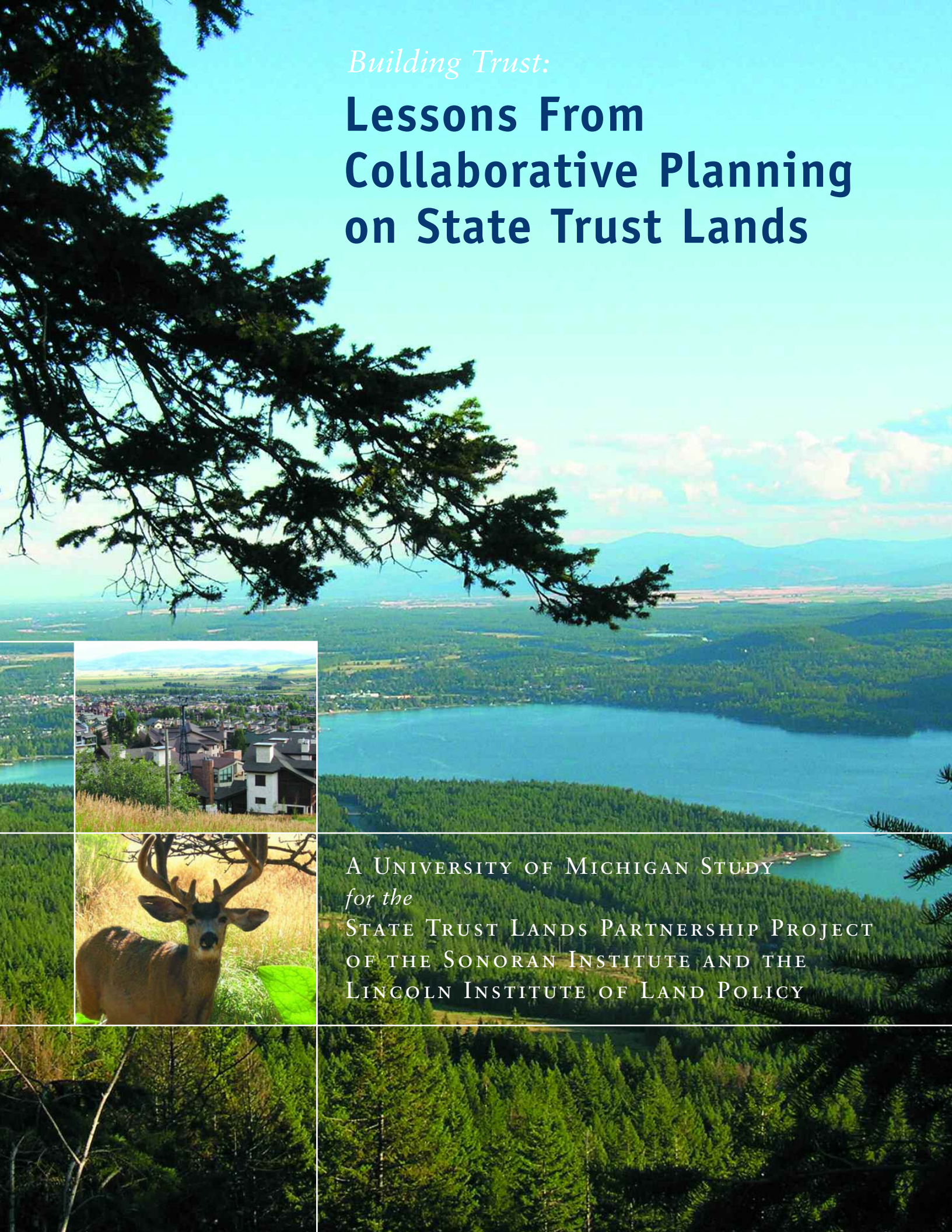


Building Trust:

Lessons From 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

Table of Contents

Left: Steamboat Springs, Colorado

Cover, main image: Whitefish Lake, Montana
Top inset: Steamboat Springs, Colorado
Bottom inset: Mule deer, Castle Valley, Utah

State Trust Lands and the Changing Western Landscape

Congress granted state trust lands to newly organized states that entered the Union to support essential public institutions. While many state trust lands have passed into private ownership, the remaining 46 million acres, primarily concentrated in nine Western states, represent a significant part of the Western landscape. Unlike other public lands, most state trust lands are held in trust for designated beneficiaries, principally public schools. State trust managers lease and sell these lands for a diverse range of uses to meet their fiduciary responsibility, generating revenue for the designated beneficiaries, today and for future generations.

While traditional natural resource-based activities such as timber and mining continue to provide significant trust revenues, in recent years rapid growth and a shift toward more service and professional industries in the West have required a more diverse approach to generating revenue for trust beneficiaries. For example, rapid growth has led some trust managers to explore residential and commercial development opportunities on trust lands. At the same time, the changing landscapes, economies and demographics of the West mean that many communities increasingly view state trust lands as public assets that have value for open space, fish and wildlife protection and recreation. As a result, developers, industry and business leaders, conservationists, neighboring community members and others have become increasingly interested in the use of these lands, in some cases resulting in increased conflict over land management decisions.

The Promise of Collaborative Planning

In an effort to better accommodate these community interests and needs within the context of their fiduciary duty, trust land managers across the West have begun to explore (and sometimes have been directed to explore) collaborative approaches to the planning and management of trust lands. Studies over the past 20 years have shown that collaborative planning can be an effective tool in natural resource management by helping to resolve conflict and by achieving multiple benefits for natural resource managers, users and other interested parties. Collaborative planning enables participants to identify common goals, even when they appear to have conflicting interests. Collaborative planning can help manage conflict, provide creative solutions to complex problems that meet the needs of many people, and produce enduring solutions.

Collaborative planning is a promising tool for state trust land management. By bringing parties to the table with new perspectives and ideas, collaborative planning provides an approach to problem solving that can reduce conflict and yield higher value to the trust.

Collaborative planning is a decision-making process through which multiple stakeholders who see different aspects of a problem can constructively explore their differences and jointly search for solutions that go beyond what any individual could create alone.

Existing development along Houghton Road corridor, Tucson, Arizona

Key principles required for collaboration:

- **Transparency of the process**
- **Diverse and representative stakeholders**
- **Ability of all participants to influence decision making**

Learning from Experience

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. The team used these interviews to answer a set of research questions concerning the benefits, challenges, costs and outcomes of collaborative planning on state trust lands. The observations and best practices in this report grew out of stakeholder reflections and perceptions, as well as the research team's external analysis. 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**

Case Study Research Questions

1. **What made the process collaborative?**
2. **What motivated and sustained the collaborative planning process?**
3. **What were the benefits and costs of the process?**
4. **How did the following factors influence the process:**
   - internal and external legal constraints?
   - agency structure, culture and politics?
   - leadership and facilitation?
   - interpersonal dynamics?
5. **How was the collaborative planning process structured to be effective?**
6. **How did the process incorporate scientific information?**

Southeastern New Mexico

Case Studies

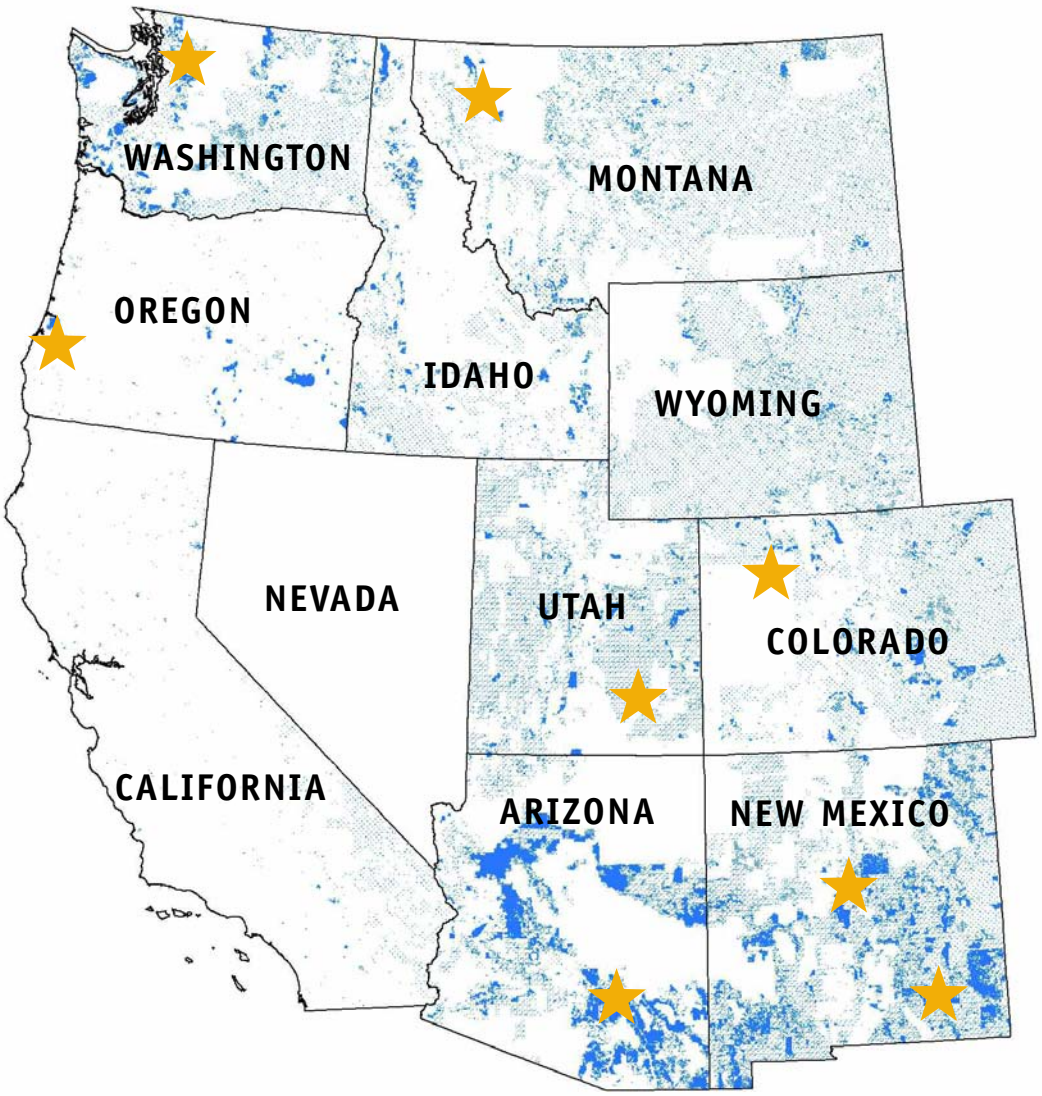
"Sure, the agency wanted to sell it, and we wanted to preserve it. But, there was a way to meet. There was a way to do both."

