

# **APPENDIX F: CONSERVATION LAW**

**Conservation Law Appendix Stated as appendix C to YPG  
Protection Division SOP**

## Appendix C – Conservation Law Section

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1. PURPOSE: To establish policies, responsibilities and procedures for the Conservation Law Enforcement Program and Personnel.

2. APPLICABILITY:

- a. This Standing Operating Procedure (SOP) applies to all Department of the Army Conservation Law Enforcement Officers who are stationed, assigned, attached or under the operational control of the Law Enforcement Division, U.S. Army Yuma Proving Ground, (USAYPG), Arizona, performing Law Enforcement duties.
- b. Violations of this SOP may result in administrative action.

### 3. REFERENCES:

- a. DoDI 4715.03 Natural Resources Conservation Program, 31 Aug 2018
- b. DoDI 5525.17 Conservation Law Enforcement Program, 29 Jun 2018
- c. Title 16 USC 670 (Sikes Act) Requirement to provide Conservation and rehabilitation on Military Installations.
- d. Title 16 USC 742 Fish and Wildlife Act
- e. Title 16 USC 1538 Endangered Species Act
- f. Title 16 USC 3371-3378 Lacy Act
- g. AR 190-56 Army Civilian Police and Security Guard Program, 15 Mar 2015
- h. AR 190-14 Carrying Firearms and Use of Force for Law Enforcement and Security Duties, 12 Mar 2019

### 4. AUTHORITY:

- a. This Law Enforcement Section performs the primary duties of Conservation Law Enforcement duty under authority of the Installation Commander, primarily in the live fire range, maneuver training areas, and unimproved cantonment areas. Conservation Law Enforcement Officers (CLEO) are required to operate independently with minimum supervision therefore, it is paramount to success that all assigned personnel adhere to the Army Values of Loyalty, Duty, Respect, Selfless Service, Honor, Integrity and Personal Courage. Your daily duty performance must remain above reproach.
- b. CLEOs are appointed as Conservation Law Enforcement Officers on the USAYPG Military Reservation, with authority of the Installation Commander.
- c. The appointment authorizes the carry of Government Issue firearms, citing or apprehension of offenders, and enforcement of all Federal laws, state laws, military regulation/directives, and fish and game laws in accordance with Protection Division Policy and Procedures.

### 5. PROCEDURES:

- a. Responsibilities:
  - I. The Conservation Law Enforcement Section will respond to all reported and observed violations concerning Conservation of Cultural and Natural Resources;

as well as Environmental, Archaeological, Antiquities, threatened or endangered species. Investigation of the aforementioned violations and preparation of documents for court proceedings rest solely in the purview of the Conservation Law Enforcement Section unless required by specific federal statutes or Department of Army regulations to relinquish investigative jurisdiction. Conservation Law Enforcement Officers on USAYPG, are appointed with authority of the Installation Commander and as such have no enforcement authority outside the boundaries of the Installation.

- II. CLEOs may at times be called back for unscheduled duties in cases of extreme emergencies occurring on USAYPG.
- III. Overtime work as a CLEO will be in accordance with existing policies, laws and regulations. The Section Supervisor must be notified of and approve all overtime, prior to overtime occurring.
- IV. CLEOs response to request for assistance calls from Federal/State Wildlife personnel and other law enforcement agencies will be authorized through the Section Supervisor and/or Chief of Police. This may include search and rescue efforts.
- V. CLEOs may be authorized to conduct surveillance operations using vehicles and clothing other than prescribed uniforms. The Section Supervisor/Chief of Police is the approving authority.

b. Law Enforcement:

- I. Conservation Law Enforcement Officers are tasked with enforcing and investigating violations of Federal and State laws, military directives/regulations and policies for conservation of natural, cultural, and historic resources. Emphasis of actions should concentrate upon endangered species, archaeological resources, antiquities, recreational take/harvest of wildlife, environmental protection laws and criminal trespassing.
- II. Officers will identify, correct, and enforce conditions shown to be violations and/or unsafe acts, which may cause death or injury and/or destruction of Government or private property.
- III. Response to all complaints, incidents, and locations will be in an appropriate manner and a timely fashion. Properly documenting CLEOs response to situations/incidents is key for several reason(s) which include justification of resources (personnel/equipment) and to record/document your actions as an on duty official.
- IV. Use of Force will be in accordance with AR 190-56, AR190-14.
- V. Assistance with implementation of Force Protection measures in remote and inaccessible areas should be requested.
- VI. Confiscation of weapons/equipment/property, if violations dictate, will be recorded on DA Form 4137. Confiscated equipment will be processed at the

police station where it will be held for evidence, judicial proceedings, and final disposition. Officers must take due care to protect the chain of custody of evidence.

VII. Code authorization will be done in accordance with this SOP policy. Extreme caution will be exercised when using code response. You are responsible for safety during all aspects of authorized vehicle code operations.

c. Emergency Response:

I. CLEOs may respond as first responders for training accidents, traffic accidents and other types of incidents involving injury or property destruction.

II. All personnel should be trained in MEDEVAC helicopter procedures, including establishing landing zones, hand/arm signals for ground guide procedures and MEDEVAC assistance requirements. Requests for aircraft (helicopter) assistance is through Fire Chief/Range Control.

III. Personnel should be trained in unexploded ordinance identification and procedures for securing locations.

d. Uniform: The daily uniform for Conservation Law Enforcement Officers will be the OD Green tactical trousers, Tan short or long sleeve Tactical shirt with DACP or Conservation Officer patch sewn on both sleeves, tan name tape with black/gold lettering sewn above the right breast pocket, police badge sewn above the left breast pocket, tan/black belt and tan/black boots.

e. Equipment:

I. Weapons Security:

1) Firearms/Weapon Security: CLEOs primary weapons as well as predator control weapons are stored/issued/turned-in daily at the Protection Division Arms Room in Bldg. 304.

2) CLEOs will maintain their assigned weapons (9mm) and 45 rounds of operational load ammunition, an M4 with 40 rounds, a 12 gauge shotgun with 10 rounds of 00 buck and a flare gun with 5 flares. CLEOs are responsible to ensure their weapons and ammunition are secured at all times, all weapons must be turned in to the Protection Division Arms Room prior to ending tours of duty daily.

3) Predator control weapons are issued from and received by the arms room IAW established Arms Room policy and are available (as required) daily. Privately owned weapons will not be carried while in a duty status.

II. Vehicle Security:

1) CLEOs will ensure their assigned vehicles are secured when left unattended. At no time will vehicle keys be left in the vehicle.

- 2) Maintain strict control (custody) of GSA smart fuel cards/keys. Lost keys/fuel cards must be reported immediately to the CLEO supervisor.
- 3) ATVs will be secured within the garage/secured fenced area, keys will be secured in the office. ATVs will be covered to protect from the elements or the entire vehicle must be backed into the covered area.

### III. Equipment Security:

- 1) CLEOs will ensure all equipment is signed for and secured as appropriate. Regular inventories will be conducted to assist with accountability.
- 2) Proper Preventive Maintenance Checks and Services (PMCS) of all assigned vehicles and ATVs is essential. Daily (by shift) PMCS of vehicles is required. Operators must coordinate repairs for any defects noted with the Fleet Manager. Avoid extreme off-road usage where possible to save on vehicle wear and tear, tires, etc.

