

PART I - ADMINISTRATIVE

Section 1. General administrative information

Title of project Protect Anadromous Salmonids In The Mainstem Corridor	
BPA project number	9202400
Contract renewal date (mm/yyyy)	January 1, 2000
Multiple actions? (indicate Yes or No)	
Business name of agency, institution or organization requesting funding Columbia River Inter-Tribal Fish Commission – Law Enforcement Department	
Business acronym (if appropriate)	CRITFE
Proposal contact person or principal investigator:	
Name	Captain John B. Johnson
Mailing address	4270 Westcliff Drive
City, ST Zip	Hood River, Oregon 97031
Phone	(541) 386-6363
Fax	(541) 386-6620
Email address	hrojohj@gorge.net
NPPC Program Measure Number(s) which this project addresses Law Enforcement – Section 8.5C.2	
FWS/NMFS Biological Opinion Number(s) which this project addresses The Biological Assessment of CRFMP fisheries (Jan-July 2000) is currently being prepared by the U.S. vs Oregon Technical Advisory Committee (TAC). The subsequent NMFS Biological Opinion will be completed by Dec. 31, 1999.	
Endangered Species Act Section 7(a)(1) -- Specifically lists law enforcement as one of the conservation measures to be used to rebuild threatened or endangered species to achieve de-listing (Section 3(3)).	
Other planning document references	
(1) Wy-Kan-Ush-Mi Wa-Kish-Wit Section 5A-4 -- Law Enforcement: <i>"Continue coordinated harvest law enforcement; develop habitat protection law enforcement."</i>	
(2) Snake River Draft Final - Recovery Plan Section 8 entitled <i>"Law Enforcement Coordination"</i> which states (in part) under Task B - <i>Maintain or increase law enforcement presence to achieve high levels of deterrence."</i>	
(3) Needs Assessment of Tribal Law Enforcement (Vigg and Stevens 1996): This research was initiated by the Columbia River Inter-Tribal Fish Commission, Enforcement Department for the purpose determining the status of existing, overall enforcement efforts in the sub-basins of the Columbia River and to assess the need for additional "tribal tributary" enforcement and to develop a strategic plan for implementation of enhanced	

tribal tributary enforcement protection of anadromous and resident fish.

(4) **Research Into Action Law Enforcement Evaluation** conducted by Jane Peters, Ph.D, Research Into Action; John Pizzimenti, Ph.D. - Harza Northwest; Darryll Olson - The Pacific Northwest Project; Andy Dunau - Dunau Associates; and John Campbell, Campbell-DeLong Resources, Inc. (September 24, 1997).

(5) **The Columbia River Fisheries Management Plan (1987):** The Treaty Tribes have unequivocal co-management responsibility for anadromous salmonids in the Columbia River Basin through treaties and litigation.

(6) **The Snake River Salmon Recovery Team (1994):** *The BPA, the fishery agencies and the tribes should continue the Enhanced Fishery Enforcement Program.*"

(7) **The Memorandum of Agreement relative to BPA Fish and Wildlife Funding (1996):** *"...pursuant to the Parties' significant and continuing responsibilities toward the Indian Tribes of the Columbia River Basin and their fish and wildlife resources, arising under the United States' trust obligations, treaties, statutes and executive orders."*

(8) **BPA Tribal Policy, April 29, 1996:** *"BPA recognizes that a trust responsibility derives from the historical relationship between the Federal government and the Tribes as expressed in Treaties.....," "BPA commits to a government-to-government relationship with the Tribal governments...."*

(9) **Secretarial Order 3206: American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act - June 5, 1997.**

Short description

Protect anadromous fish species throughout the Columbia Basin with an emphasis on protection of weak stocks. Protection will be concentrated within the hydro-corridor (e.g., between Bonneville and McNary dams) and focus on adult spawners.

Target species

Anadromous Salmonid

Section 2. Sorting and evaluation

Subbasin

Mainstem Columbia River and Environs - focus effort in Zone 6 (from Bonneville Dam to McNary Dam).

Evaluation Process Sort

CBFWA caucus	CBFWA eval. process	ISRP project type
X one or more caucus	If your project fits either of these processes, X one or	X one or more categories

		both	
X	Anadromous fish	Multi-year (milestone-based evaluation)	Watershed councils/model watersheds
	Resident Fish	Watershed project eval.	Information dissemination
	Wildlife		Operation & maintenance
			New construction
			Research & monitoring
			X Implementation & mgmt
			Wildlife habitat acquisitions

Section 3. Relationships to other Bonneville projects

Umbrella / sub-proposal relationships. List umbrella project first.

Project #	Project title/description

Other dependent or critically-related projects

Project #	Project title/description	Nature of relationship
9202409	Nez Perce Fisheries Enforcement	
	Umatilla Fisheries Enforcement	
	Other Fisheries Enforcement Programs/Mainstem or Sub-basins	

Section 4. Objectives, tasks and schedules

Past accomplishments

Year	Accomplishment	Met biological objectives?
1992	BPA enhanced funding was used to hire additional CRITFE enforcement personnel commencing in 1992. This resulted in a 32% increase in field enforcement patrol effort (field patrol hours) above base-level funding (i.e., 1991 and previous years).	Yes. The biological objective was to enhance enforcement efforts and capabilities in order to protect migrating anadromous salmonid. BPA funding allowed CRITFE to significantly increase field patrol activities, which resulted in a significant increase in enforcement actions taken (i.e., arrests, seizures).

1993	Additional (above 1992 level) enforcement personnel were hired in 1993 which resulted in a cumulative 45% increase in field patrol effort above the pre-1992 base-level (pre-BPA funded years).	Yes. A “ <i>deterrent effect</i> ” was observed in that even though effort continued to increase, arrests decreased 49% from 1992 to 1993 and the number of seized nets dropped 32% from 1992 to 1993.
1994	The overall goal at this point in time was to create a deterrent effect on unlawful activities by utilizing highly visible enforcement patrols. Enforcement statistical data trends strongly indicated high levels of compliance in the Indian Treaty Fishery.	Yes. Even though patrol effort remained high, enforcement actions taken (i.e., arrests, net & fish seizures) were at an all-time low since 1991. The BPA final report (1992-94, Vigg, editor 1995) documented that enhanced law enforcement was associated with biological benefits to anadromous salmonids in the mainstem Columbia River.
1995	Enforcement actions this year (compared to the first year of enhanced BPA funding) were as follows: Arrests were down 43%; net seizures were down 35%; and fish seizures were down 39%.	Yes. When you know your patrol coverage is adequate and effective, and yet enforcement actions remain stable or continue to decrease, it’s reasonable to conclude that your efforts are having the desired effect (i.e., unlawful activities are being deterred because there is a high expectation on the part of the potential violator of getting caught if they engage in unlawful activities.
1996	Enforcement action trends remained reasonable stable indicating that enhanced, long-term, enforcement effort creates a deterrent effect on unlawful fishing activities.	A CRITFE 1992-96 Performance Evaluation (S.P. Cramer & Associates, Steve Vigg, Senior Fisheries consultant - August 1997) documented that Zone 6 enforcement activities were associated with biological benefits to anadromous salmonids and other fish species in the mainstem Columbia River.
1997	From 1992 (the first year of enhanced BPA funding) through 1997, tribal arrests have decreased by 59%. Tribal gillnet, setline and hoopnet seizures have decreased by 63%. From 1991 (before BPA enhanced funding) through 1997, patrol effort (expressed in actual field patrol hours) has increased 70%.	Even though enforcement patrol efforts have increased significantly, violations (expressed in actual arrests and illegal gear seizures) have declined significantly, a strong indication that deterrence is working.

