

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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**MESA DEL SOL PLANNING PROCESS:
Partnering with the Beneficiary and Private Sector
for Large-scale Urban Development**



Mesa del Sol, Albuquerque, New Mexico

Photograph by Emily Kelly

**Case Study by Drew Vankat
Researched and Edited by Drew Vankat and Emily Kelly**

INTRODUCTION

The largest undeveloped parcel of land in any North American city sits just five minutes southeast of downtown Albuquerque, New Mexico. A wide-open desert scrubland home only to a few ranchers, an isolated concert venue and a drag racing track, Mesa del Sol is hardly glamorous. Yet it borders Kirtland Air Force Base, the top-secret Sandia National Laboratories, Albuquerque International Sunport Airport and the ever-growing city of Albuquerque whose sprawl now extends west across the Rio Grande River. Major transportation corridors run nearby, but not through the property. It is 12,900 acres of largely unfulfilled development potential, largely out of the public's mind.

Though the State Land Office (SLO) first became interested in developing this property over twenty years ago, only recently have they secured a legitimate developer and promises of the necessary infrastructure upgrades necessary to connect Mesa del Sol with New Mexico's largest city. The complex, often turbulent process leading to this stage was the struggle and signature of four Commissioners of Public Lands. Without an official working group or formal collaboration, Mesa del Sol is unlike the other cases researched in this report. The hallmark of the process is a series of informal collaborative strategies focusing on relationship building and open communication, instituted by commissioners with a sincere desire to increase community involvement in state trust lands issues. The process was not without its challenges, though. At times, relationships between the SLO and beneficiary, the University of New Mexico (UNM), became estranged, as when UNM sued Commissioner Jim Baca to block Mesa del Sol's sale at its original auction in 1987. The SLO spent years erasing the negative press surrounding the lawsuit and building a collaborative foundation that would carry the project forward when important political interests aligned in its favor.

Political interests have also played a significant role in delaying the Mesa del Sol project. Their influence often overwhelmed supporters of Mesa del Sol, forcing the project to take a back seat to other developments elsewhere. As several participants noted, success largely depended on the "political stars" aligning, meaning the Mayor, City Council, UNM and other influential parties. There also was considerable disagreement over the physical nature of the development itself: at least four master plans have been written. The SLO worked hard to form collaborative relationships with all interested parties, even succeeding in addressing the needs of its neighbors with hidden interests, particularly the Isleta Pueblo and Kirtland Air Force Base.

Without a collaborative process, the land likely would have been sold at auction in small sections to individual developers, promoting urban sprawl and placing overwhelming demands on municipal services and infrastructure. Regarding the lengthy collaborative process, current Commissioner of Public Lands Patrick Lyons freely admits, "I wouldn't have done it that way." Rather, Lyons would have left the planning process to the local community, significantly reducing the SLO's role and investment in the process.¹ But instead, this case illustrates the gambles of progressive Commissioners of Public Lands invested in collaboration, green development and long-term beneficiary revenue, investments that appear to have paid off. Today, a public-private partnership will develop Mesa del Sol at no net cost to the city of Albuquerque and in accordance with the city's comprehensive Planned Communities Criteria, requiring principles of mixed-use, high-density development and open space.

KEY THEMES

This case illustrates the importance of three factors. First, progressive leadership is seen as a key component in complicated urban development of state trust land. Many participants cited the SLO's creativity as a primary reason why this complex, lengthy development project looks certain to become a reality. By embracing a new management paradigm of informal collaboration and public outreach, the SLO attracted a national developer with the resources to develop Mesa del Sol and maximize long-term revenue to the trust. The commissioners most intimately tied to Mesa del Sol, Jim Baca and later Ray Powell, have exhibited a strong desire to involve stakeholders and other interested parties to create a development in which the community can take pride. Despite this community involvement, commissioners have neither neglected nor violated their constitutional mandate; rather most participants believe collaboration led to increased revenues for the beneficiary.

Second, community involvement emerges as a significant factor in maintaining interest in the fate of a project that often times appeared out of the SLO's control. Mesa del Sol's crucial role in the development in greater Albuquerque attracted interest from a variety of community members, including powerful political interests the SLO often had little or no ability to align. This case illustrates the complexity of development on state trust lands in or near metropolitan areas and the necessary ability to achieve increased stakeholder and community commitment. As in many development projects, addressing and satisfying competing political interests was a formidable challenge and figured prominently delaying Mesa del Sol.

Finally, this case exemplifies the power of a public-private partnership in state trust land development, as a credible private sector partner was a boon to the process. Forest City Covington, LLC (FCC) is repeatedly commended by interviewees and major parties involved for its experience, resources, and strong community vision. As Tim Callahan, an SLO planner notes, "When Forest City came to town, that was *the* defining moment."²

CONTEXT FOR COLLABORATION

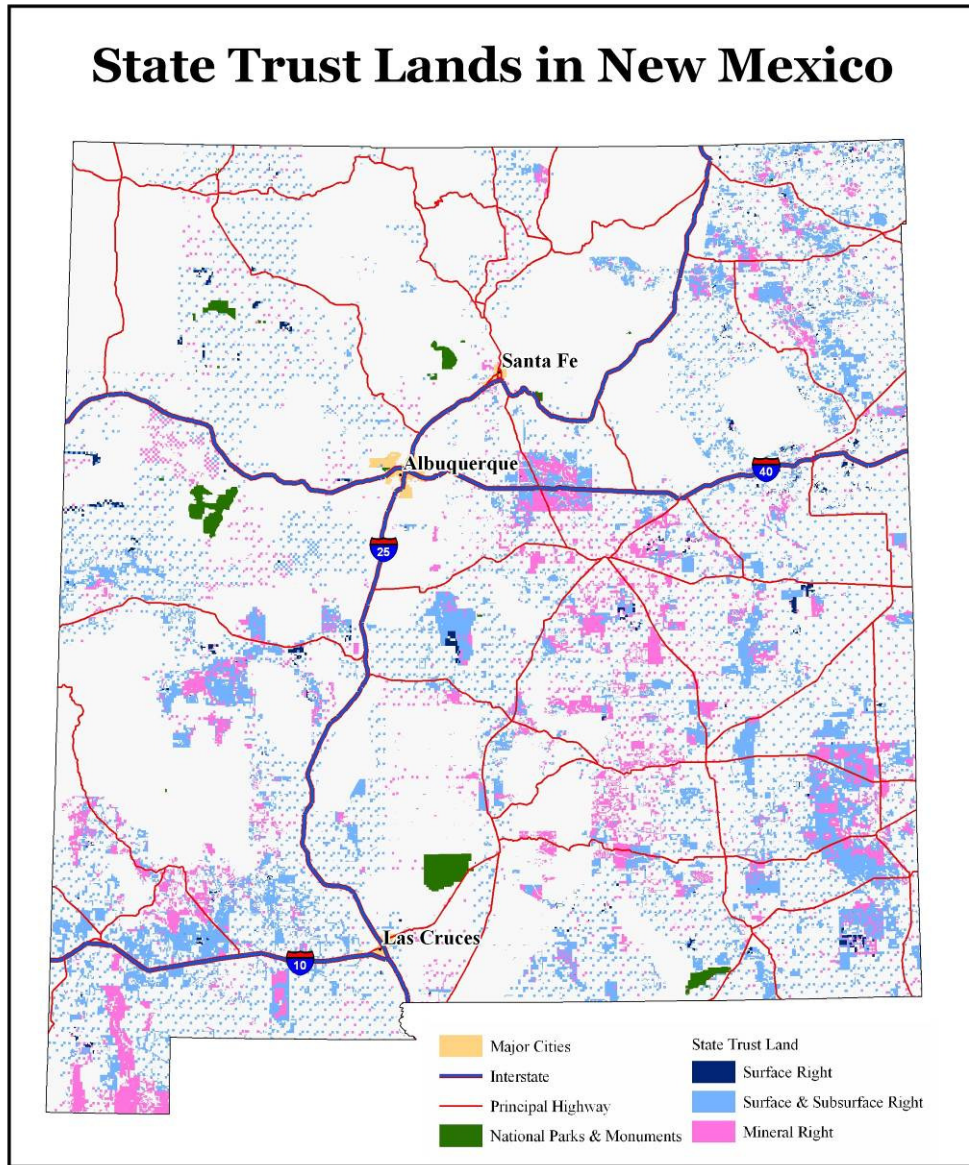
ESTABLISHMENT OF STATE TRUST LANDS IN NEW MEXICO

Prior to its induction into the United States, the territory of New Mexico was provided state trust lands as sections 16 and 36 in each township in 1898. Under 1899 legislation the State Land Office (SLO) was created and the first Commissioner of Public Lands appointed to administer state trust lands. Later, New Mexico's Enabling Act, passed in 1909, set aside township sections 2 and 32 as additional state trust lands (Figure 9-1). The Enabling Act also confirmed the Land Grant Permanent Fund that holds all allocated lands in trust to the public school system and other state institutions. All of this was completed prior to New Mexico's statehood in 1912.

Since New Mexico was one of the last states to be given state trust lands, the restrictions imposed on these lands by the Enabling Act are much more rigid than in other states that had already abused and sold much of their trust land assets. Such restrictions guide the SLO's

planning process today, dictating the manner in which the SLO may conduct business and what concessions they may accept in negotiations.

Figure 9-1: State Trust Lands in New Mexico



Source: "New Mexico Trust Lands," Trust Land: A Land Legacy for the American West, The Sonoran Institute & Lincoln Institute of Land Policy, available at <http://www.trustland.org>.

HISTORY AND CULTURE OF THE SLO

The Commissioner of Public Lands is the head of the SLO and is an elected state official. The commissioner is advised by the Office of General Council and the State Land Trusts Advisory Board. Ultimately, however, the commissioner is entrusted with the “control, jurisdiction, care, and custody of all trust lands” by the New Mexico State Constitution which provides him with final decision-making power.³ While leadership changes, key members of staff are often retained by the next administration, which was true in the Mesa del Sol Planning Process. This continuity is essential to maintaining organizational momentum and knowledge required for success in such complex and long-term projects.

Originally distributed in a checkerboard pattern across the state, New Mexico’s trust lands have been somewhat consolidated as a result of land exchanges with public and private institutions. The SLO’s portfolio now includes some large coherent tracts of state trust land as a result of exchanges, particularly outside of Albuquerque in Mesa del Sol and in the southeastern portion of the state. These larger tracts allow for more consistent land use in an area and as well as master planned developments in urban settings like Mesa del Sol.

