Getting Federal Land Management Agencies to the Collaborative Table: Barriers and Remedies

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As federal land management agencies have become increasingly interested in collaborating with other stakeholders to address natural resource issues, a set of real and perceived barriers arise. This paper examines the most commonly cited barriers and outlines potential remedies.

INTRODUCTION: *A brief history of collaboration in public lands management*

The Agency as Expert

In Ivan Doig's classic novel *Dancing at the Rascal Fair*, the rapacious appetites of settlers along Montana's Front Range for grass and timber are curbed by Stanley Meixell, the newly arrived forest ranger. Tall and handsome in the saddle, Meixell is agent of the newly organized U.S. Forest Service whose job is to save the forest from the abuses of the neighboring community. "It ain't just the trees I'm supposed to be the nursemaid of, it's the whole forest. The soil and water too. Yeah and the grass." (Doig 1987, p230)

Throughout the first half of the 20th century, the Forest Ranger was the outward face of the U.S. Forest Service—a much-romanticized icon who "stood tall and straight like the trees he protected because of all the people leaning on him." As Wilkinson (1992) observes, the Forest Service built an image, a mystique, around the Forest Ranger who was the focal point for agency policy at the community level. On the parklands, rangelands, and refuges of the Nation, agents of the National Park Service, Bureau of Land Management and U.S. Fish and Wildlife Service stepped up alongside the Forest Ranger to ensure proper use and management of public resources.

As growing waves of laws and authorities, from the Taylor Grazing Act to the Endangered Species Act, added dictate after dictate on how public resources were to be managed, decisions and authority were increasingly removed from the ground and put in the hands of ranks of agency bureaucrats, solicitors, procurement specialists and auditors in regional and Washington, DC offices. With the collective weight of authorities becoming more complex and confusing, federal land management agencies operated under the basic premise that they were the sole "experts" capable of forging the difficult decisions of what lay in the "public interest." At the same time, pressures for access to timber, grazing and other uses soared. Accompanying this increased demand was increased conflict. Yet as the conflict rose on the national stage, the interests and knowledge of local communities were increasingly absent from the special interests that crowded around the public policy crucible.

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A Return to Cooperation?

In 1970, the "Bolle" Report issued a scathing indictment against existing timber harvest and management practices on the Bitterroot National Forest in Montana. Prepared for Congress by a commission comprised of University of Montana Forestry School faculty, the report recommendations included an early call for a return to community: "The Forest Service…needs to be reconstructed so that substantial, responsible, local public participation in the processes of policy-formation and decision-making can *naturally* take place" (emphasis in original, Congressional Record November 18, 1970).

Conflict over the "proper" management of the Nation's public lands erupted across the landscape in the last third of the 20th Century. The lasting legacy of these skirmishes, however, appears to be a stalemate characterized by mostly procedural battles, lawsuits that are seldom decided on the merits of the case, and the zero-sum game of lobbying (Chrislip 2000, Snow 2001). "Victory" in the natural resource arena has become increasingly elusive and difficult to declare. Lost in this swirl of heat and smoke is a sense of community and the associated principle of stewardship.

In response to this stalemate, a growing number of efforts have emerged across the rural West where citizens and local governments are negotiating their way through their competing interests and obligations. Instead of a winner-takes-all approach, communities are looking to reconcile continued economic opportunity with conservation of natural resources. Increasingly, warring parties discover reasons to work together, if only from simple exhaustion of traditional approaches. "The ranchers know that if they are to continue to use the public's land, they need public support. The environmentalists recognize that if they want open space and habitat and a healthy watershed, the ranchers have to stay in business" (Marston 2001).

In the 1980s, as natural resources budgets tightened, the concept of partnering became more and more popular. Efforts such as the *North American Waterfowl Management Plan*, *Partners in Flight,* and *Bring Back the Natives* demonstrated how the Bureau of Land Management, Forest Service, U.S. Fish and Wildlife Service, and others could accomplish a great deal more in partnership with state and private interests. But partnerships are largely formed among like-minded people who come together to freely share time, talent, and treasury to secure shared objectives. They are generally not formed among parties in conflict with one another.