Ben Beall, Chairman of the Emerald Mountain Partnership, Steamboat Springs, Colorado

Emerald Mountain state trust land in Steamboat Springs, Colorado

The Eight Case Studies

The eight case studies span seven Western states and a range of issues, including land use planning in urban and rural settings and land management for oil, gas, ranching, forestry, open space conservation and watershed management. For some, collaboration involved multi-stakeholder advisory committees; others involved informal interactions and negotiations. The case studies ranged in duration from one year to more than 20 years.



Location of Case Studies and State Trust Lands

State Trust Land Case Study Site

Castle Valley Planning Process

Conserving Trust Land in a Distinctive Landscape

The small, rural community of Castle Valley is located in the beautiful red rock desert of southeastern Utah surrounded by 4,500 acres of trust lands. Many of the town's 350 residents describe themselves as "urban runaways" or "renegades" escaping the city for the harsh beauty of Utah's southeastern desert landscape.

In 1998, Utah's School and Institutional Trust Lands Administration (SITLA) decided to auction land at the base of Parriott Mesa, one of the prominent red rock geological features in Castle Valley. Previously unaware of the differences between trust lands and other types of state or federal land in the Valley, many community members realized that the loss of this natural open space was a possibility.

A group of concerned residents formed the Castle Rock Collaboration (CRC) to represent the conservation interests of the town. SITLA, CRC and the town government engaged in a multi-year process to plan for appropriate development and potentially allow for conservation options on the trust lands.

"A big part of the collaborative process was the relationship building that allowed [the community] to do business with SITLA. Through this relationship building, we hoped that we could have our ultimate conservation goal and also honor SITLA's mandate, which is to raise money for the school trust, so that it could be a win-win situation for everyone."

Laura Kamala, Director of Utah Programs, Grand Canyon Trust

The collaborative group experienced some challenges including achieving mixed success with community outreach, misunderstanding the role of the town in the collaborative process and perceiving mutually exclusive objectives — SITLA's goal was to generate revenue through development and the community's goal was to maintain open space and prevent development. However, there were a number of elements that facilitated successful interactions including creating partnerships, establishing shared goals and experiences and engaging in joint fact-finding. Group activities — hikes and celebrations of successes — kept many motivated. As participant Wendy Fisher explained, "You've got to focus on the quality of the experiences that everybody has … celebrate little milestones, little successes."

Because of the planning process, SITLA sold more than 700 acres of trust land for conservation purposes, achieving both revenue generation and protection of land valued for its natural resources, scenic beauty and wildlife habitat. A land exchange is currently pending with the Bureau of Land Management (BLM) for the remainder of the lands owned by SITLA in the Valley. If the land exchange is approved, the BLM will manage the land in Castle Valley for its conservation value.

Case Study 1

Location: Southeast Utah

Trust Lands Acreage: 4,500 acres

Collaborative Group: >15 participants

Interests Represented: Castle Valley community members and town officials, Utah SITLA

Duration: 4+ years

End Product: Land exchange proposal with the BLM

What Helped the Process?

- Partnering with other organizations helped CRC raise money for conservation purchases
- Shared experiences and joint fact-finding helped build positive relationships and ensure the legitimacy of information

What Was Challenging?

- Perception of mutually exclusive objectives slowed progress
- Lack of ways to communicate with the community impeded public education and outreach
- Difficulty clarifying participant roles caused miscommunication, particularly between CRC and the town government

Case Study 2

Location: Southwest Oregon

Trust Lands Acreage: 87,934 acres

Collaborative Group: 13-member Steering Committee, 11-member Core Planning Team

Interests Represented: Oregon DSL, state and federal agencies, trust beneficiary, county commissioner

Duration: 6+ years

End Product: Habitat Conservation Plan (HCP), Forest Management Plan

What Helped the Process?

- Committee established a well structured process that facilitated smoother interactions
- Including federal biologists in the process and drawing on their experience helped the committee create the HCP

What Was Challenging?

- Committee grappled with scientific uncertainty and how to interpret sometimes conflicting information
- Public misunderstanding of the importance of the trust mandate made it difficult to incorporate some public input

Elliott State Forest Planning Process

Planning for Fiduciary Responsibility and Threatened Species

Tucked away in southwest Oregon's Coast Range, the Elliott State Forest is home to the northern spotted owl, marbled murrelet and coho salmon, all federally-listed threatened species. The Elliott must be managed to produce revenue for the Common School Fund and also provide important wildlife habitat for these species. In recognition of these dual responsibilities, the Oregon Department of State Lands (DSL) applied for a Habitat Conservation Plan (HCP) in response to the federal listing of the spotted owl and the marbled murrelet in the early 1990s. In 1994 and 1995 as part of the HCP, a 60-year Incidental Take Permit (ITP) was issued for the spotted owl and a six-year ITP was issued for the marbled murrelet.

In response to the looming 2000 expiration of the marbled murrelet permit, the State Land Board, DSL and the Oregon Department of Forestry convened a planning process to create a more comprehensive HCP. A bi-level committee was established to revise the HCP and the Forest Management Plan (FMP) that determines long-term management of the forest. The Steering Committee addressed policy issues and the Core Planning Team focused on scientific issues. Public input was solicited through meetings, on-line comment, and a newsletter.

Throughout the six-year process, both committees overcame significant challenges including interpretation of scientific data, lack of public interest in the process, and limited guidance on what would be acceptable from the federal agencies.

"In any team exercise, the collaborative efforts of the people around the table are always better than the efforts of just one party alone. Though there isn't always 100 percent agreement on the direction to go, at least … different points of view are expressed, and the final decision at least gets weighed against those points of view."

John Lilly, Manager, Asset Management Section, Oregon Department of State Lands

Despite these challenges, the Steering Committee developed plans expected to meet federal requirements and the needs of the DSL and local communities. Factors that contributed to the success of the process include the relationships that developed between committee members, the commitment level of participants, the bi-level structure of the process and the use of scientific tools such as ecosystem and forest modeling. Inclusion of the county commissioner and a trust beneficiary representative also facilitated greater buy-in to the process.

Pending initial approval from the State Land Board and the Board of Forestry, the HCP will be submitted for approval to the U.S. Fish and Wildlife Service and National Marine Fisheries Service in 2007. The FMP will likely be approved by both boards if it is approved by federal officials.

Emerald Mountain Planning Process

Partnering to Achieve Trust Objectives and Protect Local Landscapes

As with many of Colorado's ski towns, the landscape around Steamboat Springs has changed as out-of-towners moved into the area and purchased land for residential use. Emerald Mountain is a large tract of state trust land west of the city cherished for its agricultural use, wildlife habitat and scenic beauty. When the Colorado State Land Board (SLB) began to consider developing the parcel in the early 1990s, citizens in Steamboat Springs wanted to explore other revenue generating opportunities to protect Routt County's agricultural heritage and open space.

To meet the needs of the trust to generate funds for public schools as well as the needs of the community, the SLB entered into an informal collaboration with the Steamboat Springs community in 1993. In 2000, the group evolved into the Emerald Mountain Partnership, a non-profit organization working to identify ways to protect the property's agricultural, scenic and recreational values.

"Working with the Partnership took the controversy out of what we might otherwise have done, and gave the community the opportunity to participate so that the end result met their interests as well as ours."

Beverly Rave, Northwest Representative, Colorado State Land Board

The Emerald Mountain Planning Process encountered several challenges throughout its twelve-year history, including unbalanced representation, unanticipated opposition to a land exchange, and difficulty achieving the SLB's revenue goals. While the Partnership explored several options to protect the parcel, the SLB needed "market value" which increased over time. Through the twelve-year process, the SLB generated some revenues from the parcel through a planning lease and agricultural leases; the final land transaction price will include the appreciated cost of the land totaling approximately $17 million.

