

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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RECOMMENDATIONS: Overcoming Barriers to Collaborative Planning on State Trust Lands

The purpose of this final chapter is to address the broader context of challenges that affect collaboration on state trust land, providing bigger-picture recommendations and highlights longer-term best practices to help agencies overcome the barriers inherent in applying this management approach within the unique context of state trust lands. Informed by the eight cases, these recommendations identify areas for change for agencies and other groups affected by trust land management decisions.

- Resources
- Knowledge and Skills
- Organizational Structure
- Organizational Culture
- Policy
- Law

The chapter also suggests a need for continued dialogue and learning among agencies, as well as suggestions for future research. Each set of recommendations is preceded by a summary of the pertinent barriers to provide a context for the need for change.

RESOURCES

BARRIERS TO COLLABORATION

Collaborative planning often demands significant staff and financial commitments, as the process relies on regular meetings in addition to outside research and work and is often lengthy. Since state trust land agencies are already engaged in a variety of time-consuming activities, they often cannot provide the resources needed to ensure consistent participation in collaborative planning. Other groups face similar, if not greater, resource constraints and often cannot commit a representative to participate regularly in the process. This challenge can dissuade agencies and other groups from joining a collaborative process, or it can make their participation less effective.

Once at the table, parties face additional resource challenges. One of the most significant of these challenges is the need for trained facilitators. Lack of funding may prevent the group from hiring a facilitator or force one party to pay for the facilitator. Both of these options can result in ineffective processes due to insufficient group leadership or the perception of bias as a result of one group paying the facilitator's salary.

RECOMMENDATIONS

Recommendation	State Trust Land Agency	Other*
Ensure that adequate resources are allocated before starting a collaborative planning process	✓	✓
Incorporate costs of collaborative planning into traditional project accounting	✓	
Put a priority on finding funding from outside the agency or pooling funding to hire third party facilitators to help avoid the perception of bias	✓	✓

* Encompasses other federal and state agencies, municipalities, community organizations, industry, conservation groups and other parties that are affected by trust land management decisions.

1. Ensure that adequate resources are allocated before starting a collaborative planning process because collaboration often entails significant time and money.

Anticipating the staff demands, both in terms of the representatives to the collaborative process as well as internal technical experts that may be needed as consultants to the process, and adjusting staff workloads accordingly, are all ways to plan ahead for the additional resource demand. By allocating these resources up front, agencies and other stakeholders can avoid inconsistent, part-time representation that can disrupt a planning process and cause breakdowns in communication.

Funding for collaborative activities may come from agency or organizational resources or from outside organizations, such as philanthropic organizations, corporate foundations or area donors. For example, the Sonoran Institute's Resources for Community Collaboration program, funded by the Hewlett Foundation, made small grants for collaborative groups in previous years.

2. Incorporate the costs of collaborative planning into traditional project accounting.

Another way for state trust land agencies to deal with the challenge of limited resources is to incorporate the costs associated with collaboration into the bottom line of management. As this research shows, collaborative planning often can result in greater revenue for the trust as well as increased efficiencies associated with a more durable solution and greater likelihood of implementation. Thus, it makes sense to incorporate both costs and benefits associated with this approach into project accounting.

3. Put a priority on finding funding from outside the agency or pooling funding to hire third party facilitators to help avoid the perception of bias.

Explore potential funding sources such as philanthropic sources, corporate foundations, and area donors. Alternatively, divide the costs of facilitation between multiple participants so that the facilitator is not perceived as an agency representative.

KNOWLEDGE AND SKILLS

BARRIERS TO COLLABORATION

Participants in collaborative planning on state trust lands also may be constrained by limited information and skills. Without an understanding of state trust lands and the necessary skills for collaborative planning, a process can suffer because time that otherwise could be spent on substantive issues must be spent on education, research and trial and error in creating feasible management options. Lack of understanding and skills also can fuel disagreements over the interpretation of key issues like the trust mandate and environmental costs, which can hurt group dynamics.

Members of the public often are unfamiliar with state trust lands, and hence are unaware of the unique constraints involved in their management. Likewise, other organizations can be unfamiliar with land management policies relevant to trust land and inexperienced with collaborative planning.

State trust land agencies may not be equipped with the expertise necessary to fully engage in collaboration or may be too short-staffed to commit personnel to these processes. Frequently, agencies lack the technical and communications staff to help engage partners, stakeholders and the public. Agencies also typically do not have employees trained in group process management and negotiation skills, both of which are essential to effective collaborative planning. Finally, agencies often do not have economists on staff who are needed to quantify the benefits and costs of different planning processes to enable the agency to make informed choices about whether to pursue collaborative planning.