MANAGEMENT CHANGES AND THE FOCUS OF THE SLO

Within the past couple of decades, land development and leasing opportunities have been given increasing attention in the SLO. The SLO’s Planning and Development Workgroup recently identified 30,000 acres of state trust land with current development potential, having acquired strategic parcels in the mid-20th century in anticipation of urban growth.⁴ As with Mesa del Sol, many of these lands are now in metropolitan areas and are ripe for development.

While commissioners are not bound to the decisions and policies of former administrations, Commissioner Lyons has continued many of the efforts of his predecessors, land development being one of those efforts. Mesa del Sol in particular has been a major project of the administration and is a reflection of the growing value of land development in the SLO portfolio.

THE STORY: THE MESA DEL SOL PLANNING PROCESS

Despite its close proximity, Mesa del Sol was fairly isolated from Albuquerque for most of its existence under SLO ownership (Figure 9-2). As a result, through much of the twentieth century the land was leased solely to a handful of ranchers for grazing. In 1963, seeking a remote venue, the Albuquerque National Dragway obtained a 160-acre lease from the SLO to operate an automobile drag racing strip on Mesa del Sol. The Dragway has operated on consecutive five-year leases continuously with the exception of a two-year period from 2000 to 2002 when Commissioner Powell cancelled the company’s lease. As in much of the West, Albuquerque began a period of rapid growth in the 1970s that continues today. This growth began to spur debates over the direction of urban growth and where it would be most suitable.

SLO Planner Tim Callahan stated that potential development of Mesa del Sol has been discussed for several decades.⁵ As beneficiary of the parcel, the University of New Mexico (UNM) envisioned Mesa del Sol as a long-term future source of revenue, but never developed a concrete plan. As debate over Albuquerque's growth grew in the 1970s, the SLO began to explore the possibility of developing Mesa del Sol. Credit for the specific plan to develop the site is generally given to Jim Baca (Commissioner of Public Lands from 1982 to 1986 and from 1990 to 1992), though a 1970s pamphlet promoting the development potential of the site was mentioned by one interviewee.⁶ As SLO Planner Tim Callahan described, "Jim was a very progressive type of a Land Commissioner.

There's no doubt about that. It was not business as usual."⁷ As opposed to his predecessors, Baca wanted to wean the SLO from its reliance on resource extraction and explore the possibility of residential and commercial development on state trust lands. He also believed the SLO should become more accountable to the public in general, through collaboration and an eye towards conservation. Blair Brown and Susan Gorman of the Sierra Club agreed, saying Baca "believed that there needed to be more transparency in state lands operations."⁸ The SLO under Baca began to recognize that resource extraction on SLO lands must someday end and took a long-term approach to generating revenue. Brown and Gorman credit Baca as the first commissioner to open the doors to environmental groups and their concerns.⁹

With increased urban growth and additional development pressures in recent decades, trust lands such as Mesa del Sol have become more valuable as potential sites for development and conservation alike. Recent administrations in the SLO have focused on these lands. Former Commissioner Jim Baca, for instance, was intent on selling land directly to the private sector in development projects such as Mesa del Sol to produce what he saw as the greatest revenue for the trust.¹⁰ His successor, Ray Powell, also saw the importance of future land sales and development and continued this legacy. Powell later created the Commercial Leasing Division at the SLO, dedicated to land sales, leases and development. Powell also shifted the SLO's land development practice towards the public-private partnership model.¹¹ These two commissioners conceived of the Mesa del Sol vision and provided the infrastructure within the SLO to make it possible.

In his first term, Baca publicly introduced a plan for developing Mesa del Sol. Realizing Mesa del Sol as an integral cog in Albuquerque's growing population and economy, the SLO hired a local firm to draft a master plan. The plan was written in consultation with outside parties, including representatives of the Sierra Club, though there is some disagreement between UNM and Baca over whether Baca adequately shared his vision with UNM, the beneficiary of the

Figure 9-2: Mesa del Sol



Source: "Community Master Plan" June 2005, Forest City Covington New Mexico, LLC, 15.

revenue generated from this parcel of state trust land. As Baca's plans progressed, UNM became more concerned because they felt that they had not been involved in the process, had no control over the outcome and disapproved of the events to date. Under Baca's original plan, the SLO master plan would guide development once title to the land was sold at auction to a private developer. Baca is generally praised for his direct nature and intense focus. As Kim Murphy, former SLO Planner and Director of Real Estate at UNM, stated, "I give [Baca] a lot of credit for having the vision to start this project. I think he's very politically astute, but he also can be very abrasive and turn a lot of people off."¹² Baca was close to the UNM President, a relationship that facilitated progress on the SLO's plans. However, his relationship with the UNM Board of Regents was decidedly unproductive.¹³ This dynamic emerged from the responses towards the results of the SLO's first auction.

In early 1987, with less than one year remaining in his term, Commissioner Baca put 5,200 undeveloped acres of Mesa del Sol up for auction. In preparation for the auction, Baca worked with the city of Albuquerque, the Sierra Club, the UNM and others to design the master plan for development. The auction attracted only one bidder, Bellamah Community Development, Inc., a New Mexico-based regional developer. Bellamah won the right to develop that section of Mesa del Sol in accordance with the SLO master plan. At the time, the land was not annexed into the city and did not prove an extensive plan for development that was needed. UNM Director of Real Estate Kim Murphy explained that Baca's auction served as a wake-up call for the University, prompting them to become attuned to the immense revenue potential associated with Mesa del Sol and to become interested in taking a more proactive role in planning its development.¹⁴ In response to the auction, the UNM Board of Regents believed that a single bidder represented below-market compensation for the Mesa del Sol property and requested that Commissioner Baca not accept the bid. Baca refused to accommodate their requests, and the Regents filed a lawsuit, the settlement of which required Bellamah to give a larger percentage of the sale of each parcel to UNM. Their investment was no longer certain, Bellamah lost interest in Mesa del Sol and rescinded its offer. Had Bellamah in fact gone through with the purchase, it would have forever changed the history of Mesa del Sol, as the company declared bankruptcy in 1989 and would have lost the land to unknown parties.

Bill Humphries replaced Baca as commissioner later in 1987 and inherited freshly-damaged relationships with UNM resulting from the lawsuit over the auction. Public perception of Mesa del Sol was also reeling from the litigation, and many people felt the land never would be developed due to the contentious atmosphere surrounding it. At the same time, the rapid growth on Albuquerque's west side was creating increased congestion, sprawling land use and pressure on city services. Responsible urban planning would have all but required the city to build on Mesa del Sol.

While few Mesa del Sol Planning Process participants recognized the influence of Humphries' term, one participant said Humphries continued the vision of developing Mesa del Sol.¹⁵ Unfortunately, his term coincided with a downturn in the local economy and a lack of interest from Albuquerque, two factors that hampered progress. Tim Callahan recalled that he and then SLO planner Kim Murphy (now Director of Real Estate at UNM) devoted time to the project during Humphries' time in office and created a new master plan.¹⁶ Most of the work was done in

house and it was several years until others acknowledged that the SLO instituted a true collaborative planning process.

When Baca won election for his second term as commissioner in early 1991, he intended to revive his campaign for developing Mesa del Sol, but scarcely had time to settle into his office before being nominated the following year as Director of the U.S. Bureau of Land Management. New Mexico Governor Bruce King appointed Ray Powell, his Special Assistant on Environment, Health and Natural Resources to finish Baca's term. In addition to his experience in natural resources, Powell is a professional veterinarian and, like Baca, comes from a politically prominent New Mexico family.

Powell completed the remaining two and a half years of Baca's term and was then elected to two consecutive terms in his own right, serving more than ten years as commissioner. In Powell's own words, a major policy focus for his administration was a "different way to approach things," where trust lands were not sold at raw land values, but instead leased to a developer who could make improvements to raise their value.¹⁷ To achieve this goal, Powell created a Commercial Leasing Division at the SLO, which was comprised of architects, planners and others who embodied Powell's belief that "the land office had been looked at as a solitary unit," but now would actively "become an integral player in the bigger picture" of New Mexico's economic development, a strategy which meant partnering with other entities.¹⁸ "That's what we tried to do with every project," he stated, "have that inclusiveness, go seek [the community] out at the beginning of the process, talk to them before they heard about the project from someone else."¹⁹

Consequently, the process of developing Mesa del Sol became a primary focus of the SLO during Powell's tenure. Whereas Baca planned to sell Mesa del Sol at auction, Powell's administration aimed to lease the property and develop it in conjunction with a private company before selling parcels at an amount above their raw value. As Powell said, he wanted the SLO to be the "architects" of the deal and "really decide what was going to happen on that land."²⁰ But to make the Mesa del Sol property an attractive investment to a private developer, Powell had to erase the negative stigma resulting from the lawsuit and create more investment certainty for the potential developer.

In order to do so, the SLO instituted a series of informal collaborative outreach measures that became the hallmark of the development process. Powell's desire was to involve people and gather their input as early as possible. He explained, "my philosophical standpoint is to be as inclusive as you can on the front end and include as many people as you can in the discussion, and you're going to end up with a much better product and not end up with lawsuits."²¹ Powell also wanted the SLO to "get involved and help make [Mesa del Sol] something important for their community."²² Rather than convene a formal working group, Powell pursued collaboration by opening the SLO's doors to the public and visiting, along with his staff, various community meetings to talk with concerned parties and stakeholders such as the Sierra Club, neighborhood associations, business associations and others. Of the collaborative process, Powell said, "we were there from the beginning and people were very anxious about what we were going to do because this hadn't been done before. At the end of the meetings they were right there with us—that was their project."²³ His collaborative strategy helped increase community buy-in and quell the fears of neighboring entities including UNM Board of Regents, who represented the University in negotiations with the SLO.