Despite these challenges, the SLB and the Partnership stayed at the table and eventually found a solution that generated revenue for the trust and protected public values. One helpful tool for the process was contractual agreements between the county and the SLB, including a planning lease and a Memorandum of Agreement. These agreements gave the Partnership legitimacy, incentives to commit to the process, and time to explore a range of strategies.

The Partnership successfully coordinated a land exchange between the Bureau of Land Management (BLM) and the SLB that benefited both agencies. Through this transaction, the BLM will allow local landowners to acquire several small, scattered, difficult-to-manage parcels within Routt County to raise approximately $17 million needed to acquire the Emerald Mountain parcel. The exchange is currently pending the results of parcel appraisals and an environmental assessment.

Case Study 3

Location: Steamboat Springs, Colorado

Trust Lands Acreage: 12,900 acres

Collaborative Group: ~25-member Emerald Mountain Partnership

Interests Represented: Colorado SLB, ranchers, county and city officials, recreation, local land trust, public

Duration: 12 years

End Product: Land exchange and Management Plan alternative

What Helped the Process?

- Contractual agreements between the county and the Colorado SLB gave the planning group legitimacy
- Passionate local elected official led and motivated the process

What Was Challenging?

- Community struggled to generate solutions that achieved market value for the SLB, adding to the length of the process
- Partnership failed to expand its membership when the scope of the project broadened

Case Study 4

Location: Tucson, Arizona

Trust Lands Acreage: 7,742 acres

Collaborative Group: 29-member Citizens Review Committee

Interests Represented: Arizona SLD, neighborhood groups, urban planning and development professionals, local businesses

Duration: 2 years

End Product: Houghton Area Master Plan

What Helped the Process?

- City of Tucson and the ASLD shared a common goal of planning for development in the area
- Most participants had a professional, financial or personal interest in the outcome that motivated them to come to the table

What Was Challenging?

- A lack of comprehensive scientific and economic information about the area at the outset of the process delayed progress on the plan
- Uncertainty about whether the plan would be implemented frustrated some participants

Houghton Area Master Plan Process

Planning for Future Urban Growth

In southeastern Arizona, mountain vistas and the ecologically diverse and beautiful Sonoran Desert surround the City of Tucson. Like many popular western cities, Tucson is experiencing significant growth as more and more people make their home there. As Tucson's growth pattern shifts from northwest to southeast, a large section of undeveloped land on the southeastern edge of the city known as the Houghton Road Area is projected to become the focus of development. Most of the land in this area is state trust land, owned and managed by the Arizona State Land Department (ASLD).

The City of Tucson's Department of Urban Planning and Design decided to take advantage of the opportunity to develop a comprehensive growth strategy for this large, undeveloped area to meet the needs of Tucson's growing population. In 2003, the city initiated a collaborative planning process for the development of the Houghton Area Master Plan (HAMP) and created a Citizens Review Committee. The city invited the ASLD to participate on the committee and an agency planner agreed to serve in an advisory role on state trust land-related issues.

"Our mission and [the ASLD's] mission have a lot of overlap, and by working together instead of against each other we'll have a better outcome. Both of us will be in a better position to fulfill our respective organizational objectives."

Albert Elias, Director, City of Tucson Department of Urban Planning and Design

Throughout the planning process, the Committee encountered a number of challenges including unfamiliarity with the parameters of the ASLD trust mandate, constrained resources, and lack of comprehensive information and research for planning decisions. Although the appropriate maps and research for the planning area were eventually completed, some participants found the delays difficult and thought they interrupted the productivity of the experience.

In spite of these challenges, the collaborative effort successfully produced a master plan for the area. There were a number of factors that helped the process, including the parties sharing a common goal and recognizing that they could create a better plan by working together.

The HAMP was completed in 2005 and was unanimously adopted by the Tucson Mayor and City Council. In order to achieve the development goals put forward in the HAMP, the city has encouraged the ASLD to use the plan as a guide as it begins to sell land in the area for development.

Case Study 5

Location: Whatcom County, Washington

Trust Lands Acreage: 15,700 acres

Collaborative Group: Lake Whatcom Interjurisdictional Committee

Interests Represented: Washington DNR, state environmental and health agencies, local government, tribes, community

Duration: 4 years

End Product: Landscape Plan

Lake Whatcom Landscape Planning Process

State Forest Planning for a Municipal Watershed

Lake Whatcom is the primary source of drinking water for approximately 87,000 residents in Whatcom County, Washington. More than half of the lake's watershed is state trust land, managed by the Washington Department of Natural Resources (DNR). In 1983, a landslide, precipitated by a major rainstorm and exacerbated by decades-old logging practices, washed homes, cars and 65 acres of timber into the lake. More recently, urban development and timber harvesting in the watershed have contributed to deterioration of water quality.

In response to local residents' concerns about the effect of proposed timber harvest activity on public safety and water quality, the Washington State Legislature passed a bill in 2000 placing a moratorium on logging on state trust lands in the watershed. The bill also directed the DNR to work collaboratively with a committee consisting of representatives from other state agencies, local government, tribes and the public to develop a Landscape Plan for the area.

"The group was willing to learn new information, and they were committed enough to make the effort to be prepared for every meeting. I'd say that is a prerequisite of an effective group. They have to be willing to compromise. They cannot be intransigent in their positions. A major victory was getting a plan with consensus."

Richard Rodriguez, Regional Planner, Washington State Department of Health

The committee faced several challenges including mistrust between the committee and the DNR, transitions in agency leadership, and time delays. There was also a long dispute over the decision-making authority of the committee — the committee assumed that the DNR was a member of the group, while the DNR wished to retain its sole decision-making authority. Ultimately an attorney-general opinion stated that the committee was advisory to the DNR, but the disagreement delayed the process and contributed to mistrust between the committee and the DNR.

Several factors kept the process going, including legal and financial incentives to proceed, local commitment, professional facilitation and a clear shared purpose to protect the area's water quality and public safety by all members. Mary Dumas, one of the professional facilitators, observed, "A clear sense of purpose helps make collaboration successful … People have to see value in what they are doing … This group had a lot of drive to keep going."

In 2004, the Washington State Board of Natural Resources approved the Landscape Plan and the DNR began implementation. However, in January 2005 neighboring Skagit County and the Mount Baker School District filed a lawsuit challenging the Landscape Plan, alleging that it resulted in benefits for the local community at the expense of trust beneficiaries.

What Helped the Process?

- Professional facilitators provided neutral guidance, improved interpersonal relationships and made the process more efficient
- Requiring participants with dissenting opinions on group decisions to write minority reports allowed them to document their opinions and discouraged unproductive opposition

What Was Challenging?

- Dispute over decision-making authority caused delays and created tension between the committee and the DNR
- Historic mistrust between the DNR and the community impeded relationship building

Case Study 6

Location: Albuquerque, New Mexico

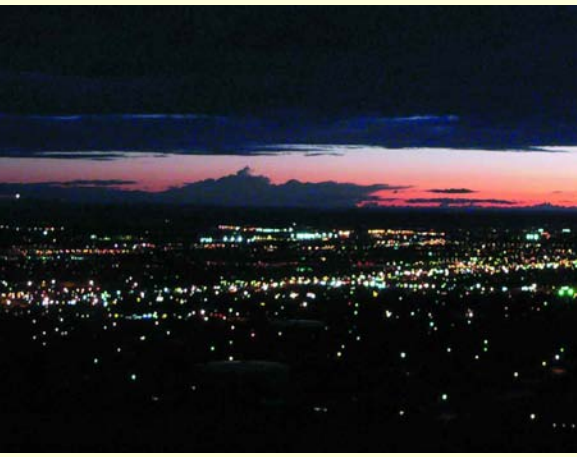
Trust Lands Acreage: 12,900 acres

Collaborative Group: Informal collaboration

Interests Represented: New Mexico SLO, beneficiary, adjacent landowners, conservation groups

Duration: 20+ years

End Product: Master Development Plan



Mesa Del Sol Planning Process

Partnering with the Beneficiary and Private Sector for Large-scale Urban Development

Five minutes southeast of downtown Albuquerque, New Mexico, sits a large, undeveloped parcel of state trust land. The 12,900-acre Mesa del Sol parcel recently came under intense development pressure as Albuquerque's population exploded. The New Mexico State Land Office (SLO) first tried to auction Mesa del Sol in 1987, but the beneficiary, the University of New Mexico (UNM), sued because it had not been adequately involved in crafting the details of the sale. In response, over the next 20-plus years the SLO focused on developing a strong relationship with UNM and other interested parties through a series of informal collaborative strategies focused on relationship building and open communication.

Throughout this long process, the SLO faced several challenges, including participant turnover, disagreements about development plans, and political roadblocks. Politically connected development interests overwhelmed supporters of the Mesa del Sol project, forcing it to take a back seat to other development projects. Several participants noted that success largely depended on the "political stars" aligning, meaning the Mayor, City Council, UNM and other influential parties.

"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."

Ray Powell, Former Commissioner of Public Lands, New Mexico State Land Office

Despite these challenges, the SLO was able to attract a well-respected developer for the project and to maintain valuable collaborative relationships with all interested parties. Factors that helped facilitate this success were the SLO's active outreach, the Commissioner's compelling vision and the relatively informal structure of this collaborative process. The less structured approach enabled the agency to address the unspoken needs and interests of neighbors, particularly the Isleta Pueblo and Kirtland Air Force Base. For some parties, this format may have been the only acceptable vehicle for collaboration.