Objectives and tasks

Obj 1,2,3	Objective	Task a,b,c	Task
1	Enhanced enforcement for protection of anadromous & resident fish throughout the Columbia Basin.	A	Maintain enhanced level of enforcement personnel over baseline (2 officers).
		B	Increase overall fisheries and habitat enforcement effectiveness focused within the hydro corridor (Zone 6) over pre-1991 baseline.
		C	Coordinate with other enforcement entities to enhance protection for depleted fish stocks throughout the Columbia Basin in conjunction with tribal policy directives and guidelines. Specific coordination action plans developed in coordination with tribal fishery management goals, objections and priorities.
		D	Maintain an enhanced level of overt and covert operations, aircraft surveillance, inter-agency task force operations and public awareness efforts via cooperation with other enforcement entities.
		E	Where possible, provide other enforcement entities with assistance for protection of resident fish in tribal fishing areas and provide task force support in coordination with the four Treaty Tribes (within constraints of current funding levels).
		F	Where possible, provide other enforcement entities with assistance for protection of critical habitat of anadromous and resident fish throughout tribal fishing areas and provide task force support in coordination with the four Treaty Tribes (within constraints of current funding levels).
		G	Provide required basic and advanced training of fisheries enforcement personnel relative to specific tribal and Inter-Tribal enforcement responsibilities.

Obj 1,2,3	Objective	Task a,b,c	Task
2	Develop and conduct environmental and habitat enforcement programs and projects in coordination with tribal, state and federal regulatory agencies.	A	Seek opportunities for specialized training for law enforcement personnel in the area of environmental and habitat enforcement application techniques via inter-agency cooperation & resource sharing.
		B	To the extent practicable, coordinate field operations in a specific location with local enforcement agencies, e.g., city police, county sheriffs, and tribal police.
		C	Where possible, work within tribal policy guidelines and in coordination with state, tribal and federal agencies in an effort to , provide other enforcement entities with assistance for protection of spawning and habitat areas in conjunction with “gravel-to-gravel management”. Coordinate with tribal conservation enforcement efforts and participate in basin-wide habitat enforcement efforts - within the constraints of current funding levels.
		D	To the extent possible assist other agencies in the coordination and integration and expansion of the currently funded Tribal Tributary Enforcement Programs -- within the constraints of current funding levels.
	Optimize voluntary compliance with laws and rules to protect Columbia Basin fishes and their critical habitats -- via increased public involvement and deterrence of illegal activities.	A	Coordinate with the Public Information Departments of the Columbia River Inter-Tribal Fish Commission and the four Treaty Tribes in an effort to increase public awareness of the effects of illegal take and habitat degradation on anadromous salmonid and resident fish

Obj 1,2,3	Objective	Task a,b,c	Task
			stocks -- with emphasis on the need to conserve depleted naturally spawning stocks. Educate the general public as well as resource user groups as to the critical and important role that protective enforcement plays in comprehensive recovery plans for salmon and resident fish.
		B	Educate the public (both Indian and non-Indian) on the major issues related to restoration of depleted fish stocks in the Columbia Basin -- with a focus on the role of enforcement by providing information in a variety of formats and developing objective news releases to various media
4	Continue coordination with CRITFC fisheries management to assure that enforcement efforts are conducive to tribal fish and wildlife protection and enhancement priorities.	A	Coordinate with fish and wildlife biologists, managers, and policy makers within CRITFC, individual tribes, and other cognizant entities -- to identify and prioritize law enforcement activities in the Columbia Basin. Promote inter-agency cooperation to complement and maximize the efficiency of tribal mainstem and tributary (i.e., "gravel to gravel") management goals -- relative to the protection and enhancement of anadromous and resident fish stocks and their critical habitat
		B	Coordinate with regional fish and wildlife management, planning, and funding entities within Columbia Basin (e.g., PFMC, PSMFC, the Columbia River Compact committees, Recovery Plan Teams, CBFWA, NPPC, and BPA) to identify and prioritize law enforcement activities in the Columbia Basin that will complement and maximize the efficiency of regional management goals -- relative to the protection and enhancement of

Obj 1,2,3	Objective	Task a,b,c	Task
			anadromous and resident fish stocks and their critical habitats.
		C	Develop annual cooperative enforcement plans for the protection and enhancement of Columbia Basin fish stocks and their critical habitats, using the input and review derived from the coordination described in the above tasks.
5	Maximize the accountability of CRITFE enhanced law enforcement for the protection of fish and their critical habitats.	A	Develop performance standards and specific quantitative and qualitative criteria to objectively measure achievement of biological results from law enforcement efforts.
		B	Collect and summarize law enforcement statistics using a consistent methodology and document the results of the CRITFE enhanced law enforcement program through required quarterly and annual reports.
		C	Contract periodic independent scientific evaluations of the efficacy of enhanced Inter-Tribal fishery enforcement efforts in Zone 6 of the Columbia River.
		D	Use strategic planning and an adaptive management protocol to make annual refinements to CRITFE enforcement efforts.

Objective schedules and costs

Obj #	Start date mm/yyyy	End date mm/yyyy	Measurable biological objective(s)	Milestone	FY2000 Cost %
1	01/2000	12/2000	Increased protection and survival of anadromous	X	52 %

Obj #	Start date mm/yyyy	End date mm/yyyy	Measurable biological objective(s)	Milestone	FY2000 Cost %
			salmonid (and other fish species).		
2	01/2000	12/2000	Increased habitat protection.	X	40 %
3	01/2000	12/2000	Optimize voluntary compliance – increased fish protection & survival via increased public involvement and deterrence of illegal activities.		
4	01/2000	12/2000	N/A		3 %
5	01/2000	12/2000	Accountability for protection and survival of fish.	X	5 %
				Total	100 %

Schedule constraints N/A
Completion date Completion date: The <i>enhanced</i> CRITFE mainstem program should be maintained until there is a substantial improvement towards the rebuilding (to harvestable levels) and salmon and steelhead passing the Treaty Fishing grounds.

