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Collaboration at Arm's Length: Navigating agency engagement in landscape scale ecological restoration collaboratives¹

By William Hale Butler

5 Abstract

In 2010, the USDA Forest Service (USFS) created the Collaborative Forest Landscape Restoration Program (CFLRP) to fund implementation of landscape scale ecological restoration strategies. The program requires landscape projects to engage in collaboration throughout implementation over a ten-year period. A central tension in the program is the extent to which the USFS can engage in the collaborative process while retaining authority for management decisions on USFS lands and adhering to statutory guidance on collaboration. Drawing on comparative research of the first ten projects enrolled in the CFLRP, this paper describes how USFS personnel navigated this tension and played roles in each collaborative categorized as leadership, membership, involvement and intermittence. It concludes by suggesting that agency staff engage in collaborative dialogue on substantive issues while operating from an “arm’s length” posture procedurally. This approach can minimize time and energy spent dealing with procedural concerns while allowing agency employees and collaborators to share knowledge, information, ideas and perspectives to make better informed decisions as they undertake landscape scale ecological restoration work.

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Management and Policy Implications

This research suggests approaches for engaging in collaborative landscape scale ecological restoration while balancing the tensions of agency authority and levels of engagement in collaboration. Through an analysis of the experiences of the first ten CFLRP landscape projects, the paper argues that USFS staff and collaborators might be well served to engage in collaborative dialogue on substantive matters while maintaining an “arm’s length” posture procedurally. These cases suggest that when agency employees play too strong a role in collaborative decision making processes, they risk being challenged on procedural grounds. These challenges focus attention on procedural concerns and can hamper dialogue on substantive issues. On the other hand, agency staff and collaborators avoided procedural concerns when they separated agency employees from collaborative decision making. When accompanied by a joint commitment to engage in collaborative dialogue on the nature and content of those decisions, collaborators and agency staff have been able to work through substantive ecological restoration concerns together. This approach can ensure statutory compliance while deflecting challenges that the agency is co-opting the collaborative. Meanwhile, it allows agency personnel and stakeholders to engage in dialogue on substantive matters and bring a range of perspectives, ideas, values, expertise and knowledge to bear on landscape scale ecological restoration issues.

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Introduction

On August 13, 2010, USDA Secretary Vilsack announced that ten landscape scale restoration projects had been funded under the newly established Collaborative Forest Landscape Restoration Program (CFLRP). This program supports ecosystem restoration on USDA Forest

45 Service (USFS) lands to reduce wildland fire management costs, enhance ecological health, and
promote the use of small-diameter woody biomass while requiring collaboration throughout
planning and implementation. In their overview of the CFLRP, Schultz et al. (2012, p. 389)
rightly suggest that one of the central challenges to these projects will be “striking a balance
between honoring the zone of agreement [among] stakeholders ... with the fact that the USFS
50 must abide by the requirements of the Federal Advisory Committee Act, retain decision-making
authority within the agency, and avoid making specific decisions about on-the-ground actions
prior to the NEPA process.” In this context, agency employees must determine the extent to
which they can engage with collaborative groups while ensuring compliance with other statutory
guidance about collaboration and land management decision making processes. Through
55 comparative case studies of the first ten CFLRP projects, this research illuminates how USFS
personnel navigate tensions between agency authority and collaborative engagement in
landscape scale management and suggests implications for collaborative public lands
management.

60 **Tensions of Collaboration in the USFS**

Since the late 1960s, the USFS has been evolving from a tightly insular to a more open
organization incorporating multiple values to influence management of national forests (Tipple
& Wellman, 1991). The National Environmental Policy Act (NEPA) of 1969 set the stage for
this transformation as it increased transparency and allowed the public to challenge agency
65 decisions on procedural grounds. The National Forest Management Act (NFMA) of 1976
reinforced public involvement in land management planning. Since announcing a shift to
ecosystem and landscape-scale management in the 1990s (Cortner & Moote, 1999; Predmore,

Copenheaver, & Mortimer, 2008), collaboration has become widely touted in agency documents and speeches at all levels.

70 Despite growing calls for public engagement, the USFS has an uneasy relationship with collaboration. Collaboration implies a level of power sharing (Bryson & Crosby, 1992 ; Gray, 1989; Innes & Booher, 2010; Margerum, 2011). As Margerum (1999, p. 190) clarifies, collaboration “requires that [participating organizations] give up some of their autonomy and share decision making powers.” While collaboration does not inherently *require* relinquishing
75 authority, the call for collaboration may create expectations that stakeholders will have a say in management decisions. Moreover, effective collaboration implies that participants will engage in dialogue with a diverse array of stakeholders who are interdependent and willing to share knowledge, information and expertise, expanding understanding beyond that which any one stakeholder group would have access to on their own (Innes and Booher, 2010). Yet, public land
80 management agencies are vested with the authority to make decisions which cannot be relinquished to a collaborative group and they have to follow specific procedures for participating in collaboration. Thus, as the agency has incorporated collaboration into planning and management, USFS personnel have had to navigate a core tension between collaborative engagement and agency authority.