Today, after a complex land exchange and development agreement in 2002, a public-private partnership will develop Mesa del Sol under a lease structure that provides greater revenue to the trust beneficiary than a traditional auction. The development will comply with the City of Albuquerque's comprehensive Planned Communities Criteria that combines principles of mixed-use, high-density development and open space.

What Helped the Process?

- Commissioners had compelling vision for the project and worked to gain support from others at SLO, community members and other interested parties
- SLO partnered with a development company that was seen as legitimate by a range of interested parties because of its strong credentials, technical ability and reputation for working with community interests

What Was Challenging?

- Competing political interests and agendas delayed the project
- Extensive length of the process made it difficult for some interested parties to remain consistently involved

Southeast New Mexico Working Group

Precluding Endangered Species Listing by Integrating Conservation and Livelihoods

Southeast New Mexico is the traditional home of the striking and unique lesser prairie chicken, a bird that has experienced massive population declines over the past century. This portion of the state, consisting of 1.2 million acres of Bureau of Land Management (BLM) land, 680,000 acres of state trust land and assorted private land, has been managed by generations of New Mexicans for oil and gas extraction and ranching. After several statewide efforts to protect the lesser prairie chicken from further decline, federal protection under the Endangered Species Act (ESA) became a real possibility in 2002.

In an attempt to mitigate harm to prairie chickens and sand dune lizards (another species under threat in similar habitat), and to prevent the need for federally-imposed restrictions on oil and gas and ranching land by ESA regulations, the BLM initiated a Resource Management Plan (RMP) Amendment process to update provisions for land management in the area. The BLM, in cooperation with the New Mexico Department of Game and Fish, convened a stakeholder Working Group to inform the RMP Amendment Process and create a conservation plan.

Over the next two and a half years, participants came to the table to design feasible conservation strategies that would preclude the need for listing under ESA while protecting livelihoods in the area. The State Land Office (SLO) was an active participant in the process even though the amended RMP applies only to BLM land. Commissioner of Public Lands Patrick Lyons noted that coordinated management with other agencies "makes land management so much easier" and that if the prairie chicken were listed as endangered "there would be an economic fallout in New Mexico" because of restrictions on oil and gas production activities.

"I know the BLM will go to the judge and say, 'Look, we got agreement from all different aspects that are involved down there and they worked together for a long period of time. You're not going to come up with anything smarter than what they came up with. So look and see what their conclusions are.' And I think they'll buy that."

John Clemmons, rancher, New Mexico, reflecting on how the collaborative planning process could be beneficial in diffusing lawsuits

The Working Group encountered several challenges including mistrust and stereotyping, inadequate representation, and lack of scientific data and maps. Without data and habitat maps, oil and gas industry representatives could not see how potential restrictions would affect their operations. Eventually, the group obtained these resources and reached a consensus on a final conservation plan. Indeed, the pressure to meet the BLM's deadline for input is cited by many participants as the only reason the group started making significant headway.

After submitting portions of the Conservation Strategy for consideration in the RMP Amendment process, the Working Group currently is forming an Implementation Team to guide the plan's on-the-ground application.

Case Study 7

Location: Southeast New Mexico

Trust Lands Acreage: 680,000 acres

Collaborative Group: >30 members

Interests Represented: New Mexico SLO, BLM, state and federal wildlife agencies, ranchers, oil and gas developers, conservationists

Duration: 2.5 years

End Product: Conservation Strategy and potential BLM Resource Management Plan Amendment Alternative

What Helped the Process?

- Clear deadline pushed members to work to find creative solutions
- Subcommittee provided a confidential forum for members to discuss interests and develop creative options

What Was Challenging?

- Lack of scientific data and maps of habitat impeded negotiations and progress on substantive issues
- Negative stereotypes and mistrust made it difficult for participants to build relationships and make mutual concessions

Case Study 8

Location: Northwest Montana

Trust Lands Acreage: 13,000 acres

Collaborative Group: 12-member Advisory Committee

Interests Represented: Montana DNRC, Flathead County Schools, business, real estate, tourism, timber, recreation

Duration: 1.5 years

End Product: Neighborhood Plan

Whitefish Neighborhood Planning Process

Land Use Planning for a Growing Community

Located just outside Glacier National Park in northwest Montana is the town of Whitefish. Originally a railroad and logging community, Whitefish has become a resort destination in recent years thanks to its scenic surroundings. The town has experienced a tourism boom, including an influx of celebrities and wealthy individuals who have built lavish vacation homes and have significantly changed the community's demographics and economy. In May 2003, motivated by this growth and development interest, the Montana Department of Natural Resources and Conservation (DNRC) initiated a Neighborhood Planning Process on 13,000 acres of trust lands in the immediate vicinity of Whitefish. The Neighborhood Plan was to guide the potential conversion of trust land parcels from timber production to non-traditional uses including real estate development.

The planning process initially solicited community input through facilitated public meetings and small breakout groups. This approach upset the Whitefish community, which felt detached from DNRC decision making. To become more involved, community members petitioned the State Board of Land Commissioners to charter a stakeholder group to work collaboratively with the DNRC. The result was a 12-member Advisory Committee.

Over the course of a year, the Advisory Committee faced a variety of challenges including the public's unfamiliarity with state trust lands, mixed messages from the DNRC and problematic facilitation. According to one participant, "while [the facilitator's] intentions may have been good, she was hamstrung from the beginning because she was hired by [the DNRC], who wasn't trusted." Without a neutral facilitator, the Advisory Committee struggled to develop ground rules, build a common understanding about key issues and clarify what interests were being represented.

"I think it almost epitomizes a collaborative process ... In the beginning you have parties who can't agree and don't trust each other. And by the time you're done, you've reached a solution neither one of you would have thought of in the beginning, but both think is a success at the end."

Bob Sandman, Area Manager, Northwestern Land Office, Montana Department of Natural Resources and Conservation

Despite these challenges, the Advisory Committee developed a plan that met the obligations to the trust and the community's interests. Factors that contributed to this success included having the Mayor of Whitefish and the Flathead County Commissioner determine the Advisory Committee membership, legitimizing the process for the community because their elected officials determined who would develop the Neighborhood Plan. Local involvement also helped build trust between the community and DNRC.

In late 2004, the State Board of Land Commissioners, town of Whitefish and Flathead County approved the Whitefish Area Neighborhood Plan. While the Neighborhood Plan is not a regulatory document, it will become a key part of future growth policies in the area.

What Helped the Process?

- Providing the community with significant decision-making power legitimized the process and created community buy-in
- Participants' dedication, expertise and financial resources helped them create options that would have otherwise been unavailable to the DNRC

What Was Challenging?

- Public was unfamiliar with state trust mandate and perceived it to be ambiguous, which resulted in lengthy debates and mistrust
- Professional facilitator was considered biased because she was hired by the agency

Lessons

"Collaboration often takes longer, but because the strategies represent a shared vision, they are more likely to be implemented on the ground, and actually make a difference."

Jennifer Parody, US Fish and Wildlife Service and participant in the Southeast New Mexico Working Group

State trust land in Albuquerque, New Mexico

Benefits and Costs of Collaborative Planning

The eight case studies illuminated a variety of benefits and costs from collaborative planning for the trust, the environment and participants in the process. We identified two categories of benefits in our analysis of the cases. *Primary* benefits are those that were directly related to the projects' goals and relate to *outcomes* of the process. *Secondary* benefits are those that were not set as goals but are seen nonetheless as *process* benefits by the participants and researchers.

Primary Benefits

Agency obtains the value of state trust land parcels that were previously held up by conflicts and impasses. Value is achieved or increased by facilitating transactions, reducing business risk for future developers, increasing land value by establishing adjacent open space, meeting regulations and extraction goals more effectively or by giving beneficiary groups greater say in the process (7 of 8 cases)

► The Emerald Mountain Planning Process enabled the agency to obtain the market value of a parcel of land that had been mired in conflict. Former Colorado State Land Board Director Charles Bedford summarized this accomplishment as, "resolving a set of disputes that is impeding the value realization of a piece of state property." The estimated $17 million generated from the land exchange will then be invested into higher revenue-generating properties to further benefit the trust.

Sedona, Arizona

"While we can sit back and say, 'Well, we're the state and we're not going to listen to your plan and if you don't like our plan we're going to take our ball and go home,' that really doesn't further our mission of generating revenue."

Mark Winkleman, Commissioner, Arizona State Land Department

An improvement in the natural environment by protecting habitat and/or increasing environmental quality (6 of 8 cases)

► The Castle Valley Planning Process established critical habitat for the La Sal mule deer when Utah's School and Institutional Trust Lands Administration entered into a negotiated sale with Utah Open Lands, a state-wide land trust.

An improvement in the urban environment by including provisions for infrastructure, density, mixed-use development and/or open space (4 of 5 cases involving land use planning)

► The Houghton Area Master Plan, developed through a collaborative effort initiated by the city of Tucson and including the Arizona State Land Department, and other interested parties, incorporated elements of new urbanism including denser development, more walkable communities and the inclusion of open space in the overall design.