The results of the SLO's collaborative efforts manifested themselves in various aspects of the process. SLO Planners Harry Relkin and Tom Leatherwood drafted additional master plans for the parcel, incorporating environmentally responsible "new urbanism" designs and suggestions from the local Sierra Club chapter. Powell and his staff reached out to Bernalillo County to build their enthusiasm for the project, resulting in a 624-acre lease for a concert amphitheater, completed in 1997, and a regional recreational park that is still under construction. As Tim Callahan describes the amphitheater and park, "[The SLO] thought that would be a ... catalyst to get things moving. You'd have a public-private enterprise." Not only did the lease improve relations with the County, Callahan explains, but it also provided the general public with a reason to visit Mesa del Sol, restoring its image in the public's conscience: "I think it put Mesa del Sol more on the map," Callahan concludes.²⁴

Powell also involved Mesa del Sol's neighbor to the east, the Kirtland Air Force Base (and specifically Sandia National Laboratories, which is housed on the Base), in the collaborative process. Because of the secretive nature of Sandia Lab's work harboring and developing national security secrets, understanding their interests was a difficult task. Powell's proposal to create a buffer of open space, La Semilla, that insulates Sandia Labs and Kirtland AFB from any future development was a creative solution that resulted directly from active involvement of outside parties in the planning process. As Callahan remembered, "Talk about working with stakeholders, that was one we really went out, over, maybe overboard to make sure that [Kirtland AFB] is benefiting." Without a collaborative approach by the SLO, the development could have stalled or fallen victim under the influence of the military's immense political power. Callahan acknowledged this was one of SLO's motives for collaboration: "The military guys can do what they want to do anyway."²⁵

While the SLO's collaborative efforts were successful in many aspects, the SLO faced numerous challenges and complexities in bringing together a diverse set of interests. In particular, the agency had difficulty with political forces beyond their control. Albuquerque's population explosion caused the city to sprawl westward, across the Rio Grande to distances nearly 15 to 20 miles from downtown. By all accounts, Mesa del Sol, with its close proximity to the center of Albuquerque and the airport, would have been a more desirable location for this growth. Unfortunately for the SLO, though, west side growth was promoted strongly by private development interests in powerful positions. Interviewees cited the Mayor, banks, members of the UNM Regents and other city officials as having a financial interest in seeing Albuquerque develop to the west, rather than in Mesa del Sol to the southeast.²⁶

In some respects, the story of Mesa del Sol is as much about politics as collaboration. Harry Relkin, former SLO Assistant Commissioner of Commercial Resources and current consultant to FCC, explained that the complexity of Mesa del Sol means "projects like this are a political process."²⁷ Kim Murphy elaborated:

Oftentimes the political agendas of the participants clash or don't align, so it can either facilitate or hinder the progress of a project. The additional complication is that Mesa del Sol is a key development opportunity within the city of Albuquerque and so in order to move the project forward you have to have the support of the Council and the Mayor and those are also political people.²⁸

The SLO constantly has looked for windows of opportunity when political forces aligned in Mesa del Sol's favor. For example, when Powell and the SLO decided to apply to annex Mesa del Sol into the city of Albuquerque, it should have legitimized the SLO's master plan for development and created an avenue for building relationships with the city. Near the same time, SLO Planner Harry Relking decided to apply Mesa del Sol for approval under Albuquerque's Planned Community Criteria, a set of rules governing the layout of large developments. These actions should have showed that the SLO was determined to make Mesa del Sol a responsible contribution to Albuquerque's growth by subjecting it to the same planning criteria as private developments. Instead, the Mayor of Albuquerque, Martin Chavez, catered to west side development interests and stalled Mesa del Sol. Tim Callahan believed that "annexation was probably the worst thing we could have done because the Mayor said, 'Ok, I'm in control: nothing's going to happen.' And that's what did happen. Nothing happened for four years."²⁹

Although politics certainly influenced when the development of Mesa del Sol could or could not proceed, the SLO's informal collaborative processes were the guiding force that determined whether it happened at all. Throughout the 1990s and continuing to the present, the SLO was meeting with neighborhood organizations, non-profits and other organizations to share ideas, gather input and build enthusiasm for the project. Powell said, "My philosophical standpoint is to be as inclusive as you can on the front end and include as many people as you can in the discussion."³⁰ Sierra Club volunteers Susan Gorman and Blair Brown who participated in the process since 1997, stated that they were very impressed with the outreach conducted by Powell and his staff. They expressed that they feel that Powell "feels working together is how you get stuff done." He has "always been open, we know him to be very pro-environment but at the same time knows it's got to work for everybody."³¹

Meanwhile, when the Bernalillo County's Journal Pavilion amphitheater opened in Mesa del Sol in 1997, the Dragway began to lose some of the isolation that made Mesa del Sol such an attractive venue for automobile racing. Bill Elliott, Communications Director for the Albuquerque National Dragway, said he "[did] everything I [could] to maintain a positive open working relationship with [the amphitheater]," but that it did not always work out. Ensuing disagreements with the amphitheater over noise and degradation in relationships with the SLO resulted in Powell suspending the Albuquerque National Dragway's lease in 2000. The closure, officially stated to stem from rent payment discrepancies, was spurred by several years of antagonistic relationships between the Dragway and Powell. The Dragway also believed Powell's pro-environment stance left no room for an automobile drag racing venue at Mesa del Sol. Elliott believed the Powell administration had already decided the Dragway's fate: "In the back of their mind, they were thinking, 'You know what, we need to get rid of this thing.'"³² This experience was the only instance where Powell's informal collaborative tactics clearly produced an adversarial outcome and failed to secure buy-in for further development of Mesa del Sol. After being elected as Commissioner of Public Lands in 2002, Patrick Lyons fulfilled his campaign promise to reopen the Dragway. Elliott said the Dragway is still worried about their long-term future: "It's a little touchy subject and ... who knows what's going to happen. I know we don't have problems with Patrick Lyons but the election is next year and he's only got four more years beyond that and then who knows who were dealing with."³³

Powell intended to conduct another auction for a significant portion of Mesa del Sol before the end of his second term. Feeling that he had successfully erased most uncertainties surrounding the property, he offered Mesa del Sol to potential bidders in 2001. The successful bidder would be able to lease the land and develop it according to the city's Planned Community Criteria and SLO guidance. Three companies submitted bids and former SLO Planner Chris Hyer remembered, "They were all very highly scrutinized; and it wasn't just, 'Who is going to give us the best bang for the buck.' It was, 'Let's go out and visit every one of their projects and see what they've done' ... we want this to be a viable development."³⁴ Forest City Covington, LLC was chosen as the new developer. FCC is a large, national company with a long history of progressive urban development and redevelopment, including the former Stapleton Airport site in Denver, Colorado. The lease contract for Mesa del Sol was signed on December 30, 2002, the final day of Powell's administration. From a business perspective as well as a collaborative community relations perspective, the importance of FCC was underscored by many people involved in the process. Many participants saw the addition of this well-reputed company as an important factor in Mesa del Sol's current success.

Patrick Lyons was elected commissioner in 2002 by a slim margin of approximately 8,000 votes.³⁵ Although the commissioner enjoys nearly complete autonomy, because FCC had already signed the lease contract, it would have been more difficult for Lyons to abandon the Mesa del Sol project. As a result, but also because Lyons reported that "We're supportive of it ... we'd

Figure 9-3: Campaign Sign at the Albuquerque National Dragway



Source: Photograph by Emily Kelly

like to see it happen," Lyons continued work on Mesa del Sol, including working with members of Congress to secure funding for the University Boulevard extension that provides better access to Mesa del Sol. But Lyons differed from Powell in his belief about planning: "We just feel like we ought to let the local communities do it."³⁶

Correspondingly, he turned over most of the daily planning responsibilities and the community outreach to FCC. Lyons believed FCC has sustained a positive working relationship with the public and stakeholders. He describes

FCC's approach as such: "It's 'Here's our plan, here's how the plan is, and if you don't like it let us know.'"³⁷ Blair Brown and Susan Gorman of the Sierra Club agree, saying FCC is "very professional and seem to be willing to talk with us as equals" and appreciate the fact that little of the Sierra Club's time is required, a bonus for volunteers.³⁸

The last major physical hurdle to developing Mesa del Sol was recently cleared through the work of Lyons' administration and several federal elected officials. Work on the \$25 million University Boulevard extension began on September 30, 2005.³⁹

Lyons also changed the SLO's relationship with the Dragway (Figure 9-3). Shortly after Lyons' narrow victory in the election. Bill Elliott, Communications Director for the Dragway said, "I called him up the next day and I told him, 'Patrick, congratulations and I want you to know there's exactly 8,000 drag racers in the state of New Mexico.'"⁴⁰ Lyons reciprocated by reissuing the Dragway's five-year lease. For its part, the Dragway still harbors fears that it will not be included in Mesa del Sol's future. They will again campaign heavily for Lyons in 2006, but understand there is no long-term guarantee concerning their lease. FCC's lease may even include a clause for them to exercise an option to take out the Dragway.⁴¹

Since FCC has taken over daily management of the Mesa del Sol process, Baca expressed that it will be "interesting to see if the collaboration keeps happening."⁴² Despite the Dragway's concerns, the pattern of informal collaboration appears to be the preferred method of community outreach for the future as well. FCC held meetings with several community groups and even flown others, including members of the Sierra Club, to Denver to view other FCC projects.⁴³ Whether or not the Dragway's relationship with FCC blossoms remains to be seen. Bob Labatte, owner of the Dragway said, so far "our relationship with Forest City, I would say, has been good."⁴⁴

THE ANALYSIS: THE MESA DEL SOL PLANNING PROCESS

LEVEL OF COLLABORATION

Our research team identified three axes for measuring the level of collaboration in each case. They include breadth of stakeholder participation, degree of transparency and degree of influence on decision-making. Each element by itself contributes to a productive, inclusive process, but a mix of all three factors brings the interrelationship of each into play and produces a truly collaborative process. Mesa del Sol incorporates all of these elements.

Breadth of Stakeholders: The number and variety of parties mentioned in our interviews illustrates the breadth of stakeholder involvement. Highly collaborative processes often are grounded in the input and involvement of most or all interested parties or stakeholders. By including multiple voices, solutions are more likely to be successfully implemented and have greater chance of future compliance and reduced risk of opposition or litigation. People and organizations consulted or involved in the Mesa del Sol process include: UNM (several departments, the Board of Regents, Real Estate Office, administration, and others), city of Albuquerque (Planning, Economic Development, City Council), Greater Albuquerque Chamber of Commerce, Bernalillo County, Isleta Pueblo, Kirtland Air Force Base (and the non-profit Kirtland Partnership), Department of Energy (Sandia National Laboratories), Sierra Club, 1000 Friends of New Mexico and neighborhood groups (South Valley and Mountain View Neighborhood Associations). As discussed above, most groups feel their involvement has been beneficial. It appears that all relevant, interested parties were invited to submit input during the

process. The SLO did a commendable job of opening its doors to each and every interest and actively visiting with the community to solicit public comment.