RECOMMENDATIONS

Recommendation	State Trust Land Agency	Other*
Ensure the public is brought up to speed on state trust land mandates and other aspects of land management at the outset of a process	✓	
Educate organization staff and members about state trust land management to understand how this type of land differs from others		✓
Expand agency communications expertise	✓	
Provide opportunities for training and mentoring in collaboration and hire personnel with collaboration experience	✓	✓
Be open to assigning technical staff to participate in collaborative process or make this staff available for consultation	✓	✓
Access economics expertise to evaluate the costs and benefits of collaboration	✓	✓

* Encompasses other federal and state agencies, municipalities, community organizations, industry, conservation groups and other parties that are affected by trust land management decisions.

4. Ensure the public is brought up to speed on state trust land mandates and other aspects of land management at the outset of a process

Members of the general public rarely are aware of state trust land and how it differs from federally-owned public land. Consequently, the public does not understand the constraints under which trust land agencies function. This unfamiliarity can pose a significant challenge to collaboration, as the group must spend time during the process on education about state trust land management and may struggle with different, conflicting interpretations of constraints and consequences. Without an understanding of trust lands, the public also may be uninterested in engaging in a collaborative process, instead preferring more adversarial and potentially-costly approaches like litigation.

To overcome this barrier, state trust land agencies can engage in two different levels of public education. First, passive education such as posting signs that designate trust land boundaries and describe the purpose of state trust lands can help educate the public, identifying the state trust land agency as a neighbor and member of the community. Similarly, developing informative websites detailing land activities and agency involvement can help educate the public and reduce the “surprise factor” in collaboration when participants realize the true constraints imposed on trust land management. Second, once at the table, agencies should inform participants about the trust mandate and the agency’s legal and policy constraints to ensure participants understand the boundaries within which they can create options for creative solutions.

5. Educate organization staff and members about state trust land management to understand how this type of land differs from others.

To work effectively in a collaborative process involving state trust lands, other organizations also must take responsibility for learning about state trust lands and the legal and policy issues associated with trust land management. Resources for this education include the trust land agencies themselves, as well as several nonprofit organizations that focus on state trust lands, such as the Children’s Land Alliance Supporting Schools (CLASS)¹ and the Sonoran Institute.² There is also growing literature on state trust lands, which organizations can turn to for information. Looking forward, organizations also should seek out employees who have expertise in state trust land issues. Developing this understanding within organizations and other groups will familiarize potential stakeholders with the management and legal constraints within which collaborative processes on state trust lands must occur.

6. Expand agency communications expertise to better inform audiences about state trust lands.

State trust land agencies should expand communications staff and develop communications tools such as user-friendly Internet and printed materials to better inform future collaborative planning participants on the front-end about the trust and the trust mandate. Communications materials

can include engaging descriptions of trust land resources and collaborative processes. Using photographs and even interactive activities may help in engage and educate the public.

7. Provide opportunities for training and mentoring in collaboration and hire personnel with collaboration experience.

State trust land agencies and other groups should develop or access programs that teach staff and members collaborative planning skills, including effective communication, active listening and negotiation. Agencies and organizations can send staff to outside workshops, hold internal professional development workshops or distribute informational materials. Once at the table, collaborative groups should consider collective training to learn how to interact effectively in a working group setting to build relationships. By helping participants learn how to collaborate in the working group setting, the training may also create a shared understanding of the process and build relationships among participants. Trust land agencies and other groups should also consider looking for collaboration experience when hiring new personnel.

8. Be open to assigning technical staff to participate in collaborative process or make this staff available for consultation.

Expertise in mapping and geographic information systems, geology, forestry, hydrology and wildlife biology is important for collaborative planning on state trust lands to succeed, but often is in limited supply. Consequently, processes frequently must scramble to secure the funds and time needed to acquire this technical knowledge. Choosing state trust land agency and organizational representatives to sit at the table who possess this expertise or making technical staff available for consultation can help a group make informed decisions and avoid delays due to lack of information.

9. Access economics expertise to evaluate the costs and benefits of collaboration.

State trust land agencies and other groups rarely have the expertise to compare the costs and benefits of collaboration with a more traditional land management approach. If benefits and costs are considered, benefits frequently are estimated conservatively and focus only on near-term gain. This analysis often discourages agencies and other stakeholders from participating in collaborative planning. Accessing economics expertise to conduct a formal benefit-cost analysis of the true value of collaboration in a particular situation can help all parties to make informed decisions about whether collaborative planning is appropriate to pursue their interests in a state trust land issue. In order to ensure that all values of collaborative processes are incorporated, agencies should investigate use of total asset management (TAM) to inform the benefit-cost analysis. TAM involves managing all the resources of a trust with an overall strategy to optimize the entire trust portfolio for short-term and long-term gains.

