

Comments on the U.S. Fish and Wildlife Service's Draft Strategic Plan for Responding to Accelerating Climate Change and 5-Year Action Plan released September 23, 2009
(www.fws.gov/home/climatechange/)

Submitted on line by the Oregon Water Resources Congress, November 23, 2009.

The numbered sentences are items that commenters were asked to address from the website for online submittal of comments. The text in *Italics* is OWRC comments.

(1) The Service's approach to addressing climate change effects on fish and wildlife through the three major strategies of adaptation, mitigation and engagement, as outlined in the Strategic Plan;

As a structure for addressing the issue of Climate Change the three progressive strategies – adaption, mitigation and engagement – appropriately frame the challenge. The Strategic Habitat Conservation and the accompanying Elements appear to provide a useful framework for addressing the challenge as well. It is unclear as to how these relate to the human system. They appear to be more natural system in their orientation. It would be helpful to provide a better understanding of “planned management actions”, perhaps in a sidebar, so a better grasp of the effort can be attempted by the non-science community.

(2) How the Service has defined its role in national climate change efforts related to fish and wildlife conservation, including its role in a national fish and wildlife adaptation strategy, as outlined in the Strategic Plan;

The Strategic Plan is laudable in it breadth, but in that effort, it seems to overreach the role and authority of the Service. This permeates the entire document – a sense that climate change will be the driving force not only for the Service, but for the nation. As important as climate change is for the Service and for many of us in the natural resources community, and given the amount of attention that has been given to climate change in the last year or so, it is not clear to us that climate change will be the driving force in federal policy or the federal budget in the near or long term.

The Strategic Plan seems to overstate the role the Service can or should have in climate change in that it does not recognize the legal and functional limitations of the Service. It leaves the reader with the sense that the Service sees itself as the lead agency in addressing climate change without recognition of other federal agencies' long standing roles that may not align directly with the vision of the Service, such as the Bureau of Reclamation with its authorities and obligations for water delivery and power generation in the Western states. This approach fails to recognize that there are myriad needs for water, such as human consumption, industry and manufacturing including the hardware and operations of renewable sources of energy, agriculture, other businesses, and recreation. The Service's approach to this Strategic Plan essentially ignores those needs with its sole focus on fish and wildlife needs and its lack of consideration to those needs.

The Plan needs to address the interrelationship among the Service and other agencies and bureaus within the Department of the Interior, other federal departments with more than just mentioning the intent to work with these organizations. That lack of specific recognition of other agencies having significant roles in water management and how the Service's Plan will be coordinated with and dovetail with those agencies' plans results in an document that essentially discounts those agencies' roles and responsibilities in favor of the Service's mission. While we

understand that the Service responsibility is for fish and wildlife, it does not make sense to have a plan so narrowly focused as to ignore those other needs and the roles of other Federal agencies in meeting those needs in developing a plan that simply cannot succeed without ignoring other vital needs for water.

Further, the goals related to international activities do not appear to have been vetted in light of treaty rights and obligations with other countries. The document as written can be read to imply that the Service's goals will be applied to those countries without regard for their respective goals related to climate change and without regard to limitations on the Service's ability and role in international relations for climate change.

(3) The emphasis the Service has placed on partnerships with Federal, State, Tribal, and local governments; nongovernmental organizations; academic institutions; and the private sector, as outlined in the Strategic Plan;

We applaud and appreciate the Service's stated commitment to partnerships with special reference to the Climate Change Partnership Principle "We will commit to a new spirit of coordination, collaboration and interdependence with others." We have concern about the actual execution of this principle based on uses of phrases such as "the conservation community" or "collaborative conservation in which members of the conservation community work independently" (on page 3 of the Strategic Plan) and references to NGOs involved in conservation that occur throughout both the Strategic Plan and Action Plan.

Such terms are generally understood to include organizations and individuals with a mission dedicated to conservation and not to include organizations whose mission may not specifically include conservation but recognize that conservation is a key element to water management and water related decisions. Such terms discount the importance of involving different kinds of organizations who bring knowledge based on experience of implementing projects that conserve water, that provide protection for fish and wildlife through habitat restoration or other types of protection and water management practices.

