

State Wildlife Action Plan Characterization: NEW YORK



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Introduction

The purpose of this paper is to describe how New York State addressed the eight State Wildlife Action Plan (SWAP) elements required by congress under the State Wildlife Grants (SWG) program, their degree of success in that effort, and how useful the plan as published is to the wide variety of individuals and organizations who are involved with wildlife conservation in New York. Drawing on interviews with New York Department of Environmental Conservation (NY DEC) staff and stakeholders involved in both plan creation and implementation, this paper will also discuss the progress of plan implementation as of this writing, Autumn 2007. It should be acknowledged that this analysis is limited by the relatively small number of individuals interviewed, representing only a small fraction of the myriad entities involved with plan creation and implementation. Interested parties are encouraged to use this document as a representation of the opinions of the interviewees, and to seek further input before drawing any conclusions about the usefulness of New York's plan or the state of its implementation as of this writing.

The only previous planning effort comparable to the SWAP in New York is the New York State Open Space Conservation Plan. These two plans are similar in that they are state-wide comprehensive plans, but the Open Space Conservation Plan requires that any state agency spending money on land for any reason must consult the list of properties on the Open Space Conservation Plan priority list. There is no such requirement as of yet that state agencies consider the State Wildlife Plan during any action.¹

In the words of one stakeholder, “the [creation of the] State Wildlife Plan for New York represented the first time they really had an opportunity, the political motivation, and the money to think about non-game species in a big-picture fashion.”² Previous to the plan, conservation of non-game species of concern had occurred in a more piecemeal manner, typically on a local or regional level, and usually due to the work of a particular person or organization. The exception to this is the New York Natural Heritage Program (NYNHP), a cooperative effort between The

¹ Representative of the New York State Department of Environmental Conservation 1 (NY DEC representative 1), telephone interview with Michael Jastremski, October 9, 2007. Ann Arbor, MI.

² New York State conservation NGO representative 1 (NY NGO representative 1), telephone interview with Michael Jastremski, October 10, 2007. Ann Arbor, MI.

Nature Conservancy and the NY DEC, which is a repository of state-wide data on species of concern. To date that information had not been used for statewide planning by NYSDEC, however, until the development of the plan.³

The planning process and the document as published

New York was the only state in the northeast to organize its State Wildlife Plan by watershed, using United States Geological Survey 4-digit drainage basins.⁴ In the published plan, each of 11 watersheds (Allegheny, Atlantic Ocean basin, Delaware, Lake Champlain, Lake Erie, Lower Hudson, northeast Lake Ontario, southeast Lake Ontario, southwest Lake Ontario, Susquehanna, and Upper Hudson) has its own chapter, each of which contains, at minimum:

- Written description of the basin;
- critical habitats of the basin and the species that use them;
- overall trends in the basin;
- threats in the basin;
- priority issues in the basin;
- vision, goals, and objectives for the basin;
- priority strategies/actions for basin-wide implementation.

In each of these sections, the information and level of detail included varied considerably. One representative of a NY conservation NGO said, “each of those [watersheds] basically embarked on an independent process of drafting the plan for their region.”⁵ The differences between sections may be due to the distributed nature of the planning process, as well as to the differences in the volume and nature of the source documents used to generate each watershed section.⁶

In addition, each chapter contains tables listing:

- species of the basin, their conservation status, and their critical habitats;

³ Ibid.

⁴ United States Geological Survey. 2008. Water Resources of the United States. <http://water.usgs.gov/GIS/huc.html>. Accessed 4/10/08.

⁵ New York conservation NGO representative 2 (NYNGO representative 2). Telephone interview with Michael Jastremski, October 24, 2007. Ann Arbor, MI.

⁶ NY DEC representative 1), telephone interview with Michael Jastremski, October 9, 2007. Ann Arbor, MI.

- state owned lands and their classification;
- approved State Wildlife Grant studies relevant to the basin;
- existing management plans within the basin.

Each watershed chapter also contains a map of the basin showing Environmental Protection Agency Multi-Resolution Landscape Characteristics (EPA-MLRC) land cover data.

Both of the stakeholders interviewed expressed dissatisfaction with the decision to organize the state by watershed.⁷ Their opinion is that this breakdown is not as ecologically accurate or efficient for terrestrial ecosystems and communities as some other methods might have been, for instance the New York Natural Heritage Program’s *Ecological Communities of New York State*⁸, which was employed to create the habitat classes used in a database of species to be included in the plan (this is the Comprehensive Wildlife Conservation Strategy (CWCS) planning database, to be explained in more detail below). One interviewee noted that this breakdown splits the Hudson River, lumping the lowest 50 miles of the river with Long Island, which, in the words of this individual, “doesn’t make sense biologically, climactically, demographically, or from an implementation standpoint”.⁹ It is the opinion of this interviewee that the decision to use watersheds as the unit of breakdown for the plan was made by the then-director of the Division of Fish, Wildlife, and Marine Resources “over the deafening chorus of opposition by many within the Division, and everyone outside the Division.”¹⁰ A representative of NY DEC interviewed for this paper strongly objects to the characterization of the watershed breakdown as ecologically inaccurate, noting that this method of organization is less desirable for terrestrial species, but extremely useful for aquatic species. This individual also says that “There are many other stakeholders in the affected watersheds who strongly disagree with that opinion [that a watershed breakdown is ecologically inaccurate].”¹¹