Section 5. Budget

FY99 project budget (BPA obligated):	\$ 0.00
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FY2000 budget by line item

Item	Note	% of total	FY2000 (\$)
Personnel		25	97,242
Fringe benefits		8	30,631
Supplies, materials, non-expendable property		6	24,500
Operations & maintenance		17	67,100
Capital acquisitions or improvements (e.g. land, buildings, major equip.)		8	29,250
NEPA costs		0	0
Construction-related support		0	0

PIT tags	# of tags:	0	0
Travel		1.5	5800
Indirect costs		25.5	98,904
Subcontractor		9	35,000
Other			0
TOTAL BPA REQUESTED BUDGET			\$388,427

Cost sharing

Organization	Item or service provided	% total project cost (incl. BPA)	Amount (\$)
Dept. of Interior	Baseline Enforcement	67.31 %	\$800,000
BPA Request	Enhanced Enforcement	32.69 %	\$388,427
Total project cost (including BPA portion)			\$1,188,427

Outyear costs

	FY2001	FY02	FY03	FY04
Total budget	\$407,848	\$428,240	\$449,652	\$472,134

Section 6. References

Watershed?	Reference
	Research Into Action, Jane Peters, John Pizzimenti. Evaluation of the BPA funded Law Enforcement Program, September 1997. Initiated and funded by BPA.
	Bevan, D., J. Harville, P. Bergman, T. Bjornn, J. Crutchfield, P. Klingeman, and J. Litchfield. 1994. Snake River Salmon Recovery Team: final recommendations to the National Marine Fisheries Service. May 1994. Rob Jones, Recovery Plan Coordinator. National Marine Fisheries Service, Portland, Oregon.
	ESA (The Endangered Species Act of 1973, as amended through the 100th Congress). 1973. The ESA as Amended by P.L. 94-325, June 30, 1976; P.L. 94-359, July 12, 1976; P.L. 95-212, December 19, 1977; P.L. 95-632, November 10, 1978; and P.L. 96-159, December 28, 1979.
	Memorandum of Agreement (MOA). 1996. Memorandum of Agreement among the Departments of Army, Commerce, Energy, and Interior concerning The Bonneville Power Administration's financial commitment for Columbia River Basin Fish & Wildlife Costs -- with an Annex on budget management and program accountability.
	Nez Perce, Umatilla, Warm Springs and Yakama Tribes. 1995. WY-KAN-USH-MI WA-KISH-WIT, The Spirit of the Salmon. The Columbia River Anadromous Fish Plan of the Nez Perce, Umatilla, Warm Springs and Yakama Tribes.
	Northwest Power Planning Council (NPPC). 1994. Columbia River Basin Fish and Wildlife Program. Publication 94-55. December 15, 1994. Northwest Power Planning Council, Portland, Oregon.
	US v. Oregon. 1987. The Columbia River Fish Management Plan. Parties to US v Oregon, November 9, 1987. 61 Pages + Appendices.
	S.P. Cramer & Associates, Vigg S. 1998. Response to CBFWA Criteria for Recommending BPA funding of FY 1999 Columbia Basin Law Enforcement

	Proposals.
	Vigg, S. 1991. Increased levels of fishery harvest law enforcement and public awareness for anadromous salmonids in the Columbia River Basin. Grant Proposal and Project Description for Columbia River Inter-Tribal Fish Commission, Oregon Department of State Police, Washington Departments of Fisheries and Wildlife, and Idaho Department of Fish and Game. Bonneville Power Administration, Portland, Oregon.
	Vigg, S. 1994. Increased levels of harvest & habitat Law Enforcement and Public Awareness for anadromous salmonids and resident fish in the Columbia River Basin. Project 92-024. Project Description for a comprehensive Columbia Basin cooperative Law Enforcement Program comprised of six Grants and Inter-Agency Agreements with: Columbia River Inter-Tribal Fish Commission, Oregon Department of State Police, Washington Department of Fish and Wildlife, Idaho Department of Fish and Game, National Marine Fisheries Service, and Montana Department of Fish, Wildlife & Parks. December 31, 1994. Bonneville Power Administration, Portland, Oregon.
	Vigg, S. (editor). 1995a. Increased levels of harvest & habitat law enforcement and public awareness for anadromous salmonids and resident fish in the Columbia River Basin -- Project 92-024 Final Report for the demonstration period, 1992-94. June 31, 1995. Bonneville Power Administration, Portland, Oregon.
	Vigg, S. 1996. Tribal component of the enhanced harvest & habitat law enforcement and public awareness for anadromous salmonids and resident fish in the Columbia River Basin -- FY 1997 Statement of Work. A Comprehensive Columbia Basin Fishery Law Enforcement Program Comprised of Inter-Agency Agreements with the Columbia Basin Law Enforcement Council (CBLEC) Member Agencies and Tribes -- and the U.S. Fish and Wildlife Service. Technical document prepared on September 25, 1996 for the Columbia River Inter-Tribal Fish Commission by S.P. Cramer and Associates, Inc., Gresham, Oregon.
	Vigg, S. and R. Stevens. 1996. Needs Assessment of Tribal law enforcement in Columbia River tributaries relative to anadromous salmonid mitigation & restoration. Final Report prepared on August 1, 1996 for CRITFC, by S.P. Cramer and Associates, Inc., Gresham, Oregon. 109 pp + Appendices.
	Vigg, S. 1997. Columbia River Inter-Tribal Fish Commission, Department of Fisheries Enforcement (CRITFE) Five-Year Performance Report, 1992 - 1996. August 21, 1997. Submitted to the Columbia River Inter-Tribal Fish Commission by S.P. Cramer & Associates, Inc., Gresham, Oregon.
	Letter from Chuck Gehling, Chairman, Hood River Watershed Group. April 28, 1998.

PART II - NARRATIVE

Section 7. Abstract

The goals and objectives of the enhanced CRITFE law enforcement program are to implement an expanded enforcement program to provide additional protection against illegal takes of

Columbia River salmon species throughout their life cycle with an emphasis on weak stocks passing through the hydro-power corridor (e.g., between Bonneville and McNary Dams).

The Columbia Basin Fish and Wildlife Program was amended in 1991 to include a measure providing for increased levels of harvest law enforcement. The increased law enforcement measure was included in the "Strategy for Salmon (NPPC 1992): i.e., Measure 5.5C "Law Enforcement and Public Education on Impacts of Illegal or Wasteful Fisheries." This enhanced law enforcement measure is also included in 1994 NPPC amendments as measure 8.5C.

The approach is threefold. First, CRITFE will maintain enhanced field levels (3 additional fisheries patrol officers and 1 dispatcher) above baseline) of harvest and habitat law enforcement protection. Second, CRITFE will enhance the efficiency of this increased enforcement by promoting cooperation and assistance from other regional fisheries enforcement entities. Third, the effort to educate the public on the plight of specific fish stocks and of the importance and effectiveness of enhanced law enforcement protection in stopping violations before they occur (deterrence and voluntary compliance).

Expected outcomes include: (1) Increased passage survival of adult salmonids during their upstream migration through the Columbia River with an emphasis in the hydro-power corridor (Zone 6 -- which is CRITFE's core area of operation); (2) Increased protection of critical habitats of anadromous salmonids; (3) Increased life cycle survival of depleted species of endemic resident fish and protection of their critical habitats throughout the subbasins of the Columbia Basin; (4) Increased public awareness of problems associated with illegal take and habitat degradation, increased public participation in reporting and deterring violations; (5) Increased deterrence for criminals and the general public in violating laws and rules and improved voluntary compliance with state, tribal and federal fish and wildlife protection laws.