85 Part of this tension relates to statutory guidance. Collaborative groups established or utilized by a federal agency may be governed by the provisions of the Federal Advisory Committee Act (FACA). FACA was developed when administrative agencies were widely criticized for working with powerful interests through “closed door advisory groups” (Wondolleck & Yaffee, 2000, p. 242). To counter this collusion, the act specifies provisions for
90 inclusion, transparency, and public record keeping.

Whether a collaborative group needs to be authorized as a FACA committee is a question that both agency personnel and stakeholders at times may struggle to answer. The Council of Environmental Quality (CEQ) specifies that FACA applies when three conditions are met: 1) the “federal agency establishes the group” and exerts some level of control or management over the group, 2) “the group includes...individuals who are not” associated with government, and 3) “the product of the collaboration is group or collective advice to the federal agency” (2007, p. 91). If these three conditions are not met, the collaborative group does not need to be authorized under FACA. If any of these conditions are in question, the agency’s participation in a collaborative group may be subject to internal or judicial review.

Because of the lack of clarity around procedural requirements associated with FACA, the act may deter collaboration as much as encourage high quality processes. Many scholars note that “FACA fear” or “FACA-phobia” has limited the ability of federal agencies and non-governmental organizations to collaborate in natural resources and public lands management (Fellman, 2009; Koontz et al., 2004; Long & Beierle, 1999; Lynch, 1996; Norris-York, 1996).

Agency personnel seek to avoid what some have characterized as a “burdensome FACA-chartering process” to formalize procedures, undertake record keeping tasks, and conduct which imposes “considerable costs in time and flexibility” (Wondolleck & Yaffee, 2000, p. 243). Beyond burdensome procedures, the process is initiated by an act of Congress to establish a non-discretionary statutory FACA committee or by the Office of the President which can establish discretionary FACA committees (anonymous reviewer). Moreover, agency personnel fear litigation which is at least partly the result of ambiguities in the act left unresolved by the courts (Fellman, 2009; Long & Beierle, 1999; Moote & McClaran, 1997). A 1995 USFS task force concluded that “the constraints of [FACA] impede the Forest Service’s effective consideration of certain professional expertise and consensual group recommendations when making forest plan

115 or project level decisions” (Thomas Task Force, 1995, pp. A-3). Thus, while FACA provides guidance on how federal agencies can work with collaborative groups, its procedural requirements may have hindered as much as enabled collaboration.

Meanwhile, NEPA regulations make collaboration supplemental to required public involvement procedures (Council on Environmental Quality (CEQ), 2007). While NEPA falls
120 short of “empower[ing] individuals to *directly* influence agency decisions” (Stern, Blahna, Cervený, & Mortimer, 2009, p. 221), public meetings, review and comment on environmental analysis is standard. The CEQ (2007), charged with promulgating regulations for NEPA compliance, has developed explicit instructions and case examples of how collaboration and NEPA can be compatible. While federal agencies retain decision making authority throughout
125 NEPA processes, CEQ argues that the agency can use collaborative input to inform that decision. The council specifies, “Using collaboration does not increase or decrease the agency’s responsibilities or authority... Collaboration does enable decision makers to consider any consensus that may have been reached among the interested and affected stakeholders, furthering the lead agency’s ability to make informed and timely decisions” (Council on Environmental
130 Quality (CEQ), 2007, p. 4). Still, other public comments must be reviewed and responded to as part of NEPA processes and the collaborative input cannot be privileged.

Despite such challenges, calls for collaboration continue. Indeed, the CFLRP explicitly mandates a collaborative approach. Title IV of the Omnibus Public Lands Management Act of 2009, also known as the Forest Landscape Restoration Act (FLRA), states that proposed CFLRP
135 projects will “be developed and implemented through a collaborative process” involving multiple diverse interests engaged in a transparent, nonexclusive and open process. In the first year of the program, a Federal Advisory Committee chose 10 projects out of 31 proposals using

six criteria including “the strength of the collaborative process and the likelihood of successful collaboration throughout implementation” (USDA Forest Service, 2011).

140 Accordingly, USFS employees must determine how extensively to engage in
collaboration without compromising authority to manage national forest lands while adhering to
statutory guidance about how to collaborate. This tension comes to a head in CFRLP where
guidance that requires collaborative engagement is set against statutes such as NEPA and FACA
which define the nature of collaboration and the extent to which the agency can rely on
145 collaborative input.

Methods

Through comparative study of the first 10 projects funded under the CFLRP, this research
seeks to contribute to our understanding of how USFS employees navigate tensions posed by
engaging in collaboration without compromising agency authority. I chose to limit the study to
150 the first ten CFLRP awardees given that the purpose of the research is to identify both the
starting point for each collaborative, and changes that may arise over time. The second round of
13 projects was not chosen until 2012, constraining any longitudinal analysis. Table 1 lists the
first 10 CFLRP landscape project regions, names, states, collaborative group names, landscape
sizes and National Forests within project boundaries. For a more comprehensive overview of
155 CFLRP and general characteristics of the first 10 projects, see Schultz et al. (2012).