⁷ NY NGO representative 1

NY NGO representative 2

⁸ Edinger, G.J., D.J. Evans, S. Gebauer, T.G. Howard, D.M. Hunt, and A.M. Olivero (editors). *Ecological Communities of New York State*, Second Edition. New York Natural Heritage Program, New York State Department of Environmental Conservation, Albany, NY. 2002.

⁹ NYNGO representative 1

¹⁰ Ibid

¹¹ NYDEC representative 1, postal communication with Michael Jastremski, January 21 2008. Ann Arbor, MI.

The rest of this section is organized according to the eight plan elements required by Congress.

1. Identification of Species of Greatest Conservation Need (SGCN)

Of all the elements included in the plan as published, the list of Species of Greatest Conservation Need (SGCN), and the process used to get to that final list was most frequently noted by the stakeholders interviewed as something they were satisfied with.¹² The process of creating the list included multiple revisions, and each iteration was subject to review by a variety of stakeholders, including the public. The final list is based on the best available information of the time, and has buy-in from a range of conservation actors.

DEC began their fulfillment of the requirements of the State Wildlife Grants program in 2002, with the selection of a body of Species of Greatest Conservation Need (SGCN). The initial list of SGCN was created by DEC staff in consultation with wildlife experts across the state, and contained about 350 species. DEC completed the initial list in 2003 and used it to guide their allocation of SWG monies for the next 2 years, while the remainder of the plan was drafted.¹³

Once this initial list was compiled, experts from various academic institutions, government agencies, and non-governmental organizations, as well as the public, were invited to review the list and comment on it. The new incarnation of the list created from this feedback was then revised during further development of the SWAP to include over 600 species, using the following criteria:¹⁴

- Species on the current federal list of endangered or threatened species that occur in New York;
- Species which are currently state-listed as endangered, threatened or of special concern;

¹² NYNGO representative 1

NYNGO representative 2

¹³ New York State Department of Environmental Conservation (NY DEC). *Comprehensive Wildlife Conservation Strategy for New York*. (NY DEC Division of Fish, Wildlife, and Marine Resources 2006) 6.

¹⁴ NY DEC, 6.

- Species ranked S1 or S2 by the New York Natural Heritage Program. Typically these are species with 20 or fewer populations that are known in the state and tracked by the New York Natural Heritage Program;
- Estuarine and marine SGCN as determined by New York Department of Environmental Conservation, Bureau of Marine Resources staff;
- Species identified as Wildlife Species of Regional Conservation Concern in the Northeastern United States (Therres, 1999).¹⁵

For some species groups, the list was supplemented according to more detailed information available from existing continental-scale conservation planning initiatives, such as Partners in Flight.¹⁶ This version of the list was then subject to another round of public, peer, and organizational review, and the resulting list, which was included in the plan, contains 537 species.¹⁷ The plan states that the list is not exhaustive, but includes species that had been subject to systematic assessments by NY DEC and the New York Natural Heritage Program. Species that exhibited no clear conservation need, that were extirpated “long ago”, are rare but expanding their range, or are introduced were removed from the list.¹⁸ The plan contains detailed sections on the selection of species from 13 different taxonomic groups, including mammals, birds, freshwater fish, diadromous fish, marine fish, herpetofauna, marine mollusks, freshwater and terrestrial mollusks, crustacea and meristomata, dragonflies and damselflies, mayflies and stoneflies, Lepidopterans, and other terrestrial insects. This final list is included in the plan as appendix D1.

Once the final species list was established, DEC assembled a database (referred to in the plan as the “CWCS planning database”) containing information required by elements 1-5 (Distribution/abundance, locations and conditions of key habitats, threats and means of abatement, proposed conservation actions, proposed plans for monitoring and adaptive management) to the extent possible for each species. The individual species reports were once again made available for review by interested parties. Using this database, DEC aggregated groups of SGCN into related taxonomic groups that share common habitats, threats to survival,

¹⁵ Therres, G.D. 1999. Wildlife species of conservation concern in the Northeastern United States. *Northeast Wildlife* 54: 93-100

¹⁶ NY DEC representative 2

¹⁷ NY DEC Appendix D2.

¹⁸ NY DEC 31.

and management needs. Examples of these species groups include grassland birds, tree bats, and vernal pool salamanders. In addition, single species that didn't fit into any group were given their own groups. The result was 128 groups, 72 of which are single species groups.¹⁹ These groups then became the basic organizing unit of the database, and for analysis of species, habitats, and their threats during later, more detailed watershed-level assessments.

