

**TESTIMONY OF THE YUROK TRIBE**  
**BEFORE THE**  
**SENATE COMMITTEE ON INDIAN AFFAIRS**  
**REGARDING THE YUROK TRIBE'S CALIFORNIA CONDOR**  
**REINTRODUCTION PROGRAM**

**February 27<sup>th</sup> 2019**

**INTRODUCTION**

Good afternoon Chairman and distinguished Committee members. The Yurok Tribe is grateful for the opportunity to share our work toward California condor recovery to Yurok lands. The Tribe looks forward to continuing to work with the Senate Committee on Indian Affairs on actions restoring the Yurok homeland, including securing passage of the Yurok Lands Act, which was introduced into the United States House of Representatives on February 21<sup>st</sup>, 2019. The Yurok Lands Act will support a myriad of Yurok restoration activities, including condor reintroduction.

I also want to thank the Yurok Tribal Chairman, Joe James, for allowing me to share my personal experience with the condor reintroduction program. I am Tiana Williams-Claussen, a lead biologist for the Yurok Tribe Wildlife Program, and a Yurok tribal member. My family comes from the village of Wehl-kwew, near the town of Klamath, CA, the current headquarters of the Yurok Tribal government in far northern California. I received my Bachelor's degree in Biochemical Sciences from Harvard University, and am currently pursuing a graduate degree in Natural Resources with an emphasis in Wildlife Management from Humboldt State University. I was the first employee of the Yurok Tribe Wildlife Program, which was instituted in June of 2008 with funding from the U.S. Fish and Wildlife Service (USFWS) Tribal Wildlife Grant Program. I began my career with the Yurok Tribe as an employee of the Environmental Program, and also spent a year as an employee of the Tribal Office of Self-Governance, which proved excellent experience in the partnership building required for the condor reintroduction program.

**TRADITIONAL ECOLOGICAL KNOWLEDGE AND THE IMPORTANCE OF THE CALIFORNIA CONDOR**

**Importance of Condor to the Yurok Lifeway**

Prey-go-neesh (California condor (*Gymnogyps californianus*) (condor)) was one of the first people of the world, and one of the most powerful beings in Yurok cosmology. He is a sacred spirit, a scavenger who never partakes of killing or violence. Instead he takes directly and transforms it back into life, the purest form of renewal. This, combined with his ability to fly the highest, equipped him as the messenger to carry Yurok prayers to the heavens to be received by the creator. As such, he figures prominently in the Yurok concept of world renewal, the Yurok reason for being, and is integral to our world renewal ceremonies, our highest ceremonies. The Yurok people have been critically affected by the overall loss of condor across the landscape, as he has not soared the skies over Yurok Ancestral Territory (YAT) in over a century.

While the Yurok people carry on without condor, our ceremonies are impacted by not having him to gift us his feathers, critical for use in important regalia, and by not having him in our skies to carry our prayers. Interviews with Yurok culture bearers emphasize that Yurok are a part of the system, integral to it, and inseparable from it; thus the inability to engage with traditional ecological community members like the condor limits our capacity to *be* Yurok.

Yurok youth in particular suffer from the loss of condor. Each species plays a significant role, provides a specific example, and teaches us how to live well in this world. The world is not complete when one winks out. The importance of the condor's role cannot be overemphasized. It is difficult to teach about a species that has not been seen in over a century, and belongs more to the realm of myth than reality for youth. The language of world renewal, and the traditional way of thinking that it conveys, is at risk when that connection is lost. The resulting loss of culture degrades societal cohesion and the support it provides. A strong foundation in culture is necessary as a buffer against the social ills that plague many tribal peoples by providing a center to which they can anchor. Because of condors' grave importance to the Yurok people, Yurok elders have designated the condor as the single most important terrestrial species to restore to YAT. To quote a prominent ceremonial leader, "The return of the condor means restoring balance for us."

The Yurok people understand the deep connections between the environment and the wildlife that relies on it. Because of their role as an apex species, condors are indicators of ecosystem health, especially when that health is faltering. Condors best thrive in areas free of contaminants, with a complex mosaic of habitat, and well supported megafauna populations. Similarly, Yurok people thrive under such circumstances. When the Yurok take care of their environment and the species that rely on it, they are in turn taking care of their own people, in a cycle of reciprocity that has maintained the Yurok people since time immemorial. In a very real way, restoring condor habitat and returning condor to Yurok skies is a clear restoration of the Yurok people, homeland, ecological systems, culture, and lifeway.



Figure 1: Yurok Ancestral Territory and the Yurok Reservation



Figure 2. Condor and eagle feathers used in Yurok ceremonies.

### **Importance of the Condor Within the Broader Ecological Context**

The California condor also holds a critical role in California's natural ecosystems. Historically, condors played an important role as scavenger. Recent studies have shown that in many ecosystems, vultures, a class of birds that includes condors, undertake nearly a quarter of the removal of carcasses from natural landscapes. Lacking this ecosystem service, some countries have had to increase government funded carcass removal to stem increases in mammalian scavengers like feral dogs, which often conflict with humans and spread disease. Clean-up actions

no longer performed by vultures, coupled with increased health care costs, have led to increased government expenditures in the tens of billions of dollars.

### **CAUSES OF CONDORS' DECLINE**

Yurok people understood the slow reproductive rate of condors. As a result, traditional knowledge held they were not to be harmed. However, the same did not hold true of colonizing Euro-Americans who prized large feather quills for use as gold dust containers, and collected over 300 condors between 1792 and 1976: including 41 for "sport" and 177 for "scientific" collection. Additionally, new contaminants were introduced to the region's system. Strychnine laced carcasses were widely placed across the landscape targeting large mammalian predators, such as grizzly bears and wolves, and killed scavenging birds just as effectively. Poisoned bait put out for varmints also likely killed large numbers of condors incidentally.

Also, lead ammunition was introduced to western North American by settlers. Highly malleable and dense, lead ammunition by design mushrooms and fragments upon impact with animal tissues. This action rapidly transfers the kinetic energy of projectiles into hydrostatic shock waves passing through tissue and organs, maximizing killing power for a quick and humane knockdown. As an unintended side effect, these fragments subsequently contaminate unrecovered game and gut piles left behind by hunters when field dressing game. Lead fragments as small as the head of a pin are sufficient to kill a condor. It was once believed that condors were particularly susceptible to lead toxicosis; however, recent studies show this to be incorrect. It is not that condors are more susceptible than other scavenging raptors, such as bald and golden eagles; rather, their wide ranging foraging patterns and focus on large carcasses causes them to more frequently encounter lead tainted carcasses. Their long-lived and slow breeding life-style means that even moderate increases in mortality rates create population level effects. Mortalities from lead toxicosis have resulted in a median lifespan of reintroduced condors of less than eight years, very short for a species which breeds at around seven or eight years of age and with a natural life-span estimated at more than 70 years. Lead toxicosis has undeniably contributed to their overall decline, and remains the leading cause of wild condor deaths today. Studies show that 26% of juvenile condor mortalities and 67% of adult condor mortalities have been due to lead toxicosis from ingestion of lead ammunition. When the population reached its low of 22, the

decision was made to capture all of the birds left in the wild, in hope of initiating a captive breeding program and saving the species.

