

Collaborative Planning on State Trust Lands:

A University of Michigan Study

*for the State Trust Lands Partnership Project
of the Sonoran Institute and the Lincoln Institute of Land Policy*



About the Study:

Collaborative planning on state trust lands was identified for further research at the 2004 State Trust Lands Research and Policy Analysis Roundtable convened by the State Trust Lands partnership project of the Sonoran Institute and the Lincoln Institute of Land Policy. In March 2005, under the guidance of Dr. Steven L. Yaffee, a team of eight graduate students from the University of Michigan School of Natural Resources and Environment began conducting a region-wide survey and analysis of eight case studies in which state trust land agencies collaborated with stakeholders in trust land planning and management. The research team conducted 117 on-site and telephone interviews, each lasting roughly one to three hours. Through these interviews, the team answered a set of research questions concerning the benefits, challenges, costs and outcomes of collaborative planning on state trust lands. The goals of this research were to:

- Capture on-the-ground experiences of collaborative planning on state trust lands
- Analyze the advantages and disadvantages of this trust land management approach
- Distill a set of best management practices
- Provide broader recommendations for overcoming barriers to collaborative planning on state trust lands

Authors:

Stephanie Bertaina, Alden Boetsch, Emily Kelly, Eirin Krane,
Jessica Mitchell, Lisa Spalding, Matt Stout, Drew Vankat, Steve Yaffee

Sponsors of this Study Include:



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ABSTRACT

This report examines collaborative planning within the context of state trust lands. By analyzing eight case studies, the report aims to inform trust land agencies, local communities and other interested parties about the benefits, costs, challenges, facilitating factors and lessons learned associated with these collaborative planning efforts. The report concludes with a look ahead to future collaborative planning opportunities on state trust lands, providing a set of best management practices and recommendations for overcoming barriers to this trust land management approach.

State trust lands are a category of land distinct from traditional state and federal public land. These lands were granted to states by the federal government upon statehood to support specific beneficiaries, including public schools. As a result, state trust lands are held in perpetual, intergenerational trust with the state acting as trustee. The state thus has a specific legal responsibility, known as a fiduciary duty, to conscientiously manage these lands for the designated beneficiaries. Today, there are approximately 46 million acres of state trust lands in the continental United States, mostly concentrated west of the Mississippi River. States historically have managed trust lands to generate revenue, primarily from natural-resource based activities. In recent years, rapid urbanization coupled with growing public interest in recreation opportunities, wildlife habitat, open space and ecosystem services have imposed new pressures on state trust lands in the West. These changes have provided new sources of revenue and created conflict over trust land management decisions. In response, some states have explored new ways to plan and manage state trust lands. With its promise of reducing conflict, creating mutual gains, minimizing poorly-planned development, creating flexible strategies and producing durable solutions, collaborative planning has been one approach that states have taken to balance their fiduciary duty with other interests.

To examine the experience of collaborative planning on state trust lands, the research team selected eight cases from a larger pool of identified processes. These cases span seven western states and represent a range of issues, including land use planning, land management for oil, gas and ranching practices, open space conservation and forestry and watershed management. The cases also vary in the impetus for collaboration, size of trust land parcel(s) examined, level of completion of the process and scope of the outcome. To develop the case studies, researchers conducted on-site and telephone interviews of participants and studied the technical, legal and political issues involved in the case.

A comprehensive cross-case analysis, informed by an extensive literature review, provided answers to several common questions about collaborative planning on state trust lands. First, in regards to what makes a process “collaborative,” the research showed that the breadth of stakeholders involved in the process affects the durability of the solution. Processes that were internally and externally transparent enjoyed low levels of public scrutiny and controversy. Most participants believed that they had influence over decision making and the outcome, although state trust land agencies did not give up their decision-making authority.

Second, the research identified a number of factors that motivate and sustain collaborative planning on state trust lands. A sense of threat motivated most of the cases. Other reasons for

pursuing collaboration included a sense of place, a set of common goals and public pressure. Participants joined collaborative processes because of a professional or personal interest or because of a direct financial stake. The researchers found that career changes and process restrictions, such as an advisory committee charter, were the main barriers to sustaining collaboration. Factors that maintained collaboration included financial incentives, investment in the process, leadership and lack of attractive alternatives.

