



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Regional Office
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234

IN REPLY REFER TO:

PN-1010
ADM – 1.10

MAR 05 2015

MEMORANDUM

To: Director, Security, Safety, and Law Enforcement
Attn: Bruce Muller

From: Lorri J. Lee 
Regional Director

Subject: Memorandum of Understanding (MOU) between the Bureau of Reclamation and the Confederated Tribes of the Colville Reservation, Colville Tribal Police Department

Thank you for your continued coordination with the Pacific Northwest Region (PN Region) regarding the delegation of Reclamation law enforcement authority to Colville Tribal law enforcement officers. The purpose of the delegation is to enhance protection of Reclamation lands, both acquired and withdrawn, and related projects located within the exterior boundaries of the Colville Indian Reservation. In January 2015, the PN Region communicated the subject MOU to Chairman Boyd of the Colville Tribe for review and approval.

Attached, you will find three original copies of the MOU with the Colville Tribe's approval and my approval. I am now seeking your review and approval. Upon your approval, please keep one hardcopy original for your files and return the other two originals to my office, attention Mr. Celestino (Tino) Tafoya.

If you have any questions, please contact Mr. Rich Volpe, Special Agent, at 208-685-6925 or via email at rvolpe@usbr.gov.

Attachments – 3 copies

cc: PN-1010 (Tafoya), PN-3029 (Volpe), GCP-1000 (Smith)

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
BUREAU OF RECLAMATION
AND THE
CONFEDERATED TRIBES OF THE COLVILLE RESERVATION,
COLVILLE TRIBAL POLICE DEPARTMENT**

I. Purpose

This Agreement prescribes the procedures and guidelines for designating law enforcement authority between the Bureau of Reclamation (Reclamation) and the Confederated Tribes of the Colville Reservation (CCT), a federally recognized Indian Tribe by and through the Tribal Police Department.

Nothing in this Agreement shall be construed to limit or restrict Tribal sovereignty or restrict the Tribes' ability to use Tribal, State, or other Federal law enforcement authority. Nothing in this agreement shall be construed to limit or restrict any State, local, or Federal law enforcement authority that may be exercised by any agency with appropriate jurisdiction.

II. Authority

Reclamation: Title 43 United States Code § 373b and the implementing regulations found in Title 43 Code of Federal Regulations Part 422 authorize Reclamation to delegate law enforcement authority to Tribal law enforcement officers to enforce Federal laws and regulations on Reclamation lands.

CCT: The CCT Law and Order Code, Chapter 1-3, authorizes the Chief of Police to "insure cooperation with other law enforcement agencies" under the direction of the Colville Business Council.

III. Statement of Mutual Interests and Mutual Benefits

Some Reclamation land, both acquired and withdrawn, and related projects are located within the exterior boundaries of the Colville Indian Reservation. Local law enforcement agencies have very limited resources and are therefore limited in their ability to regularly respond to, patrol, enforce laws, and best address public safety and/or conduct matters on these lands.

Reclamation and the CCT have determined that delegation of Reclamation law enforcement authority to Colville Tribal law enforcement officers will enhance protection of Reclamation lands and projects, thus being mutually beneficial, economical, and advantageous to the public interest.

This Agreement confers Reclamation law enforcement authority to specific Colville Tribal law enforcement officers as designated enforcement officers to conduct routine law enforcement, perform investigations and response, as required and appropriate on Reclamation lands and projects, incidental to normal Colville Tribal Police activities on adjacent or nearby lands.

This Agreement supports a cooperative goal of Reclamation and the CCT to enhance the protection of persons and property on Reclamation lands adjacent to and within the exterior boundaries of the Colville Indian Reservation. Reclamation and the CCT share a mutual interest in the application and enforcement of Federal laws and regulations that are established to maintain law and order and to protect natural and cultural resources, as defined in 43 CFR Part 423, as well as facilities located on these lands. Reclamation is accordingly authorizing designated Tribal law enforcement officers employed by the CCT to enforce Reclamation laws, rules, and regulations on these Reclamation lands to accomplish this end.

This is a non-reimbursable Agreement. No funding, of any kind, will be provided by the Reclamation to the CCT for actions related to the execution of this Agreement. Nor will any funding from the Bureau of Indian Affairs, provided through their 638 contract with the CCT, be used for actions related to the execution of this Agreement.

IV. Definitions

Reclamation Lands: Real property administered by the Secretary of the Interior, acting through the Commissioner of Reclamation, and includes acquired and withdrawn land and water surface areas under the jurisdiction of Reclamation (16 USC 4601-32(1)).

Reclamation Projects: Any water supply or water delivery project constructed or administered by the Bureau of Reclamation under the Federal Reclamation laws, and Acts supplementary thereto and amendatory thereof ((16 USC 4601 § 32(1)).