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Table 1: CFLRP Landscape Characteristics

Region and Project Name (States)	Collaborative Group	Project Size (acres)	National Forests
R1: Selway-Middle Fork Clearwater Project (ID)	Clearwater Basin Collaborative (CBC)	1,400,000	Nez Perce, Clearwater and Bitterroot
R1: Southwestern Crown of the Continent (MT)	Southwestern Crown of the Continent Collaborative (SWCC)	1,449,670	Lolo, Flathead, and Helena
R2: Colorado Front Range Landscape Restoration Initiative (CO)	Colorado Front Range Roundtable (COFRR)	~800,000	Arapaho and Roosevelt, Pike and San Isabel
R2: Uncompahgre Plateau Collaborative Restoration Project (CO)	Western Colorado Landscape Collaborative (WCLC)	1,000,000	Grand Mesa, Uncompahgre, and Gunnison
R3: Four Forests Restoration Initiative (AZ)	4FRI Collaborative	~2,400,000	Apache-Sitgreaves, Coconino, Kaibab, and Tonto
R3: Southwest Jemez Mountains (NM)	Southwest Jemez Mountains (SWJM) Collaborative	210,000	Santa Fe NF and Valles Caldera National Preserve
R5: Dinkey Landscape Restoration Project (CA)	Dinkey Collaborative	154,000	Sierra
R6: Deschutes Skyline Landscape (OR)	Deschutes Collaborative Forest Project	130,000	Deschutes
R6: Tapash Sustainable Forest Collaborative (WA)	Tapash Sustainable Forest Collaborative	1,629,959	Okanogan-Wenatchee
R8: Accelerating Longleaf Pine Restoration in NE FL (FL)	None specified	567,800	Osceola

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This research utilizes a multiple case study research design (Creswell, 1998; Yin, 2003) to identify similarities and distinctions across cases operating under relatively similar institutional contexts. Data collection involved gathering and reviewing documents, including CFLRP proposals, annual reports, project documentation, the CFLRP website, organizational charters, MOUs, collaborative meeting minutes and other relevant materials. Moreover, the author has conducted 75 interviews at the time of this writing, speaking for approximately 1 hour each with between 4 and 10 participants on each CFLRP landscape including both USFS

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employees and other stakeholders. Interviews were semi-structured and covered topics on the individual's history and role in the collaborative, the collaborative structure and decision making processes, approaches to engaging in implementation, and challenges and tensions associated with transitioning from collaborative planning to implementation. Several questions explored the role of the collaborative vis-à-vis USFS planning and management efforts and the level of USFS staff participation in the collaboratives in particular. Initial interviews began in the fall of 2011 and continued through the end of 2012. The analysis presented here is limited to that window with the exception of updates obtained during member checks which took place in spring 2013.

Text files of many documents and interview transcripts were entered into WEFT-QDA, an open source qualitative data analysis software, and analyzed using a grounded theory methodology. Grounded theory is an inductive investigative process that aims to formulate theory using a coding paradigm, examining the conditions, context, strategies, and consequences related to the phenomenon of interest (Charmaz, 2006; Strauss & Corbin, 1990). WEFT-QDA facilitates data management and analysis as the researcher assigns ideas or action descriptions with category names based on thematic similarities. The data collection and analysis proceeds simultaneously as the researcher continuously modifies and reinterprets initial theoretical constructs while feeding new data into the analysis to complete the “grounding” of the theory. Cross case comparative analysis involves developing coding schema within each case and then across cases for comparative purposes. This allows for identifying both unique as well as similar aspects across cases to enrich the analysis and interpretation. The author conducted member checks to ensure that project descriptions resonated with participants and that quotes accurately

195 conveyed the information as intended by interviewees. To protect confidentiality, no names are provided; only generic affiliations.

USFS Levels of Engagement

The analysis of the extent to which USFS employees engage in the CFLRP collaboratives
200 reveals four levels of engagement: leadership, membership, involvement, and intermittence.

These levels of engagement can be differentiated across two dimensions. The first is the level of integration into collaborative decision making procedures. A high level of integration means that USFS employees contribute to collaborative decisions through voting, participating in consensus decisions, or other means. A low level suggests that the agency does not have a say in
205 collaborative decisions. The second dimension is the level of participation in collaborative dialogue about substantive matters. A high level of participation means that USFS personnel contribute significantly to collaborative dialogue on substantive issues as stakeholders develop recommendations for how to engage in ecological restoration. A low level of participation means the agency contributes rather minimally or inconsistently to dialogue with collaborators about
210 substantive matters.