Third, the research identified a variety of benefits and costs of collaborative planning on state trust lands. The primary benefits of collaboration included an increase in the value of the trust, an improvement in the natural environment and/or urban environment and a higher quality solution in terms of durability, creativity and the incorporation of science and outside knowledge. Secondary benefits included new and improved relationships, greater understanding and public awareness of state trust lands and better state and federal agency coordination. Costs associated with the process included direct planning costs, opportunity costs, periods of poor public relations and personal and emotional costs. In one case, participants identified a reduction in the value of the trust asset as a cost, whereas in another case, participants identified a potential loss of environmental protection as a cost. While benefits and costs were not quantified in each case, the majority of participants interviewed in each case study said they thought the process was successful or that they would collaborate again in the future.

Fourth, the research addressed how legal constraints affect collaborative planning on state trust lands. In some cases, the trust mandate empowered stakeholder groups and, in others, created a division between the trust land agency and other participants. The clarity and flexibility of the mandate influenced participation, allocation of decision-making power and group dynamics. External legal constraints like federal and state laws posed a challenge for some cases by introducing new timelines and constraints, and served as a facilitating factor for others by keeping people at the table. Many of the cases strategically used the law to initiate or influence the process, define issues, create options or shape the final outcome. Several participants mentioned that collaboration is easier in the state trust land context than other natural resource contexts because trust land agencies are afforded greater legal flexibility than other agencies.

Fifth, the research showed how agency structure, culture and politics affect collaborative planning. Access to the state land board, changes in agency institutional structure and land commissioner term limitations were some of the structural elements that influenced the processes. Cultural factors that influenced the process included trust land agency interaction with communities and other agencies, integration of collaboration with agency operating procedures, concern about abdication of decision-making power and uncertainty about accepting help from outside sources. Politics affected the process either as a means to gain influence over decision making or to impede or facilitate the process.

Sixth, in regards to how to structure an effective collaborative process, the research showed that process structure, decision making and management are important. Process elements included deciding upon process design, dealing with representation and participation, defining roles and responsibilities and organizing subcommittees or task forces. Key steps for addressing decision making were setting ground rules and establishing decision rules. Setting objectives and

timelines, conducting activities that build understanding and coordinating with other state and federal processes were important strategies for effectively managing the process.

Seventh, the research addressed how leadership and facilitation affect collaboration. Official and unofficial leaders helped guide, inspire or represent others. These leaders often, but not always, benefited the process. Professional or internal facilitators in many cases proved to be invaluable resources that assisted the groups in running meetings, communicating and making decisions.

Eighth, the research showed how interpersonal dynamics influence collaborative planning on state trust lands. Positive relationships among stakeholders helped facilitate progress, provided an incentive to stay involved, fostered respect and built a greater understanding of the issues. Several participants observed that the collaborative process improved relationships and anticipated that these relationships would help with implementing the planning outcome and addressing future resource management issues. Many groups achieved a more even distribution of power by consensus decision making. Power imbalances did arise, but in most cases they did not prevent the groups from achieving their goals.

Finally, the research addressed how collaborative planning processes incorporate scientific information. In many of the cases in this report, science had a significant influence on the process, whether scientific and technical information was explicitly central to the process or became an important tool along the way. The origin of this information impacted the process through strengthening group relationships or increasing the perception of the legitimacy of information. In some cases, science acted as a major facilitating factor to informed decision making while in other cases, the lack of information or the uncertainty of information significantly delayed the process. Incorporating science and technical information into the process often influenced the process structure and could act as a significant resource drain on participants who produced such information. While science influenced the process, collaborative processes also determined what science was gathered, how it was collected and by whom.

From this cross-case analysis, the research team developed a set of best management practices (BMPs) and recommendations. The BMPs provide guidance to state trust land managers and other stakeholders interested in creating and/or guiding a collaborative process. The BMPs address effective ways to set the groundwork for a process, determine membership composition of the collaborative group, merge the people with the process, create a decision-making structure, effectively manage the people and the process, deal with information or lack thereof and implement the outcome. The recommendations address the broader context of challenges that impede collaboration on state trust land. They identify areas for change in regards to resource allocation, knowledge and skill sets, organizational structure, organizational culture, policy and law. The recommendations conclude with advice for continued dialogue and learning among agencies regarding collaboration on state trust land, as well as suggestions for future research.