A higher quality solution that is more durable and creative, and often better incorporates science and expert knowledge (8 of 8 cases)

► The collaborative group involved in the Emerald Mountain Planning Process in Colorado helped facilitate a land exchange as a creative way to generate revenue for the trust and achieve the community's conservation goals.

Secondary Benefits

New and improved relationships that built trust, created a productive atmosphere and/or developed professional networks (8 of 8 cases)

► Participants in the Southeast New Mexico Working Group improved their relationships and grew to trust and better understand each other by working together. This helped them interact more productively and also created the opportunity for positive relationships in the future.

Improved understanding and awareness of state trust lands (8 of 8 cases)

► In Utah, trust land agency Director Kevin Carter noted that those who "were involved in the collaboration certainly understand who Utah's School and Institutional Trust Lands Administration is better." The parties' understanding of the unique management mandate of the agency helped them work together toward a solution.

Improved state and/or federal agency coordination (3 of 4 cases)

► State agency participants in the Elliott State Forest Planning Process believe they will be able to work with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service more effectively in the future after collaborating with them to create a habitat conservation plan for the Elliott State Forest.

Costs

Reduced value of trust assets by limiting future revenue (1 of 8 cases)

► Officials with the Washington Department of Natural Resources believe that the Landscape Plan developed for the Lake Whatcom watershed restricts timber harvesting beyond what state and federal laws require, thereby reducing trust revenue.

A loss of environmental protection (1 of 8 cases)

► Environmental groups involved in the Elliott State Forest Planning Process feel that the Habitat Conservation Plan proposed by the Oregon Department of State Lands and the Oregon Department of Forestry will in fact reduce habitat protection for the spotted owl and marbled murrelet.

Direct planning costs including wages for those participating, meeting costs, facilities and expert consulting (8 of 8 cases)

► The Washington Department of Natural Resources (DNR) estimated it cost a significant amount of money to prepare an Environmental Impact Statement and the Lake Whatcom Management Plan. The money was deducted from the DNR's general management account, which means that all the trust beneficiaries, not just those whose trust land is contained in the planning area, incur the plan's development costs.

Existing housing development in Houghton Road area, Tucson, Arizona

Parriot Mesa in Castle Valley, Utah

Emerald Mountain, Steamboat Springs, Colorado

"Collaborative processes take an awful lot longer time initially than directed processes. However, over the long-term, I think you save a lot of time, arguments and future controversies by having the right folks involved from the get-go."

Dan Shults, Southern Area Director, Oregon Department of Forestry

Opportunity costs, defined as the value of activities that groups or individuals gave up by participating in the process, including forgone wages, travel and preparation time (8 of 8 cases)

► A rancher in Colorado spent over a thousand hours participating in the Emerald Mountain planning process. This time came out of his personal time because he could not take time away from working on the ranch.

Personal and emotional costs (6 of 8 cases)

► Wendy Fisher, a participant in the Castle Valley Planning Process, reflected on how collaborative processes can result in personal and emotional costs, "You get personally involved. It can be emotional and it can be draining. And you make friends and you lose friends."

Public relations issues as a result of controversial decisions, community criticism and conflicts of interest (3 of 8 cases)

► The increased transparency of collaborative processes can invite a higher level of public scrutiny and criticism. This was the case in Whitefish, Montana, where some community members wrote negative letters to the editor about the Neighborhood Planning Process.

Participants in the Castle Valley Planning Process on a field trip to Castle Valley

"I certainly think that collaboration is important. Talking to each other is essential, particularly on these land issues that matter so intensely to people, that affect their lives."

Margaret Bird, Beneficiary Representative, Utah State Office of Education

Balancing the Benefits and Costs

When determining the success of a process, it is difficult to value benefits and costs in comparable terms. It is also challenging to assess how the benefits and costs of a collaborative process compare to the benefits and costs of a more traditional management approach. Ideally, collaboration is a tool that helps overcome stalemate in conflict and leads to solutions that satisfy a greater range of stakeholder interests while maintaining and enhancing the value of the trust. When asked if the process was successful or whether they would collaborate again in the future, 80 percent of participants of collaborative processes said yes. This speaks to the overall benefit of collaboration as a management tool.

Collaborative Planning and the Trust Duty: Unique Opportunities and Challenges

Collaborative planning can be a powerful tool for trust land agencies to overcome stalemates and avoid and resolve conflicts that may impede management. The eight cases demonstrate that collaborative planning can lead to enduring solutions that meet the trust responsibility and fulfill broader public interests. However, because of the unique nature of the trust duty, several observations emerged regarding the trust responsibility and the collaborative planning process that merit additional attention.

Trust land managers are in a better position to collaborate and can allow for more creativity at the table than federal agencies. State agencies are unencumbered by federal laws such as the Federal Advisory Committee Act (FACA), which can impede collaborative planning by requiring agencies to follow elaborate guidelines when asking for and receiving advice from outside parties. Instead, state agencies can participate in a free exchange of ideas with any individual or group.

As long as trust requirements are met, trust land agencies can give more latitude to the collaborative group to develop creative and innovative solutions than can federal agencies. For example, Utah's trust land mandate requires the School and Institutional Trust Lands Administration (SITLA) to provide long-term revenue for the trust. According to SITLA Assistant Director of Planning and Development Ric McBrier, this duty compels the agency to listen to community interests and consider how relationships with the public will influence trust land management in the future. McBrier explained that, "We practice a philosophy here in Utah where ... there's room to pay attention to community interests. When you have 7,500 pieces of land, you're not just doing one transaction; you have a legacy and a long-term engagement that is very important to pay attention to, beyond just the money. I think that gives us flexibility." In the Castle Valley Planning Process, this flexibility enabled the Castle Rock Collaboration and SITLA to explore creative ways, like a conservation sale, to achieve both the revenue needs of SITLA and the open space interests of the community.

Poor public understanding of the trust land mandate creates a barrier that collaborative groups must overcome early on in a planning process. Because participants do not always understand the nature of the trust duty, collaborative groups can prolong the planning process by exploring solutions that will not generate adequate revenue. For example, the Emerald Mountain Partnership in Colorado struggled for several years to develop options that would protect the multiple-use values of area state trust lands. According to Charles Bedford, former director of the Colorado State Land Board (SLB), "Every six months, they would come back in and brief the Board on where they were, show the Board what they had and the Board would say, look, there's no revenue here. There's no way for us to capture any value.

"Rules and laws have made it impossible for federal officials to come in and collaborate. The system punishes innovative employees in federal agencies. Trust land agencies can collaborate because they are charged with generating revenue. We've set Utah's trust rules up pretty liberally."

Margaret Bird, Beneficiary Representative, Utah State Office of Education

Ranch adjacent to state trust land in Steamboat Springs, Colorado

"There were a lot of people over there that were convinced that if they just pushed hard enough or waited long enough, the Land Board would just give [Emerald Mountain] to them. And we couldn't do that. So, changing those expectations or clarifying those expectations was tough."

Beverly Rave, Northwest Representative, Colorado State Land Board

So go back to the drawing board. So they'd grumble and go back to the drawing board." After years of brainstorming and coming to understand and accept the agency's need to obtain "market value" for the parcel, the group successfully coordinated a land exchange with the BLM that would satisfy the SLB's revenue generation obligations. Driven by the trust mandate, this exchange is expected to generate approximately $17 million for the agency to then reinvest in higher revenue-producing properties.

Lack of public awareness of the trust mandate also can impede coordination with local governments. Indeed, in the Whitefish Neighborhood Planning Process, local county and city growth policies incorrectly regulated trust lands as if they were state or federal lands. These policies consequently designated trust lands for open space and recreational use and assumed that, like state and federal lands, the trust lands would remain as such indefinitely. To counter this misinformation and facilitate the collaborative planning process, the Department of Natural Resources and Conservation (DNRC) spent significant time before and after the formation of the Advisory Committee educating these local governments and other stakeholders about the trust mandate.

John Clemmons, rancher and participant in the Southeast New Mexico Working Group, and researcher Emily Kelly on Clemmons' ranch near Roswell, New Mexico

"Regulatorily it's a lot easier to collaborate on state level [than a federal level]. Culturally and institutionally, it's dependent on the personalities within the land boards. They have the flexibility, whether they want to use it or not, that's another question."

Charles Bedford, former Director of the Colorado State Land Board and participant in the Emerald Mountain Planning Process

There can be a prevailing attitude that is embedded in state trust land agency tradition and culture that the fiduciary duty limits agency participation and in some instances rejects broader public participation in decision making. This mindset inhibits trust land agencies from embarking on collaborative planning processes and deters them from full participation. Unfortunately, without agency participation, collaborative processes are less likely to generate a solution that satisfies agency duties. For example, the Arizona State Land Department (ASLD) interprets its mandate to limit its ability to make concessions at the table. The agency is wary of being held to an outcome that it legally or philosophically cannot support. As a result, the ASLD participated in the Houghton Area Master Plan Process as a resource rather than a voting member of the group. This passive role discouraged other participants because they could not gauge whether their ideas were favorable for the ASLD, and they had no assurances that their plan would be implemented. According to one member of the Citizen's Review Committee, it was "difficult with the State Land Department sort of sitting back and saying we'll wait and see what you come up with and see if we support it or not."

