participate in conservation enforcement efforts (patrol ride-along, school presentations, etc);
- the number of calls to violation hotlines and web-based violation reports;
- compliance rates for primary categories of violations in different areas.

## **ProjectID: 195505500**

Umatilla Tribal Fish & Wildlife Enforcement

**Sponsor:** CTUIR

**FY03 Request:** \$178,073

**5YR Estimate:** \$983,829

**Short Description:** Increase law enforcement (LE) protection to fish, wildlife, their critical habitats and other essential natural resources within watersheds managed by CTUIR. The program will be coordinated with all other resource enhancement projects of the tribe.

**Response Needed?** Yes

**ISRP Preliminary Comments:**

This proposal is similar to those presented by the Colville and Nez Perce. All include increased enforcement, enforcement coordination among agencies, and public awareness.

**Response to the following ISRP comments specific to the CTUIR Enforcement proposal:**

**• More detail should be provided on the metrics used to evaluate progress toward meeting objectives.**

The Columbia Basin Fish & Wildlife Authority and the Northwest Power Planning Council have directed that, beginning in year 2000, comprehensive Monitoring & Evaluation (M&E) be an integral part of fisheries & conservation law enforcement projects funded via the regional process. The Umatilla Tribes' Conservation Enforcement project is based on Adaptive Management principles, and we anticipate that M&E coupled with responsive CE management will result in continual improvements in the efficiency and effectiveness of our program – as an iterative process over time. Enhancements will occur both in terms of refining performance measures that best fit our specific CE application and changing our enforcement implementation approach & evaluation methodology to address opportunities for project improvement. This adaptive management process will not occur all in the first year, but incrementally over the life of the project. The following three law enforcement effectiveness objectives and three biological objectives will be incorporated into the evaluation of the Umatilla Tribes' CE program.

Law Enforcement Effectiveness Objectives:

- Increased LE effectiveness throughout the watersheds of the Columbia Basin under the co-management of the CRUIR – via increased public awareness, voluntary compliance with laws and rules, and deterrence of illegal activities.
- Increased LE effectiveness in anadromous and resident fish protection via annual planning to ensure effective use of personnel and equipment, and close coordination with fisheries management and regulatory agencies.
- Increased LE effectiveness in anadromous and resident fish protection via long-term strategic planning, tribal coordination at LE command levels, and support of state & federal enforcement agencies.

Biological Objectives:

- Improvement in adult salmon survival during in-river migration as measured by temporal trends in inter-dam and reach conversion rates.
- Increased survival of juvenile salmon and protection of critical habitat as measured by case studies, and compliance with various regulations.
- Increased survival of resident fish populations (e.g., lamprey and sturgeon) via enforcement, habitat protection, and public outreach.

These objectives can be measured against specific biologically-based performance criteria and metrics (Table 1).

**Table 1. Performance criteria, null hypotheses, and metrics for evaluation of biological benefits of enhanced law enforcement.**

<b>Performance Criteria</b>	<b>Null Hypotheses</b>	<b>Metrics</b>
<b>Adult salmon passage survival through the migration corridor, fisheries, and tributary streams.</b>	An increase in the level of enforcement in the mainstem Columbia River and tributaries does <u>not</u> reduce illegal take and improve adult salmon survival.	Inter-dam conversion rates, Bonneville to McNary dams. Adult passage monitoring, estimates of losses due to illegal take, and radio telemetry studies in tributary areas under the jurisdiction of the CTUIR.
<b>Protection of critical spawning and rearing habitat of anadromous salmonids.</b>	Enforcement of habitat regulations <sup>2</sup> in tributary areas does <u>not</u> increase natural production success or improve the integrity of critical habitat.	Compliance rates with laws and rules for the protection of stream habitat, riparian zones, watersheds and ecosystems.
<b>Juvenile salmonid out-migration survival through the migration corridor</b>	Enforcement of “trout” fishing regulations and water diversion & screening regulations does <u>not</u> increase juvenile salmonid survival in tributaries and mainstem.	Compliance rates with “trout” fisheries and screening regulations on mainstem pump and tributary diversions.
<b>Inter-agency coordination</b>	Enhanced inter-agency coordination and resource sharing does <u>not</u> improve efficiency and cost-effectiveness of LE efforts.	Contacts, enforcement statistics, habitat protected, and fish saved via CTUIR and inter-agency task forces.
<b>Public participation</b>	Improved public education and awareness does <u>not</u> enhance LE efforts via public support and involvement.	Public opinion polls, public volunteer work, voluntary compliance with laws and rules, “poacher hotline” information on violations.
<b>Resident Fish</b>	Increased levels of law enforcement for Columbia Basin resident fish species and their critical habitats does <u>not</u> improve the species’ life cycle survival and population levels.	Enforcement statistics; compliance rates with laws and rules; run size estimates, fisheries statistics; public awareness.

<sup>2</sup> State and Federal water quality standards, Forest Practices Acts, BLM grazing regulations, etc.

**· How would you determine whether voluntary compliance is optimized, or whether enforcement efficacy and accountability is maximized? Probably the best that can be done is to measure improvement to some specified standard.**

After we develop and implement consistent protocols for collection of fundamental enforcement statistics, we can compile and evaluate compliance statistics based on the ratio between the number of violations to the number of enforcement contacts. Compliance rate is calculated as:

**Equation:**  $1 - (\text{total number of violations} / \text{total enforcement contacts})$ , expressed as a percentage. Monitoring violation rates (and its inverse compliance rates) over time will provide a means of tracking enforcement efficacy. We would also examine enforcement input/output statistics from the 1997 demonstration project to attempt to quantify baseline (pre-project) conditions. Evaluation of compliance rates measured during this project can be compared to similar metrics from the ongoing CRITFE mainstem and NPT-CE tributary project for the purposes of developing a performance standard for this project and perhaps performance standards (or targets) that would be applicable to system-wide enforcement efforts.

**· Specify the type of coordination with other law enforcement units.**

As one of the four Lower Columbia River Treaty Tribes, the CTUIR has always coordinated closely with CRITFE concerning mainstem Zone 6 fisheries enforcement issues. During the initial BPA-funded demonstration project in 1997, the Umatilla Tribal Police Department developed excellent coordination and cooperation with the Oregon State Police (OSP) Fish & Wildlife Division. The OSP and the Umatilla Tribal Fish & Wildlife Enforcement coordinated patrol efforts to provide patrol coverage to selected areas during specific angling seasons. These cooperative patrol efforts were also conducted with the Washington Department of Fish and Game. These joint efforts proved quite successful and gained media attention in the local "East Oregonian" newspaper in 1998.

At present our conservation enforcement efforts are very limited, but we still maintain a good working relationship with OSP fish & wildlife enforcement. We would seek to continue and enhance coordination and cooperative efforts with OSP and CRITFE when our Conservation Enforcement efforts are enhanced to a more significant level of effort. In addition, we anticipate the need to improve coordination with the National Marine Fisheries Service with respect to ESA issues and other BPA-funded tribal enforcement entities (e.g., NPT-CE and Colville Tribes) in order to coordinate on issues of system-wide scope and high regional importance.