In sum, the condor population declined rapidly after Euro-American settler contact. It was one of the first species listed under the 1973 Endangered Species Act. The population reached its low of only 22 individuals by 1982. Without intervention extinction looked inevitable. By 1987, the last 15 remaining wild hatched birds were taken into captivity and saved from mortality factors that were not yet fully understood, and a successful breeding population was established.

### **REINTRODUCTION INTO THE WILD: SUCSESSES AND CHALLENGES**

Successful breeding strategies developed and implemented by captive rearing facilities allowed the reproductive rate of one chick per pair every other year to be increased to two chicks each year. By the mid-1990s, captive reared birds were plentiful enough to begin releases back into the wild. Reintroductions have established condors in central and southern California, Arizona, and Baja Mexico. But recovery has not been without challenges. At this time, though nearly 500 condors have been introduced to the wild since reintroductions began, only around 300 remain in the wild, with about as many living in captivity. This reflects a mortality rate of over 40%, which is high enough to prevent the current population to be self-sustaining. These mortalities have, however, provided crucial information regarding the sources of mortality and allowed program managers to begin addressing causes directly.

#### **Growing Human Effects – Exponential Population Growth and Climate Change**

The majority of recent mortalities have been linked to human causes, including death by lead contamination, collision with human infrastructure, micro-trash ingestion, and shootings by poachers. Considering that human population growth projections predict exponential expansion in southern and central California, the likelihood of increasing human conflict with condors seems inevitable. Conversely, the same human population projections did not assess northern California, with its sparsely populated status relative to central and southern California, as projected growth was expected to be so minimal as to be inconsequential. Further, based on expected climate change projections over the next 100 years, it has been hypothesized that many existing condor reintroduction sites may become climatically unsuitable for condors. Climate change assessments indicate that coastal northern California, and much of the larger Pacific Northwest, should have habitat and climate conditions that are suitable for supporting condors throughout the next century.

### **REGIONAL POSITIVE IMPACTS OF CONDOR RECOVERY**

Condors contribute significantly to economies in the areas they thrive, including the coastal Big Sur area near Ventana Wildlife Society's release site and in the Grand Canyon and Pinnacles National Parks. Tourism has increased by countless bird enthusiasts who list the chance to see a condor as their primary reason for their visits. A similar boost to tourism could be expected on the California north coast, with the complementary draw of Redwood National Park, home of the largest trees in the world, and the majestic condor with its 9.5-foot wingspan.

Del Norte and Humboldt Counties suffer under economic disadvantage, relying heavily on tourism to support their economies. The Tribe sees the potential to grow tourism-based business related to condor viewing itself, such as birding tours and related ecotourism ventures, but also in terms of motels, restaurants, and all other businesses required to support an influx of new visitors.

Condor reintroduction will also directly benefit tribal youth who are beginning careers in Natural Resources. The Condor Internship Program, to be initiated under the current Environmental Regulatory Enhancement grant, will focus on hiring Native American and indigenous students or recent graduates in Natural Resource fields in order to provide them hands on, real world experience, as well as a stipend to help them meet their career goals. The goal is to hire six tribal interns annually, rotating new tribal students in every six months to spread the opportunity to gain experience as far as possible.

Furthermore, the Tribe has adopted a holistic approach to ecosystem management which takes into account ecosystem health, cultural needs, and economic growth. Over the last ten years, the Tribe has reacquired over 60,000 acres of forested land adjacent to the east side of the current reservation boundary. The Tribe has developed a land management plan with ambitious goals including creation of a salmon sanctuary and forest area for carbon sequestration. The condor has been included as a special status species in the plan, which calls for the land to be used to support condor habitat. The next step will be to secure passage of the Yurok Lands Act that will expand the Yurok Reservation to include the reacquired lands, enabling the Tribe to regulate and govern the land consistent with the land management plan.

This coupled with Yurok's existing land and river management throughout the Reservation creates ideal habitat for condor, as well as other species. For example, restoration of natural prairies and oak woodlands will benefit a species like the condor, by promoting food resource species such as elk, deer, and bear. Because of condors' status as an apex species, these other species populations will thrive, which has the further benefit of providing an increase in food resources to the tribal membership, which is still a largely subsistence hunting and fishing population. As condors expand across their historical range, their positive impact on ecology, society, and the economy grows.

### **BENEFITS TO CONDOR OF REINTRODUCTION TO CALIFORNIA NORTH COAST**

Based on Yurok elder's guidance, the Yurok Tribe sought funding to begin what would become a decade long journey toward condor recovery in YAT. In 2008, the Tribe received its first funding from the USFWS to begin analyses to determine if the Yurok homeland had healed sufficiently for condor to return home. This was the first step in creating the Yurok Tribe Wildlife Program (YTWP), for whom the condor was the flagship species, and from which a variety of wildlife management projects have grown.

#### **Habitat Requirements**

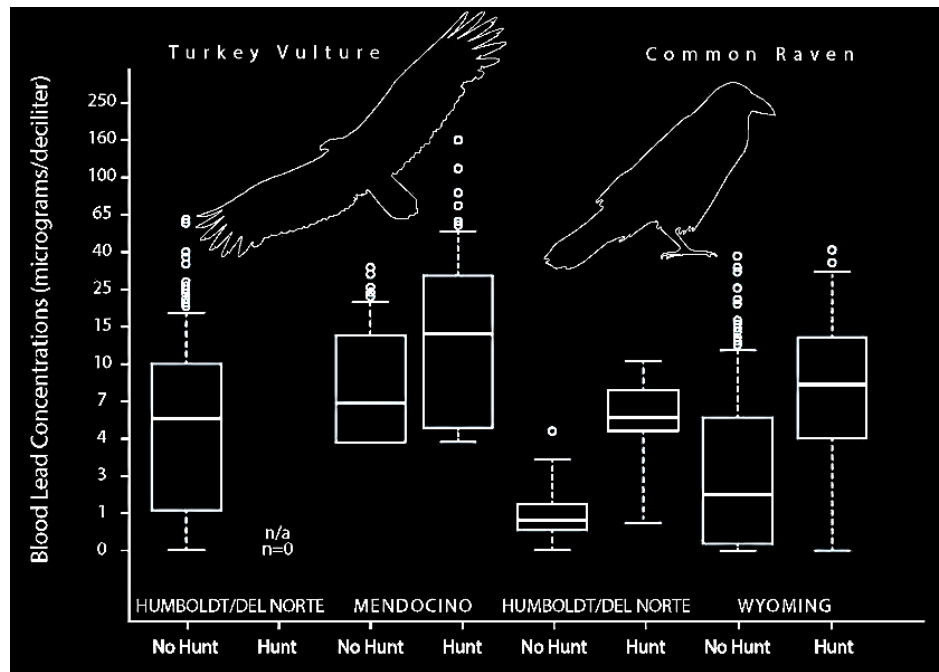
Initial assessments focusing on condor requirements, including sufficiency of roosting, nesting, and foraging needs indicated that the requisite habitat characteristics are abundant in