Degree of Transparency: The Mesa del Sol Planning Process also displays a fair amount of transparency, facilitating a clear understanding of all available information in the decision-making process and the means by which decisions were made. Specifically, transparency requires that meetings, agreements and decisions be open to all participants, thereby maintaining the credibility of the process. Throughout his tenure, Ray Powell made transparency a cornerstone of his business strategy. He clearly saw the benefits of involving parties from the onset when he said, “That’s what we tried to do with every project – have that inclusiveness, go seek them out at the beginning of the process, talk to them before they heard about the project from someone else.”⁴⁵ Jim Baca also endeavored to this end, but his style seemed allowed the private sector to take more responsibility for dealing with stakeholders.⁴⁶ As representatives from the Sierra Club put it, Baca “believed there needed to be more transparency in state lands operations, so he kind of opened the doors and Ray Powell took over and welcomed us all in.”⁴⁷

Today, with a contracted developer in FCC, Patrick Lyons puts more onus on the private sector to handle the daily communications responsibilities. Still, the Dragway has been very pleased with Lyons’ open-mindedness and ability to listen to interested parties.⁴⁸ We believe that Mesa del Sol has been quite successful in respecting the requirements of transparency in a successful collaborative process. Had communication between Baca and the UNM Regents been better, the process might have unfolded differently; although it is difficult to tell. There exists a possibility the 1987 auction might never have happened, as the two parties may have chosen a collaborative approach and delayed sale and lease of Mesa del Sol for several years.

Degree of Influence on Decision Making: The informal nature of the SLO’s collaboration meant that interested parties provided tacit approval of Mesa del Sol, rather than a binding vote in a formal decision-making venue. Therefore, it is more difficult to evaluate the level of influence in decision making among parties. By distributing decision-making power more evenly, collaborative processes build investment and ownership in the outcome while reducing dissent. This distribution of decision-making power results in greater adherence to solutions. In New Mexico, the constitutional mandate defining state trust lands management precludes the possibility of complete equality in decision-making authority, although decision-making power may be shared to some extent. Tim Callahan, who has worked for the SLO for 23 years, admitted that, “I’m probably a little biased in that I don’t see other stakeholders [other than the beneficiary, UNM].” Nonetheless, he added, “We invite [parties] in ... because we want input as to what is out there, but we just don’t want to relinquish the control and let them drive [the decisions].”⁴⁹ Ray Powell added, although “the concept [behind Mesa del Sol] is to do things so that you’re part of the community,” the SLO always remembered, “the school kids are the bottom line.”⁵⁰

By using informal collaboration to gain support from one party at a time, the SLO slowly built momentum for Mesa del Sol, using previous voices of approval to influence future negotiating. The general idea of environmentally-friendly development came from Commissioners Baca and Powell,⁵¹ though they solicited ideas from the Sierra Club to some extent.⁵² The SLO could then use the Sierra Club’s approval to leverage other groups’ support. Likewise, the Isleta Pueblo had

concerns over the possibility of Albuquerque mandating a golf course on Mesa del Sol, because of an unusual city ordinance requiring a course for every development of a certain magnitude. By convincing the city that no golf course was necessary, the SLO could placate the Isleta's fears of losing golfers from their course and allow them to come closer to giving tacit approval of Mesa del Sol. Finally, the La Semilla buffer, though necessary to implement new urbanism densities in Mesa del Sol, responded to the military's particular needs. Callahan observed, "They want to do what they want to do. And the military guys can do what they want to do anyway."⁵³ Again, satisfying the desires of interested parties, be it the local Sierra Club or U.S. Air Force and Department of Energy, helped the SLO toward its vision and gain additional support for Mesa del Sol. Whether or not each interested party has legal decision-making authority, it is important to gauge their interests and concerns before moving forward with a decision.

The SLO's decision-making authority has also troubled some participants, particularly the Dragway representatives, who believed strongly that the commissioner should be more accountable to its stakeholders and lessees.⁵⁴ Similarly, UNM, as the beneficiary, felt early on that Baca did not allow adequate influence given their fiduciary relationship. As the process progressed, Kim Murphy cited problems when "political agendas of the participants did not align," perhaps pointing to instances where the University and SLO did not see eye to eye on a decision and power struggles erupted.⁵⁵ Others, like representatives from the Sierra Club, have been largely pleased with how the SLO has listened to their suggestions, though they, too believed "it would probably be nice if there were something more like a NEPA process" to make the input process easier and more comfortable for non-profit groups.⁵⁶ In all, the level of decision-making influence has been fairly moderate, and it was perceived by many to be much higher than in most of the SLO's more traditional trust land leases or sales.

BENEFITS OF THE PROCESS

The informal collaborative process surrounding Mesa del Sol's development produced many benefits for a variety of stakeholders and interested parties. Because of its size and strategic location, Mesa del Sol is a showcase trust land parcel serving as a model for future development projects. While this case highlights one particular type of collaboration, the benefits readily translate to other projects, helping outside parties understand the advantages of partnering with the SLO and in turn improving future SLO policies and practices.

Awareness of Trust Lands and Community Buy-In

One of the single most important benefits of this process was the increased community buy-in that resulted from involving of a broad constituency. Through their involvement, the constituency developed heightened awareness of trust land, its existence, purpose and management, throughout the greater Albuquerque area. The informal collaboration begun by Baca and Humphries and accelerated during the Powell administration was a successful strategy for fostering community awareness and involvement in state trust lands issues and brought the SLO to the forefront of discussion of planned development in Albuquerque. Powell's goal was for collaboration to develop joint ownership by helping "get [stakeholders] involved and help make it something important for their community."⁵⁷ Both Powell and his staff went to numerous community events to share their ideas about Mesa del Sol, and it was Powell who first contacted

the Dragway to solicit their involvement. Former SLO planner Kim Murphy personally represented the SLO at business luncheons and neighborhood meetings during the Humphries administration, trying to drum up support for Mesa del Sol. He expressed that increased awareness and community buy-in could be intimately tied together: “Maybe the misperception about what the [state trust] lands are for actually provides the vehicle to broaden the constituency base ... Once constituencies are brought into the political process, then they can be aligned and useful in the developments of projects that maybe they can support.” He has been pleased with the level of community buy-in in this specific process, explaining that it built “further interest in development.”⁵⁸

Advancing a Public-Private Partnership Model

The SLO also benefited from its collaborative partnership with FCC, helping advance and refine the public-private partnership model for state trust land management in New Mexico. Powell explained the great benefits in this model:

I was really interested and am really interested in that private-public partnership where you take that real entrepreneurial spirit and the creativity in the private sector and you match it with the responsibility and public benefit of the land office. You match the two together and it's a powerful combination.⁵⁹

Though the SLO had some previous experience with public-private partnerships, working collaboratively with FCC helped the SLO realize greater potential from its commercial operations. In addition, many involved in the process agreed that acquiring a partner of FCC's stature, a national developer with extensive capital and resources, was imperative to developing such an immense area. Jerry King said of FCC, “They really sit down with all the groups” and have been a key benefit to the Mesa del Sol process.⁶⁰ Learning from the Mesa del Sol Planning Process, Lyons said the SLO will collaborate with private sector partners and the community to design a master plan for an upcoming project in Las Cruces, but giving the developers even more responsibility and therefore decreasing the SLO's time investment in the process.⁶¹

Revenue from Leases and Sales

Another benefit of a public-private sector partnership is the potential for increased return on leases and sales. In describing a collaborative partnership, Powell said, “You can help the developer succeed, and the more the developer succeeds, the more the school kids succeed.”⁶² In New Mexico, the SLO cannot invest any money into improving the land, meaning that parcels have traditionally been sold at their raw, undeveloped values. With Mesa del Sol's complex, creative leasing structure, FCC leases the land, invests in improvements and the beneficiary receives a percentage of the profit from sales of the improved land. Collaboration therefore has great monetary benefits for the trust. Through a land swap with the SLO, UNM increased its ownership of Mesa del Sol to 3,480 acres, 3,000 of which will be sold to FCC for the first stage of development. FCC will eventually sell some lands and lease others.

In an example, at its raw, unimproved values, land in Mesa del Sol might be worth approximately \$3,000 per acre. FCC will prepare the land for resale through investments in

infrastructure and other improvements, creating more value. When the land is sold or leased, the SLO is guaranteed the \$3,000 or so of raw land value, plus approximately 14 percent of the additional value above \$3,000. For its work, FCC receives approximately 86 percent of the sale price over \$3,000. Thus, FCC and the SLO have an incentive to create as much value as possible at Mesa del Sol. As the beneficiary and partial land owner of Mesa del Sol, UNM will also receive a percentage of FCC's net profits, by one account possibly 15 percent.⁶³

The SLO's collaborative community outreach helped guide the style of development FCC will implement. A former SLO planner, Tom Leatherwood, created what Callahan described as a "very, very impressive master plan" with "every bell and whistle" of new urbanism design. He expressed that Leatherwood's plan served as a model for FCC's current plan, written by the progressive planning firm Calthorpe Associates.⁶⁴ Having a series of SLO master plans, greatly influenced by the community, in place for Mesa del Sol became a tangible benefit when FCC could use their ideas and concepts as the backbone for its development vision and master plan. Had the SLO disposed of the Mesa del Sol property in the traditional manner, at auction without guidance for development, the beneficiary would have received only the raw value of the land and other parties, notably Kirtland AFB, would not have had the same ability to provide input and would have been more likely to protest. The collaborative process of working with outside groups and hiring a competent private sector partner with a strong history of community collaboration increased revenue and avoided additional time and money consuming conflicts.

