

Native American Fish & Wildlife Society Conservation Law Enforcement Officer 2021 Status & Summary Report



January 2023

Approved by the
Board of Directors
2/10/2023



EXECUTIVE SUMMARY 2

MISSION 2
PROBLEM/CONCERN 2
THE SURVEY 2
FINDINGS 2
RECOMMENDATIONS 3

SUMMARY REPORT 4

INTRODUCTION 4
METHODS 5
PARTICIPANTS 5
SURVEY 5
ASSUMPTIONS AND LIMITATIONS 7
SURVEY RESULTS 7
CONCLUSION 22

APPENDICES 24

APPENDIX A: SURVEY SCHEDULE 24
APPENDIX B: NAFWS REGIONS 29
WORKS CITED 30

EXECUTIVE SUMMARY

MISSION

The Native American Fish and Wildlife Society (NAFWS) is a non-profit 501(c)(3) founded in 1983 by a group of Tribal fish and wildlife professionals who saw the need to network and raise Tribal fish and wildlife concerns to the national level. Our mission is to assist *Native American and Alaska Native Tribes with the conservation, protection, and enhancement of their fish and wildlife resources.*

NAFWS supports all 574 Federally recognized Tribes through facilitation and coordination of inter-tribal communication; protection, preservation, and conservation; education; administrative expertise and advice; and professional publications and promotional activities, all of which are related to the enhancement of fish and wildlife resources throughout a collective geographical area of 56.2 million acres or 87,800 square miles.

PROBLEM/CONCERN

Approximately three hundred certified Conservation Law Enforcement Officers (CLEO) are employed in Indian Country and are primarily responsible for the enforcement of natural resource regulations within their respective areas. However, in many Tribal departments, officers also regulate other non-resource related violations such as traffic, drug, and domestic violence crimes; and they often support search and rescue operations or other community policing situations where necessary. Theoretically, one can conclude that each officer is responsible for the enforcement of hundreds of regulations in an approximate area of 187,333 acres, with an annual salary that is generally less than officers employed by Tribal police departments or local, state, and federal colleagues.

THE SURVEY

The 2021 NAFWS CLEO Status Report examines the current state of Tribal Fish, Wildlife and Conservation Enforcement programs using survey responses from Tribes throughout the lower 48 states. This report provides baseline data on tribal jurisdiction and governance; land base, program structure; staff capacity, funding; and Tribal CLEO priorities and needs.

FINDINGS

The findings in this report highlight the need for dedicated, annual, sustainable, funding for tribal fish, wildlife, and conservation enforcement programs to ensure protection of resources that frequently contribute to the subsistence needs of tribes. Trust responsibility of the federal government, treaty obligations, sovereignty, and preservation of Tribal lifeways require adequate funding that is equal to our state and federal counterparts. Inadequate funding and staffing are contradictory to sovereignty, treaty rights, the intent of the Indian Self-Determination and Education Assistance Act of 1975ⁱ Public Law 93-638 and the current Biden administration's goalsⁱⁱ. The report identifies a collective lack of funding and lack of staffing for our tribal organizations, to ensure protection of our resources.

RECOMMENDATIONS

1. Establish a funding mechanism equivalent to the needs of the various tribal reservations that accommodate both Law Enforcement Officers (LEO) and CLEOs, so that CLEOs can focus on the conservation efforts outlined in this report.
2. Develop a CLEO database for member tribes of the NAFWS
3. Hold a regional or national CLEO summit, to gather ideas, exchange information and provide support to member tribes
4. Establish web portal for training requests

Disclaimer: This report contains baseline data gathered through a voluntary, anonymous survey of Conservation Law Enforcement Officers in the lower 48 states. This is an unpublished document for use by the Native American Fish and Wildlife Society and its membership. It should not be duplicated without the express permission of the NAFWS.

INTRODUCTION

Funding for wildlife species preservation and conservation has increasingly become a higher priority for many agencies. In 2014, the Blue-Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources (Blue Ribbon Panel), developed by Bass Pro founder John L. Morris and former Wyoming governor Dave Freudenthal, was convened to evaluate the adequacy of funding for wildlife conservation. In addition, the Blue-Ribbon Panel sought to advance a 21st century solution for the proactive funding of conservation of fish and wildlife resources. The Blue-Ribbon Panel identified approximately 12,000 species of fish and wildlife that are in the greatest need of conservation, which result in an estimated annual shortfall in State fish and wildlife funding of \$1.3 billion. The Blue-Ribbon Panel did not consider the fish and wildlife conservation needs of Tribes.

Tribal Fish and Wildlife funding is one of the most blatant examples of inequity between States and Tribes. Tribes control approximately 56.2 million acres of land in the lower 48 States, larger than the 9 smallest states combined and slightly larger than the state of Minnesota. State Fish and Wildlife programs receive annual funding from the Federal Aid in Wildlife Restoration Act and Federal Aid in Sport Fish Restoration Act, also known as Pittman-Robertson and Dingell-Johnson funds (PR/DJ). PR/DJ is funded by excise taxes on firearms and ammunition and sport fishing and boating equipment. Tribal Fish and Wildlife programs do not receive PR/DJ funds even though Tribal members pay the same excise taxes when purchasing hunting and fishing supplies. Furthermore, tax dollars paid by Tribal Member are allocated to State Fish and Wildlife programs. Tribes have to piecemeal programs together with non-recurring or inadequate recurring funds. Inadequate and unreliable funding has limited the ability of Tribes to effectively manage their fish and wildlife resources.

Because of the number and size of Tribes, varying levels of capacity, and history of inadequate funding, Tribal funding needs are extremely complex and challenging when compared to our state and federal counterparts. The NAFWS was founded on the principal of being an avenue for Tribal fish and wildlife professionals to raise our needs, successes, and concerns to a national level. To better serve our 227 member Tribes and our growing individual membership, we need to be able to understand the current situation of Tribal Conservation Law Enforcement Programs and identify the funding gaps that exist. These are necessary in order to assist us in advancing national advocacy and increasing conservation law enforcement services for Tribes.

NAFWS developed a survey for Tribal Conservation Law Enforcement Programs in the lower 48 states to help gather baseline data on resources and needs. The survey was emailed directly to all known Tribal Conservation Law Enforcement Programs beginning October and November 2021 with two reminder emails in December 2021. The following report contains the results of those survey responses.

METHODS

Participants

The NAFWS Tribal Fish and Wildlife Status Survey (Survey) was developed with input from staff and members of the Conservation Law Enforcement Officer ad Hoc group. Alaska Native Tribes were excluded from this survey due to their unique status regarding fish and wildlife management and law enforcement jurisdiction.

There are 574 federally recognized Tribes in the United States as of 2021, after excluding Alaska Tribes, 348 Tribes were identified for this survey. Of those Tribes, the NAFWS CLEO Consultant and Intern confirmed the names and contact information for 225 CLEO Supervisors in the lower 48 states to whom this survey was submitted. To help avoid or eliminate duplicate answers, the link to the online survey was emailed to the Supervisor contact list only and only one response was allowed from the same IP address.

