



Mountain-Prairie Region Tribal Consultation Webinar

On

U.S. Fish and Wildlife Service Native American Policy

Overview

U.S. Fish and Wildlife Service Native American Policy

Tribal Consultation Meeting



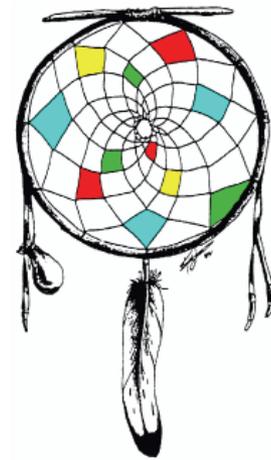
Outline

- 1. Background**
- 2. Overview of Policy**
- 3. Next Steps & Timeline**
- 4. Open Dialogue – Input, comments and discussion from Tribal representatives**

Background

- Current policy – issued in 1994.
- In 2012, the FWS committed to update policy.
- Participation and input from FWS programs and regions, and tribal leaders beginning in 2013.
- Native American Policy Team framed key issues to address.
- Distributed early, Working Draft Native American Policy to all federally-recognized tribes, Dec. 2014.

**THE NATIVE
AMERICAN POLICY**
of the U.S. Fish and Wildlife Service





Base Map courtesy of Tibor G. Toth (www.isothgraphix.com)

Overview of Policy

In General

- Drafting Team considered current policy solid but it needs stronger emphasis on implementation.
- Updated policy will:
 1. Strengthen working relationships.
 2. Address measures of accountability.
 3. Promote access to information.
 4. Maximize opportunities to effectively co-manage fish and wildlife resources.



Overview of Policy

I. INTRODUCTION AND PURPOSE

- Articulates principles that serve as the framework for Gvt.-to-Gvt. relationships between the Service and federally-recognized tribes to conserve fish and wildlife and protect cultural resources.
- Policy will allow Service-tribal relations to evolve and adapt as needed and as is consistent with Federal policy supporting tribal self-determination.
- Strong partnerships are important.



Overview of Policy

II. AUTHORITIES

- **Highlights the Statutes, Executive Orders and Presidential Memoranda, and Secretarial Orders that provide basis for policy, i.e.:**
 - **ANILCA, AIRFA, ARPA, BGEPA, FWA, ISDEAA, MMPA, MBTA, NHPA, NAGPRA**
 - **EO13007, EO13175**
 - **SO3206, SO3226, SO3317, SO3335**
 - **AG Memo on Possession or Use of Feathers ... (10/12/12)**



Overview of Policy

III. SOVEREIGNTY AND GVT-TO-GVT RELATIONS

- The Service recognizes the U.S. Gvt's legal and trust relationship with tribes.
- The Service adopts the policy in the spirit of the United Nations Declaration on the Rights of Indigenous Peoples with respect to federally-recognized tribes.



Overview of Policy

IV. COMMUNICATIONS AND RELATIONSHIPS

- **Core principles: acknowledgment, open and honest dialogue, and interpersonal interactions that depend on mutual respect and understanding.**
- **Communications will occur at various levels – Service will use formal communication in Gvt.-to-Gvt. communications and also day-to-day staff-level discourse.**



Overview of Policy

V. CO-MANAGEMENT

- Service and tribal government(s), as independent sovereigns, will meaningfully participate in co-management where we have shared responsibility to actively protect, conserve, enhance, or restore fish, wildlife, and cultural resources.
- Co-management should be tailored to specific circumstances.



Overview of Policy

VI. CULTURE/RELIGION

- Policy promotes meaningful involvement with tribes when Service actions may affect their cultural or religious interests, including archaeological resources, cultural resources, and sacred sites.
- Policy also addresses:
 - Access for Cultural, Archaeological, and Historic Resources, and Indian Sacred Sites
 - Tribal Cultural Uses of Plants and Animal Parts



Overview of Policy

VII. LAW ENFORCEMENT

- Service recognizes tribes have responsibilities for managing Indian lands and tribal resources.
- Policy encourages cooperative law enforcement as an integral component of tribal, Federal, and State activities to enforce F&W resource laws.
- Policy promotes Service and tribal LE officer cooperation to enforce Federal or tribal laws and regulations pertaining to fish, wildlife, or cultural resources.



Overview of Policy

VIII. TRAINING AND EDUCATION

- Working collaboratively with tribes, implement cultural awareness training for Service employees.
- Training should improve understanding of Native American traditional, cultural, and religious values and practices; natural resource values; treaty and other federally-reserved rights; and appropriate law enforcement policy issues.
- Policy promotes cross-training opportunities with Service and Tribes.



Overview of Policy

IX. CAPACITY BUILDING AND ASSISTANCE

- **Service is committed to entering into contracts, coop. agreements, annual or multi-year funding agreements, or grants with tribes for the administration of F&W conservation programs under the terms, conditions, and to the extent provided by ISDEAA, subject to funding availability.**
- **Service and tribes should work together to develop implementation plans, pilot projects, policies, plans, and procedures.**



Overview of Policy

X. IMPLEMENTATION AND MONITORING

- Policy is intended to be adaptive as Service and tribal priorities, resource requirements, and laws change.
- Policy integrated into Service manual chapter series.
- Every 3-5 years, the Service, with assistance from tribes, should evaluate the implementation and effectiveness of the policy across our regions and programs.



Additional Emphasis on Implementation for NAP Update

- **Integration into Service Manual Chapter: Intergovernmental Activities, Part 510.**
- **Inclusion of section defining responsible FWS positions (leadership and staff) for implementing policy. [this section to be developed]**
- **Ongoing monitoring of Service-Tribal interactions and projects.**
- **Adaptable policy – flexibility to update and/or add new sections over time.**

Overview of Policy

XI. SCOPE AND LIMITATIONS

- Policy for guidance purposes, consistent with applicable laws and regulations.
- Implementation subject to availability of resources.

XII. DEFINITIONS

- Provides definitions of commonly used terms to help clarify policy.



Next Steps & Timeline

Task/Milestone	Timeline
Initiate Tribal Consultation. Hold regional meetings and webinars on Working Draft. Written comments due 1/31/15. Consultation open through 6/30/15.	12/2014 – 2/2015
NAP Team Meeting, review tribal comments	3/3-4/15
Publish Draft Policy for Public Review in Fed. Register	March 2015
Finalize Policy: address comments, internal reviews/clearances.	June/July 2015
Briefings & Outreach: conduct FWS, DOI, and congressional briefings.	May/July 2015
Publish Final Policy, Signing Ceremony, Evaluate Process	July/Sept 2015

Open Dialogue –

Input, comments, and discussion between Service and Tribal representatives

How to Submit Comments

Written Comments

Mr. Dan Shively
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Other Opportunities

Upcoming meetings and webinars





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