As an example, for many years irrigation districts in Oregon have undertaken expensive efforts to conserve water through piping and improved irrigation practices by their water users dedicating at least a portion of the conserved water rights to instream uses. Many districts are undertaking extremely expensive habitat conservation plans and have completed expensive projects to improve and protect fish habitat. Districts are active participants in watershed planning and watershed improvement projects through their basin watershed councils. The on-the-ground experiences of these water management organizations provide an expertise and knowledge that many conservation organizations lack and deserve to be included in the planning actions undertaken by the Service in its climate change strategy.

Use of "conservation community" and similar terms in defining partnerships is exclusive and seem to violate the intent of the principle to bring diverse interests and approaches to the table as full partners. The Service recognizes the important of partnerships in the success of its Strategic Plan. We encourage the Service to follow through on its Partnership Principle by making sure that the language of the plan reflects that Principle so that the Plan and agency staff do not fail to support that Principle.

(4) Ways the Strategic Plan and Action Plan could be improved;

The budget impacts of this plan are staggering but there is only an almost peripheral recognition of the budget. There are at least 12 full-time positions identified plus an undetermined amount of partial time from staff dedicated to this climate change effort. There is no information in this document that will allow Congress or the public to weigh the costs of implementing goals and the action plan against the values of those actions and the overall values and demands on the Federal purse. Nor is there any information about the impact of this Strategic Plan on existing programs in the Service.

The Strategy and Plan seem to assume that all other actors in the federal system and federal budget process will see this as the priority for funding instead of recognizing that it is part of a very diverse and very complicated fiscal picture for the nation.

The Five Year Plan needs to be based on a realistic budget estimate or to at least include estimates of the budget requirements for the different activities within that plan. Otherwise it becomes a wish list policy statement with no foundation in the real likelihood of the Service being able to move forward with its Five Year Plan. I recognize the difficulty in this effort, but having prepared 5 year plans and 20 year plans for agencies, they become effective only when the budget needs are identified and priorities established based on different funding scenarios. Without addressing the budget needs, the Services cannot establish priorities and runs the risk of starting down many paths and finding they cannot deliver on any of those because there is not enough budget to continue down that many paths.

In reading the Strategic Plan and Action Plan, it is very clear that the Service sees climate change as the driving force behind all future decisions of the Service to the point that we question whether the Plans leave any ability for the Service to respond to changing external influences or a change in direction from Congress. In short, the heavy focus on climate change as the focal point for the Service leaves the Service unable to adapt itself – to changes in policy direction, to evolving technology (think of the impact of the Internet on the Post Office as one instance where technology required an agency to make major changes in its mission and operations), let alone be able to adapt to the evolving climate change predictions.

Along the line of the Service's ability to adapt coupled with the lack of budget and cost information and priorities within the Plan, and given what appears to be a strong reliance on Congressional passage of a climate change bill, what happens if Congress fails to pass a climate change bill? How will the Service adjust its strategy and five year plan? What are the priorities within the many policies and action items in order to guide the Service's activities as Congress appropriates funds?

(5) Statements in the Strategic Plan or Action Plan that readers believe may be inaccurate or incomplete;

No comments submitted.

(6) Other issues in the Strategic Plan or Action Plan.

There are statements throughout the documents that seem odd in a Strategic Plan or Action Plan. For example, most of page 17 is more of a rallying cry that would more likely appear in an internal document to rally support for this effort than in a plan to protect species. It does little to assuage the concerns expressed in these comments about the need to include more than just conservation community in the Services efforts by the very tone it strikes. In considering the stated intent to use "aggressive action" it is incumbent on the Service to make sure that all

interested parties are being consulted and not rely on just those have made conservation their mission. Business, agriculture, water resource managers, state and local governments all have knowledge which can help the Service succeed instead of moving forward without broad support and ending up in resistance and litigation.

The Service can provide leadership in this effort, but its success will hinge on that leadership being accepted by all and not being imposed by the Federal government on everyone else.