Survey

Research has a complicated history in Indian Country and is not always welcomed. We kept this in mind when asking for participation and when developing survey questions. We utilized the program SurveyMonkey to develop an online version of the survey which consisted of 25 questions on topics of region, jurisdiction, land base, program structure, funding, priorities and needs (APPENDIX A – Figure 16. The Survey, from SurveyMonkey). The questions were mostly multiple choice with a few questions that were open ended with a fill in option. The same survey was used for all participants. The survey was distributed to CLEOs representing six of our seven NAFWS regions via email. To encourage participation, survey participants were kept anonymous and completing the survey was voluntary. The following describes the survey questions in more detail:

Region: The first question asked the participants to identify their NAFWS region from a map. The NAFWS is divided into 7 regions (Figure 17. NAFWS Regions). NAFWS uses these regions to provide more specific programming and services.

Jurisdictional land size: The second question asked participants to identify their Tribe's jurisdictional land size from a list of ranges; Zero (our tribe does not own land) to over 500,000 acres. Land size of Tribes and Tribal Jurisdiction varies throughout Indian Country.

Tribal Governance: The third question asked about the Tribal governance in regard to having a Treaty Reservation Boundary, Ceded lands, Exercising off-reservation hunting, fishing, and gathering rights and finally, having an Executive Order Reservation Boundary.

Status of Conservation Law Enforcement Program: The fourth question pertained to the program structure and function of their CLEO program; ranging from not currently having a CLEO program, to existing within a Natural Resource or separate Law Enforcement Division. Questions five and six, respectively, asked about the Number of CLEOs employed by a Tribe and how many vacancies exist at the Tribe.

Staffing: Question 7 asked about staffing levels, asking the participant to identify if staffing at full capacity, adequately supports the natural resource protection needs of the Tribe.

Salary range: Question 8 asked participants to identify salary ranges for CLEO staff; ranging from GS5-GS9 levels or greater.

Tribal staffing: Question 9 asked participants to identify percentage of CLEO staff that are Native American/Alaskan Native.

Credentials: Question 10 asked participants to identify where law enforcement credentials were obtained.

Funding: Question 11-15 asked about funding. Eleven asked participants to identify sources of CLEO program funding, twelve asked about annual budgets that support the CLEO program and thirteen asked how the funding is used annually, from a list of multiple-choice options. Question 14 asked participants to identify average year's hunting and fishing revenues for their Tribe and question 15 asked for the percentage of the hunting and fishing revenue that supports the CLEO program.

Special Commissions: Question 16 and 17 asked participants if their CLEOs maintain Special Law Enforcement Commissions (SLEC) issued by the Bureau of Indian Affairs, Office of Justice Services (BIA OJS) and how many of their CLEOs are issued Special Law Enforcement Commissions

Memorandums Of Agreements: Question 18 asked participants to identify if their CLEOs have cross-deputization through MOAs with any other law enforcement agency.

Enforcement: Questions 19 and 20 asked participants to identify if they enforce civil, criminal or both types of violations, as a CLEO and; in question 20 they were asked to further identify if enforcement activities centered around: natural resources (100%), Search & Rescue, Livestock/Trespass Enforcement, Emergency Management, Traffic, Drug Enforcement,

Domestic Violence or; some other activity, with an short answer fill-in option. Additionally, Question 21 asked participants to identify their Tribe's conservation law enforcement priorities.

Federal Support: Question 21 asked participants to identify if they receive support from the U.S. Fish and Wildlife Service, Office of Law Enforcement (USFWS/OLE).

Certifications & Training: Questions 23-25 ask participants to list certifications maintained by their CLEOs, are re-certification training courses for instructors supported by their CLEO program, and if specialized training requests are supported by their CLEO program.

Assumptions and Limitations

It was assumed that the participants would answer questions based on their personal or professional knowledge of their Tribe's programming and that respondents would be candid and honest with their responses.

Limitations to this survey report include: the appropriate employee might not have completed the survey, the inability to reach every Supervisory Conservation Law Enforcement Officer or Manager and language/terminology differences.

A total of thirty-two participants completed the survey representing 6 of our 7 NAFWS regions (Figure 17. NAFWS Regions). The Alaska region was not covered in this survey effort as Alaska Native Corporations do not have the same jurisdictional authorities as Tribes in the lower 48 states, and do not employ CLEOs. This small survey sample size makes results difficult to be statistically significant, therefore this report is meant to only provide baseline data and guidance.

SURVEY RESULTS

The Pacific region had the greatest number of responses (n=14), followed by the Great Lakes (n=6) and Great Plains (n=6) regions. The fewest (n=1) came from the Northeast region. The Southwest region (n=3) and Southeast region (n=2) helped us achieve representation from six of our seven NAFWS regions.

