

conservation projects and programs; and integrate its projects and programs into the conservation priorities of the country in which those projects and programs take place." The FWS International Affairs Office – DIC coordinates the annual trilateral meetings, although other FWS divisions and NMFS OPR are also involved.

For recovery planning efforts for species occurring in Mexico or Canada or both, it is important to coordinate with these countries through and receive endorsement from the Trilateral Committee. It is recommended that recovery plan coordinators contact NMFS OPR to obtain guidance on how to work with the Trilateral Committee. Agenda items requesting the endorsement of the Committee for actions in or involving Mexico or Canada (e.g., preparing recovery plans with or implementing recovery actions in Mexico or Canada) are prepared and submitted to the Co-Chair of the appropriate trilateral working table (i.e., CITES, Ecosystem Conservation, Executive, Law Enforcement, Migratory Birds, and Species of Common Conservation Concern) and presented at the annual trilateral meetings.

2.4.2 Species Occurring on Tribal Lands or of Tribal Interest

For species occurring on tribal lands or of tribal interest, a number of principles and policies must be followed in pre-planning, as well as during recovery planning and implementation. Although Native American tribes generally share the goal of conserving endangered and threatened species on their lands, tribal lands are not federal public lands, and NMFS has special responsibility to address listed species in accordance with the following principles:

- Respect tribal rights
- Acknowledge the treaty obligations of the United States towards tribes
- Use the government-to-government relationship in dealing with tribes
- Protect natural resources that the federal government holds in trust for tribes
- Solicit and utilize the expertise of affected Indian tribes by having tribal representation on recovery teams, as appropriate
- Work cooperatively with affected tribes to identify and implement recovery actions

Departmental and Executive policies related to tribes include the following:

- Executive Order on Consultation and Coordination with Indian Tribal Governments (2000)
- NOAA 13175 Policy: Procedures for Government-to-Government Consultation with Federally Recognized Indian Tribes and Alaska Native Corporations
- Joint Secretarial Order 3206 on American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act (Department of the Interior and Department of Commerce 1997)
- Executive Order on Indian Sacred Sites (1996)
- American Indian and Alaska Native Policy of the U.S. Department of Commerce (1995)
- Presidential Memorandum on Government-to-Government Relations with Native American Tribal Governments (1994; 59 FR 22951)

NMFS has national and regional tribal coordinators. These coordinators can assist in obtaining a complete and up-to-date list of contacts for all affected or interested tribes, as well as providing guidance for contacting and communicating, consulting, and working with tribes, especially in eliciting information from tribes and incorporating tribal perspectives into the recovery planning effort. Coordinators can also provide assistance with tribal consultation and facilitating meetings with affected tribes.

Consultation with NMFS should be offered to interested tribes during the development of a recovery plan.

One example of cooperation between tribes and NMFS is the partnership between the Skagit System Cooperative (SSC) and the Northwest Fisheries Science Center (NWFSC) Watershed Program to recover threatened Chinook salmon in the Skagit River Basin (see **Box 2-1**).

Box 2-1: Working with Local Tribes to Recover Salmon in the Pacific Northwest

SSC and NMFS formed a partnership to recover threatened Chinook salmon populations in the Skagit River Basin, Washington. SSC is the fishery management agency for the Swinomish Tribal Community, Upper Skagit Indian Tribe, and Sauk-Suiattle Indian Tribe. The SSC approached the Watershed Program of NMFS NWFSC about working together because they shared common goals. An MOU was developed as a formal vehicle to streamline cooperation.

The MOU identified the mutual goal of cooperatively developing a life-cycle model that relates the production of juvenile Chinook salmon to habitat characteristics in the Skagit River Basin. Both parties share equitably in the collaborative tasks outlined in the MOU: (a) developing the life-cycle model (including necessary research), (b) collecting and analyzing field data necessary to parameterize and update the model, and (c) designing additional model elements that incorporate further biological processes and life-history patterns, as needed. It is the shared project goals and envisioned products that drive this type of relationship.

This partnership works well for several reasons. First, each party has unique expertise necessary to obtain the common goal. The SSC envisioned developing a Chinook salmon life cycle model in 1995 and has been conducting habitat and juvenile Chinook salmon life history studies in freshwater and estuarine areas of the Skagit since that time. The NWFSC is specialized in modeling and communicating results to a wide audience. In addition, NWFSC provides a means of collecting data in important unsampled strata i.e., Skagit Bay offshore habitats. By cooperating, the job gets done faster and more thoroughly than it otherwise would. Without NWFSC, a major sampling strata would not be sampled. Without SSC, most of the rest of the data would not be collected. Together, they build a better model. This effort is also successful because it is being conducted as part of the larger Puget Sound recovery planning effort for Pacific salmon.

As tribute to the success of this partnership, within a short time after the MOU was drawn up, the SSC and NWFSC had started multiple field projects, and were well on the way to completion of the life history model. The partnership continues to expand on joint projects to address threatened populations of juvenile Chinook salmon in the Skagit River Basin and beyond.

2.4.3 Marine Mammals

All marine mammals that meet the MMPA (16 U.S.C. 1361 *et seq.*) statutory definition of "marine mammal" are protected under the MMPA. The MMPA specifies that conservation plans should be completed for any species or population stock designated as "depleted," which includes marine mammals that are listed as endangered or threatened species under the ESA. Similar to ESA section 4(f), an MMPA conservation plan does not need to be prepared if it would "not promote the conservation of the species or [population] stock" (MMPA section 115(b)(1)).