Results will be monitored as a result of the ongoing development of performance standards and specific quantitative and qualitative criteria in conjunction with tribal and regional fish and wildlife management processes and objectives. Periodic independent scientific evaluations of the efficacy of the enhanced Inter-Tribal enforcement efforts will be contracted. As a result of monitoring and evaluation, strategic planning and adaptive management protocols will be used to make annual refinements to the CRITFE enforcement efforts. The CRITFE Performance Plan for 2000 has been refined to incorporate performance criteria outlined in the CBFWA process for FY 1999 funding recommendations. For the full text of these CBFWA imposed performance criteria, refer to the independent evaluation conducted by S.P. Cramer and Associates, Vigg. S, September 4, 1998.

Section 8. Project description

a. Technical and/or scientific background

Section 8.5C.2 of the 1994 Fish and Wildlife Program states, "*Develop and implement an expanded enforcement program to provide additional protection to Columbia River salmon and steelhead with an emphasis on weak stocks throughout their life cycle. The program should*

include an educational component for the public. Fund the needed program, and review accomplishments and scope of the program annually with the Council."

Law enforcement, and specifically, Tribal and Inter-Tribal law enforcement, a component of Treaty established fishing rights, is central to effective harvest management and habitat protection for depleted fish stocks. Reportedly, there has been high levels of unexplained losses of adult spawners migrating through the river system -- from the estuary, through the hydro-power system (e.g., Bonneville to Lower Granite dams), to the mainstem and tributary spawning areas. Illegal harvest is one possible contributor to this high loss of spawners in the reservoirs. Since illegal harvest is generally not accounted for in fisheries statistics, it is poorly understood what percent illegal harvest comprises of the total actual harvest of Columbia River salmon. This law enforcement program, through closer surveillance and monitoring of illegal fishing and marketing, will provide better estimates of this presently unaccounted take; the illegal harvest can then be taken into consideration in establishing fishery quotas and restrictions needed to meet stock-specific spawning escapement goals, especially for depleted fish populations.

With the establishment of the CRITFE in 1982 and in conjunction with addendum funding from BPA commencing in 1992, there has been a significant decrease in the numbers and instances of unlawful poaching/fishing activities. This fact is directly attributable to the efforts of Inter-Tribal Enforcement utilizing both base BIA funding and enhanced BPA funding. CRITFE mainstem fisheries enforcement has resulted in significantly increased compliance rates in the Treaty Fishery since the inception of the BPA addendum funding. Addendum funding has allowed CRITFE to initiate a "pro-active" law enforcement effort, whereas, prior to BPA funding our efforts were primarily "reactive" in nature. The funding has provided for a very visible law enforcement effort in Zone 6. Jane Peters, a member of a team contracted by BPA to evaluate the overall BPA-funded law enforcement program, told the NPPC that, *".....it looks like reductions in inter-dam losses of fish in the Zone 6 Indian fishery can be linked to an increase in law enforcement."* While it may be difficult to quantify how many fish are being saved, CRITFE statistical data proves that effective law enforcement saves fish and protects treaty fishing rights. The enhanced BPA funding would allow CRITFE to effectively regulate all treaty fishing activities in Zone 6, thereby allowing state enforcement agencies to concentrate their efforts towards regulating non-Indian sport and commercial fisheries and to focus on habitat protection in the sub-basin areas.

Inter-Dam Conversion Rates: During the initial three years of the BPA-enhanced LE Program (1992-94), adult salmon passage conversion rates – between Bonneville and Lower Granite dams – showed decreases in overall losses of both spring and fall chinook salmon -- basin-wide. This overall trend continues for fall chinook salmon. However, for spring chinook stocks the conversion rates for the years (1995-96) are significantly less than that of 1992-94 -- for all river reaches except Zone 6. It can be hypothesized that CRITFE fishery law enforcement effectiveness has a cause-effect relationship with adult salmon survival (reference next paragraph).

An independent/scientific performance evaluation of the Columbia River Inter-Tribal Fisheries Enforcement program for the years (1992--1996) demonstrated both the continued need for, and effectiveness of, enhanced law enforcement to protect the mainstem Columbia River fishery resource. The performance audit, conducted by Steve Vigg, Senior Fisheries Consultant, of S.P. Cramer and Associates, includes a compilation, summary and analysis of

program inputs including program costs, personnel and equipment. It examines outputs such as enforcement effort and fisheries statistics plus performance outcomes involving biological performance measures.

An additional independent/scientific performance evaluation of law enforcement efforts in the Columbia Basin (a study mandated and funded by BPA and conducted by Jane Peters of Research Into Action) also demonstrates the continued need for and effectiveness of the CRITFE enforcement program....

"Overall, the Enhanced Law Enforcement Program has resulted in more fish saved than would have occurred without the funding. While the total benefit of the enhanced effort is not directly quantifiable, it is clear that a benefit exists, as indicated by the sheer number of illegal nets removed from the river (561 between 1992 and 1996) and illegal fish seized (1,595 between 1992 and 1996). A cost-effectiveness analysis of the Enhanced Law Enforcement Program effort, as compared to other non-law enforcement efforts to save salmon, indicate a comparable, and in some cases, better, return on the expenditure. This comparison shows that law enforcement dollars are as legitimately well spent as many other more costly measures and, while the outcomes are difficult to measure, they are more measurable for law enforcement than for many other efforts."

b. Rationale and significance to Regional Programs

Relationship to Treaty Rights, US v. Oregon, the Columbia River Fish Management Plan

Authority for Tribal fisheries law enforcement is derived from Treaties with the U.S. Government. It has consistently been held that treaties were grants of rights from tribes to the United States and that anything not expressly granted, was reserved. It is fundamental that a federal treaty guaranteeing certain rights to the subjects of a signatory nation is self-executing and supersedes state law, U.S. v. Washington, and that a state may enact no statute or regulation in conflict with a treaty between the United States and an Indian Tribe. In U.S. v. Oregon, the Court stated:

In 1855, the United States negotiated separate treaties with each of the above named Indian tribes. These treaties were proclaimed and ratified by the United States in 1859. ... Each of these treaties contained a substantially identical provision securing to the tribes "the right of taking fish at all usual and accustomed places in common with citizens of the territory."

Similarly, in *United States v. Washington*, where the nature and scope of treaty reserved fishing rights of fourteen Indian Tribes, including Yakama, were at issue, the Court there found that:

"Each treaty in this case contains a provision substantially identical to that in the Medicine Creek treaty: 'The right of taking fish, at all usual and accustomed grounds and stations...'"

The *U.S. v. Oregon* litigation was initiated by the United States in 1968 . It established the Tribes' co-management responsibilities for Columbia Basin fisheries -- as described in the resultant Columbia River Fish Management Plan. The *U.S. v. Oregon* case began as a means of establishing the nature and extent of treaty reserved rights of four Indian Tribes to fish in the mainstem of the Columbia River for anadromous fish. Celilo Falls was a fishery of major

importance for all of the four tribes prior to its inundation by The Dalles Dam in the early 1950's. The treaty right to fish had undergone several challenges by state authorities over the years and there was a continued tribal reliance on the Columbia as a primary source of salmon. Current parties to the case include the Nez Perce, Yakama, Warm Springs and Umatilla Tribes, the United States, the states of Washington, Oregon and Idaho, and the Shoshone-Bannock Tribes.