Community-Based Collaboration

Community-based collaboration is the process by which perceived adversaries enter into civil dialogue to collectively consider possible solutions. During their brief history, community-based collaboratives have addressed a wide array of issues including water allocations, timber management, wildlife conflicts, range improvement, and rural community development. Many collaborations are not born of inspiration, but arise from raw necessity (Tilt 2005).

Early in the 21st Century, the concept of collaboration began to be codified into policy and law. The Healthy Forest Restoration Act of 2003 (P.L. 108-148), for example, calls

for the development of Community Wildfire Protection Plans that must be collaboratively developed by local and state government representatives in consultation with the Forest Service, Bureau of Land Management, and other interested parties. The challenges of policy and law dictating "*Thou Shalt Collaborate"* to agencies unaccustomed and untrained to undertake such activities is the focus of this paper.

BARRIERS TO COLLABORATION

With growing interest in the benefits of collaboration, federal land management agencies face a variety of barriers to their effective participation in collaborative conservation. Drawing from a series of published and unpublished data, five categories of barriers emerge:

1. Definition of Collaboration and its Appropriate Application
2. Agency Culture and Leadership
3. KSAs and Performance Measures
4. Laws, Policies, and Budgets
5. External Forces

Paradoxically, many barriers to collaboration are set in place to safeguard other aspects of an agency's mission. For example, the traditional rotation of staff through field assignments was originally designed to avoid the decisions of agency staff being "unduly colored" by local interests. While laudable on its surface, this concept has set up the "National vs. Local Interests" debate that suggests local community interests are different and subservient to national interests. This "us versus them" issue, and the question of who is entitled to represent themselves as acting in the national interest, is the catalyst for many heated arguments across the nation and has, on more than one occasion, stood in the way of collaboration.

Resolution of this and other barriers, real and perceived, is critical for the effective and productive engagement of federal agencies in collaboration. As noted by Rich Whitley (personal communication) and others, the hope of collaboration is its addition as a third dimension that meets the national interest through local and place-based actions.

1. Definition of Collaboration and its Appropriate Application

> *"We'd gotten awfully good at knowing what we were against, and decided it was time to figure out what we were for."* Bill McDonald, Malpai Borderlands (Cash 2001)

The first category of barriers addresses the need to understand what collaboration is, what it is not, and when to use it. Too often, the term "collaboration" is used interchangeably with "partnership," "cooperation," and like terms. But collaboration represents a growing obligation to public participation that builds from the act of informing, the willingness to consult, and the invitation to partner (IAP2 2004). Collaboration is stronger than cooperation and the oft-used phrase of partnership because it requires a shared responsibility for achieving results and the consideration of shared power among the parties (Chrislip 2002).

Equally important is creating a baseline of knowledge of when collaboration is an appropriate tool to wield, and gaining a realistic expectation of what collaboration can accomplish and in what time frame. In addition, a lack of criteria for measuring the effectiveness of collaboration lends itself to criticism from outside parties for being non-scientific and/or a devolution of authority, among other complaints (Leech 2004, Northern Arizona University 2003).

Lastly, a commitment to collaboration must recognize the attendant commitment to the process's outcome. Though difficult to remedy, if agencies, stakeholders, and interested parties are able to successfully seek political resolution rather than accept the collaboration outcome, little effect is gained by collaborating.

Offered Remedies

- Define Collaboration
  - Provide a clear definition of what collaboration is and is not (e.g., it is more than a series of public meetings).
  - Create a database of information on collaboration, its application, and its measurement.
- When and How to Use Collaboration
  - Develop concise, clear, and agency-specific parameters and ground rules for when collaboration is an appropriate process to consider.
  - Establish a clear set of metrics that allow measurement of collaborative goals and social and natural resource benefits.
  - Develop improved understanding of when to use conflict resolution tools.