Q1 Please select your NAFWS Region

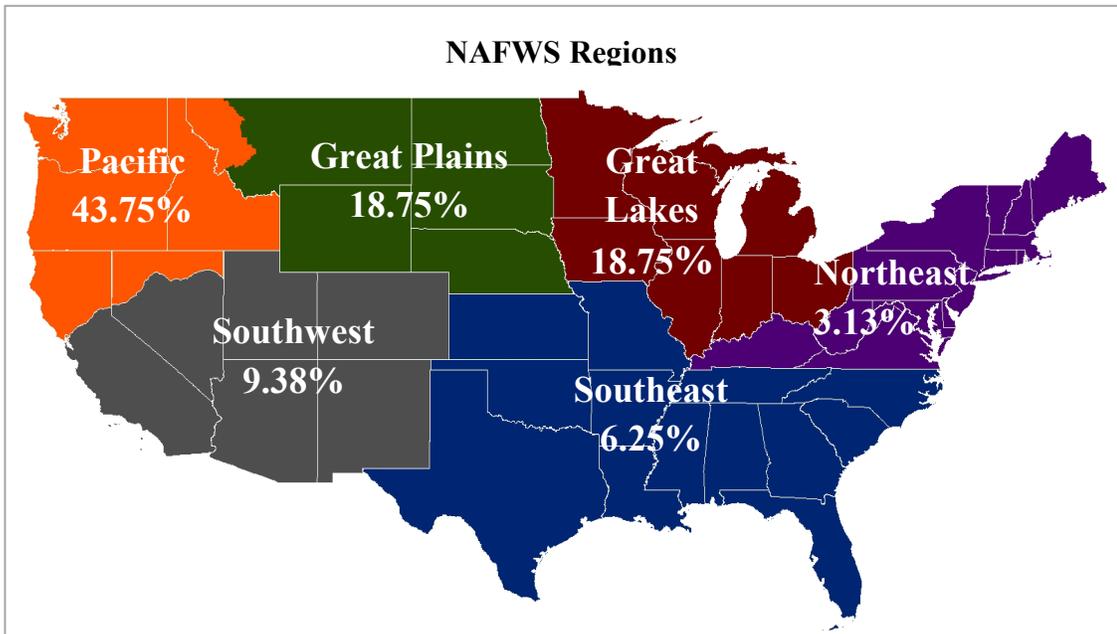


Figure 1. Percentage of participant response in each region

Q2 Select your Tribe's jurisdictional land size

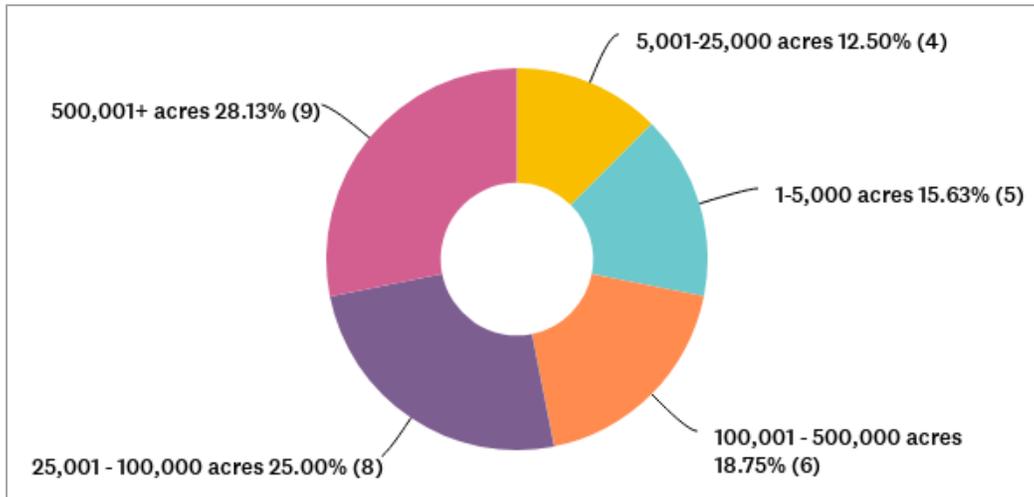


Figure 2. Jurisdictional land base, responses grouped by category

Tribal lands account for almost 56 million acres in the USⁱⁱⁱ. In question two, participants were asked to select their tribe's jurisdictional land size from a list. Cumulatively, about 47% of all participants (n=15) indicated a land base of at least 100,000 acres in size. Singularly, 28.13% of our participants (n=9) indicated their Tribes' jurisdictional land base was 500,001+ acres in size. Additionally, 25% (n=8) of all responses indicated a land base of 25,000 – 100,000 acres in size.

Q3 Please select all that apply to your Tribal governance:

- We have a treaty Reservation Boundary
- We have Treaty ceded lands
- We exercise off-reservation hunting, fishing & gathering rights
- We have an Executive Order Reservation Boundary

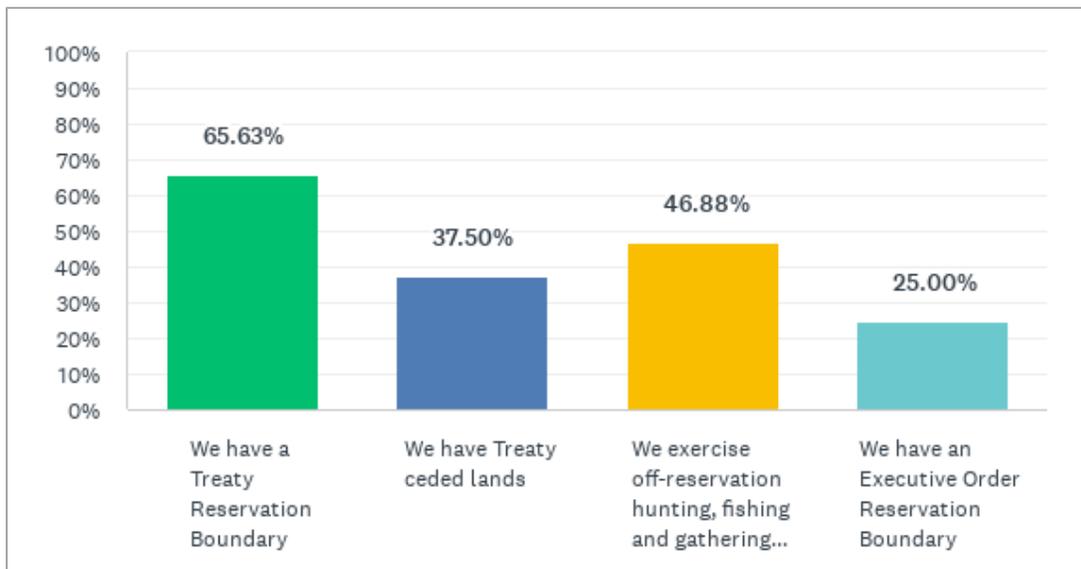


Figure 3. Tribal Governance

Q4 Which of these describes your current Conservation Law Enforcement Officer (CLEO) Program?

The responses indicate 55% of CLEOs are mostly part of either the formal Police Department or a Fish & Wildlife Department. An additional 21% of the participants indicated their official duties are carried out as part of a Natural Resource based program while, 21% of the participants indicated they do not have a formal CLEO program.

Table 1. Structure of CLEO program

ANSWER CHOICES	RESPONSES
We do not currently have a formal CLEO Program	20.69% n=6
Part of an Environmental Department	3.45% n=1
Part of a Natural Resources Department	20.69% n=6
Part of a Fish and Wildlife Department	27.59% n=8
Part of a Police Department	27.59% n=8
TOTAL	n=29

Q5 How many CLEOs are employed by your Tribe?

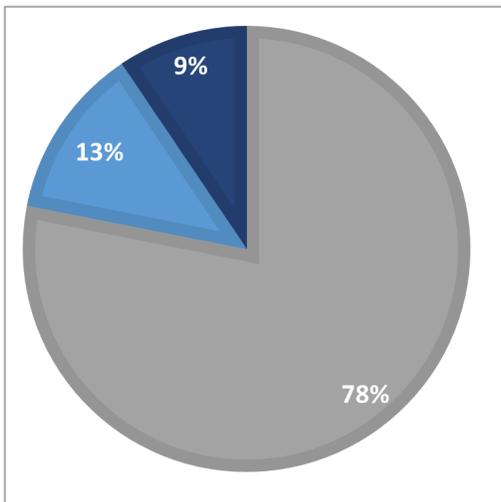


Figure 4. Size of CLEO Program

- Most Tribes, 78% (n=25) have 0-5 CLEOs employed
- Thirteen percent (n=4) have 6-10 CLEOs employed
- Nine percent (n=3) have greater than 10 CLEOs employed.

Q6 How many CLEO vacancies exist at your Tribe?

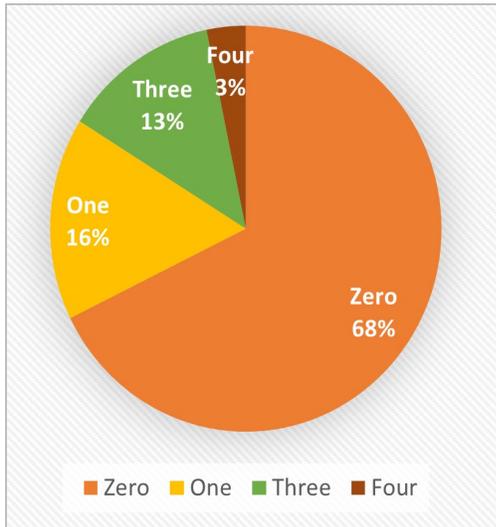


Figure 5. CLEO vacancies

Most of the responses indicated they do not have any CLEO vacancies. 16% have one opening, 13% have 3 vacancies and 3% have 4 or more open CLEO positions.

Q7 At full capacity does your CLEO staff adequately support the natural resource protection needs of your Tribe?

An overwhelming eighty-three percent of the responses indicated they are not adequately supporting the protection needs of their tribe. Seventeen percent of respondents indicated that they are adequately supporting the protection needs of the tribe.