Each species group has an entry in the published plan containing information on threats, population trends, likely result of a State Environmental Quality Review (SEQR) no-action alternative, species in the group and their management status, species distribution by watershed basin, species distribution by ecoregion, critical habitats for species in the group, conservation goals and objectives for species in the group, and recommended actions to achieve those goals and objectives.²⁰ These entries are organized by the 13 broad taxonomic categories listed above.

2. Identification of Key Habitat and Community Types

New York used the New York State Natural Heritage Program's *Ecological Communities of New York State* to create habitat classes for use in the CWCS planning database.²¹ A complete list of these critical habitats is in the plan under appendix B.

The portion of each watershed chapter entitled "Critical Habitats of the Basin and the Species That Use Them" varies considerably in length and level of detail for each watershed, with one watershed chapter only providing the introductory two paragraphs present in all of

¹⁹ NY DEC 6-7.

²⁰ NY DEC 1982. State Environmental Quality Review Handbook. <http://www.dos.state.ny.us/lqss/seqr.htm>. Accessed 4/10/08.

²¹ NY DEC 90.

them, and others expanding on that to different degrees.²² The differences between chapters are due to the independent planning processes that occurred in each watershed, as well as differences in available information on species of concern for each watershed.²³ Each section contains, at minimum, basic information on the presence of SGCN and habitats critical to their conservation in the basin, in the form of a table listing habitats and the corresponding number of SGCN that occur there.

The plan does not describe the locations of critical habitats spatially, i.e. there are no useful maps. Some of the watershed sections describe the location of important areas, for instance “Albany Pine Bush”, or “Bergen Swamp”, but these are not shown on a map.²⁴ In terms of the critical habitats used in the CWCS planning database, presence or absence in a given drainage basin is as spatially explicit as the plan gets. The watershed map associated with each section depicts EPA MLRC land cover, which is a much more general classification system than the one used to describe habitats in the database. The plan states “given the vast area and diversity of natural resources in [NY]... this daunting task [of creating a map of focal conservation areas and priority habitats] will require the cooperation of many partners in order to effectively manage our SCGN across the state.”²⁵

The fact that NY DEC did not include spatially explicit conservation priorities in the plan is cited as an impediment to implementation by both stakeholders interviewed.²⁶ In the words of one stakeholder, the failure to include spatially explicit data “kills the plan”.²⁷

According to a representative of NY DEC, the decision not to include spatial data was an “agency executive policy decision”, reached on the basis of several factors.²⁸ The first is that maps can be politically damaging, and have the potential to cause alarm amongst property

²² NY DEC 90.

NY DEC 124.

²³ NYNGO representative 2

NY DEC representative 1

²⁴ NY DEC 506.

NY DEC 432.

²⁵ NY DEC 75-76.

²⁶ NY NGO representative 1

NY NGO representative 2

²⁷ NY NGO representative 1

²⁸ NY DEC representative 1

owners. Property rights are a big issue in New York, especially in more rural portions of the state, and in areas like the Adirondacks and Catskills that already have tight restrictions on the use of private land. According to this NY DEC representative, “People who see their property on a map of potential parcels to acquire tend to get concerned about eminent domain”.²⁹ Also, when property owners catch wind of the fact that the state is interested in a particular parcel, it can drive the price up, particularly in metropolitan areas.³⁰

Another reason NY DEC decided not to include spatial data in the plan was the highly variable availability and accuracy of the information that existed during plan development.³¹ It is the opinion of a representative of NY DEC that the inclusion of potentially incomplete maps, or maps for only a subset of SGCN and their habitats, would have caused more harm than leaving maps out of the plan altogether has.³²

3. Identification of Threats to Species and Habitats

Threat information for SGCN was included in the comprehensive database that NY constructed during the species/habitat selection process.³³ The most significant threats were determined by reviewing information from the database, scientific literature, and conservation plans for regions throughout the state. Threats were evaluated using several variables, including species life history traits, population trends, specific habitat types used and their geographic locale, and “other rationale” not mentioned specifically.³⁴ Threat attribution is based on consultation with expert sources and existing research, not necessarily on any new experimental evidence or quantitative data.³⁵

NY did not quantify threats for the purpose of ranking them at the state level. They did look at the proportion of species groups to which a particular threat applies, and the frequency

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

³³ NY DEC 7.

³⁴ NY DEC 57.

³⁵ Ibid.

that a particular threat was mentioned in the CWCS planning database, in order to develop a list of the most (equally) significant statewide threat categories, based on the number of SGCN/species groups that are affected by a particular threat. The list they came up with (in no particular order of importance, according to the plan) is as follows:³⁶

- Habitat loss and fragmentation;
- degraded water quality;
- atmospheric deposition;
- altered hydrology;
- invasive species;
- incompatible agricultural and silvicultural practices;
- human-wildlife interactions;
- climate change;

A more specific list of statewide threats found in each broad category is found in the plan under appendix C.