Colville Indian Reservation: Those lands within the boundaries of the reservation created by President Grant by Executive Order dated July 2, 1872, as amended, the jurisdictional status of which is defined at Title 18 United States Code § 1151.

Violations in Progress: Violations that are encountered on Reclamation lands and projects, incidental to the normal duties of the designated law enforcement officer, or reported by a federal employee, contractor, a law enforcement agency, or the general public.

Routine Law Enforcement: Regular or intermittent patrol work and response to law enforcement emergencies as conducted by designated law enforcement officers.

Law Enforcement Emergencies: Incidents involving an immediate threat to persons, property, or resources for which time is of the essence.

Investigative Support and Law Enforcement Assistance: Law enforcement assistance or follow up to a law enforcement incident that is not routine law enforcement and is not in support of a law enforcement emergency.

Chief Law Enforcement Officer (CLEO): The CLEO is defined at 43 CFR 422.2(e). For the purposes of this Agreement, the CLEO is the Chief, Colville Tribal Police Department.

Regional Special Agent (RSA): The Reclamation regional position, which is responsible for the management of Reclamation's law enforcement program for the Pacific Northwest Region.

Bureau Director of Law Enforcement and Director, Security, Safety and Law Enforcement: Reclamation's position, which is responsible for the management of Reclamation's entire law enforcement program.

Tribal Law Enforcement Officers: Those individuals commissioned by the Chief of Police, Colville Tribal Police Department, to enforce tribal laws within the Colville Indian Reservation.

V. Designation of Authority

Reclamation authorizes the CCT to designate Tribal law enforcement officers to enforce Reclamation laws, rules, and regulations, now or hereafter in effect, on Reclamation lands and projects within the exterior boundaries of the Colville Indian Reservation pursuant to 43 CFR Part 422.

The CCT agrees to designate Tribal law enforcement officers to perform the following law enforcement duties on Reclamation lands and projects within the exterior boundaries of the Colville Indian Reservation as identified in attachment A:

- Routine law enforcement patrol.
- Response to violations in progress.
- Investigative support and law enforcement assistance.
- Response to law enforcement emergencies.

VI. Procedures

A. **Routine Law Enforcement.** No requests or approvals are required.

- B. **Violations in Progress.** No requests or approvals are required.
- C. **Investigative Support and Law Enforcement Assistance.** A request must be made by Reclamation's Pacific Northwest RSA.
- D. **Law Enforcement Emergencies.** Requests for Colville Tribal law enforcement officers' response to law enforcement emergencies may be made by anyone. The RSA shall be notified as soon as practicable of any such emergencies.

VII. Training and Incident Reporting

- A. Designated Tribal law enforcement officers will be provided training/briefing on the laws, regulations, policies, and procedures of Reclamation.
- B. All incidents reported by designated Tribal law enforcement officers on Reclamation lands will be reported to the RSA as soon as practical following the action, but no later than 24 hours after the incident.

VIII. Requirements for Designation

The CLEO is responsible for ensuring Colville Tribal law enforcement officers operating under the Agreement meet all the requirements for "Law Enforcement Authority at Bureau of Reclamation Projects," as outlined in 43 CFR Part 422.

IX. Standard Provisions

- A. Neither party shall be liable to the other for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement, except as provided herein.
- B. No member of, or delegate to, Congress or State Official, shall be admitted to any share or part of this Agreement, or any benefit that may arise there from.
- C. During the performance of this Agreement the participants agree to abide by the terms of Executive Order 11246 of nondiscrimination and will not discriminate against any person because of race, color, religion, sex, age, disability or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, age, disability or national origin.
- D. This Agreement does not apply on or within Reclamation lands and facilities outside of the boundaries of the Reservation unless Reclamation requests tribal law enforcement to respond to incidents on or within such lands and facilities.

E. This Agreement does not authorize use of the delegated Reclamation authority for the enforcement of any hunting, fishing, or boating on Reclamation lands, or areas under the administrative authority of Reclamation.

X. Principal Contacts

Bureau of Reclamation

Richard A. Volpe	Regional Special Agent (RSA)	O: 208-685-6925
	Bureau of Reclamation	C: 801-230-0328
	1150 N. Curtis Road, Suite, 100	rvolpe@usbr.gov
	Boise, ID 83706-1234	

Confederated Tribes of the Colville Reservation

Dustin Best	Acting Chief of Police	O: 509-634-2084
	Colville Tribal Police Department	C: 509-631-4231
	Post Office Box 150	Dustin.Best@colvilletribes.com
	Nespelem, WA 99155	

These principal contacts are specific to position and duties, and not personal. In the absence of any named contact person, the official contact responsibility shall automatically transfer, for the purpose of this Agreement, to the acting or new incumbent in the position unless otherwise designated by the contact's agency. Each agency will inform the other in a timely manner of changes in principal contacts.