ORGANIZATIONAL STRUCTURE

BARRIERS TO COLLABORATION

Because collaboration is new to state trust land managers, the traditional way that agencies are organized may be problematic for encouraging more collaborative relationships. For instance, the case studies in this report suggest that many state trust land agencies are sometimes not in touch with the local communities that live around state trust lands. Within agencies, sometimes limited communication between different agency departments may be problematic. In both cases, lack of communication can prevent a shared understand of problems between communities and agencies, as well as limit the ability to create innovative options and leverage community and agency resources. Finally, lack of communication between individuals at the table and their constituencies can make a collaborative process less transparent and may result in disagreements within groups as to their commitment to agreements made during a collaborative process.

RECOMMENDATIONS

Recommendation	State Trust Land Agency	Other*
Use local agency personnel to serve as the agency's representative to a collaborative planning process	✓	
Improve communication within state trust land agencies	✓	
Improve communications between representatives at the table and their respective organizations	✓	✓

* Encompasses other federal and state agencies, municipalities, community organizations, industry, conservation groups and other parties that are affected by trust land management decisions.

10. Use local agency personnel to serve as the agency's representative to a collaborative planning process whenever possible.

When planning or undertaking a collaborative planning effort, a local agency representative will be in a better position to develop relationships with stakeholders, serve as a resource for the community and create opportunities to develop a shared understanding of participants' concerns. It is paramount that this agency representative be given sufficient authority to participate fully in the process and that the limits to his or her authority are delineated early in the process.

However, many state trust land agencies lack regional or local offices dispersed throughout their states. This organizational structure results in a significant geographic distance between the agency and trust land stakeholders, and also often a philosophical divergence regarding trust land management. These tense relationships infiltrate trust land management, both in collaborative planning and more traditional approaches, and can pose management and even legal problems for the agency. In the context of collaboration, the absence of regional agency offices can hinder a community groups' ability to access trust land information and can limit the agency's understanding of local issues.

To overcome this structural barrier, some state trust land agencies may consider assigning a staff member to create a temporary field office in an area where collaborative planning is underway, or even staffing long-term regional offices throughout the state. This structural change would ensure that communities have local agency representatives to whom they can turn with trust land questions. It could also improve the relationship between the state trust land agency and local communities by developing an understanding of each other's concerns and a shared sense of place.

Three state agencies that already model this dispersed structure are Colorado's State Land Board, Montana's Department of Natural Resources and Conservation and New Mexico's State Land Office. In Montana, having regional offices enabled the Department of Natural Resources and Conservation to hold impromptu sessions with Advisory Committee members in the town of Whitefish, which were key to building trust and sharing information. Such meetings would have been difficult had the agency been operating solely out of its Helena location four hours away.

11. Improve communication within state trust land agencies.

To develop management solutions, state trust land agency departments must work together to brainstorm ideas, identify ways to share resources and understand each other's financial and technical limitations. Consider developing an inter-departmental team to facilitate communication and coordination across agency offices. Such a team could help leverage the resources and knowledge available across offices to allow the agency to create innovative solutions to the complex problems collaborative planning tackles. It is equally important to recognize that other personnel may be responsible for implementing the decisions made by others in a collaborative setting. Early and consistent interdepartmental communication and coordination will help ensure a feasible plan as well as develop buy-in and commitment to the decisions made.

Instituting intra-agency teamwork as a common practice, and even arranging offices in ways that facilitate communication between departments, would draw more staff expertise into a collaborative process without having to assign additional representatives to a project. In this way, the agency can use all of its resources and expertise to facilitate innovative solutions to problems identified in the collaborative process. For example, communication between departments in the New Mexico State Land Office (SLO) resulted in Commissioner Lyons placing a moratorium on new oil and gas leases near prairie chicken breeding habitat in southeastern New Mexico. The moratorium helped participants of the Southeast New Mexico Working Group recognize the SLO's commitment to precluding the need for listing of the lesser prairie chicken on the Endangered Species List. Many participants cited the SLO's commitment and leadership role as a major facilitating factor in the process.

12. Improve communications between representatives at the table and their respective organizations.

A planning process can suffer if representatives of agencies, organizations and other groups involved in the effort do not periodically and consistently report back to their offices and constituencies. Organizations and agencies can foster dialogue between representatives at the

table and their respective organizations as a whole by having periodic meetings with constituencies and creating newsletters, websites, and email listserves regarding progress within a collaborative process. This communication helps achieve a common understanding within organizations regarding collaborative efforts and avoid intra-organizational disagreements, which improves the likelihood that a final agreement can be implemented.

ORGANIZATIONAL CULTURE

BARRIERS TO COLLABORATION

The prevailing philosophies and attitudes within agencies and other groups often deter or hinder participation in collaborative efforts. Many of these organizations resist involvement in collaboration because it is seen as outside their realm of standard practice, an abdication of authority and tacit acceptance of outside agendas. Rarely do organizations have incentives that encourage creative thinking and staff participation in collaborative planning. If agencies choose to engage in collaboration, they often view their appropriate role as an observer instead of an active participant, which works to the detriment of the process. State trust land agencies and other parties also tend to focus exclusively on the economic, near-term benefits of land use planning and consequently do not appreciate the long-term gains, and specifically the conservation benefits, that can come from a collaborative approach. Finally, as communities continue to expand closer to state trust land, agencies find themselves ill-prepared to respond to these new situations.