Box 2-2: Hawaiian Monk Seals

NMFS' 2007 revised recovery plan for the Hawaiian monk seal (*Neomonachus schauinslandi*) illustrates the relationship between the recovery goals within a plan and the requirements for issuance of MMPA enhancement permits. In order to preserve the future reproductive potential for recovery, one of the highest priorities identified in the Hawaiian monk seal recovery plan was the development of a captive care program to nutritionally supplement juvenile female seals. The goal of the program described in the recovery plan was to increase the survival of female seals during the critical juvenile life stages that were experiencing low survival. The recovery program in the plan also addressed intervention where appropriate to ensure higher survival of juvenile and adult females; continuing actions to protect females from individual and multiple male aggression; and to prevent excessive shark predation. In 2014, to facilitate the captive care program described in the recovery plan, NMFS developed a NEPA programmatic environmental impact statement (PEIS) associated with obtaining the necessary ESA and MMPA enhancement permits to conduct the particular activities. The PEIS addressed the specific permits needed for rescue, rehabilitation, and translocation of pups when abandoned or in high risk areas (e.g., known shark predation) or from subpopulations known for low juvenile survival, as called for under the captive care program in the plan.

2.4.4 Cultural Sensitivity

Unique and varying cultural perspectives should be taken into consideration before and during the recovery planning process. For species that occur or have historically occurred in other countries (including marine mammals), on tribal, Native Alaskan or Native Hawaiian lands or water, or any other lands or waters owned or managed by or associated with a unique cultural entity, it is important to understand their interest in recovery of a particular species. See [2.4. Special Considerations](#), for guidance on transnational species or species occurring on tribal lands or of tribal interest. Communication and outreach with these nations, tribes, or other entities is necessary and in some cases, there are NMFS' resources and liaisons to facilitate such communication (e.g., NMFS OPR, NMFS Office of Policy, NMFS International Affairs and Seafood Inspection, etc.). It is important to provide these partners with clear guidance on how they can participate in the recovery planning process. For example, will they be given the opportunity to participate on the recovery team or contribute to the recovery plan in a different manner?

2.5 Organizing the Recovery Planning Effort

Recovery planning requires a process addressing both internal and external involvement. Organizational issues should be explicitly addressed in order to identify clear expectations, responsibilities, and lines of communication. A timeline for completion of key steps should be developed, which includes (and may help set) the frequency of public meetings and plan reviews, and time limits for each. The majority of these considerations can be addressed in the recovery outline, if desired (see [Chapter 3, The Recovery Outline](#)), but should be considered and planned for.

Some examples of internal NMFS logistics include such issues as the following:

- Who will be NMFS' lead region/staff biologist for the species? Any other staff, contractors?
- What type and level of coordination needs to occur among recovery, consultation, and permitting program staff, etc.?

- New taxonomic information has become known since listing and the resolution of the taxonomic question is expected to have a substantial bearing on the recovery planning process or species' listing status.
- The best available scientific information indicates that the species may be extinct, and therefore development of a recovery plan is not prudent unless and until the species' existence/extinction is confirmed. If the species is later discovered to exist, recovery planning should commence promptly. In the meantime, a recovery outline should be developed to guide surveys and should include a contingency plan in the case of re-discovery of the species. In this case, the species may be only temporarily exempt from the recovery-planning requirement.

2.4 Special Considerations

Special pre-planning considerations are needed for species that occur in the United States and one or more other countries and/or on tribal lands. For these species, coordination with other nations and tribes is critical to effective recovery planning and implementation. Due to its potential complexity and sensitivity, this coordination should begin early in the recovery planning process. Special pre-planning considerations are also needed for marine mammals or species covered by other statutes or treaties (such as the MBTA).

2.4.1 Transnational Species

As described above, transnational species are those listed species with current/and or historical geographical ranges both within the waters of the United States, the U.S. EEZ, and/or the high seas, and within the waters or the EEZ of one or more foreign country. This can be due to migration or because the resident population straddles the U.S. border and one or more other countries. Cooperation among multiple countries where a species occurs (range countries) may be critical for recovery of transnational species. For transnational species, some questions that may be considered in pre-planning include:

- Will species recovery rely on areas outside the United States?
 - Keeping in mind that recovery criteria should be based on the biological needs of the species (see [Chapter 6.1.2, Recovery Goals, Objectives, and Criteria](#) and [6.2.3, Recovery Goals, Objectives, and Criteria](#)), for the development of reclassification or delisting criteria, an early decision must be made as to whether individuals of the species that occur outside the United States or management actions taken outside the United States are necessary in order to achieve the recovery goal. If management actions outside the United States are necessary, early and continuing international cooperation is key.
- What portion of the species' range occurs in another country?
 - For species with considerable portions of their range outside of the United States, more extensive coordination and communication with range countries will likely be required.
- Does the species occur in Mexico, Canada or both?
 - If so, please refer to information on the Canada/Mexico/United States Trilateral Committee and the Mexico Program below.
- With whom will coordination occur in species' range countries outside of the United States (federal or state wildlife agencies, species experts, etc.)?
 - Generally, it is recommended that coordination occur, at a minimum, with the primary federal wildlife agency with responsibility for endangered species.



Recovery Planning Handbook

Version 1.0



U.S Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service



NOAA
FISHERIES

October 2020