Similarly, the Montana DNRC initially assumed it should limit public participation in Whitefish to a standard public input process. This approach provoked a backlash from community members who were dissatisfied to be detached from DNRC decision making. The agency realized the need to allow the public to play a greater role, and this mid-stream shift produced the Whitefish Neighborhood Planning Process and generated a plan that successfully fulfilled the agency's mandate.

Deciding When to Collaborate

For collaborative planning to be successful, stakeholders must be motivated to come to the table and work toward a joint solution. In many of the cases in this report, significant financial, personal or professional stakes in the outcome inspired many to get involved. For example, ranchers and oil and gas industry professionals involved in the Southeast New Mexico Working Group joined the effort to develop a conservation plan for the lesser prairie chicken and sand dune lizard out of concern that their livelihoods would be negatively affected. If the species were listed as endangered, oil and gas drilling and grazing activities might be restricted and revenues from these activities would decrease.

Stakeholders also can be motivated by a community's strong sense of place, common goals, a shared sense of threat or a lack of alternatives to achieve their interests. Under these conditions, a joint solution may be a stakeholder's only hope to influence an important decision. For example, diverse interest groups in Steamboat Springs, Colorado, came to the table to respond to the threat of development on state trust land they valued for its scenic qualities and agricultural uses. These individuals overcame significant differences to work with the Colorado State Land Board in a collaborative planning effort to develop alternative sources of revenue from the parcel.

Steamboat Springs, Colorado

"[We] were thinking, 'There's got to be a different way than just lawsuits to manage wildlife and to manage land.' I think we're all kind of mentally and emotionally ready to try something different."

David Coss, New Mexico State Land Office and participant in the Southeast New Mexico Working Group

From the state trust land agency's perspective, collaborative planning can be a wise option if the public actively has petitioned to be involved in an issue and if the agency has found customary mechanisms for public input to be insufficient. For example, in Whitefish, Montana, the Department of Natural Resources and Conservation was pressured to work with a collaborative Advisory Committee to create a Neighborhood Plan for 13,000 acres of state trust land in response to the community's criticism of the original planning effort and their interest in being involved in the process. In the Lake Whatcom Landscape Planning Process, trust land managers were formally mandated to engage in a collaborative planning process.

Best Practices

► **Identify all stakeholders and determine if those who are necessary for a successful outcome are interested in participating and if their participation is legally appropriate.** Contact potential stakeholders via telephone, mail or email. Assess their level of interest in participating and find out if there are any legal restrictions requiring or limiting their involvement.

► **Assess the situation and the incentives facing potential participants when deciding whether or not to invest time and resources in collaborative planning.** Key factors to consider are whether all stakeholders have a financial, personal or professional stake in the outcome; whether they are willing to devote the necessary time and energy to the process; and whether the issue can be addressed effectively through other decision-making methods.

► **Secure support and resources from trust land agency decision makers for the collaborative planning effort.** Ensuring that those with decision-making authority will dedicate staff time and financial resources to the process can validate the process as an appropriate exercise that will guide agency decisions.

Best Practices

► **Define the collaborative planning process and specifically relate it to agency decision making.** Specifying the diverse representation of stakeholders, the degree of process transparency and the relationship of the process to agency decision making are useful starting points for drafting this definition. Include this definition in the information distributed to participants.

► **Determine whether other legal processes are ongoing or if other legal constraints exist and assess how these factors will affect the process.** Legal processes may include an Environmental Impact Statement process, zoning ordinance review or lawsuit. Survey federal, state and local law with trust land issues, keeping stakeholders in mind to determine which regulations will apply to the collaborative planning process.

► **Identify process objectives and create ground rules as a group at the outset of the collaborative effort.** Objectives can take the form of a mission or vision statement, guiding principles or shared goals. A group can use ground rules to encourage productive behavior like common courtesy, candor and listening with an open mind or to discourage destructive behavior by prohibiting activities like side meetings and allowing for cooling off periods.

Setting Up a Successful Process

Before engaging in a collaborative planning process, participants should agree on a common definition of "collaboration" so everyone involved understands how the process will influence agency decision making. For example, participants of the Lake Whatcom Landscape Planning Process had to seek external guidance when they realized midway into the process that they were unclear whether they served an advisory role to the agency or if they would have a direct impact on the final decision.

Collaborative groups may benefit from an early assessment of the legal issues that can affect the planning process. These factors include federal, state and local laws, which can add timelines and impose requirements that must be fulfilled concurrently with the collaborative process. For example, the Whitefish Neighborhood Planning Process in Montana unfolded simultaneously with a state-required Programmatic Environmental Impact Statement. This additional legal process fostered confusion and fueled mistrust between the Whitefish participants and the state trust land agency.

"The Principles for Success got the group engaged constructively, as opposed to destructively, in the process."

Marty Zeller, facilitator of the Castle Valley Planning Process, Utah

Parriott Mesa in Castle Valley, Utah

Since collaboration can be time-intensive and can require process management skills and scientific, technical and legal expertise, groups should consider whether they have the necessary financial and staff resources available before entering a process. For instance, in Arizona, the city of Tucson's Department of Urban Planning and Design lacked the staff time and funding to conduct adequate background research on the Houghton Road area, which slowed the process and held up plan development deadlines.

Groups also should develop their planning objectives and create ground rules to govern group interactions. In the Castle Valley Planning Process, the group created a set of Principles for Success that outlined how group members would interact with each other and established measurable goals, objectives and outcomes for the process.

Determining Who Will Participate

To ensure the collaborative group represents all necessary interests, it is important to identify all affected stakeholders, the issues that are likely to be discussed, and who is knowledgeable about them. For instance, in the Whitefish Neighborhood Planning Process, two community leaders used newspaper and email advertisements to solicit participants from the community for the Advisory Committee and received approximately 45 responses.

"It's about having people at the table who understand what is needed and have the ability to accomplish the goals set out."

Jeff Harvard, President, Harvard Petroleum and participant in the Southeast New Mexico Working Group

Southeast New Mexico

Collaborative groups can narrow the set of participants to a feasible size to foster productive meetings, while still ensuring the full range of interests is represented. For example, nearly 80 individuals attended the first Southeast New Mexico Working Group meeting. Prior to subsequent meetings, the group narrowed participation to 30 to 40 members by having each interest group elect representatives to participate in the collaborative process and to report back to their interest group.

Some collaborative groups encounter setbacks when they fail to expand membership as the process evolves to deal with emerging issues or to replace members who have left the group due to retirement, job transfer or dissatisfaction with the process. However, other groups effectively deal with changing participation. Two years after the Elliott State Forest Planning Process began, the Oregon Department of State Lands chose to include a beneficiary representative in the Steering Committee. Members of the committee brought the beneficiary representative up to speed by spending time discussing the process with him and going on tours of the forest.

Successful groups ensure that all levels of agency staff and leadership are represented in some way in the process to prevent community distrust of agency procedures and to provide an overarching vision for the project. For example, in the Southeast New Mexico Working Group, the lack of involvement of senior staff from federal agencies represented in the process caused frustration for some of the group members due to the lack of managerial buy-in for the final Conservation Strategy.

Best Practices

► **Involve representatives of all affected interests, document how they were selected and establish procedures to adjust membership composition.** Create a plan that provides clear justification for membership selection to revisit later if questions are raised about group composition. Include in this plan a method for replacing stakeholder representatives in case membership needs to be expanded or members need to be replaced.

► **Clearly-define interests and responsibilities for each participant involved in the process.** Set aside meeting time to candidly discuss the interests of each participant and whether these are personal interests or those of a particular stakeholder group.

► **Hold representatives accountable for their responsibility to their interest group.** If participants are selected to represent a stakeholder group, clarify expectations for how they will inform their constituents and solicit feedback that can be brought to the table.

► **Include local public officials.** Elected officials represent the general public and broaden group membership. Encourage their continued participation to boost the legitimacy of the process and galvanize external support and resources for the planning effort.

Best Practices

► **Take advantage of various legal tools to structure the collaborative group.** A group may be able to incorporate as a 501(c)(3) non-profit organization or may consider drafting a Memorandum of Agreement with another party to increase its fundraising capabilities, enable it to enter into legal agreements with other entities, increase its credibility, and potentially expand its influence over decision making.

► **Set and adhere to a timeline and deadlines, recognizing that collaborative processes often require more time than initially thought.** Creating a joint workplan that establishes realistic deadlines that account for specific participants' needs can help keep people on track and provide a framework to measure progress.

► **Consider allowing parties to jointly select and fund a professional, neutral and knowledgeable facilitator.** Groups can split the costs among several parties or raise funds from grants or donations to ensure all parties perceive him or her as credible, trustworthy and neutral.

Organizing the Process

Since there is no "one-size-fits-all" way to engage in collaborative planning, each process should be tailored to best fit the participants and the issues at hand. Using legal tools to formalize the collaborative group can provide structure and legitimacy to the planning process and create new opportunities to form partnerships with other parties. Setting clear timelines and deadlines help the group organize their work, provide interim goals, and help members track their progress toward a plan or agreement.

Leaders can mobilize state trust land planning efforts by gathering diverse stakeholders and providing an initial vision for the process. They also help maintain participants' energy and commitment by guiding, inspiring and representing others. While in some cases these leaders are members of the planning group, many groups formally select their leaders to serve as chairpersons. Chairpersons can act as a bridge between multiple parties, reach out to the broader community, and galvanize political and financial support via partnerships, fundraising opportunities and the media.