Agency employees significantly participate in collaborative dialogue about substantive matters in the involvement, membership and leadership categories and less consistently in the intermittent category. These categories can be further distinguished by the level of agency staff integration into collaborative decision making processes. In the leadership category, USFS
215 personnel participate in decision making of the collaborative and serve in leadership roles that could contribute to guiding the work of the collaborative. USFS staff are integrated into the collaborative decision making process (either as voting members or participants in the consensus

building process) in the membership category but they do not play an official leadership role. For those cases classified as “involvement,” agency personnel are not voting members of the collaborative, but they thoroughly engage in dialogue on substantive issues. In the category of intermittence, USFS employees also are not voting members, but they have inconsistent levels of participation in collaborative dialogue on substantive issues. Although these categories appear static, collaboratives move between different levels of engagement over time and the quality of collaborative dialogue about substantive matters likewise varies over time. This section categorizes how USFS personnel engaged in each of the CFLRP landscape collaboratives early on and then describes some of the tensions and changes that have emerged in the first two years of the program.

Leadership

Originally, individual USFS staff members held leadership roles on four of the CFLRP collaboratives: the Southwest Jemez Mountains (SWJM), Tapash, Southwest Crown of the Continent (SWCC), and Dinkey landscapes. In these cases, at least one, if not several USFS staff members, play roles that could contribute to guiding the work of the collaborative. The Tapash collaborative was established by a 2007 MOU and is guided by an executive committee of representatives from the five signatory organizations. The Forest Supervisor took on the role of chair of the committee shortly before the collaborative applied for CFLRP funding. The original SWCC charter identified the Forest Supervisor and a representative of The Wilderness Society as co-chairs of the collaborative. On the SWJM, a group of five collaborators formed an executive committee which included representatives from two Forest Service units (Santa Fe National Forest and the Valles Caldera National Preserve) and one each from the Jemez Pueblo, The

Nature Conservancy, and the New Mexico Forest and Watershed Restoration Institute. Finally, on the Dinkey, the Forest Service Program Manager serves on the steering committee and provides extensive staff support, essentially playing a co-chair type role. This leadership role is somewhat mitigated by the fact that a neutral facilitator guides collaborative dialogue. Indeed, 245 although a USFS staff member plays a strong leadership role in the Dinkey collaborative, the group has thus far avoided procedural challenges in part by having a neutral facilitator manage the collaborative and by addressing FACA directly in the group's charter.

Tensions have arisen about the role of agency employees in the other three of the collaborative in this category, however. In the SWJM case, agency staff began questioning the 250 role of the executive team in the fall of 2011. Staff concerns were animated in part by FACA-fear as they felt that the agency should not be participating in an exclusive group. USFS employees did not engage with the committee while they developed NEPA documentation for a landscape scale project through the summer of 2012. Substantive dialogue as a collaborative broke down for nearly a year although NEPA processes went well beyond the usual public 255 participation techniques. USFS staff suggested that non-federal collaborators develop a new group to support the CFLRP project. This new collaborative had not emerged as of the end of 2012. However, at a group meeting discussing a way forward, Forest leaders articulated that agency staff will be involved, but will not be voting members nor play leadership roles in the group. As of spring 2013, stakeholders were working out the details of how to design the 260 collaborative group.

On the Tapash, similar questioning has led to a reevaluation of the role of the executive body which some stakeholders have characterized as an "exclusive country club" model. One member suggested that the collaborative operates well with the executive committee serving an

oversight role. “We’re functioning differently than a lot of these other [CFLRP] groups; and
265 what we have is working really well for us... We acknowledge a need for collaboration with a
broader range of people at the project level, but that’s not what we’re about [at the executive
committee level]” (Interview, 5-23-12). In the spring of 2012, the executive committee sought to
clarify the role of working groups and broadened participation on subcommittees. One
stakeholder remarked, “most of us are very excited now that the execs have given us the go
270 ahead to bring others to the table” (Interview, 4-12-12). Nonetheless, in the fall of 2012, one
interviewee described the collaborative as focusing time and energy on sorting out procedural
questions and still expressed concerns about persistent communications challenges between
working groups and the executive committee.

On the SWCC, an external stakeholder raised questions about potential FACA violations
275 because of the leadership role of USFS staff. Regional staff suggested that the collaborative
revise its structure. In their new charter, unveiled in February 2012, USFS employees no longer
serve as co-chairs at any level of the collaborative. Agency personnel still serve as voting
members. Both USFS participants and stakeholders asserted that their commitment to working
together has not waned and USFS employees engage extensively in dialogue about planning,
280 prioritization, and implementation efforts. However, the group spent substantial time reworking
the charter to clarify and revise the agency role in the collaborative.

Membership

Beyond the four landscapes in the leadership category, USFS employees are members of
two other landscape collaboratives: the CO Front Range Roundtable (COFRR) and the
285 Uncompahgre Partnership (UP). USFS staff have been heavily involved in COFRR since its
inception in 2004 as a voluntary informal coalition. Two USFS staff sit on the executive team

and agency employees participate in all committees. The group makes decisions through an informal decision making process, so agency personnel have a voice in collaborative decisions. However, USFS participants see clear boundaries between the agency and the roundtable. As one USFS employee puts it, “we’re participants, we’re not the steering committee, we’re not facilitating it; we’re just there to provide our input or any information or data we have” (Interview 6-14-12). In May, 2012, some stakeholders suggested that the collaborative should have more say over CFLRP projects. But, another USFS employee clarified, “the roundtable isn’t set up as a decision making body and the agency has all these other policies that don’t allow you [the roundtable] to make these decisions” (Interview, 6-14-12). Agency employees think of themselves as contributing to roundtable decisions, participating extensively in dialogue on substantive issues regarding ecological restoration. But, those decisions do not necessarily directly influence land management strategies.