RECOMMENDATIONS

Recommendation	State Trust Land Agency	Other*
Embrace the discretion and flexibility inherent in serving as a fiduciary of state trust lands	✓	
Work to establish collaboration as a standard practice	✓	
Recognize that decision-making <i>power</i> can and should be shared, while decision-making <i>authority</i> must be retained	✓	✓
Recognize that participation does not necessitate acceptance of others' agendas	✓	✓
Create incentives to encourage staff to collaborate	✓	✓
Celebrate institutional involvement in collaboration	✓	✓
Embrace a participant role instead of being an observer	✓	
Acknowledge and incorporate non-economic resource values associated with state trust land	✓	✓
Find ways to incorporate new business paradigms	✓	

* Encompasses other federal and state agencies, municipalities, community organizations, industry, conservation groups and other parties that are affected by trust land management decisions.

13. Embrace the discretion and flexibility inherent in serving as a fiduciary of state trust lands.

State trust land agencies sometimes interpret their fiduciary duty to limit discussion and creative problem-solving. While it is essential that participants develop a clear understanding of the trust responsibility and its relationship to the issues under discussion, this responsibility need not limit opportunities for creative problem-solving. Agencies will benefit from establishing the parameters of the trust responsibility at the on-set of a collaborative process and then seeking solutions that consider the interests of each party.

14. Work to establish collaboration as a standard agency practice for appropriate situations.

State trust land agencies are often comfortable with their traditional decision-making and management methods and consequently resist engaging in or pursuing collaboration. However, collaborative processes suffer because state trust land agencies are irreplaceable stakeholders in decision making. To overcome this barrier and encourage collaborative planning when appropriate, state trust land agencies should establish collaboration as a standard practice and find ways to assess effective performance. Sending clear messages to staff that collaborative planning is a legitimate land management approach in appropriate situations and revising agency policies and missions to explicitly recognize collaborative planning as a legitimate option are ways to realize this recommendation.

15. Recognize that decision-making *power* can and should be shared, while decision-making *authority* must be retained.

A key reason why state trust land agencies resist collaborative planning is a fear that participation requires abdication of decision-making authority. As the literature on collaboration explains, there is a subtle but important distinction between decision-making *authority*, which an agency cannot and should not relinquish, and decision-making *power*, which should be shared with other participants in the process. All organizations affected by trust land management decisions need to understand this distinction. Explicitly acknowledging this distinction in agency and organizational policies on collaboration can help develop this common understanding as can guidance on how to manage it during a process. With greater clarity and guidance, state trust land agencies can feel more comfortable engaging in collaboration because they know they retain final authority over trust land management. Likewise, organizations and other stakeholders can feel more comfortable participating because they know they have an influential voice in the decision-making process.

16. Recognize that participation in collaboration and leveraging other parties' resources does not necessitate acceptance of those parties' agendas.

State trust land agencies also resist collaborative planning out of concern that collaboration requires acceptance of other participants' agendas, and consequently can lose important resources that outside parties can provide. To overcome this challenge, state trust land agencies should recognize that neither participation in collaboration nor leveraging other participants'

resources means that they accept those parties' agendas. However, given that this can be a real perception for all parties at the table, ground rules formed at the outset and formal external statements made during the process should clarify that being at the table, individual parties do not necessarily support other groups' individual interests but rather agree to look for shared interests through the collaborative process.

17. Create incentives to encourage staff to engage in collaboration.

Agencies and organizations rarely have incentives that encourage staff participation in collaborative planning. Without institutional encouragement, employees shy away from these approaches, despite their potential to produce better results for all involved. To encourage staff participation in collaboration, state trust land agencies and organizations should create incentives such as adding participation in collaborative planning as a criterion in performance evaluations and creating awards for those employees who demonstrate effective participation in collaborative planning.

18. Celebrate institutional involvement in collaboration.

State trust land agencies and organizations should celebrate their involvement in collaboration by posting stories and photographs of collaborative processes in the office and on the institution's website and developing a newsletter to inform others of this participation. Internal and public recognition may result in not only an improved working environment, but also a better relationship between the agency or organization and community.

19. Embrace a participant role in the collaborative process instead of being an observer.

If state trust land agencies choose to engage in collaboration, they sometimes do so from afar. This detached involvement can result from agency fear that participation requires abdication of decision-making authority, as discussed above. Agencies also tend to prefer this level of involvement because it does not require them to work outside their "comfort zone." When agencies merely observe meetings or receive meeting minutes instead of attending, they are limited in their ability to shape the process and help others create options that work within state trust land constraints. Consequently, the collaborative process may produce a product that is not relevant to or implementable on state trust lands. On the other hand, when agencies assume a participant role, they actively partake in meetings, engage others in dialogue about the agencies' needs and concerns for options and help create durable agreements.