### f. Wildlife:

- I. Vehicle strikes on big game (pronghorn, bighorn sheep, deer, mountain lion, or javelin) and Wild Horse/Burros require a Wildlife Vehicle Collision Report. A Wildlife Vehicle Collision Report is to be sent to Environmental Sciences Division, Arizona Game and Fish Department and The Bureau of Land Management. Sonoran Pronghorn killed due to testing must be reported immediately as they are an endangered species and are under a time sensitive reporting.
- II. CLEO may be required to dispatch injured wildlife. If it is necessary to dispatch an injured animal, it should be dispatched in the most humane manner possible as an act of mercy. A report will be taken. If the animal has general injuries that may not be life threatening, contact the Wildlife Biologist with Environmental Sciences Division for guidance.
- III. Contact AZGFD for all "recently deceased" big game (pronghorn, bighorn sheep, deer, mountain lion, or javelin) as they may donate the animal for human consumption.
- IV. Wild animals to be disposed of will be transported to an appropriate area and left for predator consumption.
- V. Actions involving use of firearms will be documented on police reports.
- VI. When trapping or catching feral animals is unsuccessful, animals may be dispatched by using firearms provided positive determination the animal as being wild or feral is made and there are valid reason(s) for terminating the animal ie: poses a threat to humans and or environment. Other animals may be eliminated when threatening human safety or domestic animals, and can be considered a health or nuisance type threat. Upon elimination of suspected infected domestic,

wild or feral animals, the Post Veterinarian, Environmental Sciences Division and Arizona Game and Fish Department will be notified.

- VII. Appropriate precautions when handling wildlife will be observed through use of gloves and washing.
- VIII. Confiscation of illegally taken game will be recorded on a DA Form 4137.
- IV. In cases involving confiscation, a picture will be taken of the animal for evidence for judicial proceedings.

g. Patrol Procedures:

- I. There are approximately 870,000 acres of patrol area. Patrol the known hot spots, hunting areas etc., on the Installation, stay visible and proactive in the training areas.
- II. Citations issued will be turned in to the police station daily, prior to ending tour of duty.
- III. Police reports will include statements, chain of custody, and other supporting documents.

h. Communication procedures:

- I. Radio communications and use will be in accordance with established policy. CLEOs must maintain communication with E-911 Operator throughout tour of duty.
- II. Use of Radios/Phones while operating vehicles in unimproved areas will be done in a safe manner. Talking on cell phones while operating a vehicle on USAYPG streets and roadways is prohibited unless using a hands-free device.

i. Contacts/Apprehensions: In most situations, violators will be processed at the scene of the violation or point of contact when possible. Should apprehension be warranted, the following procedures will be followed:

- I. Violators will be searched for weapons and/or evidence. A back-up patrol will be requested to assist and transport. If backup is unavailable officer's discretion will be used.
- II. Violators will be advised of the violation, and what action is to be taken. Advise the violator of their legal rights before questioning on a DA Form 3881.
- III. Coordinate with the Patrol Supervisor and DA Detective (as required). All subjects processed must maintain proper custody of evidence on a DD Form 4137 and release on a DD Form 2708.
- IV. Violations of regulations and policies will be recorded on a DD Form 1408, police report and recorded in ALERTS. Warnings will be recorded on a DD Form 1408.

j. Training:

- I. In accordance with DoDi 5525.17. CLEO should complete a minimum of 40 hours of annual refresher training specialized to conservation law enforcement.
- II. Conservation Requirements:
  - 1) Environmental:
    - a) Knowledge of INRMP/ICMPs and CLEO roles towards accomplishing the goals outlined within such plans.
    - b) Mission oriented job description, goals and evaluations.
    - c) Knowledge of Environmental Crimes and related investigative techniques.
  - 2) Endangered species:
    - a) Recommend ESPA training.
    - b) Knowledge of installation specific endangered and threatened species, the ability to identify each, knowledge of habitat, migratory patterns and species specific protection activities as well as imposed installation restrictions, regulations or agreements.
  - 3) Cultural resources:
    - a) Recommend ARPA training.
    - b) Knowledge of the installation's restrictions, protection, regulations or agreements covering cultural resources.
  - 4) Outdoor Activities:
    - a) Knowledge of Hunting Laws, Regulations and methods.
    - b) Licensing requirements and equipment familiarization.
    - c) Hunter education requirements.
- III. Law Enforcement Requirements: CLEO personnel will meet qualification standards as established in AR 190-56/190-14 for:
  - 1) Semi-Annual Weapons qualification.
  - 2) Use of force training.