Threats were further addressed at the watershed level, and each watershed section describes in greater detail which threats are most important for consideration within individual basins. In the watershed sections of the plan, specific threats are linked to the number of species groups affected, the percentage of all species groups found in the basin to which that threat applies, and the percentage of the aggregate of all threats to SGCN occurring in the basin mentioned in the database. This produces a ranking of the threats in the basin, displayed in a table at the end of each watershed chapter³⁷.

4. Description of Conservation Actions for Species and Habitats

NY developed a statewide list of priority actions/strategies, most to be implemented at the watershed level. NY DEC placed these actions in several categories³⁸:

³⁶ NY DEC 57-66.

³⁷ NY DEC 155.

³⁸ NY DEC 71-86.

- Data Collection Recommendations (gather information on species where needed, improve maps of habitat distribution, etc.);
- Planning Recommendations (development of plans for individual species and groups of species, develop watershed-level plans, update existing state land plans and other planning documents, etc.);
- Land Protection Recommendations (mostly implement existing NYS open space conservation plan);
- Management and Restoration Recommendations (a variety of specific land management suggestions);
- Information Dissemination Recommendations (a variety of public outreach and information sharing suggestions);
- Regulatory and Legislative Recommendations (suggestions for laws and other regulatory mechanisms that would aid in conservation of SGCN);
- Incentives (ideas for increasing private landowner cooperation in conservation).

Each watershed chapter contains a section entitled “Vision, Goals, and Objectives for the Basin”, in which the overarching long-view for the watershed is articulated. This is followed by a description of priority strategies and actions for the basin, divided into the same categories listed above, and not ranked in any particular order. All are considered equally important to SGCN conservation and are to be implemented within 5-10 years of adoption of the plan. There are dozens to hundreds of these for each watershed.

Conservation actions for particular species groups were selected for inclusion on the state list using a scoring system, with points awarded to a species on the basis of:

- Species population status; (10 points for decreasing in basin, 5 points for unknown, 0 for stable or increasing)
- State Conservation Status; (Endangered=10, Threatened=5)
- Number of critical habitats used; (point for each habitat)
- Number of species in species group; (point for each species).

- Inclusion in NE non-game technical committee list of species of special concern; (species on list received ten points).

Species receiving 20 or more points were considered the highest priority for implementation activities for the next 5-10 years. The scored list of species was then shared with Watershed Review Teams, who were given an opportunity to modify priority by watershed³⁹. This process is ongoing as of this writing.⁴⁰

In the plan, each watershed section lists dozens to hundreds of equally important recommendations. While a list of actions this long, all of equal importance, is cumbersome for implementation on the ground, a representative from DEC says that the inclusion of lots of priority actions, (the “long list”) was an intentional effort to be comprehensive. The intent was that this comprehensive body of actions would be refined and prioritized in further iterations of the plan, especially at the watershed level.⁴¹

5. Proposed Plans for Monitoring Species, Habitats and Conservation Actions

The plan goes into great detail about the characteristics of an effective statewide monitoring program, and emphasizes its importance for overall success of plan implementation. According to the plan, the following 10 steps are essential:⁴²

- Develop a program strategy;
- Define program objectives;
- Select data management procedures;
- Create survey design and methods;
- Account for program infrastructure and support;
- Develop quality assurance programs and project plans;
- Select data analysis procedures;

³⁹ NY DEC 10.

⁴⁰ New York State Department of Environmental Conservation representative 2 (NY DEC representative 2), interview with Michael Jastremski, March 25, 2008. Ann Arbor, MI.

⁴¹ NY DEC Representative 1

⁴² NY DEC 553.

- Determine reporting framework;
- Conduct programmatic evaluations.

The plan lays out a detailed strategy for addressing all ten of these elements⁴³. This is broken up into 3 phases.

During phase 1, NY DEC will:

- Identify key stakeholders and assemble a working group for creation of a monitoring framework;
- identify existing databases valuable to the effort;
- identify and acquire relevant remote sensing/GIS data;
- create a geo-referenced central data directory that contains all existing data on SGCN;
- use baseline data to define the purpose and goals of the monitoring program;
- develop a statewide protected lands GIS layer.

Phase 1 is to occur over years 1-5 of implementation.⁴⁴

During Phase 2, NY DEC will:

- Design an ideal sampling strategy for each SGCN and critical habitat with the goals being efficient long-term collection of quality data;
- determine the most cost-effective ways to account for program infrastructure and support;
- evaluate data analysis techniques;
- establish a reporting protocol and framework.

Phase 2 is to occur over years 5-8 of implementation.⁴⁵

⁴³ NY DEC 559-566.

⁴⁴ NY DEC 561-563.

⁴⁵ NY DEC 564-565.