From the Tribal perspective institutional changes are needed to: *“Modify the existing basin-wide mechanisms of the CRFMP, the Fish and Wildlife Program, and the FERC Orders to more fully implement treaty fishing rights to take fish at usual and accustomed fishing places. Use the Endangered Species Act in a manner that is consistent with implementation of treaty rights to natural resources.”* (The Columbia River Anadromous Fish Plan of the Nez Perce, Umatilla, Warm Springs and Yakama Tribes 1995). In the Tribal salmon recovery plan, one of the primary institutional recommendations is: *“Continue coordinated harvest law enforcement; develop habitat protection law enforcement.”* Various disciplines of science should be applied to salmon management solutions in a synergistic manner, including -- biological science, political science, and police science (Ted Strong, Personal Correspondence, November 28, 1995).

Relationship to the Northwest Power Planning Council's Fish and Wildlife Program

ESA listings provided (and continue to provide) an impetus to implement additional measures that could provide immediate protection of depleted salmonid stocks in the Columbia Basin under the auspices of the Northwest Power Act -- one such measure was enhanced law enforcement. The NPPC Program was amended in 1991 to include a measure to provide for increased levels of harvest law enforcement throughout the Columbia River Basin, and to heighten the public's awareness of the importance of protection of various depleted stocks from over-harvest, incidental catches, and illegal harvest in ocean and river mixed-stock fisheries. The increased law enforcement measure was included in the Strategy for Salmon (NPPC 1992): i.e., Measure 5.5C “Law Enforcement and Public Education on Impacts of Illegal or Wasteful Fisheries”. This measure included two parts: (1) Use all available authorities to put a rapid end to all high seas drift-net fisheries; and (2) Develop, implement, and evaluate an expanded enforcement and public education program to provide additional protection to Columbia River salmonids and weak stocks throughout their life cycle. This enhanced law enforcement and public education measure is also included in the proposed 1994 NPPC Program amendments as measure 8.5C.

Relationship to the Endangered Species Act (ESA) and Federal Recovery Plans

The impetus for initiating enhanced law enforcement as funded by the Bonneville Power Administration (BPA), was to provide additional protection for critically depleted stocks that are listed or proposed for listing under the federal Endangered Species Act of 1973, as amended through the 100th Congress. Under Section 7(a)(1) of the ESA, Federal agencies are mandated *“... to utilize their authorities, in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act.”* The ESA specifically lists law enforcement as one of the conservation measures to be used to rebuild threatened or endangered species to achieve de-listing (Section 3(3)).

Numerous Columbia Basin anadromous salmonid stocks and resident fish species are severely

depleted and have been petitioned, proposed or listed as threatened or endangered species under the authority of the ESA.

The NMFS Recovery Team conducted a comprehensive evaluation of enhancement measures needed to rebuild and de-list Snake River salmon populations. The recovery Team recommended continuation of a vigorous fishery law enforcement program (Bevan et al. 1994):

Some aspects of the Recovery Plan will require law enforcement. It would not be prudent to expend large sums of money on downstream passage, or to require major changes in how fishing is operated, and then lose a considerable fraction of increased survival because of failure to control such aspects as illegal fishing, unscreened diversions or habitat degradation. ... The BPA, the fishery agencies, and the tribes should continue the Enhanced Fishery Enforcement Program.”

Relationship To The Region’s Hydro-Power System (Mitigation)

The primary area to which the enhanced tribal law enforcement effort has been directed is the mainstem of the Columbia River, in particular, Zone 6 - which is the area between Bonneville and McNary dams. Zone 6 fisheries are very complex with several different species, e.g., various salmon stocks, steelhead, sturgeon, walleye, and shad, different seasons for each species/stock, and different types of fisheries, e.g., tribal treaty commercial and ceremonial/subsistence fisheries, and sport fisheries. All of the fish in these fisheries are affected by the operation of the hydro-power system. Most of these fish species benefit from specific mitigation measures targeted at them for which the Bonneville Power Administration is financially liable. For example, BPA's investments in flows, the Corps of Engineer's investment in fish ladders, and U.S. Fish and Wildlife Service's investment in artificial propagation of spring chinook in the Snake River Basin result in financial obligations to the Bonneville Power Administration. CRITFE's enhanced efforts protect the fruits of these investments, Snake River spring chinook in this example, and other stocks benefitted by mitigation measures under the Act.

The hydro-power system has profoundly changed the relationship of tribal people to the Columbia River. But for the existence of the hydro-power system, tribal fisheries would be substantially different in character (e.g. the Celilo Falls fishery would still exist) and tribal fishery management would be far simpler since salmon would be in much greater abundance. It is proper for the federal government through Bonneville to fund the enhanced law enforcement effort that focuses on the geographic areas impounded by the dams.

In-Lieu Funding

The tribes' fisheries law enforcement efforts have benefitted from BPA funding and the 1996 review demonstrates this fact. BPA funding does not replace BIA enforcement funding, which has stayed constant during the period in which BPA enhanced funding has been available. In the case of the Umatilla and Nez Perce tribes, the BPA funding has allowed for the creation of fisheries enforcement efforts where none previously existed.

The BPA addendum funding allowed CRITFE to increase enforcement personnel by eight (8) positions. These additional enforcement positions allowed us to nearly double our

enforcement effort in Zone 6. This allowed us to initiate a “pro active” law enforcement effort, whereas, prior to BPA funding our efforts were primarily “reactive” and in fact we could not even keep up with our “calls for service” (complaints from the public, primarily our tribal constituency). The funding provided for a very visible law enforcement effort in Zone 6. Further, with the purchase of new equipment, field personnel became much more efficient in preventing and detecting violations, creating a significant “deterrent” effect, resulting in the much improved voluntary compliance rates. Significantly increased compliance rates in the treaty fishery have occurred since the inception of addendum funding. The Northwest Power Planning Council’s decision to cut the BPA-funded law enforcement program in 1998 necessitated that CRITFE incur a 40% reduction in force.

BPA funding does indeed supplement funding available from the BIA for CRITFE's enforcement effort, but this does not create a problem with the express language of the "in lieu" provisions of section 4(h)(10)(A). The section of the Act requires that "[expenditures of [BPA] pursuant to this paragraph shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other agreements or provisions of law." 16 U.S.C. 839b (h)(10)(A)(emphasis added). In fact, the Act expressly contemplates (4(h)(8)(C)) and encourages coordination (4(h)(2)(A) and (11)(B)) with other measures dealing with non-hydro programs. Supplemental funding is not prohibited by the Act as long as the funding is not in lieu of other expenditures authorized or required by law.

The CRITFE, Umatilla and Nez Perce components of the BPA funded law enforcement (as currently funded) represents less than 1% of the BPA’s total Fish & Wildlife budget; however, the significance to the Columbia Basin Tribes is much greater. The four Treaty Tribes are in strong agreement that continued BPA funding of Tribal and Inter-Tribal fisheries and habitat enforcement is essential for:

- (1) The protection of the salmon resource and critical habitat; and
- (2) The exercise of the tribes' treaty rights and co-management responsibilities as affected by the hydro-power system.