"What kind of outcome do we want? What kind of a timeframe do we want? Who should be represented on the committee? What are some processes that we have some experience with?"

Bill Wallace, Washington Department of Natural Resources and participant in the Lake Whatcom Landscape Planning Process, reflecting on the types of questions a collaborative group should ask at the beginning of a process

Emerald Mountain, Steamboat Springs, Colorado

For example, the chairman of the Emerald Mountain Planning Process in Colorado also served as the primary liaison with the State Land Board, presenting the group's ideas and concerns and gathering feedback from the agency. Many participants cite the chairman's dedication to the 12-year process as the source of the group's perseverance and eventual success.

Five of the eight collaborative groups in this report hired professional, neutral facilitators at some point in the process to provide structure to meetings, to smooth interpersonal tensions, to help the group identify interests and to build common ground. For example, several members of the Southeast New Mexico Working Group felt that their professional facilitators helped them reach a consensus by overcoming interpersonal tension and widespread distrust.

Creating a Decision-Making Structure

Before a process can begin, a structure must be developed to guide how the group will make decisions. Clarifying how the trust land agency and collaborative group will share decision-making power is an important first step. The trust land agency cannot give up its decision-making authority—the ability to make the final decision. However, decision-making power—the ability to influence the final decision— can be shared between the agency and other group members. If this distinction is unclear, the trust land agency may resist formally joining the collaborative planning process, and collaborative group members may become frustrated and uncertain about their roles in the process. This frustration can lead to tense interactions, as was the case for some members of the Citizens Review Committee in the Houghton Area Master Plan Process in Arizona.

Developing rules and procedures governing how decisions will be made can avoid the tension and conflict that arise because of power imbalances within the group by giving each participant an adequate voice in the process. A decision-making structure also prevents participants from advancing their interests at the expense of others' input. The Whitefish Neighborhood Planning Process in Montana faced such a challenge when, because no decision rule was put in place at the outset, a subset of Advisory Committee members strategically employed majority voting to remove valuable trust land parcels from discussion.

Having tools on hand for making difficult or controversial decisions may be necessary to help the group make sense of a complex decision. Creating opportunities to express minority opinions can help the group manage contentious decisions. For example, the Lake Whatcom Landscape Planning Process in Washington used a minority report to document substantive disagreements among group members. This approach encouraged constructive dissent but avoided disagreement for the sake of disagreeing.

"When it came down to a vote where we knew we wouldn't have consensus, we knew someone would have to write the minority report opinion … If you don't care enough to state why you are against it, why can't you just say you can live with it? People would often say, 'I guess I could.'"

Steve Hood, Washington State Department of Ecology and participant in the Lake Whatcom Landscape Planning Process

Lake Whatcom, Washington

Best Practices

► **Distinguish between decision-making power and decision-making authority and clarify how power is shared in the process.** A group charter is one way to clarify this sharing of power so that group members and the ultimate decision makers understand their respective roles.

► **Agree on a clearly-defined decision rule and specify voting procedures at the outset of the collaborative process.** If the decision rule requires "consensus," be sure to clearly define what consensus means, whether it is unanimous support, majority approval or otherwise. Ideally, each participant should have equal voting rights. However, if a process requires that only certain participants be allowed to vote, then the group should make that decision jointly.

► **Consider using minority reports or decision matrices to make difficult decisions.** A minority report enables group members who disagree with the majority to document their opinions. A decision matrix can help make sense of a complex decision by identifying a range of options and enabling the group to rank and re-rank them to meet process goals.

Best Practices

► **Encourage relationship building through formal and informal activities to help the collaborative group overcome stereotypes and foster trust and cooperation.** Site visits and other field trips, and informal interactions such as carpooling and group lunches can help participants build new relationships or mend old ones.

► **Identify unstated interests as early as possible to ensure transparency and avoid miscommunication leading to impasses.** Consider setting aside meeting times at the outset of the process to share interests and objectives and instituting ground rules that discourage hidden agendas.

► **Communicate frequently with the trust land decision makers if they do not have a seat at the table.** Meetings or presentations between the agency and either the entire group or selected group spokespeople can maintain the flow of communication.

► **Update the public periodically about the collaborative process and encourage public comment.** The group can open its meetings to the public, hold public hearings on particular issues, distribute a newsletter, create an informative website, and establish an email address for public feedback.

Helping Participants Work Together

Since people are the core of collaborative planning efforts, these processes need to help individuals create relationships, build trust and establish effective communication so they can collaboratively solve problems and create effective plans.

Taking group field trips, socializing together and engaging in joint fact-finding can help foster positive relationships. For example, in the Southeast New Mexico Working Group, the facilitators led the participants in "get to know you" meetings at the beginning of the process before moving into issue identification and education in order to build a sense of cooperation among participants and create a sense of shared understanding. Many participants found that these activities were helpful in forming a coherent group identity.

"The level of trust and interaction and willingness to work together is a benefit of the planning process that I would never have predicted at the beginning of the process. I think those bode well for the challenges that we face ahead."

Albert Elias, Director, City of Tucson's Department of Urban Planning and Design and participant in the Houghton Area Master Plan Process

Elliott State Forest, Oregon

A transparent process also can build trust and relationships by encouraging participants to openly discuss their interests and objectives, helping create a shared sense of understanding and identifying unstated agendas that may stifle the group's progress. For instance, the Lake Whatcom Landscape Planning Process Committee shared meeting minutes and other informational material among its members. They also instituted a "no surprises" rule prohibiting the release of information to the media before it was shared among all group members. Both practices built trust among group members.

Keeping participants, agency decision makers, other represented stakeholders, and interested members of the public up to date on progress helps to ensure that the process is on the right track and that it has buy-in from all parties. For example, the Oregon Department of Forestry published a newsletter during the Elliott State Forest Planning Process to provide updates on the progress of the process and to alert the community about upcoming opportunities for public input.

Sharing Information

A critical challenge that many collaborative groups encounter is the participants' need to understand the trust mandate and other laws regulating trust land management at the outset of the process. Discovering this information midway can jeopardize agreements and force stakeholders to restrict participation or even leave the process. For example, upon learning about Utah's development laws, the town of Castle Valley distanced itself from the Castle Valley Planning Process during the planning effort to avoid conflicts of interest. This decision hurt relationships and created an adversarial atmosphere.

"I think that … having everyone sitting at a table looking at maps together with the same information helped build a level of trust about what was really going on with the land and what the options really were."

Marty Zeller, facilitator of the Castle Valley Planning Process, Utah

Castle Valley, Utah

Scientific data, maps and historical documents can help a collaborative group understand and evaluate the range of available options. However, science can become a challenge if the group lacks necessary expertise, and scientific uncertainty can fuel disagreements and complicate decision making, delaying the planning process. For example, when scientific data threatened oil and gas leases, industry representatives in the Southeast New Mexico Working Group criticized the information, pointing to scientific uncertainty. As a result, additional research was required, which prolonged the process. Several case studies illustrate that using a shared process to collect and analyze data can resolve such conflicts by providing the group with an agreed-upon base of information while simultaneously building understanding, trust and support. Group fact-finding and mapping during the Castle Valley Planning Process helped the group improve relationships and build trust while gaining needed information about the environmental constraints and development potential of area trust lands.

Best Practices

► **Reserve meeting time to learn about the trust mandate and other legal constraints; do not assume that this information is commonly understood.** Presentations by the trust land agency and other informed groups throughout the process can educate participants and empower them to seek solutions that generate revenue.

► **Determine from the outset what scientific information is necessary and work to acquire it before moving forward.** Identify early on what issues are in question, what the group needs to know to make decisions, and what resources they will accept as legitimate.

► **Use subcommittees or task forces to research scientific and technical issues for the larger group.** Smaller working groups and external subcommittees can efficiently capitalize on stakeholder expertise and outside knowledge pools.

► **Request legal or policy clarification from the state attorney general or agency officials when needed.** The group may need clarity on issues such as the proper relationship between the collaborative group and a state agency or the environmental impacts of a proposed action, to allow the group to move onto other issues.

Best Practices

► **Focus at the outset on creating a final written agreement that will satisfy the trust mandate.** Strategies to help the trust land agency realize its legal obligations may include identifying revenue generation as a measure of success in the final product or including tools that allow the agency to achieve revenue goals.

► **Create measures of success in the final agreement.** Setting short- and long-term targets and milestones can provide a group with the structure and incentives necessary to ensure implementation.

► **Create an implementation structure that builds on the relationships established during the collaborative process.** Professional and personal connections, as well as familiarity with the underlying issues, can help transition from theoretical ideas to action. Establish a spin-off implementation committee to meet regularly with agency staff and help carry out a plan.

Implementing Agreements

The success of a collaborative planning effort depends ultimately on whether the plans created through the process are implemented in the future.