During Phase 3, NY DEC will:

- analyze pilot study data gathered in phase 2 and determine management response;
- evaluate the ranking of conservation priorities;
- propose changes in data collection and management based on data analysis and changes in budget;
- report findings to stakeholders and the public.

Phase 3 is to occur over years 7-10 of implementation.⁴⁶

While the process of addressing all ten elements to create a hypothetical monitoring plan is described in detail, the plan makes it clear that the funds and staff are not available for moving forward with implementation of the monitoring strategy as of the time of the plan's publishing. The plan emphasizes the need for collaboration among existing monitoring efforts at academic institutions, government agencies, and non-governmental organizations, which will be essential if NY DEC lacks sufficient resources to implement statewide monitoring on its own.⁴⁷

6. Procedures for Strategy Review

Compliance with required element 6 is mentioned briefly in the larger "Monitoring" section of the plan.⁴⁸ The plan describes the need to assess the progress of the SWG program towards improving the conservation status of SGCN in New York, with final reports and data from SWG-funded projects retained by the state for evaluation. Phase 3 of the proposed monitoring program described above details the creation of a publicly available and peer-reviewed update of the plan, containing trend analysis, full transparency, and data sharing. This final phase of the program would occur in years 7-10.⁴⁹

⁴⁶ NY DEC 565-566.

⁴⁷ NY DEC 551.

⁴⁸ NY DEC 551.

⁴⁹ NY DEC 565

The plan details a “five year outlook”, from its adoption, during which time NY DEC will design and implement a SWG Program within the Division of Fish, Wildlife, and Marine Resources. They will hire new staff to work with existing Watershed Review Boards to create operational plans at the level of watersheds, which will prioritize the long list of objectives for protecting species and habitats of concern in each watershed, and lay out a step-by-step method for achieving those objectives. Through the monitoring program and the watershed plans, the plan will be updated at 5 years and revised at 10.

The plan also calls for “emergency species actions”, in situations where a species becomes particularly threatened and the regular revision process is not timely enough to address this emergent threat. In these cases, the SWG steering committee and relevant experts could place it on the list outside of the standard plan revision process.⁵⁰

Finally, the plan calls for increased collaboration in the revision of the plan, with NY DEC working more closely with species experts, researchers, conservation NGO’s, and other state and federal agencies in the revision process. Ideally, partnerships with these groups, as well as public awareness of the plan, will have developed further in the years between the plan’s publishing and its revision, especially at the watershed level.⁵¹

The last two elements will be addressed together, due to the similar timing and opportunities for public and stakeholder involvement in the planning process, as well as the fact that this is how they are organized in the published plan.

8. Public Participation

New York DEC took steps to involve federal, state, and local agencies, Indian tribes, and private citizens in the development of the plan. In 2002 the DEC compiled an initial list of SGCN. This list was made available for comment on the NY DEC website, as well as distributed

⁵⁰ NY DEC 573.

⁵¹ NY DEC 573-574.

to experts and concerned citizens known to NY DEC staff.⁵² In response to this activity NY DEC received around 300 comments, which were summarized for staff review and incorporated into the next iteration of the list.⁵³ This version of the list was then subject to another round of public, peer, and agency review.

Besides NY DEC staff, Audubon-NY, The Nature Conservancy-NY, and individuals affiliated with academic institutions were most involved in review and revision of the list of SGCN.⁵⁴

NY DEC has established contacts on staff for each of 8 major taxonomic groups (birds, freshwater fish, marine fish and crustacean, butterflies and moths, freshwater mollusks, other insects, mammals, marine mollusks, and herpetofauna), to enhance the development of species specific data and strategies with expert and public interaction. These staffers head up “species groups”, composed of the groups and individuals that provided comments and review of the lists of species from particular taxonomic groups, that stay in contact through e-mail, telephone, mail, and occasional meetings.⁵⁵

NY DEC created a steering committee to develop the initial list of SGCN, which began as an internal body within the NY DEC’s Division of Fish, Wildlife, and Marine Resources but was later expanded to include all divisions of NY DEC, the New York Office of Parks, Recreation, and Historic Preservation, and the New York Department of State. This committee met during the development of the plan.⁵⁶

The watershed chapters in the plan were drafted by NY DEC staff in Albany, and circulated to Watershed Review Teams. These teams were composed of NY DEC regional staff, other agency staff, and representatives from various conservation groups. The composition of each individual watershed team is listed in the plan in appendix F.

⁵² NY DEC 31.

⁵³ NY DEC 569.

⁵⁴ NY DEC Representative 1

⁵⁵ NY DEC 570.