BPA’s Role In Support of Tribal and Inter-Tribal Enforcement Protection

BPA has recognized the legal authority of Columbia River Inter-Tribal Enforcement (CRITFE) to enforce fisheries in Zone 6 and the value of individual Tribes’ fisheries enforcement relative to “government to government” relations (Letter from D. Robert Lohn, BPA to Ted Strong, CRITFC dated January 11, 1995; refer also the BPA Tribal Policy, April 29, 1996):

“Beginning in 1992 the Bonneville Power Administration (BPA) has funded, on a cost-matching basis, the regional entities with established fisheries law enforcement organizations and primary jurisdictions within the Columbia Basin in order to enhance salmon and other depleted fish populations subject to listing under the Federal Endangered Species Act. Accordingly, BPA has funded the Inter-Tribal Fish Commission’s Enforcement department (CRITFE) as the primary enforcement entity for fisheries in “Zone 6” of the Columbia River, i.e.,

the mainstem reach between Bonneville and McNary dams.

BPA understands that CRITFE came to existence via US v. Oregon and the resultant "Columbia River Management Plan," and that CRITFE derives authority from the four Columbia River Treaty Tribes, i.e., Yakima, Umatilla, Nez Perce, and Warm Springs. The legal basis for the Columbia River Treaty Tribe's fishery enforcement authority is Settler v. Lameer, and the tribes fulfill this responsibility by commissioning CRITFE officers and assigning them contract enforcement responsibilities on the Columbia River by virtue of Public Law 93-638.

We have been pleased with the competence and professionalism of CRITFE. Inter-Tribal officers, by virtue of Oregon law, are required to meet all certification standards, must complete the Oregon Police Academy, and are recognized as certified Oregon Police Officers. CRITFE has attained the cooperation and respect of law enforcement peers throughout the region. CRITFE is active in promoting inter-agency coordination and Captain John Johnson now serves as chairman of the Columbia Basin Law Enforcement Council (CBLEC).

Thus, BPA sees value in CRITFE because of its ability to meet several criteria, i.e., established law enforcement agency with effective management system; statutory authority; officers meet all requisite training standards and certifications; efficiency derived from cooperation among Treaty Tribes; primary jurisdiction in the mainstem Zone 6 of the Columbia River; effective leadership and coordination with other state and Federal fishery law enforcement agencies through the CBLEC; and a proven track record of resource protection.....".

c. Relationships to other projects

The cornerstone of effective law enforcement has been coordination among the various tribal, state and federal entities with fisheries law enforcement jurisdictions within the Columbia River Basin -- in conjunction with BPA. In Zone 6, CRITFE routinely coordinates with other fisheries enforcement agencies but as per the US vs Oregon court mandated "*Fisheries Management Plan*," CRITFE maintains primary jurisdiction for tribal enforcement responsibilities but virtue of a delegation of that governmental enforcement responsibility by the four Treaty Tribes (Umatilla, Nez Perce, Warm Springs and Yakama). CRITFE's has primary enforcement authority regarding all treaty tribal fisheries and shares concurrent jurisdiction on the mainstem Columbia River regarding enforcement of state law. CRITFE officers are also commissioned as Deputy Special Officers with police authority from the Bureau of Indian Affairs -- Law Enforcement Division. Additionally, CRITFE officers are have federal commissions issued by the U.S. Department of Interior, Dept. of Fish and Wildlife for the purpose of enforcing applicable federal laws.

As a department within the Columbia River Inter-Tribal Fish Commission, CRITFE (the Enforcement Department) coordinates fisheries enforcement efforts with all four Commission member tribes for the purpose of implementing an enforcement program focused towards achieving the fisheries management priorities of the four Treaty Tribes. This includes assisting the tribes relative to enforcement issues on the reservations and in the tribal ceded areas as

requested or required by the tribes. CRITFE enforcement mission, objectives and tasks are coordinated within the context of "organizational" mission, goals, objectives and tasks which is a direct reflection of the tribes' fisheries management priorities.

Because the CRITFE program focuses on the protection of migrating salmonid, and specifically on the protection of adult spawners, the program supports many sub-basin enhancement and mitigation projects. For example, the Hood River Watershed Group sent a letter to John Etchart, Chair of the Northwest Power Planning Council on April 28, 1998 regarding the Northwest Power Planning Council's decision to eliminate enhanced fisheries law enforcement funding for CRITFE. The following are excerpts from that letter: *"We are writing to urge you to restore or find replacement funding for the Columbia River Inter-Tribal Fisheries Enforcement program."* *"In making their decision, we understand that the NPPC acted on comments by the Independent Scientific Review Panel (ISRP)..... We believe that the ISRP did not have information available to them to measure the historical magnitude of the problem nor the deterrent factor observed in recent years. The Hood River Watershed Group has been working since 1993 to help improve and protect fish habitat. We are very concerned that this reduction in force will undermine our members' ongoing efforts to recover anadromous fish and restore habitat in the Hood River system."* *"We cannot help but feel that this budget decision is the wrong signal as we begin to ask our local citizens and landowners to change their practices and make investment to rebuild the fish runs."*

d. **Project history** (for ongoing projects)

History/Development -- Basin Law Enforcement Program (BPA Project 92-024)

The enhanced law enforcement program was conceived by regional consensus in the 1990-1991 Salmon Summit initiated by Senator Mark Hatfield. The conceptual plan for developing the multi-agency basin-wide enforcement program was a result of meetings between Bonneville Power Administration (BPA) management and the Executive Director of the Columbia River Inter-Tribal Fish Commission, and the fishery agency directors from Oregon, Washington, and Idaho. The original 1992-1994 implementation plan for "Increased Levels of Fishery Harvest Law Enforcement and Public Awareness for Anadromous Salmonids in the Columbia River Basin" (BPA project 92-024) was written by S. Vigg (1991). It was an integration of four individual Statements of Work provided by the law enforcement managers of the participating enforcement entities.

BPA-enhanced fishery law enforcement was initially designed as a three-year (1992-1994) demonstration project -- to determine the cost and biological effectiveness of this conservation method. Preliminary analyses and evaluation by the cooperating enforcement agencies, BPA, and the NMFS Snake River Recovery Team (Bevan et al. 1994) indicated that the program was successful in providing additional protection to depleted Columbia Basin fish stocks and their critical habitats during the initial phase of program implementation. The directors of ODFW, CRITFC, IDFG, WDFW, NMFS, and USFWS all recommended continued funding by BPA of the enhanced fisheries law enforcement program for fiscal year (FY) 1995 (Letter dated June 27, 1994 to Randy Hardy, BPA). In June 1995, the results from the 1992-1994 Columbia Basin fisheries & habitat law enforcement demonstration project -- in terms of implementation and potential biological benefits -- were published in a BPA final report (Vigg,

editor 1995a).

