

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

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Sponsors of this Study Include:



The Sonoran Institute promotes community decisions that respect the land and people of Western North America. Facing rapid change, western communities recognize and value the importance of their natural and cultural assets – assets that support resilient environmental and economic systems. The Institute offers tools, training and sound information for managing growth and change, and we encourage broad participation, collaboration and big-picture thinking to create practical solutions. The decisions communities make about using land, water and other resources affect their prosperity and quality of life today and in the future. www.sonoran.org



The Lincoln Institute of Land Policy is a nonprofit educational institution based in Cambridge, Massachusetts. Through courses, conferences, research, publications, demonstration projects and other outreach programs, the Institute seeks to improve the quality of debate and disseminate knowledge of critical issues in land policy by bringing together scholars, policy makers, practitioners and citizens with diverse backgrounds and experience. www.lincolninist.edu



The Ecosystem Management Initiative promotes landscape-scale conservation and sustainable natural resource management. Through short courses, dialogues, graduate student training and action-oriented research, the Initiative works to advance the knowledge and skills necessary for collaborative, adaptive ecosystem management. Over the last ten years, EMI has evaluated the progress of a large set of collaborative efforts in order to identify best practices, policy recommendations and tools that enable individuals and organizations to become more effective at managing resources and building sustainable communities. www.snre.umich.edu/ecomgt/



The University of Michigan School of Natural Resources and Environment is dedicated to advancing the protection of the Earth's resources and the achievement of a sustainable society. Through research, teaching and outreach, faculty, staff and students generate new knowledge and develop policies, techniques and skills to help practitioners manage and conserve natural and environmental resources to meet the full range of human needs on a sustainable basis. www.snre.umich.edu

INTRODUCTION

Approximately 46 million acres of state trust lands are located in the continental United States, most of which are concentrated in 11 states west of the Mississippi River. State trust lands are the third largest category of western public lands, with a history that dates back to the late 18th century. Pursuant to the General Land Ordinance of 1785 and the Northwest Ordinance of 1787, states were granted land upon admission into the Union to support a variety of public beneficiaries, including common schools, state universities and hospitals. While some of the states that received these grants sold all or most of their state trust lands, many of the western states have retained a significant percentage of their original trust land grants and continue to manage these lands.

State trust lands encompass a diverse range of landscapes, including rolling grasslands, arid deserts and expansive forest and mountain ranges. Unlike other categories of public land, state trust lands are held in perpetual, intergenerational trust with the state acting as trustee. State trust lands thus impose a specific legal responsibility, known as a fiduciary duty, on the state to conscientiously manage these lands for the designated beneficiaries of the land grant. To fulfill this duty, states historically have managed state trust lands to generate revenue, valuing their holdings primarily in terms of economic potential. Traditional trust land uses include grazing, timber, agriculture and oil, gas and other mineral mining. Recently, states have begun considering other “nontraditional” uses like conservation and recreation, as they have found that managing trust lands for these other purposes can benefit the trust and thus is consistent with their legal responsibility.

In recent years, state trust land management has garnered increasing attention as a growing number of western communities urbanize and their economies shift away from natural resource extraction. These changes have directly affected state trust lands, especially because a significant percentage of these lands are located on the edge of growing urban areas, thus making them valuable for future real estate development and annexation into rapidly growing cities. As a result of these changes, trust land management is affecting more and more parties, including municipalities, developers, industry, conservationists and neighboring communities.

In response to this growing development pressure, as well as rising public interest in the recreation and open space values of these lands, some states have begun to explore new ways to plan and manage state trust lands. Collaborative planning has been one way that states have tried to balance their fiduciary duty with community interests and needs.

For the purposes of this report, “collaboration” is defined as a transparent process where multiple stakeholders who represent various interests have an opportunity to influence or affect decision making. This definition highlights three key elements of collaboration: (1) transparency of meetings, agreements and decisions, (2) meaningful involvement of a breadth of stakeholders such that all key interests are represented and (3) some degree of influence in decision making for all stakeholders. Collaborative planning has proven effective in public land contexts, including contentious cases involving land use planning, community planning, forest management and mineral and oil extraction. Studies show that collaboration can reduce conflict, create win-win situations, minimize poorly-planned development, create flexible strategies that

meet the needs of all parties involved and produce durable solutions. However, little research has been conducted on the use of collaborative planning on state trust lands.

To address this and other state trust land issues, the Lincoln Institute of Land Policy and the Sonoran Institute Joint Venture convened a State Trust Lands Research and Policy Analysis Roundtable on October 21 and 22, 2004. Roundtable participants included five current or former state land commissioners and experts in state trust land management, economics, urban planning and institutional and program evaluation and assessment. Together, the group defined a proposed research agenda for state trust lands in the West. The Roundtable discussed the growing use of collaborative planning on state trust lands, and found that states have experienced mixed results with this land management approach. While some collaborative processes have led to favorable trust land outcomes, others have not. Moreover, they found that little research has been conducted on collaboration within the unique framework of state trust lands. The Roundtable consequently called for a region-wide survey and analysis of cases where collaboration was used to manage state trust lands. This study would identify the lessons learned from past experiences and develop a set of best management practices to guide future collaborative efforts.