Instituting agency policies that call for active participation can help overcome this challenge. Explicitly recognizing the benefits associated with full participation, as well as the problems created by assuming an observer role, can help realize this recommendation.

20. Acknowledge and incorporate non-economic resource values associated with state trust land.

Some state trust land agencies and other parties tend to focus exclusively on the economic, near-term benefits of trust land management and consequently do not appreciate the longer-term

gains, like conservation, that can be realized through a collaborative approach. Consequently, agencies and other groups not only avoid collaboration, but lose valuable opportunities to generate more value for trust lands. This exclusive focus on economic value also can create tense, even adversarial relationships between agencies and other parties which prefer a longer-term approach. This tension can hinder or prevent collaborative planning.

Incorporating valuation that includes non-economic outcomes, like ecosystem services and conservation, can create greater long-term value for the trust. Indeed, conservation outcomes not only can create long-term trust value, but also generate short-term monetary gain if allowed in conjunction with permitted public recreation. This approach can provide state trust land agencies with an understanding of their total asset value. Furthermore, incorporating non-economic resource values acknowledges “outside” interests in state trust land and may encourage other parties to be involved in conflict resolution.

To realize this recommendation, state trust land agencies should recognize conservation outcomes in reports of state trust land activities and planning, sending a message to those in the agency that there is value to such outcomes. For example, Colorado’s State Land Board is already making strides towards incorporating conservation values into its trust management. Amendment 16 changed Colorado’s constitutional mandate to create a Stewardship Trust that set aside 295,000 to 300,000 acres for uses that protect beauty, natural values, open space and wildlife habitat. The amendment also directed that agricultural leases promote sound land management practices and natural resources be managed in a way that conserves their long-term value.

21. Find ways to incorporate new business paradigms.

With growing communities and development pressures around state trust lands, new areas of business have emerged, predominantly in the commercial and development sector. Agencies should remain open to new business models with these opportunities which in essence create new potential for partnerships and options for innovative solutions in collaborative planning. One way to successfully integrate new sectors of business into agencies is to create a new division within the agency. In New Mexico, for example, the State Land Office created the Division of Commercial Development to take advantage of development opportunities and allow the SLO to become a more active partner and player in commercial properties. The SLO’s commitment to commercial development was central to the Mesa del Sol Planning Process.

POLICY

BARRIERS TO COLLABORATION

There are two main types of policy barriers to collaboration on state trust lands. First, there are barriers to agency involvement in collaborative processes. Because collaborative planning is a relatively new land management approach for state trust land agencies, few have in place specific programs or policies to guide the structure and process of collaborative projects. Agencies also can be unfamiliar with how collaboration fits into traditional federal planning

processes. In addition, agencies typically lack methods to monitor implementation of collaborative planning outcomes to assess their success.

The second type of policy barriers are those that limit the effectiveness of collaboration by limiting the problem-solving and management approaches of trust land agencies. Such barriers include the lack of agency programs to take advantage of non-traditional or “unconventional” trust values identified through collaboration, such as recreation, conservation and ecosystem services. Agencies often do not use total asset management tools or evaluate ecosystem services when making management decisions, limiting the options they are willing to pursue when they come to the table.

RECOMMENDATIONS

Recommendation	State Trust Land Agency	Other*
Adopt the Best Management Practices and guidelines outlined in this report	✓	✓
Create methods for monitoring implementation of collaborative outcomes	✓	✓
Incorporate collaboration into traditional federal land management processes	✓	✓ (federal agency)
Create policies that increase the range of agency management techniques so that the benefits of collaborative processes are more likely to be realized	✓	

* Encompasses other federal and state agencies, municipalities, community organizations, industry, conservation groups and other parties that engage in collaborative processes on state trust lands.

22. Adopt the Best Management Practices and guidelines for collaboration outlined in this report.

From the collective wisdom of the participants in the eight cases emerged a set of Best Management Practices (BMPs) contained in Chapter 21. These BMPs provide practical guidance for framing and managing a collaborative process and can set organizational policy for engaging in collaboration. The BMPs are designed to help agencies and others interested in collaboration develop an effective process. Agencies and other organizations should take advantage of these “lessons learned” and work to adopt the BMPs in their organizational policies.

23. Create methods for monitoring implementation of collaborative outcomes.

Upon the completion of many of the collaborative processes studied in this report, participants noted that ultimate success hinges on implementation. Most felt confident that the plan will be implemented, yet few agencies have methods in place for monitoring and thereby ensuring effective implementation. If collaborative outcomes are not successfully implemented, agency and non-agency participants will feel dissatisfied and resist engaging in future collaborative

endeavors. Failure to implement an outcome also can result in lost value to the trust. Agencies and organizations therefore should create programs for monitoring implementation. Inclusion of specific criteria and benchmarks to gauge the success of the implementation effort can be effective.