2. Agency Culture and Leadership

> "*To those of you from Washington [DC], you say you want to support collaboration and support local processes with dollars. But then you turn around and refuse to implement locally developed collaborative plans. You can't have it both ways. It's hypocritical*." Jim Riley, Intermountain Forest Industry Association (Red Lodge 2001)

A commonly cited barrier for federal agencies engaging in collaboration is its "corporate culture." This culture manifests itself in many forms including: "*Our timeline is too short*," *"We must control decision making,"* and *"Dealing with the public is such an uncertain and messy proposition."* A focus on crisis management in the face of mounting law suits and reduced budgets, the growing distance of agency managers from community interactions, and the "agency as expert" complex are three potential sources for this cultural mindset. This said, it is interesting to note that "cultural" barriers have little physical reality as a structural or procedural impediment, but represent strong metaphysical barriers (BLM 2003b).

Another barrier is the general fear of risk-taking found throughout society but particularly evident within government bureaucracies. Inertia and rigidly held views are similar barriers in origin and impact. Without a strong commitment to collaboration from top leadership, a clear tie between performance measures and involvement in collaboration,

and experience with collaborative success, this fear of taking risks will remain part of an agency's entrenched approach to decision making.

Comfort with the status quo (inertia) and a fear of taking risks are commonly found attributes in organizations, be they governmental or private sector. In the federal government, however, the fear of making mistakes in procedure and fiscal areas is identified consistently as a major barrier for doing something different—like collaboration. With a wealth of regulations, OMB circulars, Solicitors and Inspector Generals, it is far easier to take the well-worn path than to look for ways to collaborate. Observers also note that the agency leadership chain appears to find it easier to erect barriers or rely on legal answers rather than spend the capital to explore solutions (personal communications).

In the private sector, linking desired personnel behavior with incentives is an accepted and widely-used business practice. In the government sector, however, such obvious self-interest is often forbidden or at least discouraged. Under present conditions there is little incentive for field managers to spend time and assume risk in the name of "being collaborative." Linked with the reluctance of agencies to let go of the existing federally-focused governmental decision making structure and the lack of trust between and among agencies, collaboration is likely to fall on barren ground since participants at the collaborative table need to be empowered to make commitments.

Offered Remedies

- Recognize Cultural Barriers
  - Address cultural barriers by making a clear commitment to collaborative decision making codified in agency policy.
  - Develop an understanding and support among staff for the concept of collaboration. Make collaborative success an example for staff.
- Provide Leadership
  - Provide strong and continuous support from top leadership at the agency, department, and Executive Office level.
  - Establish a clear understanding of decision authority and how decisions will be made in a collaborative framework.
  - Develop and provide guidance to staff concerning formal participation in civic activities, including membership on local governmental boards and committees. Provide opportunities for staff to participate.

3. KSAs and Performance Measures

> "*We are (and have always been) human and rangeland relationship managers. We had better recognize this and become better at it*." (Kennedy et al 1995)

"KSA" is a common term for people applying for positions within the federal government. Unfortunately for collaboration the "Knowledge, Skills, and Abilities" required for the majority of field managers in federal land management agencies are not aligned with the KSAs needed to engage in community-based collaboration. Federal land

management agencies have traditionally hired staff based on their technical skills rather than their people skills. In turn, performance measures for these positions are focused on completion of technical activities. This traditional accounting for outputs is antiquated and inadequate to account for collaborative products. Presently there are no measures for expanded goodwill, greater cooperation and enhanced public participation—the very outputs that collaboration seeks to produce.

As previously stated, there is little incentive for field managers to spend time and assume risk in the name of collaboration. In fact, many in government service can relate stories of managers who actively engaged in community-based collaboration only to be penalized rather than rewarded for their efforts. With few, if any, incentives and the lack of performance standards for collaboration, it is easier and more expedient for managers to maintain traditional decision making roles. In addition, in the absence of a proactive policy for federal agencies to collaborate, fears for personal liability will likely continue to constrain field managers and field office staff from participating in collaborative activities.

The lack of incentives concern extends to employee compensation as well. Federal employees may expect to be paid for attending collaborative meetings on their "off-hours" while citizen stakeholders may resent the fact that governmental representatives are paid to participate while they attend at their own expense.