Yurok Country. Roosting requires flight access and appropriate roost structures, which are plentiful in northern California. Traditional ecological knowledge described historical condor roost and nest sites, and conversations with local redwood canopy expert Steve Sillett indicated the likelihood of abundant large redwood cavities, like those used elsewhere as nests by condors, in Redwood National and State Parks lands (adjacent to Yurok Country). Redwood National Park maintains the Bald Hills, an extensive chain of forage supporting prairies. The Kneeland area in northern Humboldt County, where the last two documented condors in northern California were killed is also maintained, though largely for agriculture. Combined, these prairie chains provide extensive communities of wild ungulates and predators, in addition to domestic livestock which provide foraging opportunities for condors.

### Contaminants of Concern to Condor Reintroduction

YTWP also conducted assessments for environmental contaminants in local avian scavengers that would utilize potential food resources that condors might be expected to exploit in the northern California region. Lead ammunition fragments ingested in animal tissues is the leading source of mortality in reintroduced condors and eggshell thinning in breeding reintroduced condors has been linked to organochlorine pesticide contamination, in this case DDT, in dead, stranded marine mammals.

Lead levels were assessed under funding from the Tribal Wildlife Grant through avian scavenger surrogates, turkey vultures and common ravens. As expected, since lead ammunition was still in use in the sampling area, some individuals were found to have elevated lead levels, with a statistically significant increase occurring during hunting season.



Nevertheless, levels found were lower than in any other region where similar surrogates were studied, indicating that northern California may face lower mortality rates than other reintroduction areas.

DDT, though banned in the 1970s, continues to persist in the environment. Being fat-binding, it bioaccumulates in fatty tissues of long-lived species, especially those with thick blubber layers such as California sea lions. Sea lion blubber has been sampled for DDT in sites

ranging from the Southern California Bight, the site of intentional dumping of DDT waste products by Montrose Chemical Corporation in the past, to Washington State. In general, a south to north decreasing trend in contaminants has been observed, and which has held true off the coast of YAT in a

study funded by the Tribal Wildlife Grant and the National Park Service (NPS).

Condors observed to feed frequently on sea lions in the Big Sur area have observable eggshell thinning and mortality in some eggs. However,

many do survive and it seems that levels

of DDT encountered by these birds are just on the threshold of lethal effect for eggs. This provides hope that the levels measured in northern California, several magnitudes lower, may prove to have an even lesser effect on eggshells and egg survivorship.

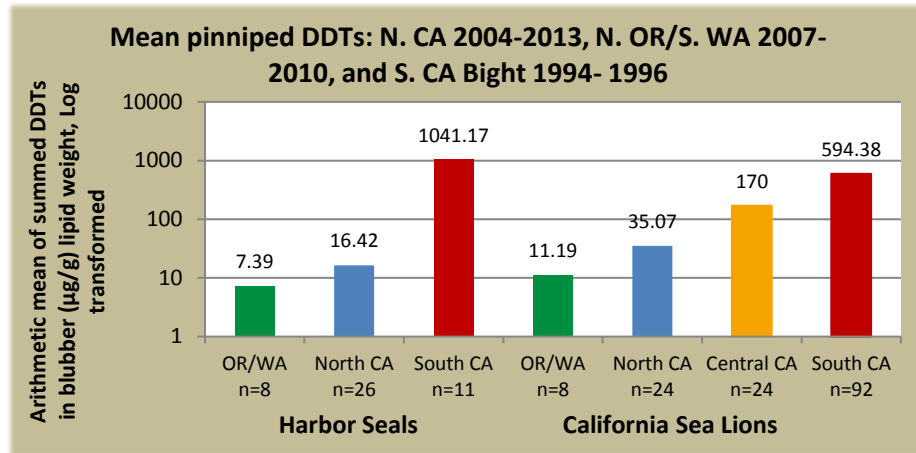


Figure 5: DDT concentration in harbor seals (a non-migratory species) and California sea lions (a migratory species) along the Pacific Coast of the U.S.

### Partnerships Developed to Support Reintroduction

To support condor recovery, the Yurok Tribe developed partnerships with federal, state, and private land managers. A Memorandum of Understanding (MOU) was signed between the Tribe, USFWS, NPS, California Department of Parks and Recreation, and Ventana Wildlife Society, establishing northern California as a future release location that would provide prime habitat, meet Condor Recovery Plan directives, and positively benefit the overall population. The MOU was expanded to include the U.S. Forest Service, the Bureau of Land Management, the California and Oregon Departments of Fish and Wildlife, Oregon Zoo, Sequoia Park Zoo, Oakland Zoo, Pacific Gas and Electric (PG&E) and Pacific Power Company (utility companies), Green Diamond Resource Company (a major timber organization), and the Hells Canyon Preservation Council as stakeholders and partners in recovery.

The Yurok Tribe is now poised to enter the final phase of preparation before condor releases. This includes completion of an Environmental Assessment under the National Environmental Protection Act (NEPA), for which the Yurok Tribe is serving as a co-lead along with the USFWS and NPS, and the construction of condor release and management facilities, as well as a staff base of operations, with the goal of releasing condors into YAT in the fall of 2019. When enacted, the Tribe's Lands Act would support this type of federal, tribal, state, and private partnerships by providing more congressional authorization for these types of innovative, efficient, and effective partnerships that the Tribe desires to replicate in other areas.