24. Incorporate collaboration into traditional federal land management processes.

Many state trust land agencies work with federal agencies in managing trust land and, as such, periodically engage in federal processes such as the Bureau of Land Management Resource Management Plan Amendment process and National Environmental Policy Act Environmental Impact Statement process. Because of the newness of collaboration, both state trust land and federal agencies typically are unfamiliar with how collaboration fits into these traditional federal processes. This unfamiliarity can hinder collaborative planning on state trust lands because state and federal agencies are unsure whether the processes are compatible. To overcome this barrier, state and federal agencies should work together to develop ways in which collaboration can fit into traditional federal planning processes. These entities should utilize the institutional knowledge of agencies like the Bureau of Land Management, which has already embraced collaborative planning as a viable land management alternative. Another way to accomplish this recommendation is to allow collaborative processes to set the “preferred” alternative for federal plans and amendments.

25. Create policies that increase the range of agency management techniques so that the benefits of collaborative processes are more likely to be realized.

For collaboration to be most effective, state trust land agencies need to be able to provide options for new management strategies. Broadening the range of management techniques allows for greater room to achieve mutual gains for parties at the table. Such new techniques could take advantage of “unconventional” land values such as conservation, ecosystem services and recreation and include (1) incorporating total asset management tools and evaluating ecosystem services in management decisions and (2) developing a public recreational permitting system to generate revenue from the public’s use of state trust land. Total asset management involves restructuring economic valuation of land by managing all the resources of a trust, traditional and non-traditional, with an overall strategy to optimize the entire trust portfolio for short-term and long-term gains. As for recreational permitting systems, such a program could produce revenue from the use of state trust lands, as well as generate public interest in and ownership of state trust land issues, thereby reducing the potential for conflict in the future. While several state trust land agencies like the Montana Department of Natural Resources and Conservation currently have recreational permitting systems in place, these programs can be unorganized and understaffed. Moreover, many agencies lack such programs altogether. To more fully benefit from collaborative planning on state trust lands, agencies should develop or improve public recreational permitting systems to generate revenue from the public’s use of these lands.

BARRIERS TO COLLABORATION

Collaborative planning on state trust lands encounters a variety of legal challenges. Because of the constitutional mandate, collaborative planning inevitably must operate within a set of legally defined constraints, which can pose barriers to collaboration. State trust land agencies often interpret their mandates to require maximization of revenue for designated beneficiaries and thus disregard the value of other non-monetary outcomes. Indeed, judicial holdings frequently require this interpretation. This strict reading of the trust mandate can hinder collaborative planning on state trust land because it limits creative problem-solving and opportunities for mutual gains, which are important features of this decision-making approach.

The trust mandate also can stand as a barrier to collaboration because it often requires specific procedures for disposing of state trust land to maximize revenue. Typically, although not uniformly, states must sell the land to the highest bidder at public auction. This requirement again limits state trust land agencies' flexibility in collaborating with other parties. Moreover, the trust mandate can hinder collaboration by preventing agencies from working with local municipalities and abiding by local legal constraints.

RECOMMENDATIONS

Recommendation	State Trust Land Agency	Other*
Recognize conservation benefits in the trust mandate	✓	✓
Allow state trust land agencies to engage in negotiated land sales	✓	✓
Encourage state trust land agency representatives to consider local land use policies	✓	✓
Encourage state trust land agency representatives to work with local governments on land use planning.	✓	✓

* Encompasses other federal and state agencies, municipalities, community organizations, industry, conservation groups and other parties that engage in collaborative processes on state trust lands.

26. Recognize conservation benefits in the trust mandate.

Many trust mandates do not identify conservation benefits as a measure of land value and hence this element is not acknowledged as part of the state trust land agency's fiduciary duty to beneficiaries. Instead, these mandates often focus exclusively on maximization of revenue. This focus can hinder the creative thinking needed for collaboration. To overcome this barrier, the value of conservation should be explicitly recognized in the trust mandate. An obvious, yet potentially controversial, way to achieve this change is through amending the state constitution and/or state regulations. For those states whose law already requires state trust land agencies to both maximize revenue and consider longer-term environmental consequences, the legislative change could explicitly call for a balancing of these dual obligations. Obtaining express written

consent from the beneficiaries to consider conservation outcomes in management decisions is another option.

27. Allow state trust land agencies to engage in negotiated land sales.

Another way to help state trust land agencies participate in collaborative planning is by legally allowing agencies to engage in more flexible land transactions like negotiated land sales. Being able to consider transactions other than public auctions enables agencies to make the trade-offs sometimes needed to successfully collaborate with other parties. This recommendation recognizes that the short-term gain of a land sale at auction may not be optimal for the long-term value of the trust as a whole. In addition, allowing negotiated land sales to organizations such as land trusts allows communities to achieve their conservation goals while ensuring that agencies satisfy their fiduciary responsibility to their beneficiaries. Legal change through regulatory and/or constitutional amendments again can secure this flexibility.

