

2022 Fall CFWO and PSFWO Tribal Coordination Meeting: Agenda and Notes

Welcome from Field Supervisor Scott Sobiech

Introductions

- 24 Tribal staff from 21 federally recognized Tribes
- 29 CFWO/PSFWO USFWS staff
- 9 other USFWS staff (6 from Refuges)
- 8 BIA staff
- 3 USDA (US Forest Service and National Resource Conservation Service)

Regional and National updates, Eldon Brown and Amanda Swaller

- [Link to Regional and National Updates presentation](#)
- [Link to the 2022 White House Tribal Nations Summit Announcement Letter](#)
- [Link to DOI Director's Order No. 227](#)

Progress on Tribal Wildlife Grant Project on Audie Murphy Preserve, Kelcey Stricker, Pechanga Band of Indians

- [Link to Tribal Wildlife Grant Project presentation](#)
- Jessica Sattler (FWS) asked if there are any volunteer clean-up opportunities at the Audie Murphy property.
 - Kelcey said there likely will be in the future.
- Tribal attendee asked if Pechanga established a Safe Harbor Agreement with the USFWS.
 - No; not applicable right now with our current knowledge of species on the property.

Listing and Recovery Actions Update, Alison Anderson

- [Link to Listing and Recovery presentation](#)
- Tribal attendees had several questions about critical habitat (CH)
 - Tribal attendee asked: Is there a process to remove designated CH from land that is going into Tribal trust or land that is already trust land?
 - Scott Sobiech (FWS) stated that it is an involved rulemaking process (not easy to do).
 - Alison Anderson (FWS) said that there are other ways to minimize CH-associated regulatory burden.
 - Alison: If there are ever concerns, contact us and we can discuss. We want to minimize all burden on Tribes.
 - Tribal attendee also asked: What can we do if there is a CH mapping error that overlaps trust land and CH where there isn't supposed to be? Or if land already designated CH is being brought into trust, but other trust lands were not designated?

- Alison explained mapping errors should not happen in the future with existing trust land because we are now verifying trust land boundaries with Tribes annually and communicate any discrepancies to BIA.
 - If trust land was designated in error or is being brought into trust (at least one Tribal rep stated that it had) then there are things we can do to minimize burden, but it depends on the situation, and we would need to explore options based on specific details.
- Tribal attendee asked what the Tribal outreach process for listing and critical habitat rules.
 - Alison responded that we reach out first to gather information prior to working on the Species Status Assessment (the scientific analysis document associated with the rule), then during peer and partner review of SSA, then finally to inform Tribes of the public comment period on the proposed rule.
 - The earliest (and ongoing) outreach occurs during these bi-annual coordination meetings.
 - Tribes are welcome to reach out anytime during process to ask questions or provide information.

ESA 10(A)1(a) survey/handling permits: Opportunities for Tribal members or staff to obtain experience, Amanda Swaller

- 6 Tribes expressed interest
- Tribal attendee asked: obtain training for tribal staff to do nesting bird surveys?
 - FWS response: possible
- Tribal attendee asked: What will the training look like? Will there be a sign-up sheet to participate in surveys?
 - FWS: mostly field-based, varies depending on species
 - We may be able bring some select training, study sessions for tests, and testing (insects) out to Tribes where they live.
 - Or, when biologists or organizations do surveys, they can let Tribes know so trainees can join
- Tribal attendee asked: experience with least bell's vireo surveys, need permit to relocate species?
 - FWS: A permit is needed when there is take (i.e., "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct") of threatened or endangered wildlife, varies by species and activity.
- If you are interested in training reach out and we will keep you on our list/radar. Your Tribes' coordinator can engage in further discussion regarding experience, permits and permitting.

Reburial Site Preservation (requested topic)

- Stephanie Prevost (FWS) – Tribal Historic Preservation Officer has experienced difficulties (i.e., lack of agency staff awareness) obtaining agreements for ancestral remains reburial sites on conservation lands

- Some examples of types of agreements that can be used for protection of these sites include deed restrictions, conservation easements, or in some cases agencies can treat sites like archaeological sites
- No comments from meeting attendees

Tribal Consultation for HCPs

- David Zoutendyk (FWS): Tribal consultation for HCPs
 - [La Jolla Band Consultation on SDGE HCP Amendment](#): retaining eagle remains
 - Tribal attendee: if remains are found on [Tribal] property, can we keep remains for ceremonial uses; Tribe would like the first right of refusal.
 - Scott Sobiech (FWS): protocol was developed as a result of this consultation, will be adopted in Eagle Conservation Plan. To keep eagle remains, still must go through a permit application process.
 - Tribal attendee asked in chat, “Then the short answer is no?” Kris responded, “the short answer is yes, based on a process.”
 - Tribal attendee : formal and informal process
 - There is an abbreviated process when remains are found on tribal lands.
 - [San Diego Gas and Electric Company Eagle Remains Reporting and Retention Process](#)
 - Rancho Vista Low Effect HCP in Oceanside area
 - Concerns to potential impacts to places of religious and cultural importance
 - FWS worked with Rincon and applicant to develop a study to review the impacts to those resources

Meeting Feedback

- Tribal attendee: Have longer (3 hour?) meeting next time
- Tribal attendee: 3 hours is too long, better to be more efficient going through topics; 3-hour meetings deter participation
- From meeting chat:
 - Dwane Binns (FWS): I want to thank the Southern California FWO's for the invitation for the San Diego national wildlife refuges to join in on this conversation. I want to say thank you to Erica Pinto and others of the Kumeyaay Nation for being willing to engage with the San Diego refuges in building our relationship by providing a tour of the refuges and looking to the future where we work more closely in the future!
 - Tribal attendee: Thank you Rob Roy, you not only help La Jolla but other tribes as well. Thank you all for your time and listening and making those changes to help serve as good neighbors to each other.
 - Please send any feedback, questions, comments to any of our Tribal Coordinators: Alison_anderson@fws.gov, brooke_su@fws.gov, amanda_swaller@fws.gov, stephanie_prevost@fws.gov, kent_kowalski@fws.gov