## INNOVATION IN PLANNING AND IMPLEMENTATION

The Yurok condor reintroduction program is innovative in that it is the first such to be led by a tribe. The path forged by Yurok is paving the way for other tribes, like the Nez Perce who are pursuing condor reintroduction in their own territory in Idaho, in the Hells Canyon region. Not only did the Tribe take the lead in all habitat analyses, project development, fundraising, partnership building, and community outreach, they have since taken on a formal leadership position as co-leads in the NEPA process. Furthermore, this project is targeting an experimental, non-essential designation under Section 10(j) of the Endangered Species Act (ESA). This does not mean that the condors are any less valuable than those at other sites in California, which maintain their fully protected status. Rather, loss of the population will not risk extinction of the species. Further, comprehensive management of genetic lineages will assure that no extremely genetically valuable birds will be risked at the new site until several releases have been undertaken and there is reasonable assurance that there are no unforeseen risks in the new area. The primary benefit of the 10(j) designation is that it allows for specific modification of conservation measures defined under the ESA to be retained as 4(d) rules. While the definition of “take” is relatively expansive, it provides important protections to listed species. However, not all examples of “take” may cause harm. Considering the relatively resilient nature of condors, the ascribed 10(j) designation developed for this release project effectively refines regulation to protect local industry partners like Green Diamond Resource Company, Pacific Power, and PG&E, while still protecting the species from egregious actions such as intentional take. PG&E has expressed their appreciation that the Tribe engaged them early, to reduce negative infrastructure and species interactions. As a partner in this project, PG&E has provided \$170,000 to support the condor release site.

The Yurok Tribe sees the benefit to protecting Yurok forestry practices, including timber harvest and land restoration, through 10(j) designations. Examples of the latter would be prairie restoration to expand foraging areas and tree thinning projects targeting old growth forest production which will actually improve the land for condors by providing future nesting habitat. In order to enable the 10(j) designation, the Tribe worked diligently with Green Diamond Resource Company to develop California legislation that allows consistency between state and federal laws such that the California Department of Fish and Wildlife may defer to the USFWS regarding the 10(j) designation with respect to this release site, which was passed into law. Ultimately, the goal is to reduce potential negative impacts on local stakeholders while still fully protecting the birds.

### **Innovation Funded by the Administration for Native Americans, Environmental Regulatory Enhancement Grant**

The Administration for Native Americans (ANA) Environmental Regulatory Enhancement grant (“ERE”) has played an integral role in the Tribe’s success, having first been granted to YTWP in 2010. The beauty of the ERE opportunity is in its uniqueness amongst federal grant opportunities. Most federal grants available to tribes have priorities that they identify as requirements for funding, and the applicant must adapt their own needs to that of the funding opportunity. The ERE grant approaches from the opposite direction. ERE asks the applicant to delve deep into tribal community need, as identified by the community itself, and to design a project specific to that need in a way that makes sense and will be most effective in that



specific community. The application process is based on the foundation of community investment to assure the greatest likelihood of success of the project within the unique environment of that community, which in this case, involved both the tribal and broader community.

This first ERE grant the Tribe received sought to bridge the gap between a typically “environmentalist” issue, condor conservation, and what might be conventionally considered a conservative concern, hunting and rights under the Second Amendment of the Constitution. The Tribe saw, and sought to address, a potential conflict in the intersection. YTWP staff engaged in this funding opportunity were all hunters and understood that these issues were not at odds, but were instead an opportunity to develop a new partnership in condor conservation. The hunting community already has a long history of conservation leadership, for example, leading the way to banning the use of lead shot in harvesting waterfowl due to its detrimental effects on waterfowl populations.



Figure 6: Lead (left) versus non-lead (right) ammunition after mass retention testing conducted by the Yurok Tribe.

With this understanding, YTWP established the “Hunters as Stewards” education and outreach project under ERE, aimed at sharing information about the impacts of the use of lead ammunition on condors and other raptors, the potential impact on human health and child development if ingested (this being of particular concern to the Tribe as a subsistence hunting community), and making the switch to non-lead alternatives. YTWP handed out ammunition at gun shows, hosted shooting events at which sportsmen could try the ammunition in their own rifles, became California Hunter Education teachers and taught new hunters about non-lead alternatives as a part of conservation ethics, engaged with regional ammunition retailers to ensure their accurate understanding of the issue, and created display pieces for general outreach showing the fragmentation potential of lead as compared to the most common alternative materials, copper and copper alloys.

Yurok Tribe headquarters are situated in rural, conservative Del Norte County in the far north of California, where hunting is a way of life for many, providing a large audience. The Hunters as Stewards program, instituted under ANA, established outreach mechanisms, talking points, and invested YTWP as part of the accepted hunting community, and continues its advocacy today. As a part of the initial ERE project, before and after surveys indicated that, varying depending on the event, 85-95% of hunters engaged recognized the efficacy of non-lead ammunition, saw the benefit of making the switch voluntarily, and said that they planned to do so. Only 2% indicated that they still preferred lead, and the rest either did not answer or at worst indicated that they felt more informed about the topic. YTWP counts those who said they would make the switch as full partners in condor conservation, with positive impacts on all other species impacted by use of lead ammunition.

## **YUROK ERE FY 2019-2021**

### **Goals of ERE FY 2019-2021 – Building Capacity to Implement Condor Reintroduction**

The most recent ERE grant received by the Tribe for the FY 2019-2021 budget periods continues to support Yurok leadership in California condor recovery. ERE funding supports essential components of the recovery program, including:

- 1) hiring of a lead condor field biologist;
- 2) renovation of an existing NPS structure to construct a new Condor Management Operations Center (CMOC);
- 3) creation of the Condor Internship Program (CIP) aimed at providing Native and Indigenous students career advancing experience in wildlife biology;
- 4) development of all programmatic data collection and sharing protocols
- 5) creation of condor management protocols;
- 6) Creation of a roles and responsibilities Memorandum of Understanding with NPS and USFWS;
- 7) creation of an innovative geospatially based condor threat identification system (CTIS) which will help us manage against risk factors before interactions even occur; and
- 8) seven staff training workshops on radio and satellite tracking, handling, and treatment of condors in the field.

### **Federal and Non-Federal Leveraged Partner Resources**

The aforementioned work is completed in partnership with a wide variety of entities. The renovation of the CMOC has come about from a strong partnership with Redwood National Park (RNP). The Yurok Reservation is the only Indian Reservation with National Park Land within its boundaries which has led to unique opportunities for co-management. The need for co-management is heightened as the RNP land in the Reservation includes one of the Tribe's most sacred ceremonial sites. (The Lands Act includes authorization for additional MOU opportunities between RNP and the Tribe).

