

## Enhancing Federal-Tribal Coordination of Invasive Species

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### INTRODUCTION

Invasive species are defined by the United States government to mean “with regard to a particular ecosystem, a non-native organism whose introduction causes or is likely to cause economic or environmental harm, or harm to human, animal, or plant health” (Executive Order [E.O.] 13751). The ecosystems to which invasive species are introduced or spread are not delimited by jurisdictional boundaries; they intersect with lands managed by federal, tribal, state, territorial, and county governments, as well as properties under private ownership. For this reason, effective coordination and cooperation across jurisdictions is of paramount importance in the prevention, eradication, and control of invasive species.

Federally recognized American Indian tribes are second only to the federal government in terms of the amount of land they manage; approximately 56.2 million acres are owned either by individual tribal members or the *tribe*; the title to which is held in *trust* by the federal government. Most *trust land* is within reservation boundaries, but *trust land* can also be off-reservation, or outside the boundaries of an Indian reservation. A large amount of additional land is owned and/or managed by Native Hawaiians and Alaska Native Corporations. For the purposes of this paper, these native land stewards will hereafter be referred to collectively as indigenous peoples.

Since its establishment in 1999, the National Invasive Species Council (NISC) has acknowledged the importance of working with indigenous peoples to address invasive species issues (E.O. 13112). To date, six representatives of federally recognized American Indian tribes have been appointed members of the non-governmental Invasive Species Advisory Committee (ISAC) which advises NISC. The 2016–2018 *NISC Management Plan* calls includes a priority action (2.5.1) to:

*Develop recommendations for coordinating Federal agency activities to implement E.O. 13112 with Federally-recognized tribes, as well as Native Alaskan and Native Hawaiian communities.*

Adopted on December 5th, 2016, E.O. 13751 reiterates that federal agencies are to:

*Coordinate with and complement similar efforts of States, territories, federally recognized American Indian tribes, Alaska Native Corporations, Native Hawaiians, local governments, nongovernmental organizations, and the private sector.*

In order to further these goals, a Federal-Tribal Coordination Task Team was established under the auspices of ISAC.<sup>1</sup> This paper reflects the work of that task team, including internal group discussions, informal consultations with other indigenous peoples, and literature review. The task team identified the following needs and recommendations to further strengthen coordination and cooperation between the U.S. government and indigenous peoples in their efforts to address a shared concern: the devastating impacts of invasive species on the environment and all who depend on it for their survival and quality of life. In order to be successful, coordination efforts between federal agencies and indigenous peoples to address invasive species will need to take into consideration land rights and claims; assure indigenous peoples free, prior, and informed consent; respect and facilitate the application of traditional ecological knowledge; and enable indigenous groups to build their own legal and technical capacities to address invasive species concerns.

<sup>1</sup> ISAC Members: Blaine Parker (Columbia River Inter-Tribal Fish Commission, Task Team Chair), Chuck Barger (University of Georgia), and Sean Southey (PCI Media Impact). Invited Resource Persons: Lori Buchanan (Molokai/Maui Invasive Species Committee, University of Hawaii Pacific Cooperative Studies Unit), Miles Falck (Great Lakes Indian Fish and Wildlife Commission, former ISAC member), Chris Fisher (Colville Confederated Tribes, former ISAC member), Joe Maroney (Kalispel Tribe of Indians), Mervin Wright (Pyramid Lake Paiute Tribe), and Gintas Zavadkas (employed by the Miccosokee Tribe of Indians of Florida during part of the project period). The NISC Secretariat and task team members are grateful to the Department of the Interior’s Bureau of Indian Affairs for enabling tribal representatives to serve as technical experts on the ISAC Federal-Tribal Task Team.

NEEDS AND OPPORTUNITIES

### Engaging in Effective Consultation

Prior to implementing the recommendations called for in the 2016–2018 NISC Management Plan, NISC is to consult with federally recognized tribes pursuant to E.O. 13175. Signed on November 6, 2000, the executive order for the Consultation and Coordination with Indian Tribal Governments exists “to establish regular and meaningful consultation<sup>2</sup> and collaboration with tribal officials in the development of federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.”

RECOMMENDATION #1

NISC will notify potentially impacted indigenous peoples when it is considering the actions set forth in its management plans and relevant executive orders, and consult with these entities upon commitment of federal resources to these actions. A three-phase consultation with affected indigenous peoples is encouraged, including *exploratory consultation* (to determine if an impact of the federal action is likely), *pre-consultation* (to establish technical-level cooperation), and *formal consultation* (a government-to-government consultation including relevant agreements for cooperative management of invasive species and invasion pathways).

### Strengthening Invasive Species Management Planning

Federal, state, and territorial governments have developed numerous invasive species management plans to establish their goals and priorities for addressing invasive species in the United States. By comparison, relatively few invasive species management plans have been developed by indigenous peoples.<sup>3</sup> Not only does this limit the capacity of indigenous people to prevent, eradicate, and control invasive species on the lands they steward, it impedes federal agencies from being able to readily identify opportunities for strengthening coordination and cooperation with indigenous people on shared priorities – by species, location, or pathway of concern. Federal technical and/or financial support could enable indigenous peoples to strengthen management planning, through plans

2 According to E.O. 13175, “consultation is a process that aims to create effective collaboration between the US government and the Indian Tribes. With a core purpose to inform federal decision-makers on Tribal matters to exercise their Trust Responsibilities effectively and honorably. Consultation is built upon clear, proactive government-to-government exchange of information and promotes enhanced communication that emphasizes trust, respect, and shared responsibility. Communication will be open and transparent without compromising the rights of Indian Tribes or the government-to-government consultation process.”