Employment and Urban Form

The city of Albuquerque and surrounding community will likely benefit from increased employment and improved urban form stemming from the development of Mesa del Sol. FCC anticipates 13,000 direct jobs and 22,000 indirect jobs will be created by 2020.⁶⁵ In response, the city and community have become more involved in the process, recognizing the positive impact it will have on urban growth. In addition to employment opportunities, the development provides an enticing alternative to runaway west side sprawl and its associated infrastructure costs. Results of the SLO's collaborative approach, particularly new urbanism, are improving urban form across the city. As Powell explains, other developments in Albuquerque "are now mimicking what we were doing because they see that it's attractive to people and it steals the knife from just more sprawl."⁶⁶

Chris Hyer, Planner for the city of Albuquerque and former SLO Planner, agrees that Mesa del Sol will benefit Albuquerque's urban form:

The west side of Albuquerque has a lot of problems ... typically it hasn't developed the way it should have. All of the employment is on the east side, all of the housing is on the west side. Outside of the city is where the development is happening and it is not the most quality development. So Mesa del Sol is happening. I think it's very good. It's exactly what the city needs.⁶⁷

These improvements to urban form are a key benefit of Mesa del Sol's collaborative process, particularly in the negotiations between the SLO, Kirtland AFB and Sandia National Labs that resulted in the La Semilla open space. La Semilla, a one-mile by four-mile area along the east

side of Mesa del Sol, will provide a buffer zone between Sandia National Laboratories and future development. Sandia Labs, part of Kirtland Air Force Base and run by the Department of Energy (DOE) harbor top-secret military secrets and were originally concerned about the proximity of potential development on Mesa del Sol. By addressing Kirtland's concerns over its operations within Sandia Labs, Tim Callahan believed La Semilla is one instance where "we really went out, over, maybe overboard to make sure that the base is benefiting." He acknowledges that the military often has the political muscle to get what they want, but also says Ray Powell and Harry Relkin did a commendable job coming up with the buffer idea.⁶⁸ Further, through the creation of the buffer zone the SLO was able to take the development rights from La Semilla and transfer them to other portions of Mesa del Sol, increasing the permitted number and density of lots to allow for 'new urbanism' densities and ultimately increase profits.

New urbanism relies on open space to increase development density, reduce the overall development footprint, bring people and buildings closer together and reduce dependence on motorized transportation. Inclusion of the La Semilla buffer into the new urbanist design format helps Mesa del Sol meet Albuquerque's progressive Planned Communities Criteria, discussed below. To Relkin, collaborating with the DOE to structure a lease on the La Semilla buffer was a good solution to the "'highest and best use' requirement of the Land Office."⁶⁹ For the DOE, working collaboratively with the SLO solved two problems. First, by bringing Mesa del Sol one step closer to fruition, the DOE assured itself of potential employee residences and commercial and industrial partners. Second, the La Semilla buffer avoided a potentially lengthy, costly and crippling political and legal battle over Mesa del Sol. The La Semilla collaboration has proven to be a tremendous benefit for the SLO and DOE.

Increased Community Relationships and Input

Likewise, the informal collaborative process allowed local business interests and the Greater Albuquerque Chamber of Commerce (GACC) to become involved at the ground level, building support and forming community relationships to promote Mesa del Sol as a site for commercial and industrial enterprises. As GACC Vice President of Business Advocacy and Government Jacqueline Dubose Christensen states, a primary benefit of working with the GACC is that "we can bring a lot of pressure to bear on an issue" to local government and are "sometimes able to play a role in bringing the various groups together to locate the issues." For Mesa del Sol, GACC issued official position papers in support of the project and advocated and testified before city council.⁷⁰

The Mesa del Sol Planning Process welcomed increased input from interested parties beyond the business community. In a traditional planning process, groups like the Sierra Club, 1000 Friends of New Mexico and even the neighboring Isleta Pueblo may not have been consulted. Informal collaboration allowed these parties to voice their concerns, provide input on solutions that could help them support the project. This effort did not go unnoticed by the parties. Blair Brown and Susan Gorman, Sierra Club volunteers, say of Ray Powell, "He feels working together is how you get stuff done." They also add, "[The Sierra Club] helped reinforce what they wanted to do ... to know they had support out there in the community."⁷¹ The SLO incorporated some suggestions, but Ray Powell, Chris Hyer and Tim Callahan stressed that the SLO never lost sight of its constitutional obligation to the trust. As Hyer recounted, "We were stuck with the Enabling

Act guiding us and we didn't have a whole lot of latitude around it."⁷² Despite this, the SLO was able to solicit outside opinion, largely satisfy those groups' desires, and remain loyal to its constitutional obligation.

PARTICIPANTS' MEASURES OF SUCCESS

State Land Office and University of New Mexico

The broad set of interested parties resulted in diverse measures of success. As the beneficiary, UNM is interested in maximum revenue from the lease and sales of Mesa del Sol as well as a model development tied to their name showcasing "environmental resource issues and community development."⁷³ SLO representatives consistently mentioned funding for school children as a direct measure of their success. The ability of informal collaboration to bring parties to a consensus also factored strongly in their perception of the process' success. In addition, as commissioner, Ray Powell wanted Mesa del Sol to "set the standard for how you live in an arid environment." In doing so, he believed it was possible to earn more money than business as usual would allow.⁷⁴ By their accounts, these parties have been satisfied with the outcome of this collaborative process.

Sierra Club

Other parties such as the Sierra Club also measure success partly through the environmental impact of development.⁷⁵ Blair Brown and Susan Gorman, Sierra Club volunteers, stress that the Sierra Club is also very concerned with how the commissioner involves the public in decision making. The Sierra Club currently is deciding how to evaluate Mesa del Sol, an environmentally responsible greenfield development.

City of Albuquerque

Defining success for the city is complex. By some measures, the city is most concerned that Mesa del Sol simply meet technical planning criteria, not necessarily that it exhibit collaborative characteristics. But economic and political measures are also important to particular figures within the city, and Mesa del Sol scores well on those scales as well. Technically, any project is successful if it meets the requirements of the Planned Community Criteria. Mesa del Sol is currently under review by the Planning Commission, though no participants voiced concerns about its ability to meet the criteria. Economically, it must help bring economic activity to downtown while not drawing business away from other neighborhoods. Mesa del Sol will certainly draw business in Albuquerque closer to the center of the city, but at what expense to other areas is yet to be seen. On a political scale, Mesa del Sol has had to wait until west side development is largely complete. At this point in time, west side development interests in the city may be more open to considering Mesa del Sol as a viable, successful addition to the city. In general, it seems that Mesa del Sol is a benefit to the city, having been integrated into the development landscape through a collaborative process that satisfied stakeholders within Albuquerque and will comply fully with city planning requirements.

Adjacent Landowners

Adjacent landowners' concerns were addressed effectively through informal collaboration, despite the hidden interests of the Isleta Pueblo and Kirtland AFB. La Semilla stands as a measure of success for Kirtland AFB. According to the concerns of the Isleta Pueblo, namely competition for their golf course, casino and water supply, it also appears that the collaborative process has placated any fears.

Harry Relkin stated that the DOE is very pleased with the SLO's outreach and collaboration that resulted in the La Semilla open space buffer, which will serve as an environmental education venue and cushion for military lands to the east.⁷⁶ Because the DOE must keep its secrets close, dissatisfaction would likely arise through political maneuvering to prevent development near Mesa del Sol's border, which has not occurred.

Albuquerque National Dragway

The Dragway stands as the only party unhappy with the present status of Mesa del Sol. They were underwhelmed by their relationship with the Powell administration, citing unreturned calls and a general lack of respect for their business. Powell's suspension of their lease made them particularly nervous about investing in improvements for their race track and facilities. In contrast, their relationship with the Lyons administration has been very positive. It also appears they relate well to Lyons on a personal level. Dealings with FCC have been lukewarm, though the Dragway is hopeful regarding future collaboration with the company. As described by Dragway representatives, the Dragway's primary goal is to continue racing at a venue they have operated for more than forty years and without impact to any current or future neighbors.⁷⁷ They do not view the process as successful because they feel the SLO has largely ignored their concerns and they have been unable to sign any guarantees with FCC regarding their long-term future.

Overall, however, the Mesa del Sol process was perceived as a positive endeavor for the SLO. First, most community and local government representatives are pleased with the way the SLO has communicated with stakeholders and will maximize revenue for the beneficiary. Second, environmental organizations are pleased with Mesa del Sol as an infill development with new urbanism characteristics and significant open space. Finally, the process has been a political success for the SLO as the two commissioners most actively promoting Mesa del Sol were elected to second terms.

To most participants, excluding the Dragway, the process also appears to have been fair. Though we were unable to discuss the drag racing issue with SLO employees, our perception is that honest efforts to reach out or be available to the community were made in most all cases, but for various reasons this particular relationship broke down.

COSTS OF THE PROCESS

Costs associated with the Mesa del Sol Planning Process varied among the participants. In one example, Brown and Gorman, representing a non-profit organization with little or no experience

working with the SLO, found their experience sometimes frustrating in that their organization lacks the resources necessary to address such a lengthy timeline and informal methods of public input.⁷⁸ In another, one former SLO employee, who was deeply involved in the technical aspects of developing the plan and guiding the process, was quick to cite increased demands on time as a primary cost.⁷⁹

Increased Demands on Agency Time and Resources

Increased staff resources resulted from the steep learning curve associated with the collaborative process to garner support for Mesa del Sol. The learning curve necessitated a “learn as you go” approach by the SLO and likely contributed to agency’s increased staff resource costs. Tim Callahan, long time SLO planner, expressed that the SLO’s inexperience with projects of Mesa del Sol’s physical magnitude led to extra staff costs associated with drafting four separate master plans.⁸⁰ The SLO financed several early in-house master plans through special legislative appropriations, but provided its own money for the plan written by SLO Planner Tom Leatherwood that would influence FCC’s own plan. In addition to the costs incurred writing the plans associated with the SLO, a partial plan was funded and drafted by UNM early in the process, but never made public.⁸¹ While additional costs associated with drafting these plans were sizable, there are also benefits associated with the failed internal plans, described in the section above. In a traditional management scenario for state trust land in which a developer bought land at auction without prior collaborative efforts by the SLO, the developer would have been responsible for coordinating future collaboration with other entities. In this case, however, the SLO worked with other entities as well as the developer upfront, thus devoting additional SLO time and energy to the project.

Another significant cost resulting from the process was the considerable time spent during the technical planning stages. The SLO devoted time to convincing Albuquerque that the land should be annexed and working with Kirtland AFB and the DOE to design a lease for the La Semilla buffer.

Additional time was dedicated to the process of attracting and selecting a suitable developer. Because Commissioner Baca’s auction failed, the Powell administration took additional steps to make Mesa del Sol an attractive project for a capable private sector partner. Time spent doing so would not have been necessary under Baca’s original plan. As part of sweetening the deal for the prospective developer, Harry Relkin attempted to approve the Mesa del Sol site via the Albuquerque Planned Communities Criteria (PCC), a decision he admits likely cost the process one full year.⁸² The PCC is a set of planning guidelines for all developments of a certain magnitude within the city of Albuquerque. They are designed to ensure that these developments come at no net expense to the city and integrate certain amounts of open space and other land use requirements. In the end, PCC approval was sought after FCC was selected as developer. To date, Mesa del Sol is the only development that has submitted an application for PCC approval.