Created in 2001, the Uncompahgre Partnership (UP) was established through a MOU between the USFS, BLM, CO Parks and Wildlife agencies, and two power companies. The MOU clarified how signatories would work together on the Uncompahgre Plateau and Unc/Com, Inc., a 501c3 non-profit, would manage financial and other administrative functions. USFS staff meet regularly with UP partners to discuss “proposed projects, monitoring needs, NEPA scoping, and field reviews to strategize adaptive management” (personal communication, 3-25-13). USFS staff participate in making decisions on the collaborative through an informal consensus decision making process. After receiving CFLRP funds, USFS regional staff raised legal questions about the level of separation between the fiscal agent and the planning and management entities. To alleviate any concern about financial issues, stakeholders developed a new MOU entitled the Western Colorado Landscape Collaborative (WCLC). Unc/Com, Inc. is now a signatory to

310 satisfy the USFS need to integrate management and fiscal decisions. The MOU further clarifies
that each signatory will independently manage funds for specific projects and contracts. The UP,
was integrated into the WCLC as a working committee and continues to serve as the
collaborative body for CFLRP planning and management activities. The creation of the WCLC
has created some tensions among stakeholders, especially among members of the UP and board
315 members of Unc/Com, Inc. which had to take on new oversight roles under the revised MOU.
One member of the collaborative refers to this tension as causing “heartburn” among
stakeholders as they spend more time discussing procedural issues than they did before the
restructuring (Interview, 3-25-13). However, stakeholders argue that this has not significantly
hindered their ability to make progress on restoration work across the landscape or engage in
320 productive dialogue about substantive issues.

Involvement

The Deschutes Skyline and Selway Middle Fork projects fall under the category of
involvement where USFS staff do not vote on collaborative decisions but contribute extensively
325 to dialogue on substantive issues. The Deschutes Collaborative Forest Project was established
shortly after the landscape received CFLRP funding. The founding charter specifies that a 19-
member steering committee representing diverse stakeholder interests will serve as the voting
body. Stakeholder coalitions self-select representatives. The committee does not include a USFS
representative. As one of the collaborative participants describes the relationship, “The Forest
330 Service is not a signatory of the charter. The agency receives recommendations and is the
ultimate decision maker.” Meanwhile, at the subcommittee level, “the division is a lot less
formal” (Interview, 1-17-12). A USFS staff member observes that “The leadership of those

committees is generally not Forest Service employees but there are Forest Service employees, on each of the committees. Our role is really to be a barometer, to provide guidance, to make sure
335 people understand some sideboards of where the agency can go and cannot go” (Interview 2-1-12). USFS staff participate in committee work, provide information, data, opinions and sideboards, and engage in dialogue at all levels of the collaborative simply stopping short of voting on collaborative decisions. Through a MOU, the USFS has agreed to integrate collaborative recommendations into planning and management to the extent feasible without
340 relinquishing any decision making authority to the collaborative.

The Selway Middle Fork landscape project is guided by the Clearwater Basin Collaborative (CBC). CBC operating protocols clarify that the USFS will play a supporting role and will not be a voting member. However, agency staff contribute substantively to collaborative dialogue. At monthly meetings, USFS attendance is usually quite high and staff frequently
345 deliver presentations. As one CBC member reflected on the USFS role, “from the beginning they’ve been an absolutely integral partner in the collaborative and in our success... CFLR really helped cement some of those on the ground relationships with Forest Service staff and gave us a more tangible way to interact with them” (Interview, 10-19-11). An agency employee claims that the collaborative helps work through value differences and shapes projects by providing
350 substantive input (Interview, 5-9-12). Agency employees don’t have a final say on collaborative recommendations, but stakeholders and agency personnel engage in substantive dialogue with each other through the collaborative.

Intermittence

355 USFS engagement on the Accelerated Longleaf (ALL) project and the Four Forest
Restoration Initiative (4FRI) can be described as intermittent where USFS employees are not
voting members of a collaborative body and where engagement in collaborative dialogue is
inconsistent. On the ALL project, there is no collaborative group bound by a formal agreement
specifically focused on CFLRP work. Instead, agency staff maintain open communications and
360 frequently converse with a suite of partners on an ad-hoc basis. Much of this communication is
informal and involves phone calls, emails, site visits, connections with pre-existing stakeholder
groups such as the Greater Okefenokee Association of Landowners (GOAL), and occasional face
to face meetings with specific stakeholders. Through these means, there are numerous
stakeholders who provide input into forest management for which CFLRP funds are utilized
365 (Interview, 4-4-13). In March 2013, stakeholders were brought together for the first time for a
CFLRP progress report. This model is primarily oriented to one-on-one communications
between agency staff and stakeholders rather than collaborative dialogue among multiple
stakeholders and the agency collectively.

