

Collaborative Restoration Workshop

National Forest Foundation | April 2016

Collaboration & Engagement | Unpacking Collaboration – What Time Is the Right Time, and What Are the Sideboards?

Key Topics: Collaborative Process

Speakers

- **Mike Anderson**, Senior Policy Analyst, The Wilderness Society
- **Tera Little**, Team Leader, R1 Farm Bill Strike Team, U.S. Forest Service
- **Connie Lewis**, Senior Partner, Meridian Institute
- **Bob Christensen**, Sustainable Southeast Partnership

Overview

Speakers in this session shed light on the legal and policy context for collaboration. Speakers also shared insights and experiences around the question of collaboration “ripeness,” and knowing when collaboration is the right tool to address conflict.

Mike Anderson – Collaboration in Public Law

Collaboration has become an important, and sometimes controversial, way of doing business in many national forests. Starting as a bottom-up solution to legal and political stalemates, it is appearing in federal legislation and regulations. Congress has sometimes made collaboration a prerequisite to qualify for special funding and for less demanding environmental analysis, such as in the 2009 Forest Landscape Restoration Act and the 2014 Farm Bill. A number of authorities support and impact collaboration. A goal of the 2012 Planning Rule is to make the national forest planning process more collaborative, and the 2012 planning rule encourages collaboration “where feasible and appropriate,” using the Council on Environmental Quality spectrum of public engagement.

While the Forest Service has broad discretion to develop and participate in collaborative processes, there are notable legal sideboards. In particular, all federal environmental laws still apply and the Forest Service makes all final land management decisions. Collaborative groups and processes generally need to be diverse, balanced, transparent, and non-exclusive. The Federal Advisory Committee Act’s (FACA) requirements apply to collaborative groups that are established, managed, or controlled by the Forest Service and give collective advice to the agency. However, the Forest Service can participate in and legally seek advice and recommendations from collaborative groups that are independent of the agency. Key to complying with FACA is how the group is “established or utilized.”

Tera Little – Collaboration and the 2014 Farm Bill

The 2014 Farm Bill gave the Forest Service a new categorical exclusion (CE) to use to reduce the risk or extent of, or increase resilience to, insect or disease infestations. However, use of the CE came with a requirement to develop and implement projects using a collaborative process that is transparent, non-exclusive and includes multiple interested persons representing diverse interests. Many want to know what the “bar” is for meeting these requirements and if it can be done without a formal collaborative group. The 2014 Farm Bill allows the use of NEPA (National Environmental Policy Act) Categorical Exclusion for certain projects when a collaborative process is used. The Forest Service Washington Office also developed standards to define a collaborative process.



Explore more: nationalforests.org/crw

It is important to focus on “collaborative” as a process, rather than a thing (group). The Forest Service has recently applied best practices for developing and sustaining a collaborative *process* that meets the requirements specified in the 2014 Farm Bill to Farm Bill CE projects in the Northern Region.

Best practices for collaborative processes (Based on the Jasper Mountain Project)

- Establish roles, expectations, and sideboards up front
- Create meaningful engagement through field tours and in-depth discussion at workshops
- Provide written background information for review as “homework” for collaborative members
- Listen carefully
- Provide an explanation of how input was or was not used

Connie Lewis – Tongass Advisory Committee

It is important to determine when the timing is right (or not) for collaboration. Using the Tongass Advisory Committee (TAC) as one example, there are advantages and downsides to an advisory committee when contrasted with an independently formed collaborative. The Secretary of Agriculture mandated that the Tongass move from old growth to young growth forestry, and established a Federal Advisory Committee to provide advice throughout this process. The scope and sideboards were well defined and somewhat narrow, which were very important aspects of the TAC’s success. The right people were also at the table, including bridge builders. Sideboards can make or break a collaborative – these can be effective, or not effective – depending on the situation. Diversity within and between collaborative efforts brings richness. Finally, timing is important. Key indicators that a situation is ripe for collaboration:

- People care about the issue.
- Agency is ready and receptive to collaborative input.
- The set of personalities is able to work together.
- Resources are available to support the process.
- Need for some kind of organizing spark

Bob Christensen – Tongass Advisory Committee

Bob has been involved with the TAC, and with development of the collaborative stewardship group that has emerged as part of the Hoonah Native Forest Partnership (HNFP). In terms of ripeness, collaboration is the right tool when stakeholders realize that conflict will not lead to the desired endpoint. Collaboration also takes a lot of time, which may not in peoples’ work plans, but also provides *more* of everything – brainpower, heart, money, resources, etc. Make sure YOU are ready for a collaborative before you engage.

Lessons

- *How can we avoid the NEPA and collaboration “black hole”?* Collaboration doesn’t need to stop with NEPA; the CEQ Collaboration in NEPA handbook clearly explains that collaboration can continue within the NEPA process. There are examples for how to provide feedback and information to during the NEPA process, creating a continuous and transparent process.
- *How can we improve the Endangered Species Act Section 7 consultation process?* Forest Service staff can engage the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries as part of the collaborative process. In Region I, the Forest Service has been prioritizing the consultation process with USFWS and state agencies to make the process go smoother
- *How do we deal with agency staff turnover and how it affects collaboratives?* There needs to be a smoother handoff process between agency staff members. There are also innovations occurring;



for example, Region I is developing Farm Bill “strike teams” to support more efficient and consistent NEPA analysis.

- *Should collaborations have a lifespan?* Having a defined lifespan can be beneficial in cases such as the Tongass Advisory Committee. In other situations, having an indefinite lifespan is important. Collaboratives often shift and evolve; it’s difficult to intentionally plan how that evolution occurs.

Resources

- [2014 Farm Bill Collaboration Resource Document](#)
- [A Citizen’s Guide to Forest Planning](#)
- [Tongass Advisory Committee](#)