CHALLENGES AND RESPONSES

Looking back at the process and its challenges, FCC Consultant and former SLO Planner Harry Relkin succinctly noted, “It’s been a pain in the ass.”⁸³ This comment reflects the general

sentiment of frustration over Mesa del Sol's lengthy and challenging history and hints at the many specific challenges that surfaced throughout the last two decades. Interviewees cited challenges ranging from power struggles and miscommunication between parties, to complex negotiations and trouble adjusting to a lengthy planning timeline.

Rigidity of the Trust Land Mandate

The SLO no longer engages in outright sales of land as this is largely considered to be a breach of its mandate by limiting the trust's long-term viability. This policy was initiated in response to actions of a commissioner in the 1950s who sold nearly four million surface acres of trust land, some in questionable deals, creating a disparity between surface and subsurface holdings. Thus, lands are either exchanged or leased. This practice was an initial hurdle for the Mesa del Sol project as residential development on which people lease their property prohibits homeownership. The master plan and close relationship between the SLO and outside developer became essential to overcoming this obstacle to practical development.

Continuity of Stakeholders

Active planning for Mesa del Sol spanned more than two decades, involving dozens of individuals. Changes in participants and representation have been inevitable but challenging. Tim Callahan, SLO Planner, explained:

You have presidents change at the University, Regents change at the University, Land Commissioners change, Mayors change, County Commissioners change. So all this makes for a moving target. So it's very, very difficult to get any really good consistency going, but we kept it going and pushed it and pushed it and pretty soon UNM was working closer and closer with us. We had more buy-in from them. I think more confidence with each other. And then finally the Mayor, this recent Mayor, finally saw some advantages. He knew he couldn't stop it.

The dynamic relationship between beneficiary and trust fluctuated between productive and disinterested or even contentious over the past two decades. Part of the challenge was rooted in the fact that new UNM Regents are appointed by each Governor, threatening continuity in the University's relationship with the SLO. The Regents have varied widely in their interest in the project. In addition, the memory of UNM's lawsuit has remained fresh and it has been imperative that the SLO avoid future litigation by devising a development plan that would satisfy the beneficiary.

Illustrating the challenge a change in Regents could bring, in 2003 the SLO signed a contract with UNM to exchange 1,500 acres the University owned elsewhere in the state for 1,500 acres of Mesa del Sol owned by the SLO. UNM would then outright sell its new Mesa del Sol acreage to FCC. Not believing this was a fair deal, Jerry King, Assistant Commissioner of Surface Resources, requested an additional 1,500 acres be included in the exchange and during negotiations a new set of Regents was appointed. As King says, "the old Regents, they just really didn't care" about the detail of the exchange. The new Regents, however, came in and said, "We really don't like this deal. If we're going to swap with Forest City we want to have certain

percentages from them” and other specific details. King and the SLO were extremely worried that the increased demands by the new Regents would scare FCC from the entire project. “We thought Forest City was going to walk away,” King explained.⁸⁴

Changes in UNM leadership also impacted Jim Baca’s ability to move forward with a collaborative process. There was concern from some stakeholders that Baca’s combative instincts stalled progress and Tim Callahan believed that Baca’s plans took a hit when the University President, with whom he was very close, left and Baca was forced to deal with a set of Regents who were more wary of his plans. Callahan explained the President’s departure meant that “all of the sudden, Baca had no allies.”⁸⁵ Baca’s ability to effectively respond to this challenge was hampered by his strong personality that some people find abrasive.

Continuity of Agency, Private Partner and Community Interests

Other parties identified changes in SLO staff as a challenge as well. For the Dragway’s Owner Bob Labatte and Director of Public Relations Bill Elliott, staff changes were particularly frustrating. Many of Powell’s staff with whom the Dragway originally worked have since left their jobs. Though the Dragway campaigned heavily for Patrick Lyons in 2002 and their hard work paid off when Lyons renewed their lease, they are reluctant to hedge bets on future improvements to their facility as they expect SLO staff and their lease may change when Lyons leaves office.

The Dragway also experienced frustrations with employee continuity at FCC, as the company’s representatives have also recently changed. Bill Elliott, Communications Director at the Dragway, says, “We’ve sat in a couple of meetings with [FCC]. Some of the people have changed. Some that got in there we don’t get along too well with.”⁸⁶ In all, the Dragway feels it has been terribly challenging to work with partners whose representatives and philosophies constantly change, especially when the nature of their business requires periodic major investments in infrastructure. Elliott adds, “[Bob Labatte] has put a lot of blood, sweat, tears and money into this [drag strip],” but cannot make major investments without a clearer assurance of the drag strip’s future.⁸⁷ They hope their relationship with FCC improve and claim to be more than willing to find a solution that includes the Dragway in Mesa del Sol’s future

In addition, parties with limited staff, financial resources and time have found it increasingly difficult to follow the process. This challenge was most acute for groups reliant upon volunteer labor and who have limitations relating to high turnover. The Sierra Club is an excellent example of a group very interested in the development of Mesa del Sol, yet unable to consistently devote the proper resources to evaluating plans and designs due to limited volunteer staff human resources. Brown and Gorman, Sierra Club volunteers, explained that their organization traditionally devotes most of its time to non-urban environmental issues. Even though they have support to focus on Mesa del Sol, many other staff and volunteers are focused elsewhere. Compounding this issue, the Sierra Club, like many non-profit organizations, must deal with a high rate of volunteer turnover, making it difficult to assign additional people long-term to Mesa del Sol. Their organization has found it “really hard to maintain continuity on a project that goes over a long, slow period like that.”⁸⁸ The solution for the Sierra Club was to assign two dedicated

volunteers to monitor the process. This strategy was more effective when Ray Powell, a personal friend, was commissioner, though their relationship with FCC has been productive.

Continuity of Commissioners and Administration

Commissioner discontinuity also challenged the process. Commissioners in New Mexico serve a maximum of two consecutive four-year terms, a relatively short length of time compared to the lifespan of the Mesa del Sol project. Each new Commissioner of Public Lands brings with him or her an entirely new sets of beliefs and policies. Participants in the Mesa del Sol Planning Process sometimes felt challenged to adapt to each new administration's own set of ideals and policies. These changes were sometimes enough to derail projects begun in previous administrations. When Powell began his first term, he wanted to institute more planning and collaboration into the SLO. This was a significant change from previous administrations, and he learned that "folks wanted [the old policies] to continue, including Mr. Baca."⁸⁹

The current commissioner, Patrick Lyons, has markedly different business philosophies from his predecessor Ray Powell. Lyons indicated he would not have chosen to spend agency resources on such an involved collaborative process for Mesa del Sol. Rather, he described his philosophy as, "I want to put it on the ground," minimizing the SLO's role in planning and placing the responsibility of collaboration and on the private developer.⁹⁰ Lyons, just like any commissioner, has the authority to implement his own business strategies, but for his part Lyons said, despite having gone through a process counter to his own style, "We're supportive of [Mesa del Sol] ... We'd like to see it happen."⁹¹

Continuing projects from previous administrations as Lyons did, is one method of addressing continuity, though there is no legal mandate to do so. Making the choice to honor such a precedent is much easier and compelling and can be more easily accomplished through more formal means of collaboration than are displayed in this case. A formal collaborative strategy, including instituting a working group, could help a new commissioner better quantify and understand the investments in a particular project and bring weight to bear on the decision to continue the process.

The lawsuit and ensuing changes in SLO administrations, UNM Regents and others likely created some level of uncertainty in the private sector whether Mesa del Sol was a safe investment. It is difficult for a private developer to accept the risk of a project of this scale when relationships between the SLO and UNM fluctuate so often and characters change over the lengthy timeline. Collaboration appears to have succeeded in creating a process that was less affected by discontinuity and where trust in the community and private sector could be built. That FCC is devoting tens of millions of dollars over several decades is a credit to Powell and others at the SLO for their style of collaboration and the persistence they exhibited through many changes in participants. Whether or not the informal collaborative precedent set through Mesa del Sol will change the way the SLO conducts business, Powell said, "It has the opportunity to do and it depends on the leadership of the Land Office in the future because it is such an autonomous office."⁹²

Understanding the Commissioner's Authority and Power

Despite a focus on collaboration, the commissioner's unchecked authority presented challenges for several parties, notably UNM and the Dragway, who prefer a more level playing field and a greater say in the outcome. UNM's frustrations first came out in their lawsuit against Baca, but challenges also surfaced at other times. At one point earlier in the process, relationships deteriorated to the point where the SLO considered severing UNM's ties to Mesa del Sol by exchanging the land for property owned by Bernalillo County. This consideration forced UNM to come in line with the SLO or risk losing this valuable property. The result was reestablishment of a clear hierarchy between SLO and beneficiary.⁹³

Similarly, the Dragway struggled with the commissioner's authority and autonomous nature. To the Dragway, Powell's ability to let their lease expire was deeply troubling, especially because it was based on alleged unpaid portions of lease payments, charges the Dragway representatives emphatically deny. The Dragway expressed a desire to see an oversight board to temper the Commissioner of Public Lands' decision-making power. Bill Elliott elaborates, "[The Commissioner] can't tell the Governor [what to do]. The Governor can't tell him. So if you stop to think about it, it's a powerful position. And I don't think many people recognize it."⁹⁴ Powell addressed his view of the commissioner's powerful authority in New Mexico, in saying, "In that autonomy is a real strength because you can take those risks, you can move forward. But also there's real risk because you can head in a direction that really can be very deleterious and everybody else just kind of sits on the sideline"⁹⁵

Working outside the process was an effective method for members to increase their influence. Though UNM's official authority is limited, they have been adept at taking creative measures to stall or maneuver the process to further their interests. In 2004, the University sidestepped the SLO to deal privately with FCC to demand a higher percentage of profits from each UNM-owned parcel, creating frustration at the SLO that the deal would sour the leasing structure on parcels the agency owned. In addition, UNM used political power to influence the city to stall development when not fully satisfied and generally caused frustrations when a new Board of Regents has shown little or no interest in developing Mesa del Sol according to the SLO's plans. These periodic attempts to stall progress outside the collaborative relationship presented a great challenge to the SLO, which was sometimes ill-prepared for such tactics and unable to retaliate against them. Once, the SLO reversed roles and leaked a plan to exchange its Mesa del Sol acreage with less valuable Bernalillo County lands. The exchange would have meant that UNM was no longer beneficiary for a large percentage of the lucrative Mesa del Sol parcel. While hardly collaborative, this tactic was successful in motivating the Regents to again engage in a working relationship with the SLO. Often, however, the SLO simply was forced to wait for opportunities where relationships with UNM were more productive, which usually meant the appointment of a new Board of Regents or the fulfillment of west side development investments some Regents held.