The 4FRI Stakeholder Group is a collaborative group established to forward the work of
370 the Four Forest Restoration Initiative. The collaborative involves a diverse array of stakeholders,
relies on active working groups, and seeks to be transparent by publicizing meetings and minutes
from those meetings. Several representatives from the agency, usually including the CFLRP
coordinator and Forest Supervisors, attend monthly meetings of the full collaborative and other
USFS staff members regularly attend working committees. Agency employees are not voting
375 members or leaders in the collaborative. While USFS attendance has been consistent from the
outset, stakeholders have had concerns about the lack of USFS engagement in discussions on

substantive issues. One stakeholder suggested that the USFS staff were hesitant to participate fully, “dipping their toes in the water, in terms of collaboration, instead of diving in” (interview, 12-12-11) as they would wait for the collaborative to ask questions and respond rather than participating in dialogue. Another stakeholder, unable to get input on recommendations under development, observes that “it actually got to the point where I don’t know when to go over the ID team’s head and start asking the Forest supervisors for responses because they’re just not getting back to me. So we started having almost an antagonistic relationship” (Interview, 3-13-12). Meanwhile, the tone of agency employees suggests a desire to keep distance between the agency and the collaborative as they consistently invoke FOIA as a constraint. In mid-2012, some of these tensions began to ease as agency personnel engaged more regularly in collaborative dialogue (Interview, 11-15-12). Completing some of the major work on a nearly 600,000 acre Draft Environmental Impact Statement reduced some of the intense workload which had constrained agency employee participation. Also, moving into the public engagement phases of the NEPA process alleviated some of the perceived procedural barriers. Thus, while agency engagement in the 4FRI collaborative was tentative early in the process, it appears to be shifting overtime toward the “involvement” category.

Implications

Given the varied levels of engagement of USFS employees in CFLRP collaboratives described above, this section explores how agency staff working in these different models are balancing participation in collaborative dialogue on substantive matters while adhering to procedural and legal guidance in decision making. First, it outlines how agency employees and the collaborative groups have responded to tensions that have emerged based on interpretations

400 of statutory guidance, particularly FACA, which has arisen as a procedural concern in several of
the collaboratives. Where USFS staff are highly integrated in the collaborative, tensions have
been highest and changes to collaborative structures have emerged. Secondly, it specifies how
USFS staff participation in substantive dialogue with stakeholders may be most effectively
accomplished through an arm's length posture from collaborative decision making which
405 minimizes procedural concerns. This posture, best captured in the "involvement" category, does
not limit participation in substantive dialogue when agency personnel are willing to engage.

Collaboration in the Shadow of FACA

The extent of agency involvement in CFLRP collaboratives is mediated in part by FACA.
410 CFLRP collaboratives are not specifically governed by FACA as they are not exclusive advisory
bodies to the agency and were not established by Congress or the Office of the President. And
yet, FACA has certainly played a role in shaping how agency employees interact with the
collaboratives, either through FACA-fear or what I have come to call FACA-awareness.ⁱ

Where FACA-fear influences agency participation, USFS staff keep an arm's length
415 posture on both procedural decision making *and* substantive dialogue. On the 4FRI, for example,
agency staff maintained distance from the collaborative from the outset, arguing that they could
not privilege recommendations from the collaborative over other members of the public. As one
USFS staff member observed, while some stakeholders "would really like more decision space
and a commitment to use their products as written, obviously that's a FACA violation and it's
420 not going to happen" (Interview, 12-8-11).

This posture has led to some tensions between agency staff and members of the
collaborative and has hindered more substantive dialogue according to some interviewees. One

stakeholder in particular noted that for more than a year, the USFS staff would not ask questions at stakeholder meetings for fear of giving the impression that responses from the stakeholder
425 group would be used as advisory input. He notes that USFS staff “would attend some meetings and listen, and sometimes participate, but never convey to the stakeholders that anything they did would be considered with any weight or given any influence” (Interview, 12-12-11).

On the SWJM, concerns about potential FACA violations arose among new agency leadership which led to a shift toward intermittent communication with the collaborative.
430 Agency staff disengaged and the collaborative group did not meet for nearly a year. Since then, agency staff have encouraged the development of a new collaborative model while specifying that provisions within FACA will limit agency engagement in collaborative decision making.

Other cases demonstrate, however, that FACA-fear can be overcome by FACA-awareness and the power of inclusive representation. This approach has worked well on the CBC
435 and Deschutes in the involvement category. On the Deschutes, a USFS staff member suggested that there were never concerns about FACA: “I think it’s because we have a good history here in central Oregon with attempting to collaborate, even with individuals and groups who disagree with us... [stakeholders] know they have access to us so we don’t believe we are vulnerable to FACA [challenges]” (Interview, 2-1-12). Instead, they designed the collaborative with FACA
440 principles in mind ensuring inclusive and diverse representation, open meetings and transparent record keeping. On the CBC, FACA arose as a concern when external stakeholders brought a complaint about potential FACA violations to the USFS and the regional office conducted a formal review process. However, according to a USFS staff member, the findings of the regional office reiterated the CFLRP requirement to collaborate and clarified that the agency had not
445 given up decision making authority. Moreover, the stakeholder body was found to be

appropriately diverse and inclusive and meetings open to outside participation (Interview, 5-9-12). This process made little impact on staff participation in the collaborative as another level of the agency handled the complaint.