28. Encourage state trust land agency representatives to consider local land use policies.

While some state trust land agencies confer with local governments on trust land issues, they do not necessarily abide by local land use laws and policies when making a final decision. Indeed, some state trust land agencies interpret their legal obligations to trump local law and thereby grant them, for example, “super zoning authority.” This interpretation can hinder collaboration again by straining relationships between localities and state trust land agencies. It also can compromise the effectiveness of final land management products because local concerns (as articulated through local law) are not fully considered. To overcome this challenge, state trust land agencies should strive to abide by local land use laws and policies for trust land planning that falls within that locality’s jurisdiction. Realizing this recommendation also will increase the potential for future positive working relationships between localities and state trust land agencies

29. Encourage state trust land agency representatives to work with local governments on land use planning that falls within that locality’s jurisdiction.

Because the trust mandate explicitly identifies the state (and via delegation, the state trust land agency) as the trustee of these lands, the agency often interprets its fiduciary duty to the beneficiaries as superior to other parties’ interests. Consequently, agencies often do not consult or work with local governments when making trust land management decisions, despite the fact that these lands are within local jurisdictions. This philosophy can pose a barrier to collaboration because state agencies do not think they need to fully cooperate with local governments. Even if the agency and municipality enter into a collaborative arrangement, the process can suffer from differing expectations and tense relationships. To overcome this challenge, state trust land agencies should strive to work with local governments on trust land planning that falls within that locality’s jurisdiction, to incorporate local concerns into state trust land planning. State and local legislative changes, such as Colorado’s Amendment 16, can help ensure that both parties come to the table with compatible expectations while still protecting agencies’ responsibility to the trust beneficiary.

CONTINUED DIALOGUE AND LEARNING

BARRIERS TO COLLABORATION

Ongoing learning and dialogue are vital to effective collaborative planning on state trust lands. Even as state trust land agencies and other organizations continue to build institutional knowledge regarding best management practices for collaborative processes, there are few opportunities for sharing this knowledge with others. The Western States Land Commissioners Association (WSLCA) Conference traditionally has provided a venue for this sort of discussion, however it does not explicitly draw out collaborative experiences and few are shared formally. Furthermore, identifying trust land management issues that are appropriate for collaborative planning is difficult with limited communication between state trust land agencies and other organizations. Most interaction currently relies on informal or personal contacts.

RECOMMENDATIONS

Recommendation	State Trust Land Agency	Other*
Think about ways to use the opportunity of the Western State Land Commissioners Association Conference and other trust land agency forums to discuss collaborative planning	✓	
Hold an annual or biannual state trust land agency meeting	✓	
Consider participating in a wider array of forums with external stakeholders to discuss state trust land issues		✓

* Encompasses other federal and state agencies, municipalities, community organizations, industry, conservation groups and other parties that engage in collaborative processes on state trust lands.

30. Think about ways to use the opportunity of the Western State Land Commissioners Association Conference and other trust land agency forums to discuss collaborative planning.

The Western States Land Commissioners Association (WSLCA) Conference convenes state trust land agencies from across the West to share information about trust land management experiences and hear from experts in the field. This meeting provides agencies with a great sense of community and is a tremendous information resource. The conference thus provides a good opportunity for agencies to discuss collaborative planning as an alternative to more traditional trust land management. This discussion could be accomplished in a variety of ways. Agency representatives may benefit from sharing experiences, perspectives and skills in “how-to” workshops or discussions about the lessons learned from past experiences.

31. Hold an annual or biannual state-specific trust land agency meeting.

In addition to engaging in information sharing across states, state trust land agencies should facilitate formal discussions closer to home. Holding annual or biannual meetings would enable the agency to meet with interested and affected parties, including community and organization leaders, to discuss state-specific trust land management issues from a variety of perspectives. These meetings could use the WSLCA Conference as a model and incorporate such activities as a “roll call” of recent agency and non-agency trust land activities. By providing a venue for discussion and information sharing, meetings would help foster stakeholder relationships and identify overlapping interests. Including collaborative planning as a topic for discussion also would enable agencies and other interested and affected parties to openly discuss the pros and cons of that land management approach and even brainstorm about future collaborative opportunities.

32. Consider participating in a wider array of forums with external stakeholders to discuss state trust land issues.

Interested and affected parties such as local communities and stakeholder organizations also can benefit from forums to discuss state trust land issues, including collaborative planning. Existing forums like the Land Trust Alliance Annual Rally and organizations like the Children’s Land Alliance Supporting Schools (CLASS) are examples of opportunities for non-agency parties to discuss and learn more about state trust land management and strategize about how to best work within state trust land agencies’ fiduciary responsibilities.