⁵⁶ NY DEC 570

NY DEC organized a series of “Partnership Group” meetings, to which individuals from statewide species advocacy groups, tribal organizations, other state agencies, federal agencies, academic institutions, and other entities were invited. The first of these meetings was held in the spring of 2004, and another was held in the fall of 2004. These meetings were intended, according to the plan, to foster the participation of stakeholders other than NY DEC in the planning and writing process.⁵⁷

The draft plan was available for public and expert review on the NY DEC website during the late summer of 2005. Hard copies of the draft plan were mailed to individuals and groups that participated in plan development.⁵⁸

During plan development NY DEC met once with the New York State Association of Environmental Councils (NYSAEMC), composed of representatives from local government and local conservation organizations, specifically about the plan. County Environmental Councils provide county governments with environmental information and training; comment on county actions that may effect the environment; and advise county governments on sound use of natural resources. NY DEC and NYSAEMC meet twice a year.⁵⁹

The government of New York State has traditionally had a cool relationship with the state’s Indian tribes, due to almost constant litigation. According to a NY DEC representative, the agency invited several tribes to collaborate on plan development. Although the invitation had to go through the Governor’s office due to an ongoing court case, many tribes responded positively, and the Haudenosaunee tribe sent representatives to a Partnership Group meeting. Overall, this overture improved relations with some tribal organizations. This is a relationship that NY DEC hopes will endure and continue to develop through implementation and plan revision.⁶⁰

⁵⁷ NY DEC 571.

⁵⁸ NY DEC *ibid.*

⁵⁹ NY DEC *ibid.*

⁶⁰ NY DEC representative 1

Local municipalities were underrepresented in the planning process, even at the level of Watershed Review Team.⁶¹ Conducting this kind of local outreach is difficult due to the large number and wide variety of different municipalities in New York. It is simply too labor intensive to reach out to them all individually.⁶² This is an issue that should be addressed in later additions and revisions to the plan, regardless of the challenges, as many land-use decisions that affect SGCN in New York occur at the county level and below.⁶³

Stakeholder Satisfaction

The level of satisfaction with the stakeholder engagement process expressed by the individuals interviewed for this paper was mixed. Multiple interviewees expressed satisfaction with the final list of SGCN.⁶⁴ They noted the willingness of NY DEC to incorporate at least a portion of the priorities of their respective organizations into the plan, and the multiple opportunities for submitting comments during the different iterations of the list of SGCN.⁶⁵

One representative of a New York conservation NGO expressed dissatisfaction with the decentralized nature of the planning process. Since each watershed had a semi-independent planning process, it was difficult for their small staff to make it to the many meetings that were occurring all over the state. In the words of this individual, “it was too much opportunity to participate for us to handle”.⁶⁶ By necessity they were forced to choose two or three watersheds and concentrate on participating in the planning process in those regions. This individual did express satisfaction with the ability of their organization to contribute in those target watersheds.⁶⁷

⁶¹ Ibid.

⁶² NY DEC representative 1

New York Department of Environmental Conservation representative 3 (NYDEC representative 3), telephone interview with Michael Jastremski, September 12, 2007. Ann Arbor, MI.

⁶³ NY DEC representative 3

⁶⁴ NY NGO representative 1

NY NGO representative 2

⁶⁵ Ibid.

⁶⁶ NY NGO representative 2

⁶⁷ Ibid

Another stakeholder was not satisfied with either the degree to which their organization was allowed to participate in a meaningful manner, or the extent to which their input was taken seriously and incorporated into the plan, which is interesting given that their organization was cited by a NY DEC representative as being one of the major participants in plan comment and revision.⁶⁸ This individual acknowledges that they were able to comment on the SGCN list's various iterations, and on the draft plan, but that in general they were not invited to take any substantive role in the drafting of the plan. They expressed frustration with NY DEC's unwillingness to incorporate spatial data from the New York Natural Heritage Program into the plan. During plan development this individual was a representative of a prominent conservation organization in New York with a long history of collaboration with NY DEC, and attended the initial "Partnership Group" meeting. According to this individual, the meeting consisted of a very large group of diverse stakeholders, representing a cross section of hunting and fishing organizations, other state agencies, conservation non-profit organizations, individuals from academic institutions, and other interested people.⁶⁹

The agenda for the meeting consisted of selected people from NY DEC's Division of Fish, Wildlife, and Marine Resources lecturing, without any type of dialogue with the people assembled. At the conclusion of the meeting, this individual states that the general consensus amongst the crowd, as far as he could tell, was that the idea of a "Partnership Meeting", where attendees were considered actual partners in plan development, was "a complete farce".⁷⁰ At a subsequent meeting held in the summer of 2007, which this individual also attended, the composition of the attendees was much less diverse. The crowd was comprised mostly of DEC Division of Fish, Wildlife, and Marine Resources staff. In his opinion, "the whole concept of a plan being a guiding document that can help get different agencies with different goals working together to achieve compatible results that are good for state wildlife completely dissolved because of the process that was used for developing the plan".⁷¹