FACA-aware collaboratives retain clear separation between agency and collaborative decision processes while relying on an inclusive and transparent process to obtain substantive input. They follow FACA guidelines without having to go through what many deem to be an onerous process to authorize a formal committee. Collaborators tend to accept the arm's length posture of the agency on procedural matters; however, agency staff effectively honor the zone of agreement of the collaboratives and engaged in dialogue about substantive matters which may inform agency decisions. This stance maintains separate planning and decision making processes while collaborative interaction still provides an opportunity for substantive input as stakeholders and agency staff mutually inform each other and work through issues in dialogue.

Arm's Length Collaboration

The call for collaboration implicitly suggests that stakeholders who participate will have a level of influence over agency decisions. In the CFLRP, this influence has the potential to shape decisions across a large geographic area (landscape scale) and over a relatively long period of time (the program is scheduled to run for ten years). In this context, where authority to make final decisions rests (a legally defined reality) may be less important than the substance of the decisions made. Thus, agency employees have to determine the extent to which they should participate in collaborative dialogue as well as the extent to which they can or should share collaborative decision making authority. Stated differently, on one hand, they have to figure out how to engage in dialogue about substantive issues relative to ecological restoration so that they

can make better informed decisions. On the other, they have to determine the extent to which
470 they may have a voice in collaborative decision making procedures and how those decisions get
made.

The CFLRP cases suggest that when procedural issues associated with decision making
arise, collaborative dialogue on substantive issues may be hampered. Higher levels of integration
(leadership and membership) bring more procedural distractions on CFLRP landscapes. When
475 faced with challenges related to FACA or other procedural concerns, USFS staff and
collaborators divert their attention from issues related to forest management outcomes and focus
on dealing with issues of governance and decision making. They spend time working through
issues such as charter revisions (SWCC), establishing new organizational structures and
relationships (SWJM, Uncompahgre) or discussing potential ways to handle such concerns
480 (Tapash).

One alternative is to engage only minimally with the collaborative group. However,
where USFS engagement is intermittent, procedural concerns may be avoided, but the benefits of
dialogic interaction are less evident than in the involvement cases. There are many ad-hoc
discussions between partners and agency employees in the Accelerated Longleaf and the agency
485 faces few procedural concerns as there is no formalized stakeholder body. But, the fact that
stakeholders are rarely in dialogue as a group may limit the creativity and innovation that
partners can generate with more collaborative modes of engagement. On the 4FRI, inconsistent
interaction hindered the capacity of stakeholders to provide recommendations that both captured
diverse stakeholder values and served as useful input to the USFS. Stakeholders who engage in
490 dialogue for joint problem solving may develop both first order and second order benefits (from

agreements to trust and social capital), synergies that are less obtainable to those engaged in limited dialogue or ad-hoc discussions (Innes and Booher, 2010).

Among those cases where the USFS level of engagement is “involvement”, collaborative input is substantive and influential while there are few concerns about procedural issues.

495 Procedurally, the collaboratives and agency are operating in parallel worlds. However, the fact that the agency is extensively engaged with the substantive work of the collaboratives facilitates communication and may influence agency decisions and actions. On the Deschutes, for example, a member of the collaborative observes, “On paper, it’s a very clear division [between the USFS and the collaborative]. And, in practice, ultimately the overarching goal is to make sure that the
500 Forest Service doesn’t co-opt this thing and isn’t driving it. At the same time, we’re being inclusive enough of the Forest Service that we have the advantage of their expertise and their information as part of every discussion that we have” (interview 1-17-12). A USFS staff member clarifies that “ultimately folks know it is the agency’s decision” but he appreciates that the collaborative has “substantive input” into the planning and implementation work as they “air out
505 their beliefs and form recommendations” which the forest staff take seriously (Interview, 2-1-12). One of the stakeholders on the CBC points out that “Ultimately, the forest supervisors are the decision makers. We simply provide recommendations as members of the public. That being said, to date, they have shown a great deal of appreciation and respect for our consensus opinions and input” (interview 10-19-11). In each of these cases, USFS employees maintain an
510 arm’s length posture procedurally, allowing the collaborative body to make decisions and develop recommendations on their own. However, the collaborative has substantive input into agency decisions as staff take collaborative recommendations into account. Moreover, agency employees contribute to shaping collaborative recommendations as they engage in dialogue,

515 sharing data and opinions while working through thorny issues and areas of disagreement with collaborators.