Another major deliverable of the Yurok Tribe's current ERE grant is to develop a Memorandum of Understanding with the RNP and USFWS establishing roles and responsibilities related to the proposed reintroduction program, so the partnership can flow seamlessly. The CIP will be created in conjunction with locally based Humboldt State University's Indians in Natural Resources, Sciences, and Engineering Program (INRSEP), with the aim of drawing in Native and Indigenous students in those fields, to either jump start their career, or to provide college credits. INRSEP has also promised to work as a conduit to other university tribal programs to extend the CIP's reach across the country. The CTIS will utilize the latest in geospatial tools, and be developed in conjunction with partner PG&E which is beginning to create a similar warning system at the existing condor release sites. All programmatic protocols are being created in coordination with existing condor recovery partners, which include the USFWS, NPS, Ventana Wildlife Society, and Peregrine Fund, all of whom are providing training, expert advice, or example documents, protocols, and schematics so the Tribe can benefit from their hard won expertise.

## **How ERE Fits into the Journey of Condor Reintroduction in Yurok Country**

Since the very beginning, the ERE has provided critical and complementary funding to the overall goal of condor reintroduction, a significant piece of a large and complex puzzle. The Tribe has received funding from the USFWS to conduct habitat assessments, and to engage in the NEPA process. The NPS is providing staff resources, support infrastructure, and has drawn in the partnership of the National Park Foundation. The Bureau of Indian Affairs has provided additional funding to expand existing federal projects, for example contributing funds to develop an emergency response plan as one of the protocols necessary for successful implementation, and for continuing the Hunters as Stewards Program started under the ERE, as well as expanding outreach to the broader conservation community in general to bring regional support for the project.

The Tribe has also received support from private industry, like Green Diamond Resource Company, and Pacific Gas and Electric, as well as from non-profits like the Oregon and Oakland Zoos which are entering into agreements to treat condors as necessary, along with the Sequoia Park Zoo which is building an entire quarantine and treatment area to provide in-house veterinary support only an hour and a half from the proposed release area.

## **Metrics for Success**

Each component of the ERE is vital to the success of the Yurok Tribe's condor reintroduction goals. Successful creation or completion of each deliverable described above will be a tangible and long-lived benefit that will support condor recovery for the life of the program. Ultimately, implementation of condor releases is a final deliverable of this ERE grant, attainment of the dream that the Yurok Tribe has been working toward for more than a decade.

## **Contribution to Goals of Federal Regulatory Statutes and Other Programs**

The work targeted for completion within the proposed activities of this ERE project does not stand in a vacuum, but builds upon needs dictated by the larger California condor conservation effort. Many goals formalized by other projects, programs, and agencies will also be met by the work performed under this project.

The primary driver for this project is fulfillment of objectives and goals laid out directly in a letter from the USFWS to the Yurok Tribe related to condor recovery, and the Condor MOU. In the letter, USFWS states, "It is likely that the establishment of a self-sustaining population of condors in the Pacific Northwest would substantively contribute to their recovery." They list activities which must be completed prior to release, including many YTWP has already put substantial time into, such as: garnering State Wildlife Agency support, coordination with California Condor Recovery Program partners, addressing threats (especially lead), and evaluation of habitat potential.

Activities to be carried out in this project will meet four of the Department of the Interior (DOI) departmental goals and three primary USFWS mission goals. Yurok condor reintroduction targets a species protected under the ESA and the Migratory Bird Treaty Act (MBTA) (*USFWS Goal 1.1*), an imperiled species of international concern (*USFWS Goals 1.2 and 1.5*). MBTA priorities include birds that "1.) have high conservation need, 3.) act as a potential unifier for partnerships, and 4.) have a high likelihood that factors affecting status can be realistically

addressed,” are applicable to this work. Meeting these goals also Provides Natural and Cultural Resource Protection and Experiences (*DOI Mission Goal 1*) by working to recover an endangered species; itself a cultural resource. It provides a recreational opportunity via reintroducing a much sought wildlife viewing opportunity (*DOI Mission Goal 2*). Condors are well known as a valuable umbrella species. The large spatial requirements for their life activities often require conservation of large extents of habitat (*USFWS Goal 2.3*). *USFWS Goal 4.1* related to partnerships in natural resources with Indian Tribal Governments is clearly met by this project as well as DOI Mission Goal 3 (Advance Government to Government Relationships with Indian Nations – Meet our trust... responsibilities to American Indians). This project provides a scientific framework for deciding the potential for condor recovery in the target area (*DOI Mission Goal 4.2 – Provide Science for Sustainable Resource Use, Protection and Adaptive Management*) (*DOI Mission Goal 4.4 - Develop a comprehensive science framework for Understanding the Earth*).

Several goals detailed in the Spotlight Species Action Plan 2010-2014 for California condor will be met by this project, or have been met by past ERE projects, including three “Measures,” two “Field Restoration Activities,” and three “Outreach and Education Efforts.” These Measures, Field Restoration Activities and Outreach and Education Efforts relate to increasing reproduction rates at breeding facilities, increasing the wild population, increasing wild breeding attempts, preparing new release sites based on information garnered from existing sites, implementing new strategies to minimize contaminant related mortalities, and distributing information regarding condors and condor management to interested parties, including federal, state, and private land managers.

The most recent USFWS goals met by this proposed work relate to the USFWS draft California Condor (*Gymnogyps californianus*) 5-Year Review: Summary and Evaluation. This review includes the goals put forth in the Spotlight Species Action Plan 2010-2014; the fulfillment of the goals discussed previously will also fulfill the goals of the 5-Year Review.

The final USFWS condor related goal met by this work relates to the California condor Recovery Plan Action Status, for which ERE projects have contributed to 14 identified priorities related to developing release protocols; selecting for, preparing, and implementing release sites; distributing educational material; and providing information to both public and private land managers; and furthermore expanding these activities throughout the Pacific northwest.

Not only does USFWS achieve working relationships in this capacity with the Tribe, but also with private conservation groups, zoos, state agencies, and other federal agencies. Successful regional reintroduction will help meet the USFWS criteria for recovery of the species by creating a thriving, disjunct population, as described in the California Condor Recovery Plan, so that the species can be down listed to threatened, and eventually delisted.

Participation of RNP in this project as co-managers with the Tribe furthers the Department of the Interior and Yurok Klamath River Basin Co-management Agreement signed in spring of 2006. It calls for the Tribe and the Agency to co-manage resources, including endangered species. Participation by the Park fulfills their primary mission as stated in the Condor MOU, “...shall promote and regulate the use of the Federal areas ...which purpose is to

conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” The Yurok Lands Act includes a provision confirming the 2006 MOU to ensure this meaningful partnership between the Tribe and DOI continues into the future.

The California Condor Blue Ribbon Panel report indicated that new release sites should not be considered until lead ammunition exposure issues for condors is addressed (Walters *et al.* 2008). Lead ammunition has now been banned and full implementation is expected this year, far out enough that condors newly released into an unknown region are unlikely to expand across the landscape quickly enough to encounter it frequently prior to the ban taking effect. With this in mind, the report recommends that, “. . .once this issue (lead) is resolved, additional release sites should be considered.”