3 Exceptions are noted in Rau et al 2017: [http://sites.dartmouth.edu/reo/files/2012/10/Reo\\_et\\_al\\_AIQ\\_invasive\\_species\\_2017.pdf](http://sites.dartmouth.edu/reo/files/2012/10/Reo_et_al_AIQ_invasive_species_2017.pdf)

focused on invasive species, as well as by including invasive species in broader natural and cultural resource planning efforts. These federal investments would not only support federal trust responsibilities, they would serve as a wise investment in the protection of federal lands that might otherwise be subject to incursions of harmful organisms from lands under the stewardship of indigenous peoples who do not have the resources to eradicate or contain invasive species.

RECOMMENDATION #2

NISC will provide grants to indigenous peoples to support the development of invasive species plans, as well as the integration of the invasive species issue into broader natural and culture resource planning efforts, including those activities relevant to human health, safety, and livelihoods.<sup>4</sup> These plans are to include an assessment of the needs and opportunities for strengthening coordination and cooperation between specific federal agencies and indigenous peoples in their efforts to prevent, eradicate, and control invasive species.<sup>5</sup>

### Raising Awareness, Building Capacity, and Fostering Traditional Ecological Knowledge

Although invasive species can have profound impacts on cultural resources and identity,<sup>6</sup> there has been relatively little focus on these human dimensions of the invasive species issue. This has slowed the recognition of indigenous peoples as key partners in federal efforts to protect shared national assets. It has also limited the potential application of traditional ecological knowledge as a means for preventing, eradicating, and controlling invasive species, as well as restoring the ecosystems they have impacted. There is a need for the Federal Government to foster opportunities for raising awareness of the full suite of impacts of invasive species on indigenous peoples, as well as the potential application of traditional ecological knowledge to management decision making. Federal agencies have trust responsibilities to protect resources of indigenous peoples and, therefore, have the need and inherent directive to provide training to indigenous peoples in currently recognized best practices for the prevention, eradication, and control of invasive species. Likewise, federal agency staff could improve

4 Refer to the Fire Chapter Part 90, Chapter 2 in the Indian Affairs Manual (IAM), Bureau of Indian Affairs: <https://www.bia.gov/sites/bia.gov/files/assets/public/raca/pdf/idco09179.pdf>; United States of America, U.S. Department of Agriculture, Office of Congressional and Intergovernmental Relations. (2007). *American Indians and Alaska Natives: A Guide to USDA Programs* (p. 19): <http://www.usda.gov/documents/AmerIndianNativeAlaskGuide-07%2011%2007.pdf>.

5 Although this paper is necessarily focused on federal-tribal coordination, coordination with state and county programs is also to be encouraged.

6 See, for example: Rau et al 2017: [http://sites.dartmouth.edu/reo/files/2012/10/Reo\\_et\\_al\\_AIQ\\_invasive\\_species\\_2017.pdf](http://sites.dartmouth.edu/reo/files/2012/10/Reo_et_al_AIQ_invasive_species_2017.pdf); Ens et al. 2015: [http://cmsdata.iucn.org/downloads/ens\\_et\\_al\\_2015\\_indigenous\\_people\\_and\\_invasive\\_species\\_iucn\\_cem\\_ecosystems\\_and\\_invasiv.pdf](http://cmsdata.iucn.org/downloads/ens_et_al_2015_indigenous_people_and_invasive_species_iucn_cem_ecosystems_and_invasiv.pdf)

their capacities to enact trust responsibilities by creating opportunities for indigenous peoples to provide training on the application of traditional ecological knowledge to invasive species management.

RECOMMENDATION #3

NISC will direct the NISC Secretariat to establish a virtual toolkit (“portal”) for the dissemination of information on the linkages between invasive species and indigenous peoples, to include but not be limited to grants information, management plans, educational and outreach materials, case studies, and scientific publications.

RECOMMENDATION #4 (A & B)

NISC will support (A) the creation of an annual national conference on the linkages between invasive species and indigenous peoples, as well as (B) direct federal agencies to mainstream the inclusion of indigenous peoples in invasive species training courses, workshops, outreach campaigns, and other education-oriented activities.<sup>7</sup>

RECOMMENDATION #5 (A & B)

NISC will (A) make training courses in invasive species prevention, eradication, and control available to indigenous peoples through grants and other types of support and, as feasible, (B) work with indigenous peoples to include traditional ecological knowledge in federal training course curricula.

### Creating a NISC Secretariat Coordinating Position

Few Departments, Agencies, and Offices on the Council have staff whose work is at the interface of invasive species and indigenous peoples’ issues, no one in the Federal Government is specially charged with coordinating this work from a whole of government perspective. A full-time coordinating position is needed to fulfill the directives set forth in relevant executive orders, NISC management plans, and recommendations made herein.<sup>8</sup>

RECOMMENDATION #6

NISC will create a Federal-Tribal Coordinator position within the NISC Secretariat to increase communication, coordination, and cooperation between federal agencies and indigenous peoples as a standard practice in the prevention, eradication, and control of invasive species across shared landscapes.

<sup>7</sup> Although indigenous peoples have participated in federally-associated coordinating mechanisms (e.g., ISAC and the Aquatic Nuisance Species Task Force) and special events, there has been relatively little effort to inform indigenous peoples of these opportunities or sponsor their participation.

<sup>8</sup> While this position is focused on federal-tribal government coordination, coordination with state and local governments will be necessary for the effective implementation of invasive species projects on a landscape scale.