



THE DEPUTY SECRETARY OF THE INTERIOR
WASHINGTON

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MEMORANDUM

To: Assistant Secretaries
Bureau Directors

From: Deputy Secretary *David J. Hayes*

Subject: Potential Application of FACA to Landscape Conservation Cooperatives

Executive Summary

In September 2009, Secretary Salazar signed Secretarial Order No. 3289 (subsequently amended on February 22, 2010) establishing the Department of the Interior's first-ever coordinated strategy to address current and future impacts of climate change on our land, water, wildlife, cultural heritage, and tribal resources. The Order directs the Department to increase scientific understanding and development of effective management tools to address climate change impacts on the Nation's natural and cultural resources. To achieve these goals, the Department is supporting the creation of a network of eight regional Climate Science Centers (CSCs) and 21 Landscape Conservation Cooperatives (LCCs). This network – which is an integral tool for implementing the Department's adaptation strategy – will include Federal, state, tribal, and private partners working together to develop and share scientific information needed to understand current resource vulnerabilities and craft practical, landscape-level strategies for managing climate change impacts across the country.

As a result of the essential role that private partners will play in the LCC network in particular, questions have been raised about the extent to which the Federal Advisory Committee Act (FACA) may or may not apply to the LCC steering committees. In order to respond to these questions, we have sought the advice of our Solicitor's Office. This memorandum is based on that advice.

The LCCs are true partnership efforts convened to gather and share information regarding climate change impacts and to develop possible landscape-level adaptation strategies that may, or may not, be subsequently applied to both federally-controlled lands and lands outside Federal jurisdiction. LCCs provide the opportunity for Federal actions to be coordinated with the actions of other agencies and private landowners, but the LCC steering committees are not formed for the purpose of rendering advice to the Federal Government and the Federal Government is not managing or controlling these committees. Therefore, the steering committees will not be organized under FACA.

Discussion

The committees are being formed through the collective efforts of the Department and our Federal, state, tribal, and private partners across the country. The short- and long-term agendas of each LCC will be formed with those partners, and while the Department will be a participant in that effort, it will not control the effort. Similarly, it is anticipated that funding and other resources supporting LCCs and their agendas will come from a variety of sources in addition to the Department.

The LCCs will gather and share available information on climate change-related impacts, identify and fill gaps in that information, and identify potential adaptation strategies that both public and private resource managers potentially could use to address risks and ensure that resources are resilient. While the Department may (and likely should) incorporate much of that information into bureau decision-making processes, there is no requirement that the Department adopt any of the strategies identified. The LCC role will be to gather facts and information about potential impacts and possible solutions and share this information among its members. The Department should facilitate and support LCC decision-making that is open and inclusive of a broad range of stakeholders.

The LCCs should avoid focusing on what the Department should be doing to address potential climate change impacts and providing associated group recommendations to the Department. Department staff engaged in LCC efforts should also not seek to take control of LCC steering committees, their meetings, or their agendas. Because we have a responsibility to ensure that the Department's funds and resources dedicated to this effort are used appropriately, we will ask for performance measures, a reporting structure, and other institutional structures that will allow us to track our investment. Doing so ensures that these partnerships are meeting our goals but without managing or controlling the enterprise.

To help ensure that the Department's participation in the LCC network is productive and that resources are being used wisely, we will establish a national-level Federal advisory committee to advise and provide recommendations to the Department. The committee will provide recommendations on how the Department might improve its role in the network, and the committee's meetings will provide an opportunity to discuss the strengths and weaknesses of the landscape-level partnership model. We are currently working through the implementation details of establishing this committee and will provide updates as we move forward.

Thank you to each of you for your continued support and dedication to the efforts of the CSC and LCC network. Perhaps it goes without saying, but climate change is causing unprecedented impacts across the landscapes where the Department does business – as a result, we need big and bold strategies to address those impacts, and we cannot go it alone. The CSC/LCC network provides us with the opportunity to collect and share information at a scale never before achieved and work with resource managers both from the public and private sector to identify real solutions to these unprecedented challenges.

I hope that you will continue to make this network a top priority, and I welcome any questions or comments that you may have.

cc: Solicitor