Participation in this project also fulfills mission goals of other partners, including Ventana Wildlife Society, Los Angeles Zoo, Oakland Zoo, Oregon Zoo, and the Sequoia Park Zoo. Continued participation by the Tribe in the California Condor Recovery Program fulfills a main objective of the Endangered Species Act. Participation in groups such as this allows for the unification of current scientific methodologies with traditional ecological knowledge through the relationship formed between tribes and the USFWS. Participation by tribes is directly addressed in Secretarial Order #3206 of the Endangered Species Act, Appendix, Section 3. “The Services shall coordinate with affected Indian tribes in order to fulfill the Services' trust responsibilities and encourage meaningful tribal participation in the following programs under the Act, and shall: (E)(1) Solicit and utilize the expertise of affected Indian tribes by having tribal representation, as appropriate, on Recovery Teams when the species occurs on Indian lands (including tribally-owned fee lands), affects tribal trust resources, or affects the exercise of tribal rights” (DOI 1997).

### **Integration with Yurok Tribal Goals**

Reintroduction of condor in northern California, will meet several Constitution goals of the Yurok Tribe, a sovereign nation. Restoration of the Tribe’s cultural landscape, including natural resources, and more specifically culturally significant species, promotes, maintains, and enhances the lifeway of the Yurok People and specifically fulfills both objectives four and six of the Yurok Constitution.

Another primary Yurok Constitutional goal is reacquiring the Tribe’s aboriginal territory, a slow process. While the Yurok Reservation is the second largest in California, over 90% of reservation land is held in fee, with only a little over 5,000 acres held in trust, and most of our aboriginal territory falls outside the reservation boundaries. Recently, the Tribe reacquired over 60,000 acres of land on the east side of the reservation and is working to purchase more land within the reservation. As land is purchased, the Tribe develops lands management plans that incorporate the land and habitat restoration activities. The Yurok Lands Act plays a critical role in the ability of the Tribe to be successful in that it would extend the Yurok Reservation to include recently acquired lands, assist with jurisdictional issues on the reservation, authorize cooperative agreements with RNP and US Forest Service, and confirm the 2006 cooperative agreement with the Department of Interior. Each component of the legislation is critical to

empowering the Yurok Tribe and local federal land managers with the authorization and jurisdiction needed to take action to further these land management goals, and importantly, the condor program.

### **Experience in Applying**

YTWP began the application process about one month previous to the due date, having spent the previous month refining the desired goal and objectives, and acquiring Technical Assistance which was readily available for reviewing the project. The application process for the ERE grant is typically one of the more technically difficult of tribal funding sources, in YTWP's opinion due to an unwieldy RFP, which is described more fully below in Suggestions for the ERE Process. The most recent submission upload process through Grants.gov was one of the smoothest in the history of YTWP applications to the ERE. Past iterations using Grants.gov have been riddled with upload issues and errors in the RFP providing misguidance on how to appropriately load attachments, which were clarified in this round. The versatility of data inputs was appreciated, as YTWP could either directly input a lot of the information requested, for example with the SF-424A, or upload in a variety of formats.

YTWP's experience with revisions requested by ANA was similarly smooth, but, as is often the case, too short of notice. Typically, YTWP has received less than one work week to respond to requests for revisions to applications. Time is always tight in a grant funded program, as project deadlines are always on the horizon. Having such a short turnaround time often means one or more staff has to abandon all other projects to respond. Ultimately it results in a clarified project that better fits the needs of ANA and the Tribe, but often puts significant stress on the applicant.

## **SUGGESTIONS FOR THE ERE PROCESS**

Fundamentally, the ERE funding opportunity has proven to be essential to the Yurok Tribe condor reintroduction efforts. It is, however, a rigorous application process, and a somewhat daunting one. On the one hand, the rigor of the application process is a benefit. The ANA grant opportunity, ERE included, is designed to ensure the applicant has considered all aspects of successful project implementation, including accurate identification of the problem to be addressed and an effective solution. Concrete objectives and actions to take must be developed to affect that solution. Sufficient capacity must be available or acquired to implement actions. Community and partnership support is also required to increase likelihood of success, and long-term benefits that will continue to positively impact the community over time. All sections are complementary, and the process is educational. One of the lead project development staff for YTWP swears that she has learned more about project design and management from ANA than from all other grant projects combined.

### **Challenges in the ERE Application Process**

The RFP is long and convoluted. The multiple and complementary layers described above can be hard to interpret, and can result in a behemoth of an application as the applicant writes more and more to try and clarify apparently redundant requests for information. YTWP has not written an ERE application that was less than 140 pages, inclusive of attachments. As a tool to understand exactly what was being asked for, YTWP had to go through page by page and

copy and paste different directions for different parts of the application from multiple sources into a Word document to bring all the bits together. Once that was done, it was clearer what was requested, but there still seemed to be some redundancy between sections.

Also, there is an abundance of technical terms used to define various components within the grant structure. Long-Term Community Goals, Current Community Conditions, Project Goal, Project Objectives, Outcomes, Indicators, Means of Measurements, Outputs, Targets, Milestones, and Populations are all terms that interact in complex ways. The organizing Word document mentioned earlier helped in fitting these various terms together into the complex roadmap we used to formulate our proposal. Even with the roadmap we used, there was much debate about the specifics of these terms within our writing team. Eventually we settled on agreed upon definitions and came together to write the proposal as a four-person team. This is quite a burden for a small Program such as ours. For a one or two-person program, as many tribes have a proposal of this complex a structure may prove to be too much a burden to undertake.

Finally, there is a wealth of technical assistance provided. However, if one is not familiar with resources available, it can be quite difficult to find them and connect them to the RFP. Additionally, the support documentation designed to help describe what the application is looking for is written as if for a SEDS grant, with goals and objectives that do not necessarily fit well into an ERE proposal, making it difficult to ascertain what would be considered strong goals and objectives.

### **Suggestions for Making the ERE Application More Accessible**

Being 100% grant funded, YTWP could be considered experienced in grant writing, and yet, the ERE grant is still daunting. For younger tribal organizations, or for programs with a less experienced project lead, there are some ways that ERE grants could be made more accessible.