Offered Remedies

- Knowledge, Skills, and Abilities
  - Add collaborative skills to required KSAs for positions intended to interact with communities.
  - Support development of cultural awareness training as part of community outreach and collaborative skill building.
  - Provide, or make available, training in community outreach, collaborative skills, and other civic processes.
- Reward rather than penalize
  - Make collaboration part of specific and concrete outputs to be produced by field managers, and others, as appropriate).
  - Include community-outreach, collaboration, partnering activities, and successes in the performance measures and evaluations of line officers.
  - Permit appropriate compensation for managers to participate in collaboration.
  - Formally encourage and acknowledge volunteer community work by agency personnel.
- Rotation of staff
  - Mitigate impacts of staff rotation by ensuring transitional/change of command activities.
  - Consider advantages of longer rotation periods for field managers to allow time to correctly forge collaborative relationships.

As stated earlier, the rotation of field staff with its presumption against becoming involved at the community level results in staff insufficiently involved in local civic affairs and lacking an understanding of community interests and dynamics (BLM 2003a).

While the Forest Service and other agency policies of personnel rotation were initially designed to guard against agency professionals "going native," it also had the effect of reinforcing "national" interests as more important than "local" interests (Kaufman 1960). Staff rotations also result in a change in management style that may signal, intentionally or not, a change in commitment to collaboration.

4. Laws, Policies, and Budgets

> *"The fastest way to move a cow is slow."* Klamath Basin Ecosystem Foundation (Tilt 2005)

An ever-increasing and complex tangle of authorities (laws, executive orders, court decisions), contract and procurement procedures, and inflexible and micro-managed budgets combine to erect a series of real and perceived barriers to agency participation in collaboration.

In a world where everything is meant to be faster, collaboration takes time—to explore areas of potential common ground, to develop the necessary trust, to experiment with ways to address shared problems, to build the coalitions necessary for affecting policy changes, and to conduct the necessary project work, monitoring, and evaluation. Many of the authorities that guide federal land management, such as the National Environmental Policy Act, Federal Land Policy and Management Act, and Endangered Species Act, dictate to responsible agencies a procedure and time frame in which to conduct certain required decision making processes. NEPA analysis, ESA consultations, appeals, and lawsuits can delay projects for years bringing any sense of community cooperation to a standstill (Northern Arizona University 2003). Federal agency managers are often given the mixed message of *"Be collaborative, but do it quickly,"* yet the timeliness dictated under law and regulations may not match the time and budget needed to conduct a successful collaboration.

Taken collectively, the authorities governing federal agencies behavior have worked, intentionally or not, to limit public participation in planning and management of public lands. The Federal Advisory Committee Act (FACA) is one commonly cited example. FACA recognizes the benefits of seeking advice and assistance from citizens and contains measures to ensure that the advice rendered to the Executive Branch is both objective and accessible to the public. With limited exceptions, advisory groups established or utilized by Federal agencies that have at least one member who is not a Federal employee, must comply with FACA which requires that any group convened by a federal agency to provide group advice or recommendations to that agency be chartered in accordance with procedures set out in the Act, and that the committee's activities follow certain requirements.[2]

Although the basic tenet of FACA is to support the kind of open discussion and decision making processes that occur in a collaborative environment, FACA is often named as a barrier to collaboration. This is because many people feel that no groups or discussions can be convened to discuss land management issues unless a formal federal advisory

[2] FACA guidelines for U.S. Fish and Wildlife Service published at www.fws.gov.

committee is established. This does not have to be the case if the members of the group, including federal agency representatives, have a basic working knowledge of the law and associated agency guidelines (National Forest Foundation 2005).

To many stakeholders interested in working with federal agencies, agency representatives appear more concerned with process than outcomes. In addition, many agency managers polled in various internal studies believe that collaboration violates one or more rules of law regarding their decision-making responsibilities. Coupled with restrictive agency-promulgated regulations (e.g., restrictions on transfer and use of grazing permits), it becomes easy for managers to find rules and policies that obstruct their ability to collaborate.