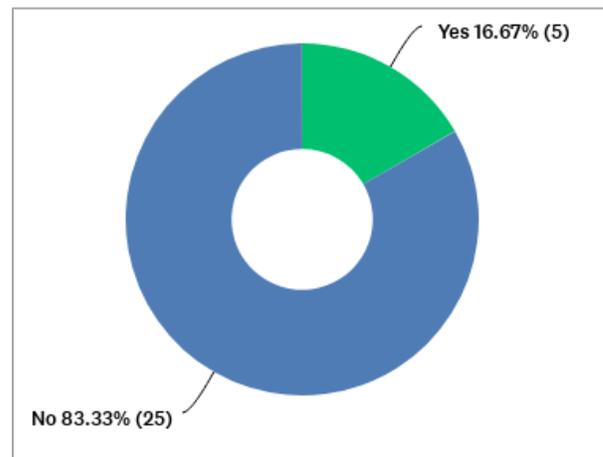


Figure 6. Resource protection vs. staffing needs

As previously identified, there are an estimated 300 certified CLEOs employed in Indian Country. In addition to the enforcement of natural resource regulations, they are often required to serve as backup or, at least temporarily re-assigned to patrol duties. The lack of an adequate, continual funding base strictly for conservation efforts can also hamper natural resource protection efforts. This survey effort overwhelmingly identified the need for more CLEOs with some identifying the need to establish a program [Question 4: ~21%, p.10] and the majority [Question 5: 78%, p. 10] needing more CLEOs to adequately cover their lands. This is understandable given the fact that 72% of the respondents have identified a land base with a minimum of 100,000 acres [Question 2, p.9].

Some respondents identified that their Tribal land increased in size however, they did not receive additional staff or funding for the additional land base. This presents a larger burden on an already underfunded program, operating with minimal staffing. We cannot say with any certainty, but can assume that many Tribes are purchasing land, as a part of the Department of Interior's "Land Buy-Back Program for Tribal Nations"^{iv}, which ended November 24, 2022. This program was the final component of the *Cobell v. Salazar*^v settlement agreement which provided \$1.9 billion for Tribes to purchase land for the benefit of their Tribal members and their reservation communities, as an outcome of that historic case.

Q8 Please select the average annual salary range of your CLEOs (range estimates are based on the Federal GS pay scale, including Administratively Uncontrolled Overtime pay.)

Five of the respondents have a salary of less than \$36,497 a year. Nine of the respondents have a salary that ranges from approximately \$36,000 to 48,000/year, in the GS/5, Step 1-10 range. Eleven of the respondents have a salary that ranges from approximately \$45,000 to 59,000/year or in the GS/7, Step 1-10 range. Four of respondents have a salary that ranges from \$55,000 – 72,000/year, in the GS/9, Step 1-10 range. None of the respondents have a salary greater than \$71,888/year.

Q9 What percentage of your CLEO staff are Native American or Alaska Native?

An overwhelming 84% of the total respondents identified that at least 50% to 100% of their CLEO staff are Native American or Alaska Native. Sixteen respondents have 100% native staffing, eleven of the respondents have a range from 50%-85% native representation and five of the thirty-two responses do not have any Native American or Alaskan Natives, working as a CLEO.

Q10 Where do your CLEOs obtain their law enforcement credentials? (Select all that apply)

The majority (45%) of the respondents obtain their credentials from the Federal law enforcement training center/Indian Policy Academy. The least utilized option for Tribal CLEOs is the Tribal Police Academy.

Other responses include credentials earned via "state certified academies along with federal SLEC certification training" and "on the job training. Identifying that some officers are ex-military, corrections..." and at least two respondents identified credentials via being a "County Officer" and "LEO Warden status" obtained via County Sheriff's Department, environmental compliance internal credentials.

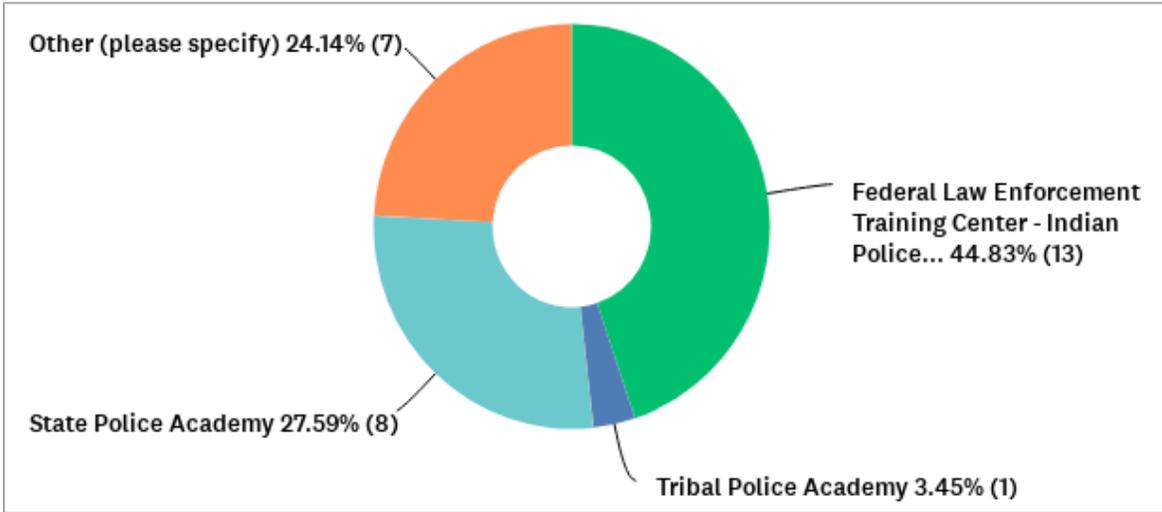


Figure 7 Law enforcement credentials obtained at these academies

Q11 Please check all that apply for sources of your current CLEO program funds.