- 1) ***Provide funding to attend in-person grant development trainings.*** ANA provides a wealth of online learning opportunities, as well as excellent technical support through telecommunications. However, in-person help with project development can be impactful in a very different way, allowing the potential grantee to engage more fully with their technical aid and more fluidly converse. ANA does provide in-person training, but as regions are so large, it can be a full day's travel for some organizations to attend trainings. Speaking from YTWP's experience, being 100% grant funded YTWP has no funds to attend such trainings, and so never has. One potential way to improve tribes' ability to successfully apply would be to provide small travel grants to tribes wishing to attain in-person training. Such trainings would allow for program managers to learn about project planning, budgeting, realistic personnel needs, how to locate match and leverage funds, etc. These are lessons we learned through years of grant writing and management and could essentially be considered as capacity building grants as they would not only apply to ANA opportunities, but overall grant and program management.
- 2) ***Conduct a "Request for Proposal" overhaul.*** Having been applying for ERE grants for nearly a decade, YTWP staff can say that they can see the ways that the program has evolved due to changing federal priorities, program priorities, suggestions by tribal applicants,



changes in application processes, and for a myriad of other reasons. This has all been done with good intentions, but there are vestigial tags left over from past iterations, and the RFP has become unwieldy. Not only is it long, but, especially in this last round, requirements or information about various application segments seemed scattered across the RFP and an entirely separate application toolkit and it became something of a hunt to find all the descriptions. There are many helpful aids, but without prior understanding of the system, a new applicant would not be able to easily find them. One potential solution is to hire a tribal consultant who has not been involved in the ANA application process to attempt to write an actual “proposal” and identify the difficulties or lack of clarity that they encounter. From that point, in coordination with current technical assistance and ANA staff, they could work to streamline and clarify the document. A panel could be created of successful and unsuccessful applicants to provide feedback on the process in a detailed and concrete way.

- 3) ***Develop and require viewing of an application and available resource webinar.*** Since the application is largely electronic, perhaps it would be possible to create an online process in which applicants must sign-up for and run through the webinar, accompanied by a streamlined, no more than 5-page guide on where to find aids to the application and where to find information on the various segments of the application according to page number. This may prove redundant for experienced applicants, but, then again, it may prove beneficial even to them. A complete template of the expected application proposal with full formatting would be extremely helpful such that applicants can clearly see where they may be missing pieces.
- 4) ***Create ERE specific examples.*** Nearly all examples given in the supporting information are for community initiatives that might better fit under SEDS opportunities. YTWP has often found that project needs do not follow the same sort of structure as the examples given, requiring ERE applicants to put significantly more effort into trying to come up with metrics with little relatable guidance.
- 5) ***Allow more time for applications to be completed.*** While ANA is clear that community scoping should be done prior to writing an application, many organizations like YTWP, which is usually working on a deficit in time and money due to the great needs of the Tribe, rarely have time to think about community input before the application period comes. An additional month could provide the opportunity to conduct more effectively targeted community outreach to better inform project development. YTWP has learned to conduct and collect community scoping whenever possible at this point, to guide overall program directions. But a tribal organization new to the process may not know how to adequately prepare.
- 6) ***Develop a pre-proposal.*** As part of an extended application process, a pre-proposal could be created to help focus interested tribes’ project goals. This pre-proposal should contain a streamlined version of the full scope of the project, and should be required to be kept small, for example, less than 10 pages. This could be used to separate applicants with sufficient planning from those who need to conduct additional preparation or scoping. The first group could continue on to a funding request, and the second could be directed to the technical assistance available to improve their project design and be better prepared to apply

successfully in the next round. This would save an incredible amount of time and effort for both applicants and reviewers. Further, we have never had an ERE proposal accepted outright. There is always a need for additional revisions prior to being given acceptance. Reviewers could provide some direction up front as a result of what is presented in the pre-proposal to help direct efforts in the following larger proposal to aid applicants in honing their asks. A pre-proposal may not be feasible given the timeframe of Congressional allocations and the intense review process, but would be helpful if it were possible to create.

Overall, the ERE application process has been educational and informative, and has helped grow the capacity of the Yurok Tribe Wildlife Program to conduct and implement project design. If ANA is successful in engaging more tribes in the application process, and tribes become more capable of managing an ANA grant, it is our hope that ANA funding would be expanded.

## **CONTINUING CHALLENGES FOR YUROK CONDOR REINTRODUCTION**

### **Need for Consistent and Continuing Funding for Natural Resource Conservation**

Ultimately, the Yurok Tribe Condor Reintroduction Program will need additional support, and more consistent funding than competitive federal grants can currently provide. As proposed, the 10(j) experimental population will be run for 20 years before an assessment of success is made. YTWTP estimates that the first year will require \$600,000 in program support to be successfully implemented. Subsequent years are expected to require \$400,000-\$500,000 in program support, which will cover a foundational biologist base, interns, vehicles, new and replacement satellite and VHF radio transmitters, broadband support for data transmission in the remote backcountry, facilities maintenance and utilities, veterinary supplies as well as many other aspects of an active and growing program.

The Yurok Tribe would like to engage with the United States Senate Committee on Indian Affairs regarding the potential to establish an annual support mechanism for projects like these through an Annual Funding Agreement. Such a support mechanism, time bound and result oriented, could act as a model for other tribal initiatives that have the potential to meet tribal, federal, and state environmental goals. Furthermore, we urge the Committee to continue their support of Indian Country environmental restoration, through Department of Interior Bureau of Indian Affairs (BIA) and non-BIA Annual funding agreements, as well as through tribally oriented competitive funding opportunities through the USFWS, U.S. Department of Agriculture, and the Environmental Protection Agency. In truth, there are too few opportunities to support tribal natural resource management and too often when engaging with contacts for other funding opportunities we are directed to tribe specific programs. Such federal programs can be counted on one hand, and the Yurok Tribe has three federally-listed species, two species likely to be federally-listed within the next year, five state-listed species, and multiple species that are critical culturally and/or for subsistence uses. This need far outweighs available funding opportunities for work which, by its nature, is not fiscally self-sustaining. Tribal lands have suffered when removed from the care of the tribes charged with stewarding them; but still they remain in large part some of the most pristine and ecologically resilient systems in existence due to tribal paradigms of managing for future generations in perpetuity.

## **NEPA Finalization**

The current NEPA process requires, under the Department of the Interior's own timeline, that a finding of no significant impact, or FONSI, be completed by the end of this June. To accomplish this, publication of the Environmental Assessment, inclusive of the 10(j) piece, must occur by April 1<sup>st</sup> to allow for adequate public comment. Recent turnover in the Secretary of the Interior's Office has made acquiring proper approvals for the 10(j) designation difficult to impossible. Any assistance that this committee might provide in acquiring the necessary approval from Interim Secretary Bernhardt by mid-March, would be greatly appreciated by the Tribe, our co-leads in the NEPA process, our public supporters, and the Yurok people.