⁶⁸ NY DEC representative 1

⁶⁹ *Ibid*

⁷⁰ *Ibid*

⁷¹ *Ibid*

Implementation

Overview

All of the people interviewed for the purposes of this paper agreed that implementation of the plan in New York is still in an embryonic phase, and further planning and refinement is required to begin accomplishing the conservation goals laid out in the plan.⁷²

A representative of the NY DEC sees increased awareness of the plan and its goals among state agencies, conservation professionals, and the public, but overall feels it is too early to see any kind of tangible progress in implementation on the ground. According to this representative, increased awareness is impressive given the “glacial pace of how agencies and governments work.”⁷³ There is “quite a lot” of additional planning happening in the state, most importantly at the watershed level, as outlined in the “5-year outlook” (see page 10). These watershed-level “operational plans” are critical to moving forward with plan implementation.⁷⁴

A representative of a New York conservation NGO has also been impressed with outreach efforts about the plan to date, but feels the lack of clear priority actions and the failure to include a spatial component in the plan have hindered implementation. This individual is hopeful that moving forward with the watershed-level planning process will lead to increased

⁷² NY DEC representative 1

NY DEC representative 2

NY DEC representative 3

NY NGO representative 1

NY NGO representative 2

⁷³ NY DEC representative 1

⁷⁴ NY DEC representative 1

NY DEC representative 2

implementation of the plan on the ground, and is pleased with the steps that have been taken towards the drafting of the watershed level plans.⁷⁵

A representative of a different New York conservation NGO has seen no progress in “plan implementation”, because the published document in their opinion is “not a plan, it’s a 1500 page appendix to a plan.”⁷⁶ While this individual feels that the SWG money has been a “godsend” to wildlife conservation in New York, it is clear they view this as separate from the published document itself. This person states, “The only reason anybody ever looks at the plan is to [find common goals to] apply for SWG funds. If there were no dollars behind the state plan it would be completely ignored.”⁷⁷

This individual does recognize that the watershed-level planning process has potential to lead to increased conservation on the ground through the creation of clear conservation priorities, but expresses dissatisfaction with the lack of guidance from the state in this process, and is skeptical that the watershed biologists hired to coordinate the process have the necessary facilitation skills to get diverse interests to agree on conservation priorities.⁷⁸

From a project standpoint, this representative feels that a major challenge to getting particular efforts moving has been that NY DEC has had difficulty getting money distributed, due to the complex nature of state contracting requirements.⁷⁹ According to a representative of NY DEC, the state has recently hired a grant and contract administrator to assist with the paperwork and other requirements of the grant distribution process.⁸⁰ This will hopefully facilitate the distribution of funds to important projects.

Monitoring implementation

Although implementation of the plan is still in the very early phases, NY DEC is keeping track of people within the agency who are addressing plan recommendations, and which ones they are addressing. This monitoring occurs in two ways. There is a “checklist” of plan recommendations

⁷⁵ NY NGO representative 2

⁷⁶ NY NGO representative 1

⁷⁷ Ibid.

⁷⁸ Ibid

⁷⁹ Ibid

⁸⁰ NY DEC representative 1

that is filled out over time, and there is monitoring of expenditures for different projects related to the plan.⁸¹

There is no formal monitoring system for use of the plan by other organizations, although when NY DEC learns of this happening they “make note of it”.⁸² According to a NY DEC representative, monitoring programs for plan implementation by other organizations and agencies are in the works. In their words, “we’re working on it”.⁸³

Internal/external changes since plan adoption

Since the plan has been adopted, several changes external to NY DEC have occurred. A major political change is the election of a democratic Governor, which has led both to changes in policy and changes in staff at NY DEC.⁸⁴ The new administration has begun to heavily subsidize wind energy in the state, leading to a surge in new wind turbines being erected. This raises concerns about migratory birds and bats that are species of concern.⁸⁵

One of the staff changes at NY DEC that may be related to the new administration is the hiring of a new director of the Division of Fish, Wildlife, and Marine Resources. It is one stakeholder’s opinion that this individual is going to have a very positive impact on wildlife conservation in the state, given “the radical shift in vision and direction” her arrival will be create.⁸⁶

NY DEC has accomplished its goal of hiring a biologist in each watershed to coordinate the effort to write watershed-level operational plans that will include priority objectives and actions in a more specific manner than the plan does, as per the “5-year outlook” (see page 10). These watershed plans are now in the process of being drafted, and once completed, will represent an important step towards remedying the lack of clear direction that the plan presents.⁸⁷

⁸¹ Ibid

⁸² Ibid

⁸³ Ibid

⁸⁴ NY NGO representative 1

⁸⁵ NY DEC representative 1

⁸⁶ NY NGO representative 1

⁸⁷ NY DEC representative 1

NY DEC representative 3

NY NGO representative 2

Who is Involved and What are They Doing?

In the process of developing the plan, NY DEC formed new relationships that have persisted into the implementation phase, and strengthened preexisting ones, most notably with conservation NGO's and federal agencies.