The Albuquerque National Dragway also used non-traditional methods to exert their power and cause unique challenges to the process. The Dragway has been operating on Mesa del Sol since 1963 on consecutive five-year leases. Though they are not opposed to the development, they believe their operation is consistent with the vision of Mesa del Sol and its planned adjacent

industrial uses. In response to the termination of their lease by Commissioner Powell in 2000, the Dragway organized a campaign to prevent further development on Mesa del Sol. According to Tim Callahan, this campaign caused major headaches for the SLO and through garnering community support, came fairly close to succeeding.⁹⁶ The SLO was forced to divert resources to fight this campaign and prevent it from undoing years of collaborative work aimed at improving community relations.

The Challenge to Create and Maintain Personal Relationships

Personal relationships formed throughout this process were a benefit to some and a great challenge to others. The most egregious example is the Dragway, which freely admits that Commissioner Powell originally asked if they would like to be incorporated in the planning process for Mesa del Sol, but view their relationship with Powell as a complete failure. Any possibility of collaboration was overshadowed by conflict in the personal relationship between Bill Elliott and Bob Labatte of the Dragway and Powell. Powell's termination of the lease represents a point of no turning back between the two parties. As Bill Elliott explained, "When they shut our drag strip down, they made some serious issues. And that was a personal vendetta between Ray Powell and [Bob Labatte]."⁹⁷ Reeling from this bad experience, the Dragway has since been forced to limit its long-term planning to the term of the commissioner in office

A less antagonistic example, but one that had a greater impact on the process, comes from the four years (1998 to 2001) when Jim Baca was Mayor of Albuquerque and Powell was commissioner. This would seem an ideal opportunity for building stronger collaboration and moving Mesa del Sol forward. However, differing personalities and visions of the SLO's role in collaboration and urban development resulted in an unexpected standstill. Powell says, "We kept working on things, but it wasn't particularly helpful" to have Baca in the Mayor's office. Baca believed Powell simply should sell sections of Mesa del Sol, counter to Powell's desire to partner with the private sector. "It was just a very different philosophical viewpoint," Powell believed.⁹⁸

A lack of personal relationships unraveled progress while Martin Chavez was serving his first term as Mayor from 1993 to 1997. At that time, Mesa del Sol recently had been annexed and the SLO anticipated developing a strong relationship with the Mayor's office and working closely with the city to speed approval from various planning requirements. Chavez, though, was coming off a term as State Senator representing Albuquerque's west side (and its development interests) and was unreceptive to helping the SLO develop on the opposite side of town. What should have been an opportunity for progress unraveled under incompatible personal relationships. Again, the solution to this challenge was simply to wait for political offices and representation to shift such that a window of opportunity opened, sparking collaboration and continued progress.

Problems with Communication due to Organizational and Cultural Differences

Several participants commented on the difficulties communicating with such a broad set of interested parties with diverse and often hidden interests. This difficulty was most evident in interactions with Kirtland AFB and Isleta Pueblo. Harry Relkin recalled frustrations with the intrinsically secretive nature of the military, explaining that it was often impossible to talk to the necessary people or get complete answers regarding their concerns over the project. The

classified nature of certain base activities made it extremely challenging to understand how Mesa del Sol would negatively impact Kirtland AFB and how a collaborative approach could mitigate those impacts. Relationships with the Isleta Pueblo similarly presented a unique challenge. The Isleta Governor is the head political official and also responsible for dealing with outside parties. Often times, though, decision-making power is held by tribal members behind the scenes. Because the SLO was only permitted to speak with the Governor, it was difficult to truly understand the Isleta's concerns. In addition, Indian pueblos often have explicit interests that propagate their public image and maintain other interests that are not available for public knowledge.

Despite these difficulties communicating with the Isleta, the SLO understood the Pueblo's core issues to be fear of competition for the pueblo's golf course, casino and water resources. Tim Callahan and Jacqueline Dubose Christensen both mentioned the golf course and casino issues as being necessary to resolve before the Isleta could accept development on Mesa del Sol. Jerry King, Jim Baca and Jacqueline Dubose Christensen also mentioned concessions or acknowledgements that were made to address Isleta concerns over water supply and quantity. Dubose Christensen stated that the Pueblo's had "concerns because they're south of us in terms of development and water."⁹⁹ Baca said the newest development agreement would not drill for water within one mile of the Pueblo.¹⁰⁰ Working with the military and pueblo necessitated skillful, delicate negotiating that makes the other party less reluctant to speak about their concerns. Interpreting their concerns and addressing them is one of the unique and important challenges of the Mesa del Sol Planning Process.

Competing and hidden interests surfaced in other ways as well, often coupled with fierce political forces. Specifically, the west side development interests presented a powerful political challenge to the Mesa del Sol Planning Process. Baca described how he was hampered by development interests early in the process, "If the business community were to get behind the Mesa del Sol project, it would make the life of the Land Commissioner much more simple."¹⁰¹ Baca's struggle was compounded by the fact that the business community was represented by elected officials, thereby allowing private interests to guide their decisions on Albuquerque's growth. Increasing the difficulty is the secretive nature of these interests. Chris Hyer explained, "You won't find it printed in the paper ... like 'I have major land holdings on the west side.'"¹⁰² There are issues like that that caused the path of Mesa del Sol to happen the way it happened."¹⁰² Jim Baca was more explicit, saying his work on Mesa del Sol "backfired because of a string of Mayors who favored west side development."¹⁰³ Powell added, "The real dilemma was that a lot of the large private landowners saw [Mesa del Sol] as competition to their efforts and were not really pleased about us [developing Mesa del Sol]."¹⁰⁴ Communicating with these interests was extremely challenging, as Jim Baca observed, "The west side development interests represented were on the UNM Board of Regents, through the banks; just direct conflicts of interest."¹⁰⁵ The solution was twofold. The SLO had to use the support of other parties garnered through informal collaboration to press political entities to support Mesa del Sol and also wait until these entities have other incentives to support the SLO (such as completed west side development projects).

FACILITATING FACTORS

Mesa del Sol is unlike most of the other cases in this report in that it had no formal collaborative group that spearheaded the planning efforts. Collaboration on the project occurred solely through the SLO's outreach efforts and can be characterized as a loose affiliation of relationships and partnerships with concerned parties and the beneficiary. Therefore, most factors facilitating success come not from a formal collaborative structure, but from business strategies and philosophies implemented by the SLO. These factors include informal collaboration, progressive leadership in the commissioner's office, the SLO's vision, the relationship between politics and time and intergovernmental cooperation.

A Broad Informal Collaborative Strategy

While the Mesa del Sol Planning Process resulted in an extended timeline and an inability for some groups to devote the twenty plus years of their time and attention, the informal nature of collaboration was key to many parties' participation. The SLO's strategies appear successful in moving the process forward by achieving isolated pockets of support that grew into broad community buy-in.

This less formal structure was largely a benefit to the process, possibly functioning as the key factor that enticed parties with hidden interests to participate. For Kirtland AFB and the Isleta Pueblo, Mesa del Sol's informal collaborative process may have been the only acceptable vehicle for collaboration.

For parties who were only interested in certain stages of the Mesa del Sol Planning Process, the SLO's informal collaborative strategies were appropriately targeted. When the process was at a point in time where some parties had no desire to be involved, they had no need for regularly scheduled meetings. In the place of such meetings, participation of parties in the planning process could be solicited when appropriate or relevant to that party through an open door policy at the SLO. As a result, neighborhood organizations and other interested parties were able to support Mesa del Sol without dramatically increasing demands on their time and resources.

The only party that expressed that an informal approach led to decreased collaboration is the Dragway. They feel their view has been continuously ignored throughout the process and they would have likely welcomed a formal venue to voice their concerns. Bill Elliott explained, "This is what was really strange. Ray Powell came to Bob [Labatte] and said, 'How would you like to be a permanent part of Mesa del Sol?'" and the Dragway never heard back from Powell.¹⁰⁶

Commitment to Building Personal Relationships

Close relationships with individuals also fostered collaboration. The SLO's informal collaboration was designed to develop relationships with stakeholders and other parties and placed a premium on bringing people together and building community investment to foster progress. At the very beginning of the process, Baca enjoyed a close relationship with the UNM President, whose trust allowed Baca to go forward with his ideas for developing Mesa del Sol. The true benefit of that relationship surfaced when the President left his position and Baca was

forced to work with a Board of Regents who eventually sued him. Baca also collaborated closely with Brent Coggins, then President of the local Sierra Club chapter. Later, Ray Powell used his personal relationships with Sierra Club volunteers Blair Brown and Susan Gorman to convince them to weigh in on Mesa del Sol and evaluate (and eventually support) its environmental merits. Overall, Powell stated that “interactions with other people went very well. We built good relationships with other people and developed credibility.”¹⁰⁷

Personal Commitment and Attitude of the Commissioner

One of the most important facilitating factors was the commissioner’s personality. Because the position is so autonomous, the commissioner can set the stage for how business will be done during his term. With a focus on collaboration and community buy-in, Powell repeatedly sent his staff to visit with interested parties. As Jacqueline Dubose Christensen of the Albuquerque Chamber of Commerce remembered, Powell often went out to the community himself: “He put enormous time and resources into this notion of developing Mesa del Sol and he worked people to sell it. He was actively out there. He didn’t send his team; *he* went out to sell it.”¹⁰⁸ Without collaboration and an open relationship with the city, annexing the property and submitting it for planning approval, Mesa del Sol may have become yet another sprawling development. Because of the vision of Commissioners Baca, Humphries and Powell to design a process whereby the community and city could help influence the format of the final product, Mesa del Sol will be built at no net cost to Albuquerque.