3) Additional training as mission requires.

k. Liaison: CLEOs will at times perform as a representative of U.S. Army Yuma Proving Ground for actions effecting USAYPG interests or local assistance, concerning Conservation and Safety responses both on and off Post; off post travel outside our local USAYPG area while on duty in a GSA vehicle must be pre-approved by the Supervisor. Our daily mission requires communication and coordination efforts on a daily basis with many USAYPG and other agencies such as:

Environmental Sciences Division  
DPW  
Post Veterinarian  
Arizona Game and Fish Department  
U.S. Fish and Wildlife  
Bureau of Land Management

Other organizations on and/or off post as authorized through Conservation supervisor or the Chief of Law Enforcement. All actions will be IAW AR 190-24.

## 6. PERSONNEL:

a. Qualification standards. Personnel selected for Conservation Law Enforcement positions will be required to have a working knowledge in Conservation and Natural Resource programs, including but not limited to endangered species protection, archeological resource protection, hunting laws for Federal and State(s); as well as law enforcement training in criminal investigative techniques, community policing, surveillance and interviewing techniques.

b. Conservation Requirements:

### I. Environmental:

- 1) Knowledge of INRMP/ICMPs and CLEO roles towards accomplishing the goals outlined within such plans.
- 2) Mission oriented job description, goals and evaluations.
- 3) Knowledge of Environmental Crimes and related investigative techniques.

### II. Endangered species:

- 1) Knowledge of installation specific endangered and threatened species, the ability to identify each, knowledge of habitat, migratory patterns and species specific protection activities as well as imposed installation restrictions, regulations or agreements.
- 2) Knowledge of activities such as criminal, training and/or recreational that affect each species and its habitat.

c. Supervision: CLEOs are under the direct supervision of the Deputy Chief, Directorate

of Operations, USAYPG:

I. Chain of supervision:

- 1) Deputy Chief of Police.
- 2) Chief of Police.

II. Law enforcement responsibility chain:

- 1) E-911 Operator.
- 2) Patrol Supervisor.
- 3) Patrol Operations Captain.
- 4) Deputy Chief of Police.
- 5) Chief of Police.

d. Administrative Procedures:

- I. All employees are required to report for duty at the appointed time and with all required gear and equipment. Employees will not depart (end tour of duty) prior to scheduled time unless leave time has been requested/approved through the employee's supervisor.
- II. Bi-Weekly time data must be concurred by each employee NLT close of business the second Wednesday of each pay period to allow time for supervisor review and Certification.
- III. Requests for leave must be submitted in a timely manner (barring emergencies), all Requests for annual leave should be submitted to the supervisor NLT 10 days prior to the leave start date. Requests for sick leave must be completed as soon as the employee realizes they are too ill to report for duty and in no case later than 2-hour after the start time of shift.
- IV. Overtime and Compensatory Time. Both require supervisor approval prior to occurrence. If you stay past your scheduled end tour of duty time w/o supervisor approval then there needs to be justification.
- V. Questions, problems, coordination on any issues that may arise will be processed through the chain of supervision.

e. General:

- I. The duty position of Conservation Officer requires skill in a vast amount of areas. All CLEOs must conduct periodic review of the regulations and laws as they pertain to enforcement. In addition, CLEOs must be familiar with the

USAYPG Hunting Regulation and Arizona Game and Fish Department Hunting Regulations. CLEOs are also Law Enforcement officials that may be required to respond to calls for service un-related to normal Conservation duties.