Another barrier is found embedded in the tradition of caution and fear of innovation residing in agency contracting and procurement departments. In recent years, when one federal agency director encouraged his staff "to seek forgiveness rather than ask permission," the author was told by one procurement staffer, "That doesn't apply here." Not surprisingly, contracting and procurement departments are often unprepared to respond innovatively and positively to partnership arrangements and requirements that may otherwise clash with how business has been done in the past. Moreover, the traditional procedures used by contracting and procurement staff are often ill-suited to the specific circumstances of many citizen-based partnerships and collaborations. Ultimately, inflexible procurement and property laws related to cooperating with other agencies and communities often sap the energy of local initiatives while agency managers attempting to support these same initiatives find administrative obstacles erected within their own agencies.

For the vast majority of community-based collaboratives, core operational funding is extremely difficult to secure. While parsimonious in terms of need, these collaborations note the sad lack of funders that support community-based collaboration. They further note that durable collaboration depends upon extended effort and support needed to develop local capacities and sustain healthy civic communities and their natural environment (Tilt 2005). On the agency side, access to funding is frequently mentioned as an internal barrier to collaboration. Agency managers commented regularly about the lack of available funding to implement collaborative approaches, specifically alluding to the fact that collaboration is not a defined program, and thus has no cost codes for allocated funding (BLM 2003b). On the other hand, consistent with comments shared about attitudes and traditions, many agency managers note that the issue of funding is also used as an excuse to justify adherence to more conventional approaches rather than pursuing a collaborative approach. These individuals view funding decisions as sufficiently discretionary to allow managers to allocate their budgets in ways that encourage more collaborative approaches.

Three additional budget-related barriers are commonly cited. Congressional appropriations often provide funding direction down to the sub-activity level that further restricts the discretion of field offices and funding flexibility. Second, a lack of multi-year funding authority often has short- and long-term impacts on cooperative projects as

partners and the agencies themselves cannot count on federal funding beyond the current fiscal year. Lastly, regulations that govern cost-accounting and require receipts to be returned to the U.S. Treasury often result in agencies not looking for ways to save money (because they need to use or lose it, and any saved funds cannot be re-programmed for other needed expenses) and revenues that might arise from collaborative ventures are not able to be reinvested in the community and cooperative projects.

Offered Remedies

- Policies and Procedures
  - Examine procurement requirements for allowable flexibility that permits greater discretion by field managers.
  - Recognize the time and energy needed for collaboration.
- Legislation.
  - Establish clear policy guidance concerning FACA and its application to collaborative efforts with communities and other stakeholders.
  - Provide similar policy guidance for NEPA and other applicable laws.
- Constrained Resources and Rigid Budgets
  - Recognize need to budget for collaboration.
  - Allow certain receipts to be retained by agency for use in collaborative processes.
  - Waive surcharges on outside contributions to cooperative projects and activities.

4. External Forces

> "*We will send one representative to your first meeting. If he's comfortable with the process, he will attend the second meeting. If he's not, we will send 50 to the next meeting*." Northern Forest Pulpworkers (Tilt 2005)

The list of potential external barriers to collaboration is long, but a handful stand out as representative. The collaborative foundation is built on a common vision, a single vocabulary, a shared basis of scientific information, a transparent process that places all stakeholders on equal footing with their peers, and the building of trust (Tilt 2005). Given years of stereotyping and finger pointing, one of the greatest barriers is trust—both on the agency side and the external stakeholder side.

From the start, stakeholders around the collaborative table must understand the role of affected federal and state land management agencies in the process. Will the agency participate directly in the process as an equal stakeholder or will they hold themselves aloof as agency expert? Like all other stakeholders, the federal land manager must be able to demonstrate that his/her agency is committed to participating while making it clear to others at the collaborative table what the agency can and cannot delegate as far as decision-making authority. Lastly, everyone in the collaborative must recognize that field decisions may be overturned at the regional or Washington DC level -- a reflection of the reality of politics, not bad faith by agency personnel in the field.

For many agency managers, the “rules” of collaboration are unsettling. While agencies are bound by countless rules and policies, other participants have no such baggage. Some parties may refuse to participate at all while others agree to engage while continuing to seek other relief outside the collaborative. There may be extremist elements with other agendas whose sole task is to ensure that collaboration does not succeed. It is also common for members of the public to feel that federal agencies just "go through the motions" of public involvement but have no intention of listening as they have already made up their minds as to a course of action. It is an unfortunate fact of life that many citizens harbor a lack of trust or suspicion of federal agency personnel that is not grounded in anything tangible.