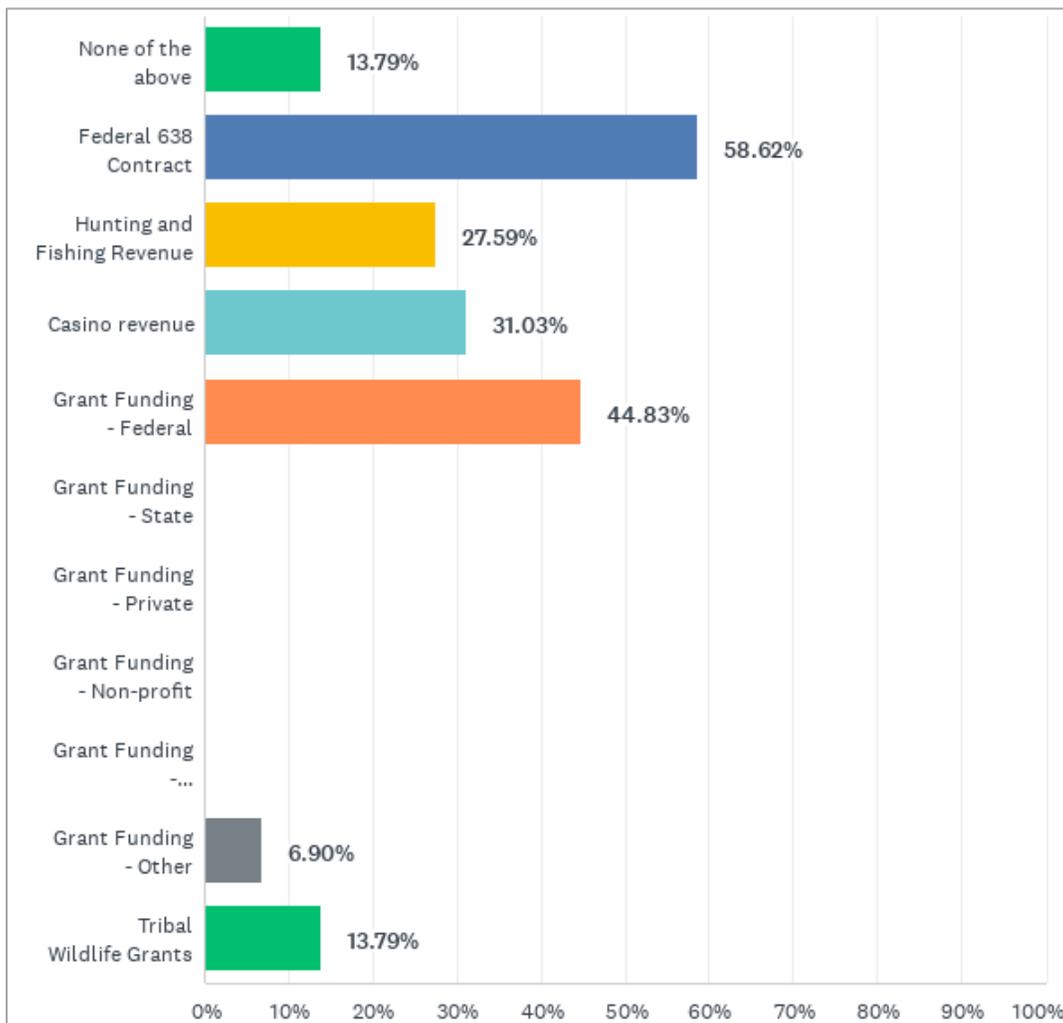


Figure 8. Sources of CLEO funding

In question eleven, participants were asked to identify ‘all’ sources of current CLEO program funds. Their responses identify an issue that impacts tribes on many programmatic fronts, as they try to establish sustainable programs, regardless of the function of that program. Grant funding (i.e., competitive, soft/non-stable funding) was identified as the funding source for CLEO programs in a combined 65.52% of the survey responses and that included: tribal wildlife grants, grant funding (other) and grant funding (federal). Internal tribal revenue streams from either tribal hunting and fishing revenue or; tribal casino revenue also provide a combined 58.62% of CLEO program funding. Since, the participants checked all sources of funding and thus, could have combined funding sources to sustain their individual programs, these percentages are not additive (i.e., do not equal 100%) but does highlight the inconsistent funding of our Tribal CLEO programs.

Q12 Please provide the amount of annual funding that supports your current CLEO program

Of the 26 respondents, 7 respondents identified an annual budget equal to or greater than \$500,000. Six respondents identified a budget of less than \$100,000 with amounts ranging from \$11,000-85,000. Four respondents identified an annual budget between \$100,000-\$385,000. The nine respondents that did not identify a budget amount identified that they did not have access to that information.

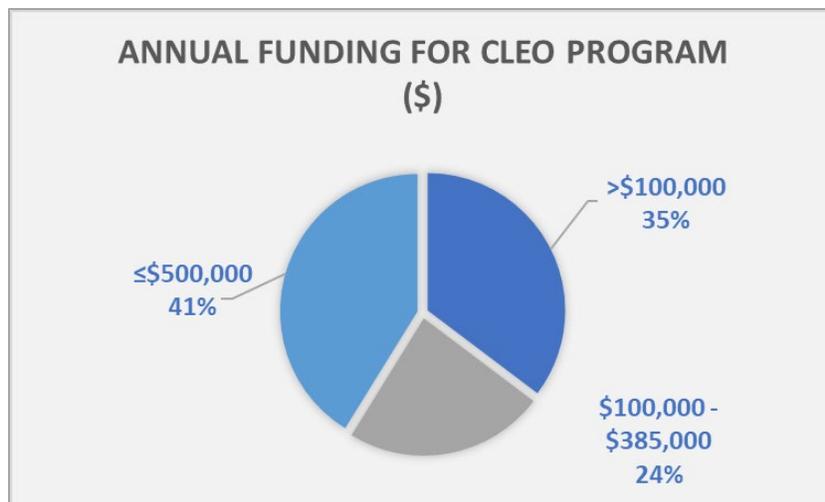


Figure 9. Annual program funding

Q13 Estimate percentages of how this funding is used annually.

For question thirteen, we asked the participants to provide an estimate, as a fill in the blank question. We received a range of answers, however, the following best summarizes that information.

- 90% Salaries
- 67% Police equipment and police gear
- 57% Patrol units
- 57% Radio communications
- 71% Maintenance and operations
- 57% Training – Basic
- 38% Training – Advanced
- 29% Other – Please explain.

The write-in option results for “other” included the following: fringe, travel, fuel, and computers.

Q14 please provide your average year's hunting and fishing revenue.

A total of 50% of the total respondents (n=14) indicated a revenue of \$0. Five respondents indicated a revenue of \$10,000 or less. One respondent identified \$30,000 in revenue and the remaining respondents (n=4) provided revenues ranging from \$100,000 to \$175,000 a year.

Q15 What percentage of your average annual hunting and fishing revenue supports the CLEO program?

Nineteen respondents indicated zero funds from hunting and fishing revenues support the CLEO program. Four respondents indicated that 100% of the revenue supports their CLEO program there was one respondent each indicating either 5% or 50% of revenue support for their program. One respondent did not know if revenue supported their enforcement activities.

Q16 Do your CLEOs maintain Special Law Enforcement Commissions (SLEC) issued by the BIA OJC?

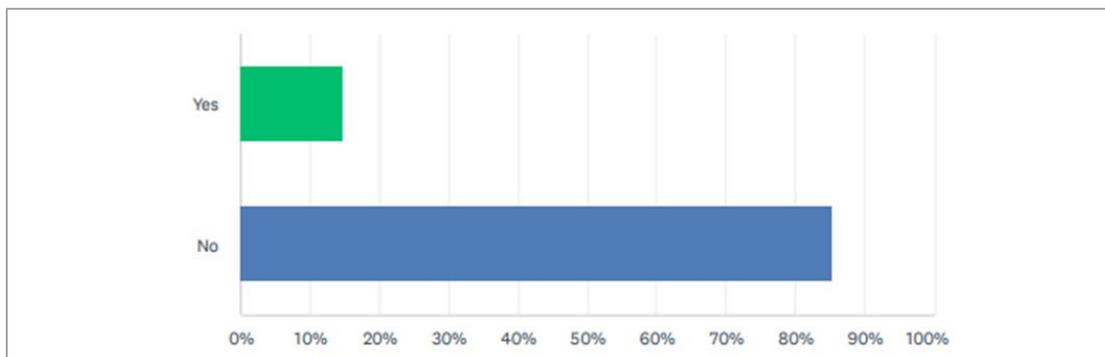


Figure 10. Possess CLEO Special Law Enforcement Commissions (SLEC)

Special Law Enforcement Commissions are issued by the Bureau of Indian Affairs, Office of Justice Services to commissioned Tribal law enforcement personnel to assist with the enforcement of federal violations. SLEC allows officers to address criminal activity without having to sort out the jurisdictional issues, first.

Q17 How many of your CLEOs are issued SLEC?

- 20 of the 24 total responses indicated that none of their CLEOs are issued SLEC.
- 3 respondents indicated that 1 CLEO is issued SLEC.
- One response indicated 7 CLEOs are issued SLEC

The issuance of SLEC by BIA OJS is evaluated on a need basis by Regional BIA Special Agents in Charge and based on the enforcement of federal criminal codes. More information is needed to address whether an imminent need for SLEC is necessary for CLEOs to enforce natural resource crimes.