The purpose of this Master's Project is to fill the research void identified by the State Trust Lands Research and Policy Analysis Roundtable. The goals of this report are 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
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To accomplish these goals, the rest of Section I provides a brief history of state trust lands, explores how trust land management has evolved over the years and outlines the methods used to conduct this research. Section II of this report then examines eight cases in which state trust land managers collaborated with stakeholder groups in the planning and management of specific trust land parcels. These cases span seven western states – Arizona, Colorado, Montana, New Mexico, Oregon, Utah and Washington – and address such themes as land use planning in both urban and small-town settings, land management for oil, gas and ranching practices, open space conservation and forestry and watershed management (Figure 1-1). 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. In addition to detailing the story of the collaborative process, each case study identifies the benefits, costs, challenges, facilitating factors and lessons learned associated with the collaborative planning effort.

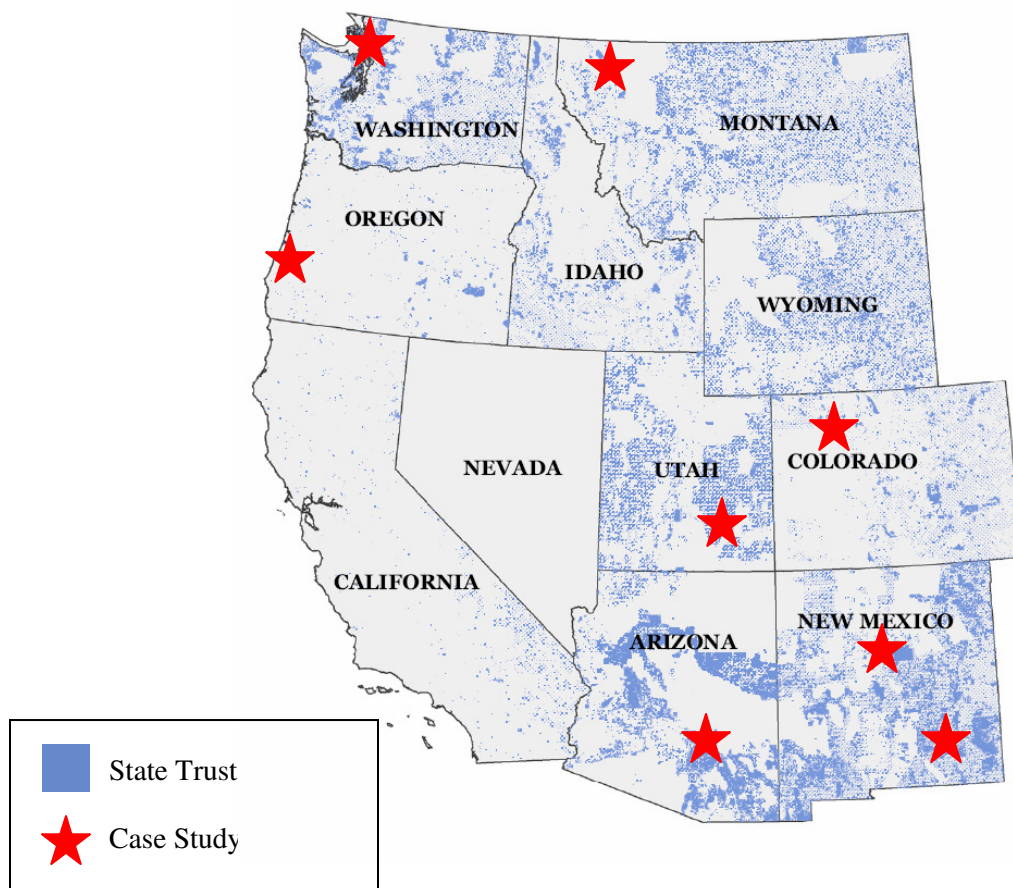
Section III of this report provides a cross-case analysis to answer a series of questions about collaborative planning on state trust lands. Specifically, the report addresses the following questions:

- What makes a process collaborative?
- What motivates and sustains collaborative planning processes?
- What are the benefits and costs of collaborative planning?

- How do internal and external legal constraints influence collaboration?
- How do agency structure and culture and politics influence collaboration?
- How were collaborative processes structured to be effective?
- What is the role of leadership and facilitation in a collaborative planning process?
- How do interpersonal dynamics influence a collaborative planning process?
- How do collaborative planning participants obtain, incorporate and process scientific information?

Section IV of this report draws from the cases and cross-case analysis to outline a set of best management practices (BMPs) for collaborative planning on state trust lands. The BMPs provide guidance to state trust land managers and other stakeholders interested in creating and/or guiding a collaborative process within the unique context of trust land management. The report concludes with a collection of bigger-picture recommendations that address the broader context of challenges that impede collaboration on state trust land.

Figure 1-1: Distribution of State Trust Lands in the American West and Location of Case Studies



Source: Adapted from “Map of Trust Lands in the 11 Western States,” Trust Land: A Land Legacy for the American West, The Sonoran Institute & Lincoln Institute of Land Policy, available at <http://www.trustland.org>.