For a final set of agreements to be carried out on the landscape, it must be implementable. Because state trust land management is guided by a trust mandate, any agreement must satisfy legal requirements or else the state trust land agency cannot commit to it. Groups can increase the likelihood that plans will be implemented by identifying the steps needed to carry out a set of agreements and developing a system of reporting to ensure accountability. For example, near the completion of the Elliott State Forest Planning Process, the Oregon Department of Forestry drafted an implementation plan for the group's final Habitat Conservation Plan and Forest Management Plan. The implementation plan outlines the management approaches and activities that forest managers will pursue to carry out both plans, including specifying which forest stands will come up for harvest at a given time. These guidelines enable participants to monitor implementation and ensure that it is consistent with the group's agreement.

Whitefish Lake, Montana

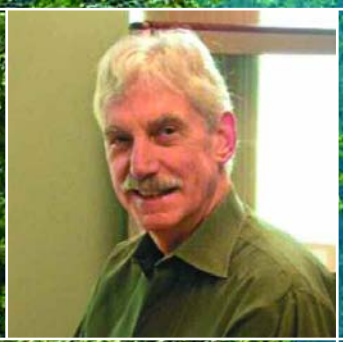
"What will be key is that we get this implemented and do it right and do it fairly. The proof in the pudding will be five years down the line … implementation is the absolute bottom line."

Bill Dunn, New Mexico Department of Game and Fish and participant in the Southeast New Mexico Working Group

Sometimes it is also necessary to change the law to enable implementation. In the Houghton Area Master Plan Process in Arizona, the city of Tucson cannot implement the new planning concepts identified in the Master Plan developed through the collaborative process until it amends the Land Use Code to establish a Planned Community District zone.

Without strong working relationships, several factors can derail implementation and ruin the chances of success. Since implementation requires a long-term commitment to the group's vision, the professional relationships developed in the collaborative planning process can be critical to guide implementation of the final set of decisions. For the Whitefish Planning Process in Montana, the strong working relationships between the community and local Department of Natural Resources and Conservation (DNRC) staff will prove vital in the implementation of the Neighborhood Plan. The community has formed a new, informal implementation group that, because of the planning process, is able to meet regularly with local DNRC staff to strategize about possible projects to help implement the Neighborhood Plan.

Overcoming Barriers



"In land management in this day and age, if you don't have an open process, if you don't have a public process, if you don't get people involved, if you cram a solution down the public's throat, then your ability to operate in the future is compromised."

Bruce Mackey, Washington Department of Natural Resources

Applegate Valley, Oregon

Overcoming Barriers to Collaborative Planning on State Trust Lands

Recommendations to State Trust Land Agencies

If interested agencies and stakeholder groups want to engage in collaborative planning on state trust lands on the ground level, they still face broad-scale impediments that arise from the history and context of state trust land management. This section provides 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.

Tucson, Arizona

Barriers to Collaboration	Recommendations
Lack of participant awareness with agency mandate and collaborative processes	Expand knowledge and skills
Strain on financial and human resources	Allocate resources
Limited community connections and inter-agency communication	Adapt organizational structure
Agency perception that trust mandate precludes participating fully in process	Examine elements of organizational culture that limit participation
Lack of agency policy guidance on how to engage in collaborative processes	Clarify policy guidance
Lack of forums for discussion of collaboration	Promote continued dialogue
Lack of information about collaborative planning	Conduct future research on collaboration

The New Mexico State Land Office helped the Southeast New Mexico Working Group overcome impasse due to a lack of information about prairie chicken habitat by assigning a staff member to create maps of the area using geographic information systems technology. These maps helped facilitate productive discussion of the issues and provided a common base of information from which to work.

Knowledge and Skills

► **Be open to assigning technical staff to participate in the collaborative process or make this staff available for consultation.** Representatives who possess technical expertise in geographic information systems, geology, forestry, hydrology, and wildlife biology can help a group make informed decisions and avoid delays due to lack of information.

► **Expand agency expertise in communications to better inform audiences about state trust lands.** Develop staff communications skills and associated communication tools such as Internet and printed materials to better inform future collaborative planning participants on the front-end about the trust and trust mandate. Spend time educating collaborative planning participants as well as the general public about the trust.

► **Provide opportunities for training, develop a resource library and utilize existing staff with experience to assist and mentor other staff involved in collaborative planning.** Send staff to outside workshops on collaborative planning, consider internal professional development workshops on collaborative planning and make related information available. Once at the table, collaborative groups should consider collective training to learn how to interact effectively in a working group setting and to build relationships.

Resources

► **Ensure that adequate agency 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 agency representatives to the collaborative process as well as internal technical experts that may be needed as consultants to the process, adjusting staff workloads accordingly, and incorporating the costs of collaborative planning into traditional project accounting are all ways to plan ahead for the additional resource demand.

► **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.

► ► ► **Participants in the Castle Valley Planning Process jointly hired and funded an outside facilitator to help them with the collaborative effort.** The Utah School and Institutional Trust Lands Administration and the community of Castle Valley split the cost of the facilitator. The community used grants and a donation from a local property owner's association to fund their portion of the fee.

Organizational Structure

► **Whenever possible, use local agency personnel to serve as the agency's representative to a collaborative planning process.** 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.

► **Improve communication within state trust land agencies.** If the collaborative planning process has particular significance for geographic scope, revenue potential to the trust or political profile, develop 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 communication and coordination with them will help ensure a feasible plan as well as develop buy-in and commitment to the decisions made.

► ► ► **The Whitefish Neighborhood Planning Process in Montana illustrates the value of having regional state trust land agency offices with local agency personnel participating in the collaborative process.** This organizational structure enabled the Department of Natural Resources and Conservation to hold impromptu sessions with Advisory Committee members in the town of Whitefish that were key to building trust and sharing information. Other state trust land agencies that staff regional offices include Colorado's State Land Board and New Mexico's State Land Office.

► **Improve communication between representatives at the table and their respective organizations.** 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 can help avoid intra-organizational disagreements, aiding implementation of the final agreement.

Adobe Mesa in Castle Valley, Utah

Organizational Culture

► **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 onset of a collaborative process and then seeking solutions that consider the interests of each party.

► **Work to establish collaboration as a standard agency practice for appropriate situations.** By revising agency policies and missions to explicitly recognize collaborative planning, and by developing ways to assess effective individual and agency performance, agencies can send a clear message to staff that collaborative planning is a legitimate approach to agency decision making.

► **Recognize that decision-making power can and should be shared, while decision-making authority must be retained.** Explicitly acknowledging this distinction in agency and organizational policies on collaboration and conveying this distinction to stakeholders can ease concerns that an agency is giving up authority when engaging in collaborative planning.

► **Recognize that participation in collaboration and even leveraging other parties' resources does not necessitate acceptance of those parties' agendas.** This clarification can be made in ground rules at the beginning of the process and in formal external statements to address the misconception that collaboration requires acceptance of others' interests.

► **Create incentives to encourage staff to engage in collaboration and celebrate institutional involvement in collaboration.** This can be accomplished by adding participation in collaborative planning as a criterion in performance evaluations and creating awards for those employees that are particularly effective. Look for opportunities to support collaborative approaches to decision making, including posting photographs of collaborative processes in the office and on the agency website or including acknowledgements in agency-wide emails, memorandums or annual reports.

► **Embrace a participant role in the collaborative process instead of being an observer.** An active role can help foster trust with the collaborative group. By participating in meetings, agencies can explain their needs and concerns about the options on the table. Instituting agency policies that call for this active participation helps ensure that the collaborative process considers agency constraints and produces a feasible outcome.

Klamath River, Oregon

Policy

► **Adopt Best Practices (BPs) and guidelines for collaboration into organizational policies.** BPs provide guidance for framing and managing a collaborative process and can inform organizational policy for engaging in collaboration.

► **Encourage agency representatives to consider local land use policies during a collaborative process and work with local governments on land use planning that falls within that locality's jurisdiction.** By improving communication with municipalities and striving to abide by local land use law and policy, agencies can foster positive working relationships with localities and incorporate local concerns into state trust land planning.

► ► ►

Colorado illustrates the benefit of coordinating state trust land planning with local governments. In 1996, the state amended its mandate to require the State Land Board (SLB) to comply with local land use regulations and plans. "Amendment 16" opened the door for the agency to collaborate with the Emerald Mountain Partnership by supplying the political will for the SLB to invest time and resources in a local planning process.

Continued Dialogue

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

► **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.** Agency representatives may benefit from sharing experiences, perspectives and skills in "how-to" workshops or discussions about the lessons learned from past experiences.

Future Research

► **Conduct more detailed benefit-cost analyses of collaborative planning on state trust lands.** Hire independent consultants to conduct more precise benefit-cost analyses on collaborative planning for agencies so that they can make an informed decision about whether to engage in this land management approach.

"The Department could have readily imposed ideas from the top that would have generated revenue. But, that may or may not have ever provided the real commitment that a community needs to work on projects that provide an overall benefit for the state and the school children, and still cover community interests."

Kathy Bramer, Montana Office of Public Instruction

► **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.

► **Have personnel involved track their experiences throughout a collaborative process in order to better assess the benefits, costs and challenges of such a process as well as to improve learning within the agency.** As this research would be concurrent with the collaborative process, it 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.

About the Report

This report summarizes the research findings of a University of Michigan School of Natural Resources and Environment Master's Project, a two-year, interdisciplinary, team-based research project in which graduate students work closely with a client to propose solutions to a current environmental problem.

The complete report is available at:
www.snre.umich.edu/ecomgt/trustlands

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