Q18 Do your CLEOs have cross-deputization through Memorandums of Agreement with any other law enforcement agencies?

- 71% of the respondents (20) answered “no”
- 29% of respondents (8) answered “yes”

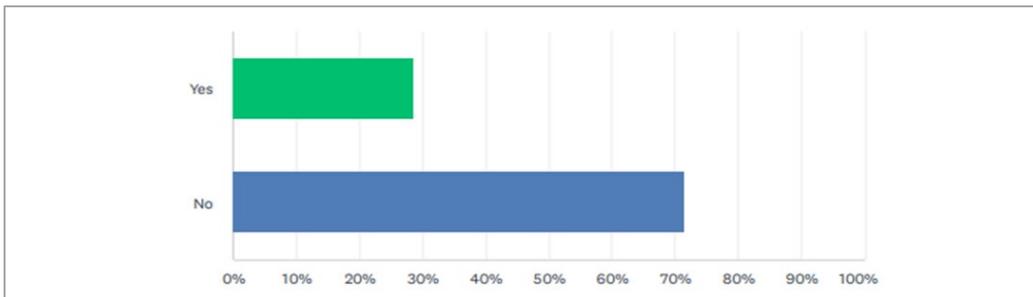


Figure 11. CLEO cross-deputization?

Q19 What type of violations do your CLEOs enforce?

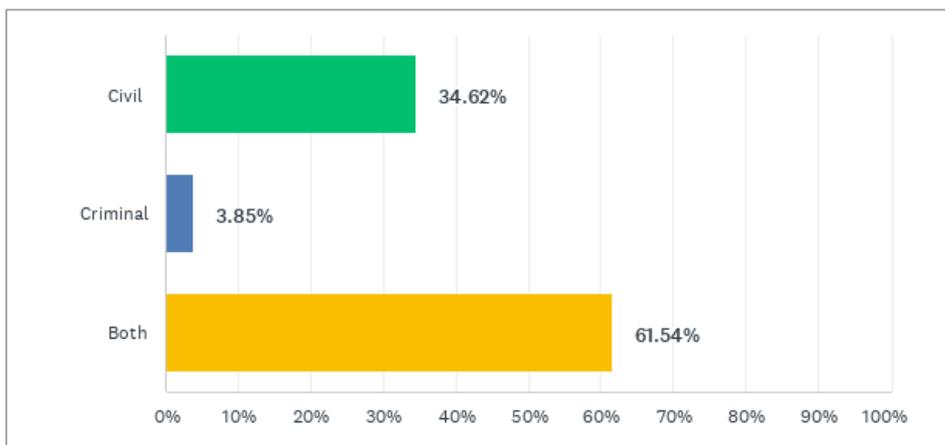


Figure 12. Type of Enforcement

Q20 What are the primary duties of your CLEOs?

Table 2. Types of CLEO duties

Answer Choices	% Of Responses	# Of responses
Natural resources -100% (e.g., 100 % of time spent)	92.59%	n= 25
Traffic	44.44%	n= 12
Drug enforcement	44.44%	n= 12
Domestic violence	40.74%	n= 11
Search and rescue	62.96%	n=17
Livestock trespass enforcement	55.56%	n= 15
Emergency management	55.56%	n= 15
Other (please explain)	25.93%	n= 7

The “Other” responses included:

- Domestic animal control
- Education programs (Hunters, ATV, Snowmobile, Boat Safety)
- Backing up patrol units
- Assist tribe or other agencies as backup patrol unit
- Tribal events
- General law enforcement duties

Q21 Do your CLEOs receive support from the US Fish and Wildlife Service, Office of Law Enforcement?

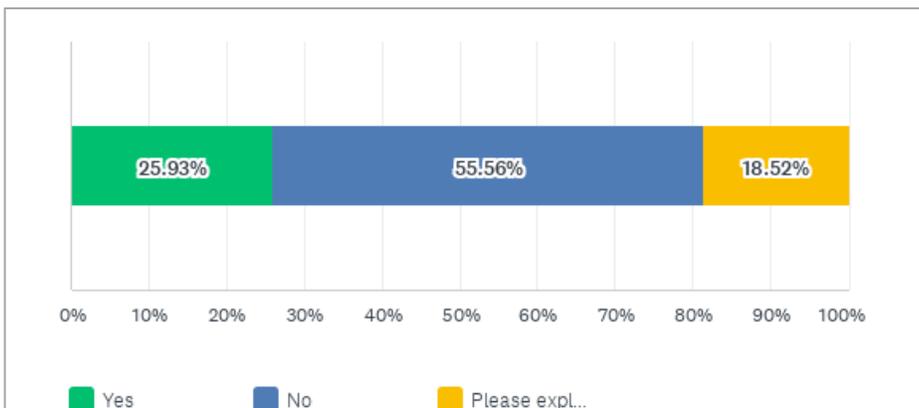


Figure 13. Support from Federal Agency

Of the responses. 26% indicated “yes” they do receive some type of support from USFWS and 56% answered “no” they did not receive any type of support from the USFWS.

The 19% that provided the following additional details:

- \$47,000 grant received every year, is applied towards salary
- Occasional training
- Poaching cases on fee land within the reservation boundary

Q22 Please list your Tribe's Conservation Law Enforcement priorities

Table 3. CLEO Priorities

Coded Theme	Number of responses	Example of Response
Natural Resource Protection	8	<ul style="list-style-type: none"> • Wildlife/hunting code enforcement • Camping code enforcement • Livestock code enforcement • Trespass violations • Wildfire deployment
Public Safety	4	<ul style="list-style-type: none"> • Support Tribal Police Officers • Domestic violence
Wildlife Surveys	1	<ul style="list-style-type: none"> • Quality deer management
Environmental/Contaminant Issues	2	<ul style="list-style-type: none"> • Solid waste dumping • Pollutants
No CLEO Program	2	<ul style="list-style-type: none"> • Need to develop

Q23 List types of instructor certifications maintained by CLEOs employed by your Tribe.

Participant responses to Question 23, were coded into dominant themes.

Table 4. Types of CLEO certifications

Coded Theme	Number of responses	Example of Response
Firearms	17	<ul style="list-style-type: none"> • Firearms qualifications • Active shooter • Armorer
Defensive/Control Tactics	14	<ul style="list-style-type: none"> • De-escalation • Self-defense • Intermediate weapons (baton, OC spray, taser) • Handcuffing
Emergency/Rescue	8	<ul style="list-style-type: none"> • CPR/First aid • Tactical medical • Ice rescue • Lifeguard • Tactical tracking
Vehicle Operations	8	<ul style="list-style-type: none"> • EVOC • ORV/ATV • Snowmobile • Defensive driving
Watercraft Operations	5	<ul style="list-style-type: none"> • Motorboat • Canoe
Hunter Education	5	<ul style="list-style-type: none"> • Firearms • Bow/archery
Wellness	2	<ul style="list-style-type: none"> • Physical fitness
Leadership	2	<ul style="list-style-type: none"> • First level supervisor • Field training officer
Other Agency	2	<ul style="list-style-type: none"> • Rely on other agency instructors for all specialized training for CLEO staff

Q24 Are re-certification training courses for instructors supported by your CLEO program?