While concerns over natural resource disputes may have brought people to the table, participants will spend more time on people issues than natural resource issues. The personality factor is distracting, and there is a continuing need to focus on the areas of mutual interest and not give in to the tendency of focusing on whom to blame. As noted by the San Juan Citizen’s Alliance in Colorado, “Don’t ascribe motives to others, deal with facts.”

The field experience of the Sonoran Institute and others offers additional insights concerning agencies dealing with external forces: 1) do not confuse constituents or partners with stakeholders (it is akin to the difference between eggs and ham—the chicken is interested but the pig is committed); 2) learn and appreciate various missions of fellow collaborators even as you work to have them represent their learnings rather than their organizational interests; 3) protect ALL stakeholders’ interests and avoid alienating a party and turning them into a spoiler; and 4) work on connecting with, rather than directing, collaborative efforts (Tilt 2005). Case studies of collaborative efforts involving the USDA-Forest Service or the Bureau of Land Management consistently point out the challenge of agency participants interacting with other participants as fellow community members rather than as authorities with command and control responsibilities (Dukes 2001, Wondolleck and Yaffee 2000).

Offered Remedies

- Community Engagement
  - Recognize that the rules of collaboration are different.
  - Adapt, to the extent possible, operations and processes to conform with the more informal ways that communities do business.
  - Avoid false choice of national versus local interests.
  - Encourage opportunities for developing shared capacity between agency staff and community leaders.
  - Invite communities to participate in development annual work plans for field stations to enable better coordination of respective activities and the building of trust.

As with many processes, success lies in the simplest matters. For example, meetings need to be held at the convenience of all participants, not just a few. If a single set of convenient meeting times proves illusive, then schedules should rotate to accommodate different schedules. There is also the need to recognize that while many agency personnel and advocacy organization staffs are paid to attend meetings and participate in public processes, many participants are citizen volunteers committing their time without compensation. Lastly, while agency and special interest groups are often veterans at "attending meetings," many other citizen stakeholders will not be comfortable with this particular form of social discourse.

CONCLUSION

> "*We have a lot of technically competent people but they would have done something else for a career if they were interested in people. They are not the best communicators in many instances*."
> Unnamed Forest Service Employee (Wondolleck and Yaffee 2000)

"Nothing succeeds like success" is a common message from the field of collaboration. Obviously all participants in a collaborative effort, including those outside the process peering in, expect results in return for their time, effort, and patience. A sense of success can be found in working on small doable projects to gain skills and trust while tackling more controversial work at a later time. This sense is also found in acknowledging the work of others and celebrating each significant success story with the community and the agencies.

Some researchers note that national special interest groups have a disproportionate impact on agency agendas and budgets by virtue of their organization, focused outreach and professional leadership (BLM 2003a). In contrast, communities of place often lack the skills and resources to play a commensurate role in agenda and budget setting. Federal agencies need to recognize this inequity, its impact on the distribution of resources, and its impact on the inclusion and participation of both communities of interest and place. A good place for start, as Courtney White of the Quivira Coalition advises, "is to concentrate on the eager learners, not the skeptics."

Community-based collaboration seeks to address issues where both the problems and solutions are poorly understood, where there is a paucity of data and little agreement on what the information means, and where personnel and financial resources are small or non-existent. This is not an arena where federal bureaucracies are traditionally willing to invest short-term costs and risks even when potential long-term savings appear obvious. Given the challenges, why pursue collaborative conservation?

The power of collaboration is its recognition that humans are part of the environment and a mandatory part of the solution. Growing experience confirms that community-based collaboration can be a fruitful road to long-term solutions that takes time, determination, and strong people skills. Practicing collaboratives have learned first-hand that good will, or at least a desire for its growth, is a fundamental outcome of a commitment to community-based collaboration. While difficult to measure in concrete terms, the social

capital and biological benefits of collaboration are in evidence. Certainly when gauged against the social and biological "success" of the status quo in natural resource management decision-making, the thoughtful foray into collaboration beckons.

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