An Enduring and Compelling Vision

The importance of vision, from the commissioner and others involved in the process, emerged multiple times in interviews. At certain times, vision was necessary to keep Mesa del Sol a viable project. After UNM’s lawsuit against Baca, Kim Murphy remembers spending time during Humphries’ tenure “just trying to keep the vision alive for a few years until we could pick up the pieces and move along.” Likewise, vision was necessary to focus on what Mesa del Sol would look like in the coming decades and, despite the long timeline, what it meant to the trust and beneficiary. Tim Callahan said UNM “already had visions of this being their endowment, their future endowment” before Baca approached them with his development plan.¹⁰⁹

Vision is also commonly associated with the commissioner’s office. Murphy gave Baca “a lot of credit for having the vision to start this project.” Blair Brown and Susan Gorman of the Sierra Club said of Powell, “Without his vision none of this would have happened.”¹¹⁰ Powell himself defined the importance of vision in a few ways, one being an integral requirement for collaboration: “It’s a matter of really having a vision, expressing that vision [and] getting people to subscribe to it because they contributed to it and it’s part of their vision.” Jacqueline Dubose Christensen praised Powell for his vision and his ability to translate his ideas to other parties and create a shared vision: “If there was any one individual that made a difference in this it was Ray [Powell’s] commitment to it and his willingness to go out in the community and explain it and ask for help and not be shy about what he envisioned.”¹¹¹

Powell also knew his developer needed to share those views, something he found in FCC. He noted when FCC became interested, he had “finally found a master developer that had the deep

pockets, had the vision.”¹¹² Kim Murphy also praised FCC, saying he thinks Powell made “exactly the right choice in choosing a company with the vision in [CEO] Albert Rattner.”¹¹³ FCC’s vision, prestige, professionalism and experience are all qualities cited by participants.

Electoral Politics and Political Windows of Opportunity

Given the fact that the commissioner is an elected official, politics has guided this process and often been a determining factor in progress and delays. Kim Murphy stated that there is a “political overlay to most everything the Land Commissioner is doing. So is everything they’re doing just politics or are they personal motivations and visions? The truth is, it’s a mix. They’re all political creatures,” though personal philosophies and beliefs also guide their trust land management.¹¹⁴ The commissioner’s political nature places great importance of garnering the public’s support. This political nature can promote accountability and constituent outreach in a collaborative way to the public.

Collaborative processes should be alert to changes in political will and periods of opportunity that provide a mechanism for overcoming delays. The Mesa del Sol Planning Process depended on the commissioner’s ability to wait for political windows to open. The commissioner constantly interacted with other political actors and their agendas, specifically parties with financial interests in west side development. These powerful actors have come and gone, representing various elected and appointed offices at various times throughout the process. As Dubose Christensen stated, success of the project hinged on “who’s in office. Timing is everything.”¹¹⁵ The current Mayor of Albuquerque, Martin Chavez, also has ties to west side development, but he eventually gave in to the growing popular support to Mesa del Sol. As Tim Callahan explained, “He just eventually realized that Mesa del Sol was probably win-win.”¹¹⁶ Chris Hyer stated that today, Mesa del Sol has reached a time where “politically you have the motivations behind it” and “it’s just an alignment of the stars” that is allowing the project to go forward.¹¹⁷

The Value of Intergovernmental Cooperation

The SLO also was required to work with local and state government and national legislators to secure transportation access to Mesa del Sol. Funding for the University Boulevard extension was appropriated as the result of intense lobbying from the SLO, City, FCC and bipartisan support from federally elected officials. Tim Callahan explained, “We had Congressional support. Bipartisan. Domenici, and we had [Senator] Bingaman, [Representative] Heather Wilson bringing home the bacon on funding for the roads for the interchange.”¹¹⁸ In a poor state with limited funding, it is seen as a major achievement that “they’ve already got the 8 million dollars for this thing ... that was surprising.”¹¹⁹

A Capable Private Sector Partner

Many participants cited FCC’s capabilities in community relations and urban planning as key to facilitating progress. As a national company with decades of experience in large, complex, progressive urban development projects, FCC brought a level of technical know-how to Mesa del Sol that local companies could not match. In addition, their proven ability to work well with

community interests made them a very attractive partner in the Mesa del Sol process. Kim Murphy remembered that attracting FCC “was a major, major accomplishment.”¹²⁰ Chris Hyer, former SLO Planner, claimed that because of FCC’s strong planning resources, “I think this is going to be one hell of a development. Rather than just having sprawling subdivision after sprawling subdivision, you’re going to have a real community.”¹²¹

LESSONS LEARNED

The Mesa del Sol Planning Process was an enormous learning process for the SLO. The size of the land and complexity and duration of the process made it a unique challenge and opportunity. Participants cited both positive and negative lessons associated with the process. Interestingly, few groups had serious regrets. Often we heard of minor procedural lessons regarding technical planning matters, but these have little or no bearing on the collaborative process. Lessons learned relate to: government and community buy-in, private sector partnership and the essential role of time, politics and experience.

1. The importance of government and community buy-in in informal collaboration

Mesa del Sol exemplifies the value of establishing buy-in from the community and other parties early in the process. Ray Powell and his former staff often spoke of the importance of building community support and involving them from the onset. Powell said, “We went and talked to people, sat at their kitchen tables, one on one ... everybody that worked for me.”¹²² Even with ultimate authority over the final decision, many participants believe the SLO’s community outreach and involvement was more than adequate. Establishing buy-in from one group could be used to gain the support of another, eventually building into a coalition that swayed dissident political interests. Therefore, Tim Callahan explained, “We spent years bringing Mayors out there, City Councilmen out there, County Managers out there, Regents out there, Presidents of the University, all the Deans, and the School of Architecture, bring in the business.”¹²³ Jacqueline Dubose Christensen says the Greater Albuquerque Chamber of Commerce has been pleased:

I think that the initial effort was successful because of Ray Powell’s willingness to go out and work it ... if there was any one individual that made a difference in this it was Ray’s commitment to it and his willingness to go out in the community and explain it and ask for help and not be shy about what he envisioned.¹²⁴

The importance of involving interested parties from the very beginning cannot be underestimated. This strategy ensured all groups were on the same page and reduced confusion and conflict as the process developed. Powell’s goal that stakeholders learn about Mesa del Sol from the SLO and not elsewhere was key to success and should function as a mantra for other collaborative processes.

2. A capable private sector partner is key to the process

Second, many participants recognized the importance of a dynamic, powerful private sector partner. Traditionally, Jerry King explained, “It’s been really, really hard for New Mexico to attract [companies like] Forest City Covingtons.”¹²⁵ The necessity of a prestigious, competent

partner related to selecting a developer capable of handling such a large and lengthy development and to ensuring the developer shares the SLO's vision and works within the constraints of the trust land system. Just as several participants praised FCC's vision, the company also was lauded for its ability to meet the preceding requirements. Chris Hyer said, "That's the advantage of having a Forest City and its partners."¹²⁶

For its part, FCC seems well-prepared for the intricacies of developing on state trust lands. The company has a long history of collaborative community involvement in its development projects. The feeling among the public that Mesa del Sol was too contentious an area to be developed made it even more important that the private sector partner be capable of communicating with and involving the public in the planning process.

As with many other aspects of the case, Ray Powell's involvement was essential for developing an intimate private sector partnership. Attracting a competent partner was a direct outcome of the SLO's business policies, he said: "When you do neat stuff, you attract neat people." To make the relationship productive for everyone, Powell again brought up the notion of vision. He said he made "exactly the right choice in choosing a company with the vision in [CEO] Albert Rattner." Consequently, the private partner must be willing to work closely with the SLO and stakeholders and benefit the trust over the long-term. Powell remembered, "When I signed [FCC] on, I signed them on to do a first class development to benefit our community."¹²⁷

3. Be prepared for extra time at the front end (and less at the tail end)

A third lesson discussed at some length with regards to facilitating factors is recognizing that a collaborative process may require an extended timeline. This lesson was true for Mesa del Sol. Had Commissioner Baca's original auction succeeded in 1987, Mesa del Sol would have been much less collaborative, though years of work might have been saved. While the extended timeframe added significant challenges to on-going participation in the process from many interested parties, it also provided opportunities for ultimate political approval and for forward movement on the project.

State trust land departments should expect collaborative processes to require a longer timeline. To help streamline operations, Ray Powell sought to include parties at the beginning of the process, before large decisions had been made.¹²⁸ This strategy appeared to be the correct prescription, as the only lawsuit to date revolved around a breakdown in communication. The Mesa del Sol Planning Process supports the general idea that collaborative planning processes frontload time demands but reduce conflict and increase productivity in the end.

4. There is no strict formula for satisfying hidden political interests

Politics also played an enormous role in delaying and then permitting Mesa del Sol to move forward. The Mesa del Sol Process illustrates that Land Commissioners and their staffs must be savvy with competing interests, especially when those players wield influence over the process or final outcome. Looking back, participants acknowledged that the political stars must align for a project of this magnitude and that the alignment becomes more difficult as the number of parties involved increases. The political parties of primary concern in Mesa del Sol were the

SLO, Albuquerque Mayor, City Council and UNM Regents, each with their own interests and visions for growth and development in the Albuquerque region. Representation within these groups changed every few years, complicating negotiations surrounding Mesa del Sol. For example, Baca cited a string of Mayors who were interested in west side development, thereby stalling infrastructure or annexation approval of Mesa del Sol: “There were too many money interests and too many politics involved.”¹²⁹

5. Build experience in collaboration to streamline future processes

Finally, the process may be slowed due to inexperience working with the peculiarities of other parties. Similarly, for the SLO working with the private sector requires some amount of adaptation. Current and former SLO planners Tim Callahan and Chris Hyer (who is now with the city of Albuquerque) told us that all three bidders in 2001 were highly scrutinized, both for their contribution to the bottom line and their potential as partners invested in working with the community to make it a better place in which to live and do business.¹³⁰ This process may be a bit more tedious than simply selecting the highest bidder, but the payoff in terms of economic development, trust revenue and ultimate success of the project can be increased dramatically. Powell acknowledged that “some of this may be idealistic; we’ll see. But I think this is based on good sound business sense if you look at the big picture over the long period of time – and that’s what a trust is for.”¹³¹

These lessons provide clear guidance for future collaborative endeavors regarding development. Heading into the process Ray Powell said, “I told our folks right from the start: you’re going to make mistakes. I’m not going to come down on you as long as you’re honest, hard working [and] consult [with] me and the public. Let’s learn from what we did wrong.”¹³² Other state land departments will also want to budget time for institutional learning as they embark on new, collaborative strategies.

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Harry Relkin
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Endnotes

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