Using a SWG grant, Audubon-NY organized the creation of a state Grassland Bird Conservation Plan, in collaboration with NY DEC, United States Fish and Wildlife Service, United States Department of Agriculture, the Natural Resource Conservation Service, and other organizations. While the process of drafting the Grassland Bird Plan was begun before the State Wildlife Plan was written, the relationships between agencies and organizations continued to develop throughout the planning process, and have continued on through implementation.⁸⁸ According to a representative from NY DEC, this project has had and continues to have “lots of involvement from lots of different conservation organizations, both private and institutional.”⁸⁹

According to a representative of Audubon-NY, their organization also collaborated with NY DEC and other groups in novel ways when creating the list of SGCN, an experience that was “instructive for all of us”.⁹⁰

Since the plan was approved, NY DEC has begun a new relationship with at least one organization, the New York State Forest Owner's Association. According to a representative of NY DEC, the organization came to the agency with the desire to preserve the fish and wildlife values of their constituent's land holdings. Working with the NY DEC, the organization has been conducting targeted planning of forest properties based on the goals of the plan. This NY DEC

⁸⁸ NY NGO representative 2

⁸⁹ NY DEC representative 1

⁹⁰ NY NGO representative 2

representative says that “[private forests] are a lot of our land cover, so this is a good step forward.”⁹¹

The impression of this author based on the interviews conducted is that the major way in which the plan is being used thus far is as a means of leveraging SWG monies, rather than as a resource to set conservation goals and guide actions. The representatives from the two organizations who, according to a NY DEC representative, are most involved with plan implementation (Audubon-NY and The Nature Conservancy-NY), agreed that the priorities and activities of their organizations, including the way they allocate funds, have not changed since the plan was written.⁹² Both organizations use the commonality between their goals and those outlined in the plan as the basis for applying for SWG funds, but beyond that, do not consult the document for any guidance in terms of conservation action.⁹³

All of the individuals interviewed agree that construction of the watershed-level operational plans is a critical step in achieving plan implementation in New York, given the lack of clear direction in the state-level plan.⁹⁴ This process is ongoing. The watershed coordinators are charged with pulling different stakeholders together in each watershed to look at their watershed chapter in the plan and determine what priority actions should be pursued to achieve the goals it lists.⁹⁵ A representative a New York conservation NGO noted that the watershed coordinators have generally been very thorough in bringing in potential partners to the planning process, but he sees the need for guidance in helping these watershed teams agree on priorities.⁹⁶ A representative of another New York conservation NGO agrees, noting that these watershed coordinators are professional biologists, and as such they may not have much experience with facilitating meetings with diverse stakeholders that have competing interests.⁹⁷ Similarly, the representative from the first New York conservation NGO sees challenges involved with

⁹¹ NY DEC representative 1

⁹² NY NGO representative 1

NY NGO representative 2

⁹³ Ibid

⁹⁴ NY DEC representative 1

NY DEC representative 2

NY DEC representative 3

NY NGO representative 1

NY NGO representative 2

⁹⁵ NY DEC representative 2

⁹⁶ NY NGO representative 2

⁹⁷ NY NGO representative 1

engaging these diverse stakeholders in the implementation of those priorities once they've been settled on.⁹⁸

Conclusion

Given that implementation is still in such an early phase, and many organizations applying for SWG money are doing so to achieve conservation goals that have not changed at all since the plan was written, it appears that the plan as a document has not, as of the time of this writing, been a transformative force for wildlife conservation in New York. It should be noted once again that this is based solely on the relatively limited amount of interviews conducted for this study.

The planning process for the published document, and to a lesser extent the process of implementation so far has created new interactions between NY DEC, other state and federal agencies, state Indian tribes, and conservation NGO's. A representative of a New York conservation NGO sees opportunities for creating new partnerships as one of the most promising approaches to overcoming barriers to wildlife conservation in New York.⁹⁹

The New York Open Space Plan brings together many different considerations to identify state land acquisition priorities.¹⁰⁰ The Plan draws a significant amount of money from the annual State Environmental Protection Fund for acquisition of desirable properties. As of yet there is no formal link between the SWAP and the Open Space Plan.¹⁰¹ The goals of these two state-wide programs are complementary, and steps should be taken to incorporate the goals of the CWCS into the other factors that the Open Space Plan considers when setting acquisition priorities.

The hiring of several new staff at both the state and the watershed level is also a positive step. The results of the work of the watershed-level plan coordinators will be an important milestone

⁹⁸ NY NGO representative 2

⁹⁹ NY NGO representative 2

¹⁰⁰ NY NGO representative 2

¹⁰¹ Ibid.

along the course of the implementation of the plan. All individuals interviewed are hoping to see the watershed level operational plans become a force for the positive transformation of wildlife conservation in New York.¹⁰²

¹⁰² NY DEC representative 1
NY DEC representative 2
NY DEC representative 3
NY NGO representative 1
NY NGO representative 2