- II. Safe vehicle operations are key. Operate vehicles over very rough and possibly unstable terrain, due care must be exercised at all times while operating a motor vehicle. ATV usage requires specialized training prior to operation and presents a whole new set of hazards. All duty related accidents must be reported immediately to their Supervisor, notify the Traffic Investigator and the Patrol Supervisor will initiate a report.
- III. Given the vast amount of duties/situations CLEOs become involved in, critical thinking is required. Do not simply jump into a situation without first applying the thought process. When in doubt seek guidance, ask questions, and most of all be honest and forthright no one person has all the knowledge all the time, communicate with each other and if questions arise you are unsure of don't just give an answer prior to conducting research. Bad news does not get better with time; if something goes wrong, notify your Supervisor as soon as possible.
- IV. Communication is key to the success of the organization. Effective communication must be maintained between Conservation Officers and the Supervisor. Timely notifications are required for all critical incidents that occur.

f. Enforcement:

- I. Conservation Officers operate independently and with minimum direct supervision, therefore it is critical that standards (Guidelines) be established concerning enforcement of laws, rules and regulation to prevent extreme diversity in the application of enforcement procedures. As a CLEO you will find yourself responding to a myriad of very different situations in the training areas. Responses will vary from simple (routine) to very complex in nature issues. Document everything you do. Decision making is an acquired and required skill set. When in doubt as to what (if any) documentation is required contact your supervisor for assistance.
- II. Typical violations observed but not limited to are:
  - 1) Criminal trespass (No area access)/ Off Road 4x4 trespass violations
  - 2) No hunting license in possession
  - 3) Improper/Incomplete hunting license
  - 4) Damage/Destruction Government Property
  - 5) Larceny of Property Government Property
  - 6) Undersize game

- 7) Removing of fossils/artifacts
- 8) Dumping of Trash in Training Area's.

III. Conservation Officer response to observed/reported violations:

- 1) Criminal Trespass, Title 18 USC, (no area access) and off-road 4x4 operations are one of our most frequently observed/reported violations. Normal response is to cite the violator on a DD Form 1408 Under Title 18, USC1382 with a Police report.
- 2) No hunting license. Standard procedure is to cite the violator with a DD Form 1408, a warning may be issued at the Officers discretion. Title 10 USC and applicable State codes.
- 3) Improper/incomplete hunting or fishing license. Standard procedure is to cite the violator with a DD Form 1408, a warning may be issued at the Officers discretion. Title 10 USC and applicable State codes.
- 4) Damage or Destruction of Government Property. Standard procedure is to cite on a DD Form 1408 and processing through ALERTS. If the violator is not known a Police Report is still required. U.C.M.J. and applicable state laws.
- 5) Larceny of Government Property is an apprehension and processing through ALERTS. Violator is processed through the Police Station. If the violator is not known/apprehended a Police Report is still required. U.C.M.J. and applicable state laws.
- 6) Undersize game. Standard procedure is to cite the violator on a DD Form 1408, warning citation may be issued at the Officers discretion for 1st time offenders, and in the case of violator harvesting an undersized buck, the deer is confiscated on a DA Form 4137 and release to Arizona Game and Fish for consumption.
- 7) Unauthorized removal of fossils or artifacts requires apprehension of the violator. Process the violator through the Police Station through ALERTS. If no subject is located, a Police report is still required.
- 8) Dumping of trash. Standard procedure is to cite the violator on a DD Form 1408 unless the trash limit exceeds 300 pounds in which case apprehension is warranted. Process the violator through the Police Station through ALERTS (Report required)

g. Found Property:

- I. Hunters are allowed to place personal property such as portable stands, game cameras, etc. in various training areas IAW the USAYPG Hunting Regulation.

- II. Should a CLEO decide to confiscate property, CLEOs should clearly state the violation leaving contact information at the site from which the property was obtained. CLEOs may also conduct surveillance of the area in question in an effort to catch/correct the violation.
- III. Confiscation of property in the training area for health, safety or other reason(s) the following procedures will be followed:
  1. Property confiscation will be recorded on a DA Form 4137.
  2. Found Property and/or evidence will turned in to the Police Station along with its DA Form 4137.
  3. CLEOs will leave a calling card with contact information at the site from which the property was obtained.
  4. Found property is normally held for no more than 45 days per AR 195-5 at which time unclaimed property will be released on a DA Form 4137 indicating final disposition.