Beginning in 1995, the Columbia Basin Fish & Wildlife Authority (CBFWA) was delegated the responsibility to recommend priorities for all projects in the NPPC Fish & Wildlife Program for BPA funding. Initially CBFWA zeroed out funding for the enhanced law enforcement, Project 92-024. Subsequently, CBLEC provided informational briefings to agency directors, CBFWA, and the NPPC “Fish-4”. The directors of state, federal, and Inter-Tribal fishery agencies within the Columbia Basin once again documented their unanimous support for the continued BPA funding of the enhanced fishery & habitat law enforcement program for FY 1996 (Letter dated May 1, 1995 to Randy Hardy, BPA). As a result of this policy-level support, funding was re-instituted by CBFWA for Project 92-024. In 1998, the NPPC phased out and then eliminated funding for fisheries law enforcement.

e. **Proposal objectives**

The Columbia River Inter-Tribal Fisheries Enforcement Department will assist the tribes in maintaining the integrity of treaty reserved rights and in carrying out tribal co-management responsibilities and regulatory authority by providing law enforcement services as an integral and highly visible component of the tribes' treaty rights to self-regulation.

1. Enhanced enforcement for protection of anadromous & resident fish throughout the Columbia Basin.

Product: Enhanced enforcement effort, personnel, equipment, training, and integrated operational plans resulting in better coordination and effectiveness of the BPA-funded, CRITFE Law Enforcement Program and ultimately increased protection of the fishery resource and treaty fishing rights.

2. Develop and conduct environmental and habitat enforcement programs and projects in coordination with tribal, state and federal regulatory agencies.

Product: Expanded habitat and environmental enforcement protection in coordination with the region's fish and wildlife restoration efforts. Improved and expanded law enforcement protection, effectiveness, and accountability throughout the Columbia River Basin.

3. Optimize voluntary compliance with of laws and rules to protect Columbia Basin fishes and their critical habitats -- via increased public involvement and deterrence of illegal activities.

Product: Increased public awareness of problems associated with illegal take and habitat degradation, increased public participation in reporting and deterring violations, increased deterrence for criminals and the general public in violating laws and rules, and improved voluntary compliance of fish and wildlife laws and rules. These improvements in public support for resource law enforcement efforts will ultimately result in enhanced survival of the depleted fish stocks.

4. Continue coordination with CRITFC fisheries management to assure that enforcement efforts are conducive to tribal fish and wildlife protection and enhancement priorities.

Product: Increased efficiency and effectiveness of law enforcement efforts with an emphasis

on protection and enhancement of depleted Columbia Basin fish stocks and the ecosystems upon which they depend.

5. Maximize the accountability of CRITFE enhanced law enforcement for the protection of fish and their critical habitats.

Product: A comprehensive assessment of the efficacy of the CRITFE enhanced law enforcement program and adaptive management of the CRITFE law enforcement program..

f. Methods

The Goal, Scope, and Approach Columbia River Inter-Tribal Enforcement (CRITFE) Program

The primary goal of the enhanced CRITFE law enforcement program is to focus on the protection and enhancement of the depressed Pacific salmon species (*Oncorhynchus spp.*) migrating through the fishing areas of the four Columbia River Treaty Tribes. An additional benefit is the enhanced protection of other anadromous and resident fish species. Stable BPA funding will enable CRITFE to adaptively manage a fisheries resource protection program within the geographical area of authority as defined by the treaties of the Umatilla, Nez Perce, Yakama and Warm Springs tribes and in accordance with respective tribal policies.

Goal: The goal of this program is to reduce illegal take of Columbia River Basin salmonids and native resident fish, and thereby help to rebuild all endemic fish populations within the basin. Illegal take includes illegal harvest of adults and juveniles, harassment of spawners attending redds, destruction of eggs or fry within redds, direct mortality of juveniles caused by various human activities (e.g., water diversion), and degradation of critical habitat. Specific goals and objectives of the CRITFE Enforcement Program is consistent with protection and enhancement goals of the region's fish and wildlife managers (CBFWA). This Project Description details the specific work to be performed under BPA funding.

Scope: The conceptual scope of the program is the entire life cycle of the target fish species, i.e., "gravel to gravel". The targeted fish stocks are depleted anadromous salmonids and resident fish species -- especially species petitioned or listed under the ESA. It is expected that enhanced protection will also extend to all other endemic fish populations in the Columbia Basin (e.g., steelhead, and white sturgeon); this enhancement "spin-off" is beneficial to the fishery resources of the entire region.

Approach: The approach we are taking is threefold. **First**, to initiate an enhanced (four additional CRITFE FTE's) level of harvest and habitat law enforcement in the Columbia Basin (specifically in the Zone 6 area). This enhanced level of enforcement personnel staffing will allow CRITFE to maintain the present high levels of voluntary compliance by tribal fishers. The program as funded and initiated thus far has clearly shown a high degree of success in creating pro-active, high visibility enforcement actions that create a significant deterrence against unlawful fishing activities. **Secondly**, to enhance the efficiency of this increased harvest and habitat enforcement effort by promoting cooperation and assistance

from appropriate federal, state, tribal, regional and local entities. Thirdly, to educate the public on the plight of specific fish stocks that are in danger of extinction and the need to protect their critical habitats; and make the public aware of the importance to society of conserving the cultural values and diversity of anadromous salmonid species and resident fish for future generations.

g. Facilities and equipment

Boat storage and maintenance facilities located at 4270 Westcliff Drive - Hood River, Oregon 97031. Boat storage and satellite office facilities located on Tower Road west of Boardman, Oregon — to accommodate east end patrols.

Specialized computer equipment for development of enforcement statistical data bases, electronic exchange and transfer of information with the four Treaty Tribes, CBFWA, BPA COTR, NPPC staff and other departments within the CRITFC and fisheries management staff of the four Columbia River Treaty Tribes.

h. Budget

The CRITFE funding request of \$388,427 represents a 68% decrease over the 1992 BPA funding award of \$1,210,195 and a 56% decrease over the CY1999 request of \$876,053. The 2000 funding request is primarily based on hiring three (3) additional fisheries patrol officers and one (1) dispatcher to provide for an enhanced level of enforcement protection.

Because of the high compliance rates that have been achieved in the Indian Treaty Fishery, the critical assumption is that we can reduce our budget request, and subsequently, our previous enhanced enforcement level of eight (8) additional fisheries enforcement personnel to three (4) additional fisheries enforcement personnel and still provide an enhanced level of deterrence (over pre-BPA funded baseline) such that compliance rates will remain stable, providing for some reasonable and measurable assurance that the resource is not being significantly impacted by unlawful activities. The enhanced portion of CRITFE's overall CY2000 budget for fisheries enforcement protection efforts constitutes 39 % -- the CRITFE cost-share represents 61% of the total requested funding.

Section 9. Key Personnel

Name: Captain John B. Johnson (Project Leader)

**Title: Law Enforcement Department Manager
Columbia River Inter-Tribal Fish Commission (CRITFC)
Law Enforcement Department (CRITFE)**

FTE/Hours: N/A - BPA money will not be used to pay the Project Leader's salary. The

CRITFC will incur that expense.