Will the breadth of the Strategic Plan lead to success or disappointment given the real world limitations of budget, roles of other state and federal agencies and the private sector? The Plan truly reflects the statement at the end of the document: "When it comes to climate change, we cannot afford a failure of imagination." But imagination will not provide the foundation to deliver the work; it provides an idealized vision. That ideal vision must be tempered by the reality of a federal agency subject to Congressional authority and appropriations with a budget that is already burdened with Congressional and court mandated activity in order to have a strategic plan and action plan that brings others into the vision in a manner that allows collaborative efforts to implement the plan. That link between the imagination and reality is a missing key to a successful plan for the Service.

It is unclear throughout the two documents how the Service will support this Administration's emphasis on transparency in its development of the final Plans and other papers described in the Plans, and in the vetting of the data and science on which decisions and action items are based. This could be especially critical give the statement that the service will favor "aggressive action" (page 17). The use of the phrase "aggressive action" sends a signal that the Service is not going to necessarily play by the traditional rules. We would hope the words "responsible, scientifically and legally based" and the full inclusive involvement of partners will be a part of that intention.

Given the above comments about the use of terms such as "conservation community", we are concerned about the opportunity the full array of partners will have to provide input to the Service on key elements of its climate change strategy and implementation of its strategy. It is also unclear whether this new focus on climate change will be an "overlay" to existing programs, if existing programs will be restructured to implicitly and directly incorporate what appears to be a shift in focus, or if existing programs will be dropped and replaced by climate change focused programs. This potential restructuring is an integral information as part of the Service's management and function without which those of us on the outside of the agency are missing a way to evaluate the Service as it moves forward with its climate change agenda.

Commenting on this draft document was a challenge, not only because of how it is aptly put on page 27 "Our plan is ambitious –rightfully and necessarily so. When it comes to climate change, we cannot afford a failure of imagination", but also because it is in part premised on the passage of the climate change legislation pending in Congress which at this point has only passed the House of Representatives.

The scale of the effort is also a challenge for commenting. As the document notes on page 25, "The Department of the Interior owns or has a material interest in more than 500 million acres of land in the United States, including National Wildlife Refuges. Beneath some of these lands exists the potential to sequester carbon dioxide in oil and gas reservoirs, deep saline reservoirs, and un-mineable coals seams". Not only is that acreage beyond the scope of traditional thinking, but the document also indicates on page 23 "to fully succeed in conserving the fish and wildlife resources for which we have responsibility , we must look beyond our borders to the rest

of North America, the western hemisphere, and indeed, the whole world.” At some point there is a need for grounding the document in the reality not only of the Federal Budget, but the politics of other governments – what if those “portions of Mexico, Canada, and certain, more distant areas within Central and South America” pointed to in Objective 2.1 decide they like their own Sovereign approach to the issue and the U.S. Fish and Wildlife Service has no business in their country? There is also no indication of how this plan is integrated with existing Treaty’s with those countries.

We have not commented on specific objectives and action items in the 5-Year Action Plan, but we are compelled to comment on Objective 2.4 and the related Actions. Reading these together, it appears the Service is planning to insert itself more aggressively in water allocation decisions. This could easily step on the long standing role of state water resources agencies and unless done in a cooperative manner with partners (using the board definition of partners that extends beyond the traditional definition of “conservation community”), this will certainly result in dissent with the Service’s actions and litigation over water rights. This is of deep concern to water resource managers whose operations could be impacted by aggressive action on the part of the Service. We ask that the Service carefully consider this language with a mind to the implications the actions as described could have on water allocation and water management by the states.

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The Oregon Water Resources Congress (OWRC) is a nonprofit trade association representing non-potable agricultural water suppliers in Oregon, primarily irrigation districts, as well as other special districts and local governments that deliver irrigation water. OWRC members operate and maintain water supply systems that include reservoirs, canals, pipelines, and hydropower generation facilities production; and deliver water to 536,784 acres of land, 1/3 of all irrigated land in Oregon.