XI. Designated Law Enforcement Officer List

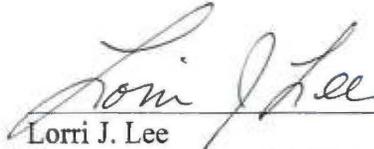
The CLEO will provide a list of Tribal law enforcement officers approved to operate under this Agreement to the RSA, within 60 days of execution of this Agreement. This list will be updated as appropriate. Upon request, Reclamation shall be provided with all documents associated with the CLEO's determination that the officers on this list have complied with the requirements in 43 CFR Part 422.

XII. Effective Date, Modifications and Amendments, and Termination

This Agreement shall be effective from the date of execution and shall remain in effect until terminated. This Agreement may be terminated unilaterally by means of a 30-day written notice by either party to the other formally advising the other of the decision to terminate. This Agreement may also be modified or amended upon written notice to either party from the other and effective immediately upon written concurrence by the party notified.

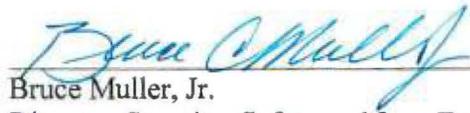
XIII. Approved:

Bureau of Reclamation



Lorri J. Lee
Regional Director, Pacific Northwest Region

3-5-15
Date



Bruce Muller, Jr.
Director, Security, Safety and Law Enforcement

3/12/15
Date

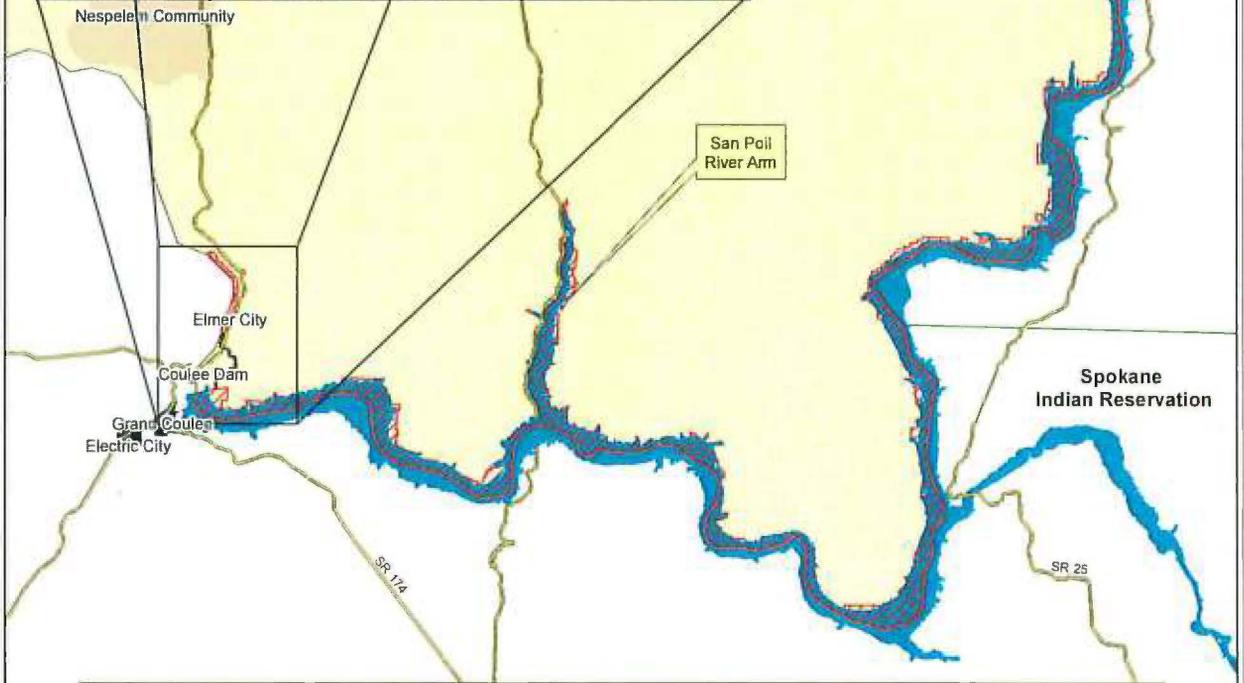
Acting for 

Jim Boyd
Chairman, Colville Business Council

2-13-15
Date



 Law Enforcement Service Contract Area
 Law Enforcement MOU Area
 This reference graphic is intended for informational purposes only. It is meant to assist in feature location relative to other landmarks. Features may have been intentionally simplified in an attempt to provide a more readable product.



Law Enforcement Boundary - Attachment "A"
 Law Enforcement Boundary for Memorandum of Understanding
 Between U.S. Bureau of Reclamation and Colville Confederated Tribes