## **CONCLUSION**

Thank you again for the opportunity to provide testimony to the Committee regarding the great benefits provided by the ERE funding opportunity to the Yurok Tribe Condor Recovery Program. I am particularly blessed to be part of a restoration project that means so much to my community, in terms of environmental, cultural, and social restoration. I am honored to represent my elders and our youth as we work to continue the Tribe's long history of sustainable landscape management. It has been particularly meaningful to me to share with the Committee today in front of my mother, also a Tribe member dedicated to tribal restoration as a Senior Fisheries Biologist for the Tribe, and my child, who will be the first generation of Yurok children to grow up with condors in their sky in over one hundred years.

### **Literature of Import or Referenced Herein:**

- Burnett, L.J., K.J. Sorenson, J. Brandt, E.A. Sandhaus, D. Ciani, M. Clark, C. David, J. Theule, S. Kasielke, and R.W. Risebrough. 2013. Eggshell Thinning and Depressed Hatching Success of California Condors Reintroduced to Central California. *The Condor* 115:477-491.
- Condor MOU. 2014. Memorandum of understanding between, The U.S. Fish and Wildlife Service, National Park Service, California Department of Parks and Recreation, Ventana Wildlife Society, and the Yurok Tribe on California condor conservation. Agreement date March 4<sup>th</sup> 2014. [http://www.fws.gov/cno/es/CalCondor/PDF\\_files/Expansion-FinalMOUwYurok.pdf](http://www.fws.gov/cno/es/CalCondor/PDF_files/Expansion-FinalMOUwYurok.pdf).
- Condor MOU. 2017. Memorandum of understanding among, the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, U. S. Forest Service, Yurok Tribe, California Department of Fish and Wildlife, California Department of Parks and Recreation, Oregon Department of Fish and Wildlife, Oregon Zoo, Sequoia Park Zoo, Ventana Wildlife Society, Hells Canyon Preservation Council, Oakland Zoo, Pacific Gas and Electric Company, Pacific Power Company, Green Diamond Resource Company on California Condor Conservation. Agreement executed December 5<sup>th</sup> 2016.
- DOI, Department of the Interior. 1997. Secretarial Order 3206: American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act (June 5, 1997).
- DOI, U.S. Department of the Interior. 2014. Strategic plan for fiscal years 2011-2016. <[http://www.doi.gov/bpp/upload/DOI\\_FY2011-FY2016\\_StrategicPlan.pdf](http://www.doi.gov/bpp/upload/DOI_FY2011-FY2016_StrategicPlan.pdf)>. Accessed 27 Aug 2014.

- Finkelstein, M.E., D.F. Doak, D. George, J. Burnett, J. Brandt, M. Church, J. Grantham, and D.R. Smith. 2012. Lead poisoning and the deceptive recovery of the critically endangered California condor. *Proceedings of the National Academy of Sciences. U. S. A.* 1–6. <http://dx.doi.org/10.1073/pnas.1203141109>.
- Fry, D.M., and J. Maurer. 2003. Assessment of Lead Contamination Sources Exposing California Condors; Species Conservation and Recovery Report 2003-02. California Department of Fish and Game, Sacramento, CA.
- Kelly TR, B.A. Rideout, J. Grantham, J. Brandt, L.J. Burnett, K.J. Sorenson, et al. (2015) Two decades of cumulative impacts to survivorship of endangered California condors in California. *Biological Conservation* 191:391–399
- Mee, A. and L.S. Hall, Editors. 2007. *California Condors in the 21<sup>st</sup> Century*. The Nuttall Ornithological Club, Cambridge, Massachusetts and The American Ornithological Union, Washington D.C. 279 pp.
- Rideout, B.A., I. Stalis, R. Papendick, A. Pessier, B. Puschner, M.E. Finkelstein, D.R. Smith, M. Johnson, M. Mace, R. Stroud, J. Brandt, J. Burnett, C. Parish, J. Petterson, C. Witte, C. Stringfield, K. Orr, J. Zuba, M. Wallace, and J. Grantham. 2012. Patterns of mortality in free-ranging California condors (*Gymnogyps californianus*). *Journal of Wildlife Diseases* 48:95–112.
- Snyder, NFR and H.A. Snyder. 2000. *The California Condor: A Saga of Natural History and Conservation*. Academic Press, London, UK. 410 pp.
- Snyder, NFR and H.A. Snyder. 2005. *Introduction to the California Condor*. University of California Press, Berkeley and Los Angeles, California. 271 pp.
- USFWS, U.S. Fish and Wildlife Service. 1996. *California Condor Recovery Plan, Third Revision*. Portland, Oregon. 62 pp.
- USFWS, U.S. Fish and Wildlife Service. 2005. *Fish and Wildlife Service strategic plan*. <<http://www.fws.gov/planning/usfwstrategicplanv3.pdf>>. Accessed 27 Aug 2014
- USFWS, U.S. Fish and Wildlife Service. 2009. *Spotlight species action plan: California Condor*. Region 8 Office, Sacramento, CA. 11pp.
- USFWS, U.S. Fish and Wildlife Service. 2012a. *Migratory bird program. Focal species strategy*. <<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/FocalSpecies.html>>. Accessed 27 Aug 2014.
- USFWS, U.S. Fish and Wildlife Service. 2012b. *California Condor (Gymnogyps californianus) 5 Year Review: Summary and Evaluation*. California Condor Recovery Program Partners, Hopper Mountain National Wildlife Refuge Complex, and USFWS Region 8. August, 2012.
- USFWS, U.S. Fish and Wildlife Service. 2014a. *Letter to partner organizations related to condor recovery in the Pacific Northwest*. Received January 21, 2014.
- USFWS, U.S. Fish and Wildlife Service. 2014b. *Attachment to letter to partner organizations related to condor recovery in the Pacific Northwest*. Received January 21, 2014.

- Walters, J., S.R. Derrickson, D.M. Fry, S.M. Haig, J.M. Marzluff, and J.M. Wundrle, Jr. 2008. Status of the California condor and efforts to achieve its recovery. Report submitted to the American Ornithologists Union and Audubon California. 57 pp.
- Watson, R.T., M. Fuller, M. Pokras, and G. Hunt, Editors. 2008. Ingestion of Lead from Spent Ammunition: Implications for Wildlife and Humans. The Peregrine Fund, Boise, Idaho. 383 pp.
- West, C.J., J.D. Wolfe, A. Wiegardt, and T. Williams-Classen. 2017. Feasibility of California Condor recovery in northern California, USA: Contaminants in surrogate Turkey Vultures and Common Ravens. *The Condor* 119:720-731.
- Yurok Tribe, 1993. Constitution of the Yurok Tribe. Ratified November 19, 1993. 22 pp.