Of the responses, 54% indicated “yes”, 39% indicated “no” and 8% provided an explanation.

Additional comments from respondents include:

- “Would be. Just have not established instructor certifications as should have. Limited opportunities since not under BIA CLEO contract.”
- “Unsure of what this means... if you mean sending instructors to recertification trainings to keep current then ‘yes’”

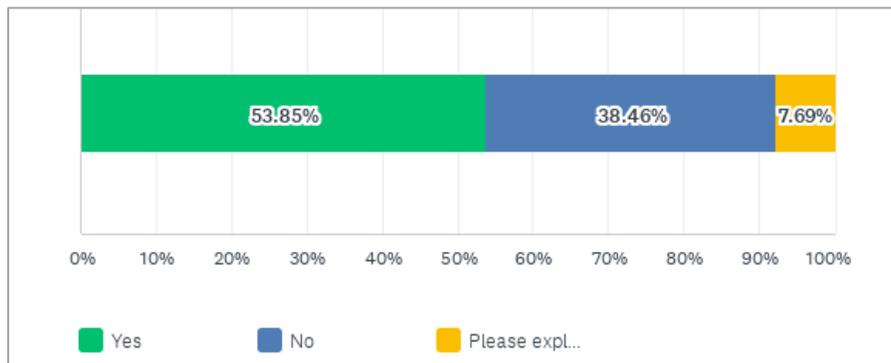


Figure 14. Training/Certification Support

Q25 Are specialized training requests supported by your CLEO program?

Of the responses, 64% indicated “yes”, 21% indicated “no” and 14% indicated “other” with these additional comments:

- Searching for trainings but unable to find them
- Fire investigation
- When and if any additional funding is available for this purpose.

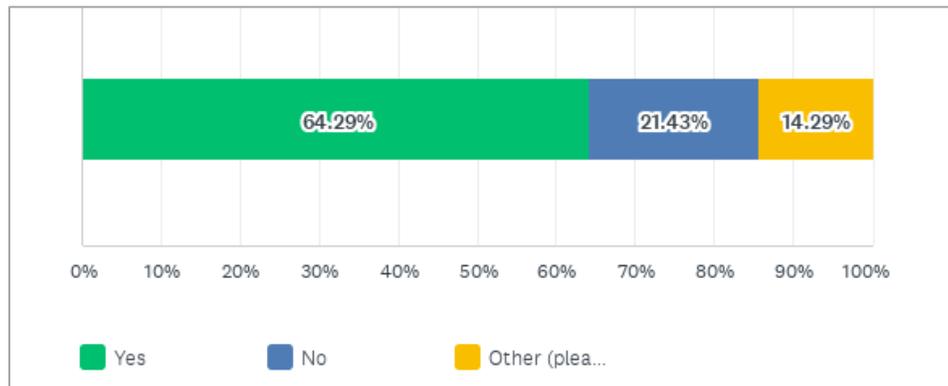


Figure 15. Specialized training request support

CONCLUSION

As stated previously, there is no mechanism for Tribal Conservation Law Enforcement Programs to secure fixed federal funding, much less, having the Tribal capacity to apply for CLEO specific grant funding to address their existing deficiencies. The law enforcement specific funding process that exists under the BIA OJS is specific to Tribal Police Departments. If a CLEO position falls under that structure, then they may receive some funding for natural resource enforcement; however, it is safe to say that the majority of the OJS grant money is directed to public safety patrol staffing expenses. In cases where a CLEO Program is administered under a Natural Resource or equivalent department, the program funding is largely insufficient as acquired federal grant funding for wildlife management is specific to wildlife management projects, not including conservation law enforcement.

The limited funding sources for Tribal CLEO programs varies among the many Tribes and those variances have a direct impact on the continued success of individual departments. In either case, much of the funding is allocated to cover employee salaries, benefits, and routine operations. Money for officer equipment and training may be limited or nonexistent, which could possibly jeopardize the safety of the officer or the safety of those whom they are sworn to protect.

In the case of salary and benefits, many CLEOs do not receive the same retirement benefits and opportunity to retire after twenty (20) years of service as other federal and state law enforcement colleagues. Furthermore, there is inequity in the annual salary of Tribal CLEOs compared to the salaries of federal and state law enforcement officers even though Tribal conservation officers are responsible for patrolling, in some cases, millions of acres in very remote situations. It is estimated that one CLEO patrols approximately 187,333 acres with an average annual salary ranging from \$39,000 - \$43,000 for non-supervisory positions.

By comparison, the National Park Service, employs an estimated 1,500 uniformed law enforcement officers who are collectively responsible for the regulation of public use on approximately 83 million acres, or one officer per 55,333 acres. Other Department of the Interior agencies such as the U.S. Fish and Wildlife Service and the Bureau of Land Management have officer/acre ratios that are more extreme than in Indian Country, 1 per 612,245 acres and 1 per 1.2 million acres respectively; however, the land base for these agencies may include property set aside strictly for wildlife management with no public use or access, and/or lands where enforcement jurisdiction is shared among local, state and other federal agencies through various Memorandums of Agreement. On average, federal natural resource field officers earn an annual salary between \$45,000 – \$72,000 and are eligible for a pension upon retirement.

Funding for CLEO training is critical for officers to maintain their certifications as sworn peace officers, but more importantly to protect them and others from the everchanging risks they encounter daily. Inadequate funding not only directly impacts officer safety and the protection of Tribal natural resources, but also negatively impacts Tribal sovereignty and self-governance. Tribal conservation officers serve a vital role within the tribal government structure and must be afforded fixed, annual funding for equal pay and benefits; for sound and advanced equipment; and for current substantive training to maintain their skills and law enforcement credentials to carry out their duties safely, effectively and without concern for failure.

APPENDICES

Appendix A: Survey schedule



NAFWS-CLEO

NAFWS - CLEO Survey

The Native American Fish and Wildlife Society is a non-profit 501(c)3 founded in 1983 with the mission to assist Native American and Alaska Native Tribes with the conservation, protection, and enhancement of their fish and wildlife resources. To better serve our 227 support member tribes and growing individual membership, we are requesting your voluntary, anonymous participation in the following survey that has an emphasis on conservation law enforcement. Tribal Conservation Law Enforcement Programs are currently at a disadvantage to our state and federal counterparts in being able to explain our current resources and the gaps that exist in our capacity and funding. The NAFWS was founded on the principal of being an avenue for Tribal Fish and Wildlife professionals to raise our needs, successes and concerns to a National level, and the results of this survey will increase our ability to quantify the needs of Tribal Conservation Law Enforcement Programs and raise them to the National level.

Your information will not be identified by Tribe and will be used as part of a national compilation of the status and needs of Tribal Conservation Law Enforcement Programs. Please feel free to contact Robert Romero, NAFWS CLEO consultant at RRomero@nafws.org or 303-466-1725 ext. 1 with any questions or concerns. Thank you.