Duties:

LAW ENFORCEMENT DEPARTMENT

MANAGER

General Statement of Duties: The Law Enforcement Department Manager (LEDM) is the highest level certified law enforcement officer of the Columbia River Inter-Tribal Fisheries Enforcement Department (CRITFE) with the police rank of captain. The LEDM is responsible for the overall administration of the fisheries enforcement department and acts as liaison between the CRITFC (Commission), the Office Of The Executive Director and the Hood River enforcement office.

Supervision Received: Works under the direct supervision of the Executive Director to implement the policies of the Columbia River Inter-Tribal Fish Commission and member tribes.

Supervision Exercised: Directly supervises the activities of the Lieutenant and indirectly supervises the Sergeant and personnel of both the patrol and communications divisions.

Principal Duties and Responsibilities:

1. Serves as the Department Manager for the law enforcement department with the police rank of Captain. Maintains all necessary BPST certification standards associated with that rank.

2. Serves as the principal official and the primary advisory consultant to CRITFC, the Law Enforcement Committee (LEC), the Law Enforcement Advisory Board (LEAB), the Fish & Wildlife Committees of the CRITFC member tribes and the Executive Director on enforcement related matters.

3. Indirectly supervises assigned personnel engaged in patrol, enforcement, investigative and protective services as related to the treaty fishery.

4. May supervise, conduct or assist in the hiring of new staff, evaluations of personnel performance and training.

5. Attends meetings as necessary to facilitate coordination and communication with other departments both within CRITFC and with outside agencies.

6. Assist in the development and implementation of policies as established by the CRITFC including personnel polices applicable to all CRITFC/CRITFE personnel.

7. Responsible for the development and administration of the budget for the law enforcement department.

8. Responsible for implementation of the law enforcement budget; approves and monitors all expenditures.

9. Approves all personnel actions and salary adjustments for enforcement personnel.

10. Regularly informs the Law Enforcement Committee (LEC), the Law Enforcement Advisory Board, the Commission and the Executive Director of department activities through scheduled reports, attendance of meetings and personal contact with individuals and groups as necessary and/or directed by the Executive Director.

11. Maintain liaison and open lines of communications with other law enforcement agencies, particularly tribal and those having enforcement responsibilities in the Columbia River Basin.

12. Maintain liaison with tribal officials, prosecutors and attorneys.

13. Serve as liaison between the enforcement department and other CRITFC departments.

14. Directly supervises the handling of serious allegations of employee misconduct and is the only enforcement supervisor delegated authority by the Executive Director to invoke termination proceedings as a form of personnel discipline.

15. Initiates operating procedures through application of the department's Operations Manual (OM), written memorandum and verbal directives. Assists the lieutenant in annually reviewing and updating the OM for the purpose of maintaining it as a working, living document.

16. Maintains personnel compliance to established personnel policies through application of CRITFC's Personnel Policies Manual and the Law Enforcement Department's Operations Manual.

17. Prepares required monthly, quarterly and annual reports as required by contract(s), submitting the original to the contractor and copies to the LEC, the Commission and the Executive Director.

18. Conduct annual performance evaluation of the lieutenant.

19. Reviews and approves all outgoing correspondence, including reports, complaint log copies, memos, letters and any other "external" release of information, whether written or verbal.

20. May attend all communications, patrol and department level staff meetings and participate in the preparation of the agenda of said meetings.

21. Responsible for preparing and conducting department staff meetings involving matters of mutual importance to all personnel. This responsibility does not alleviate the Lt. and Sgt. from conducting regular staff meetings.

22. Responsible for the department's public relations program and directly

supervises activities of department personnel assigned duties and responsibilities in that area. Works closely with the CRITFC Public Information office in development, implementation and release of public information regarding the activities and responsibilities of the enforcement department.

23. Work closely with the LEC, Commission, tribes and involved CRITFC departments in a technical advisory role towards the refinement and development and implementation of tribal fishing regulations.

24. Reviews and updates personnel job descriptions for every position within the law enforcement department in conjunction with division supervisors, appropriate enforcement staff and subject to review and approval of the Executive Director.

25. Other duties and responsibilities as assigned by the Executive Director, the Commission or the LEC.

Qualifications:

1. Have at least five years of criminal justice related experience at the supervisory, command and management level. Possess or obtain Executive Level police certification with the Oregon Board On Public Safety and Training (BPST). Possess or obtain training in law enforcement administration and management and meet all BPST qualifications for this position.

2. Be knowledgeable of Indian tribal laws, customs and traditions in general and most particularly those of the four Columbia River Treaty Tribes and maintain close rapport with all official tribal organizations and tribal leaders.

3. Have a working knowledge of all tribal, state and federal fishing codes, rules and regulations.

4. Be able to prepare and present comprehensive written reports on enforcement goals, objectives and practices to the Executive Director, the Commission, the Law Enforcement Committee or others as directed by the Executive Director.

5. Be able to exercise independent judgement with minimal supervision or direction.

6. Be able to generally perform job responsibilities of either the lieutenant or sergeant (immediate subordinates).

7. Maintain the physical standards required of any subordinate and present a professional image to the public and other law enforcement agencies.

Key Qualifications: Approximately 24 years of law enforcement experience work involving multi-jurisdictional authorities and responsibilities (state, tribal and federal enforcement).

Have worked the last 15 years for the member Treaty Tribes (Umatilla, Nez Perce, Yakama and Warm Springs) of the Columbia River Inter-Tribal Fish Commission.

Received "Executive Police Certification" on February 24, 1987. In Oregon there are five possible levels of police certification (1) Basic (2) Intermediate (3) Advanced (4) Management and (5) Executive. Each level requires additional academic education, applied law enforcement experience and Oregon Board on Public Safety and Standards (Oregon Police Academy) approved training hours. The Executive Certification is the highest level of police certification presently available in the State of Oregon.

Publications/Job Completions: Captain Johnson has managed the Columbia River Inter-Tribal Fisheries Law Enforcement program for the four Columbia River Treaty Tribes (Umatilla, Nez Perce, Warm Springs and Yakama) since 1988. Captain Johnson has managed the BPA funded law enforcement program as the project manager since its inception in the fall of 1991 and initiated development of grant proposals and SOW's for the three "Tribal Tributary" components currently funded un Project # 9202400. Also, refer to letter from Robert Lohn, BPA to Ted Strong, CRITFC dated January 11, 1995.

Served as Chairman for the Columbia Basin Law Enforcement Council (CBLEC) for two years (1993-1994) -- the only regional Law Enforcement Administrator elected to serve a two year term in the 18-year history of the CBLEC.

Section 10. Information/technology transfer

Technical information obtained from the project will be distributed electronically and in hard copy report format as follows:

Quarterly and annual reports to BPA

Coordination meetings with regional law enforcement entities

Development of annual work plans in conjunction with the other departments of the CRITFC and under the policy direction of the four Columbia River Treaty Tribes.

News releases in coordination with the CRITFC Public Information Dept. and the Public Information Depts. of the Treaty Tribes. Media outlets will include; newspapers, radio, and television.

Formal presentations at reviews called for by NPPC and CBFWA, and periodic presentations to the CRITFC and individual Fish and Wildlife Policy makers of

the Treaty Tribes.