FUTURE RESEARCH

BARRIERS TO COLLABORATION

This study of collaborative planning on state trust lands was conducted because the State Trust Lands Research Roundtable identified collaboration as a growing, but relatively unstudied, trend in trust land management. This report fills part of the void by identifying the range of issues involved in collaborative planning on state trust lands and compiling a set of lessons and best management practices. Yet, more research is needed to help inform more effective processes.

Currently, one of the largest handicaps to understanding the true costs and benefits of collaboration is the lack of calculations corresponding to the process and outcome. The benefit-cost analyses that currently exist do not incorporate other trust land values, including ecosystem services. An additional deficiency in research on collaborative planning on state trust lands is a close comparison between collaborative planning and traditional trust land management. Finally, while this report provides a valuable collection of best management practices distilled from the eight cases, more subtle lessons should be developed by closely following ongoing processes.

RECOMMENDATIONS

Recommendation	State Trust Land Agency	Other*
Conduct more detailed benefit-cost analyses of collaborative planning on state trust lands	✓	
Examine current research in valuing ecosystem services	✓	
Research use of total asset management on state trust lands and how it fits into collaboration	✓	
Conduct research that explicitly compares collaborative processes to traditional management situations	✓	✓
Conduct real-time research on collaborative processes	✓	✓

* Encompasses other federal and state agencies, municipalities, community organizations, industry, conservation groups and other parties that engage in collaborative processes on state trust lands.

33. Conduct more detailed benefit-cost analyses of collaborative planning on state trust lands.

State trust land agencies need a clear understanding of the costs and benefits of collaborative planning to make an informed decision about whether to engage in that land management approach. Currently, few agencies have this benefit-cost analysis. Agencies therefore should hire economists and/or trained researchers to conduct more precise benefit-cost analyses on collaborative planning. Costs incurred during collaboration tend to be more traditional line-items, including hours spent in the process, number of staff dedicated to the process and direct costs (e.g. planning and research) of the project. Conversely, the benefits of collaborative planning may be more difficult to quantify, as they may include avoidance of lawsuits, improved long-term professional and personal relationships and protection of natural resources.

34. Examine current research in valuing ecosystem services and apply it to state trust land management, including collaborative planning.

There is growing literature on the monetary valuation of ecosystem services such as clean water, clean air, pest control and pollination. A review of this research and possible additional study into the true value of ecosystem services would help inform benefit-cost analyses of collaborative planning and thereby help state trust land agencies determine when this land management approach is appropriate.

35. Research the use of total asset management on state trust lands and how it fits into collaboration.

Total asset management (TAM) is a new method of management that recognizes all assets of an agency and manages them as one portfolio. In the State Trust Lands Research and Policy Analysis Roundtable³ convened by the Lincoln Institute of Land Policy and the Sonoran Institute

in 2004, TAM was identified as an important concept to develop as applied to state trust lands. Organizations like the Sonoran Institute currently are conducting ongoing research on TAM, described as “a holistic and strategic approach to the management of trust resources which optimizes management of the total trust portfolio to achieve sustainable, short-term and long-term revenue goals.”⁴ TAM allows for a broader view of state trust land assets to incorporate and balance short-term and long-term revenue. However, TAM on state trust lands is still relatively new and additional research is needed on its application to state trust lands, as well as how agencies can incorporate TAM into collaborative processes.

36. Conduct research that explicitly compares collaborative processes to traditional management situations.

Performing a larger benefit-cost analysis or conducting a series of case studies that focus on this comparison could provide state trust land agencies with the best understanding of when to engage in collaborative planning.

37. Conduct real-time research on collaborative processes.

While this report attempted to capture the various issues underlying collaborative planning on state trust land and produce a practical list of best management practices, the research was limited by interviewees’ fading or selective memories. Many of the interviews conducted for this research took place months after the collaborative process ended. Naturally, participants forgot some of the more subtle factors that helped facilitate the process. While documents like meeting notes and project materials can help capture this knowledge, conducting real-time research is a better option. Researching collaborative planning as it is ongoing would produce a more detailed and potentially more accurate understanding of the issues encountered during the process and the strategies needed to deal with them. One way to accomplish this is for the participants involved to track their own experiences throughout process, to provide helpful information that can be used to better assess the benefits, costs and challenges of such a process as well as to improve learning within the agency.

Endnotes

¹ Children's Land Alliance Supporting Schools, <http://www.childrenslandalliance.com>.

² The Sonoran Institute, <http://www.sonoran.org>.

³ Roundtable participants included 5 current or former state land commissioners, academic experts in state trust lands management, economics, urban planning, and institutional and program evaluation and assessment.

⁴ Peter W. Culp, Diane B. Conradi and Cynthia C. Tuell, *Trust Lands in the American West: A Legal Overview and Policy Assessment*. A Policy Assessment Report of the Lincoln Institute of Land Policy / Sonoran Institute Joint Venture on State Trust Lands, 2005, 169.