* 1. Please Select your NAFWS Region

2. Select your Tribe's jurisdictional land size

3. Please select all that apply to your Tribal governance

- We have a Treaty Reservation Boundary
- We have Treaty ceded lands
- We exercise off-reservation hunting, fishing and gathering rights
- We have an Executive Order Reservation Boundary

Figure 16. The Survey Schedule

4. Which of these describes your current Conservation Law Enforcement Officer (CLEO) Program?

- We do not currently have a formal CLEO Program
- Part of a Fish and Wildlife Department
- Part of an Environmental Department
- Part of a Police Department
- Part of a Natural Resources Department

Other (please specify)

5. How many CLEOs are employed by your Tribe?

6. How many CLEO vacancies exist at your Tribe?

7. At full capacity does your CLEO staff adequately support the natural resource protection needs of your Tribe? Please explain

- Yes
- No

Please explain

8. Please select the average annual salary range of your CLEOs (range estimates are based on the Federal GS pay scale, including Administratively Uncontrolled Overtime pay)

- <\$36,497
- \$55,300 - \$71,888 (GS/9, Step 1 - 10)
- \$36,497 - \$47,448 (GS/5 Step 1 - 10)
- >\$71,888
- \$45,209 - \$58,774 (GS/7, Step 1 - 10)

9. What percentage of your CLEO staff are Native American or Alaska Native?

10. Where do your CLEOs obtain their lawn enforcement credentials? (Select all that apply)

- Federal Law Enforcement Training Center - Indian Police Academy
- Tribal Police Academy
- Military Police Academy
- State Police Academy
- Other (please specify)

11. Please check all that apply for sources of your current CLEO Program funds.

- Federal 638 Contract
- Hunting and Fishing Revenue
- Casino revenue
- Grant Funding - Federal
- Grant Funding - State
- Grant Funding - Private
- Grant Funding - Non-profit
- Grant Funding - Non-governmental organization
- Grant Funding - Other
- Tribal Wildlife Grants
- None of the above

Other (please specify)

12. Please provide the amount of annual funding that supports your current CLEO program

13. Estimate percentages of how this funding is used annually

- Salaries
- Police equipment and police gear
- Patrol units
- Radio communications
- Maintenance and operations
- Training - Basic
- Training - Advanced
- Other - please explain

14. Please provide your average year's hunting and fishing revenue

15. What percentage of your average annual hunting and fishing revenue supports the CLEO program?

16. Do your CLEOs maintain Special Law Enforcement Commissions (SLEC) issued by the BIA OJC?

- Yes
- No

17. How many of your CLEOs are issued SLEC?

18. Do your CLEOs have cross-deputization through Memorandums of Agreement with any other law enforcement agencies?

- Yes
- No

Explain who and for what purpose.

19. What type of violations do your CLEOs enforce?

- Civil
- Criminal
- Both

20. What are the primary duties of your CLEOs?

Natural Resources (100%)	<input type="text"/>
Traffic	<input type="text"/>
Drug Enforcement	<input type="text"/>
Domestic Violence	<input type="text"/>
Search and Rescue	<input type="text"/>
Livestock Trespass Enforcement	<input type="text"/>
Emergency Management	<input type="text"/>
Other (please explain)	<input type="text"/>

21. Do your CLEOs receive support from the U.S. Fish and Wildlife Service, Office of Law Enforcement?

- Yes
- No
- Please explain

22. Please list your Tribe's Conservation Law Enforcement priorities

23. List the types of instructor certifications maintained by CLEOs employed by your Tribe.

24. Are re-certification training courses for instructors supported by your CLEO program?

- Yes
- No
- Please explain

25. Are specialized training requests supported by your CLEO program?

- Yes
- No
- Other (please specify)

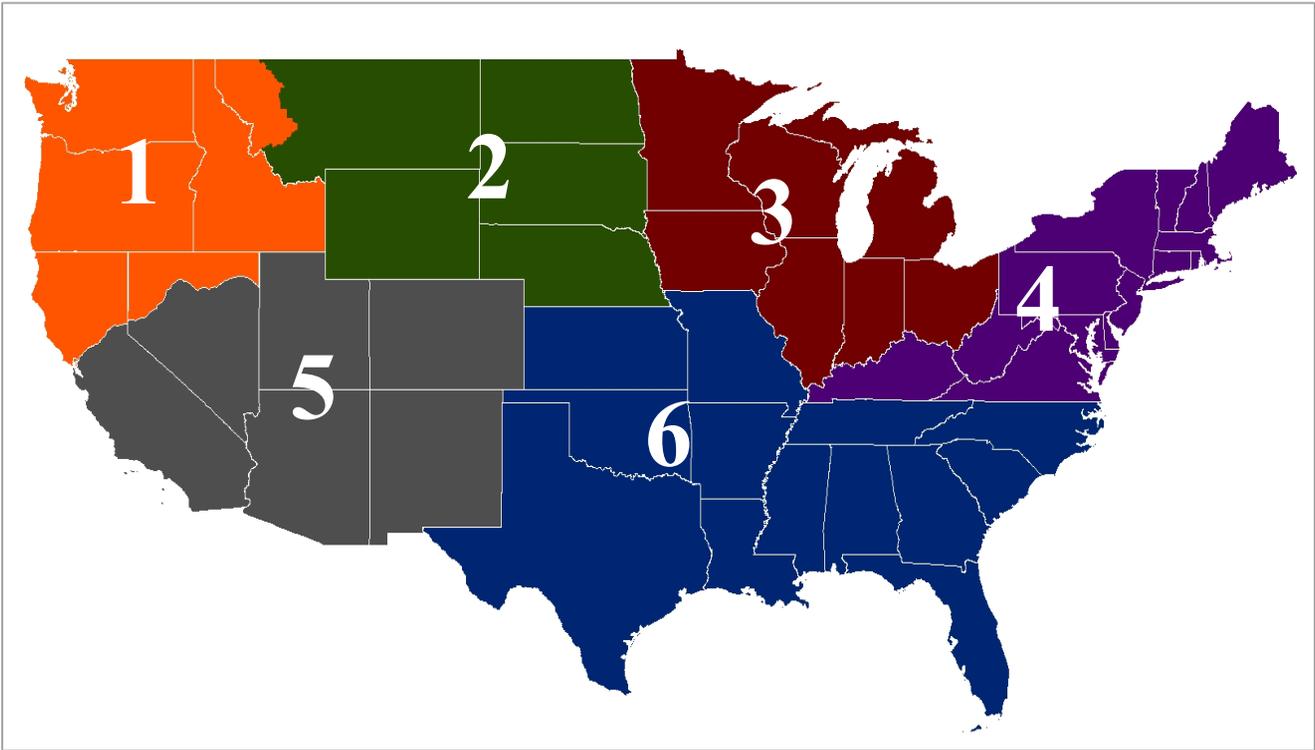
Appendix B: NAFWS Regions

Figure 17. NAFWS Regions

NAFWS REGIONS:

1. Pacific Region
2. Great Plains Region
3. Great Lakes Region
4. Northeast Region
5. Southwest Region
6. Southeast Region

Works cited

ⁱ Indian Self Determination and Education Assistance Act, 25 U.S.C. § 900 (1976). [Public Law 93 638 Indian Self-Determination and Education Assistance Act, as Amended \(Final Rule\) \(bia.gov\)](#)

ⁱⁱ Exec. Order No. 14053 (2021)

ⁱⁱⁱ U.S., Department of Interior, Indian Affairs (2023). Office of Trust Services. [Office of Trust Services | Indian Affairs \(bia.gov\)](#)

^{iv} US Department of Interior, Land Buy-Back for Tribal Nations. (2023). [Land Buy-Back Program for Tribal Nations | U.S. Department of the Interior \(doi.gov\)](#)

^v *Cobell v. Salazar*, 679 F.3d 909, 400 U.S. App. D.C. 428, 82 Fed. R. Serv. 3d 758 (D.C. Cir. 2012)