Notably, it appears that several collaboratives are shifting toward the “involvement” category and away from higher levels of integration. The SWCC developed a new charter where the agency no longer plays a leadership role although it maintains voting membership. According to some interviewees, the 4FRI collaborative seems to be shifting to the involvement category 520 with more regular agency personnel engagement in dialogue in the latter part of 2012. The SWJM collaborative, after moving from leadership to intermittence, may be moving toward involvement with the creation of a new collaborative body with clear procedural separation from the agency but a commitment to collaborative dialogue.

Depending on how it is undertaken, the collaborative process can enable dialogic 525 interactions, build relationships and trust, and facilitate working through ideas, disagreements, information and knowledge among diverse stakeholders (Innes & Booher, 2010; Margerum, 2011). Stakeholders and agency personnel can jointly define problems, identify needs, develop options for implementation and monitor the effectiveness of treatments as they learn about each other, the landscape, institutional context, science and values. Where USFS employees are 530 involved in this process, stakeholders and agency staff have the potential to develop mutual understanding and identify common interests. Collaboration at arm’s length in a procedural sense, where decision making processes of the collaborative and the agency are clearly separated, does not inherently limit the quality of substantive dialogue as long as agency staff engage in the dialogic process and are clear about the process and decision space from the 535 beginning. Where USFS engagement is more deeply integrated into the collaborative structure, either the leadership or membership categories, procedural tensions can arise that can hamper

substantive interaction. Where USFS engagement is intermittent, the potential for collaborative dialogue is inhibited due to a lack of interaction while procedural concerns about decision making processes are either not relevant or minimal.

540 I do not mean to claim that landscapes where the agency is more integrated into collaborative decision making procedures or where engagement is intermittent are not moving forward on ecological restoration goals. In every case, CFLRP landscapes are making significant progress on developing large scale NEPA analysis, designing multi-party monitoring plans, and/or undertaking restoration work through contracts or direct action. Indeed, it is arguable that

545 “involvement” simply may be a comfortable category for a risk averse and lawsuit shy agency as much as it is a more productive collaborative posture for dealing with substantive issues. However, given the potential for procedural challenges to divert attention or where substantive interaction is otherwise limited through lack of opportunity for dialogue, it seems fruitful for the agency to orient toward “involvement.” At least in these CFLRP cases, such a posture minimizes

550 procedural distractions in a complex institutional context while taking advantage of the potential benefits that arise in collaborative dialogue on substantive issues.

Conclusion

A fundamental tension in collaborative public lands management is how to adhere to

555 legally defined procedures for decision making while engaging substantively in collaboration. The CFLRP brings this tension to a head as it requires collaboration not only in restoration planning, but also in implementation which previously had been largely insular. How stakeholders and agency personnel are navigating this tension in CFLRP collaboratives is instructive.

560 These cases demonstrate, first, that FACA-fear can be a hindrance to collaboration, but
one that can be overcome. Where CFLRP collaboratives were FACA-aware, USFS employees
are able to engage in dialogue with and obtain substantive input from the collaborative while
maintaining separate decision making processes. FACA-aware collaboratives tended to follow the
principles of FACA regarding representation, transparency and openness in forming and governing their
565 groups. FACA may be something not to be afraid of, but to use as a model for how to undertake
high quality collaboration without necessarily having to authorize a FACA committee (Council
on Environmental Quality (CEQ), 2007).

 CFLRP cases further demonstrate that obtaining input and influence on the substance and
content of management decisions can be accomplished without integrating fully into
570 collaborative structures. Indeed, developing a structure with clear boundaries between agency
and collaborative decisions, diverse and inclusive representation on the collaborative, and
opportunities for regular and consistent participation in collaborative dialogue ensured a focus on
substantive matters and avoided many procedural concerns. On the other hand, a well designed
collaborative structure is only a necessary but insufficient condition in ensuring consistent and
575 substantive engagement on the part of USFS employees. A lot depends on the posture and
comfort level of participating staff members as much as it does on the structure of the
collaborative entity.

 Finally, collaboration at arm's length, at least on procedural grounds, may be a useful
posture for agency staff. Higher levels of integration in collaborative decision making structures
580 often exacerbated concerns about procedural issues. Collaboratives where the agency played a
leadership role had the greatest tension, and, as a result, this level of engagement appears to be
eroding. Responding to these concerns required stakeholders and USFS staff to address

procedural issues and potentially hampered their ability to engage in dialogue on substantive issues.

585 The choice before the agency is not about relinquishing authority, but about how extensively to engage in dialogue on substantive issues with interested stakeholders concerning public lands management projects. The importance of engaging in collaborative dialogue is heightened in the context of landscape scale ecological restoration as the issues and options cut across jurisdictions, organizations, and disciplines. Such dialogue has the potential to allow
590 agency personnel and stakeholders to work through issues and bring a range of ideas, perspectives, values, expertise, and knowledge to develop better informed decisions for more effective restoration on public lands. An arm's length approach to agency integration into collaborative structures ensures statutory compliance and more easily satisfies stakeholders who question whether the agency might co-opt collaborative processes if the role agency staff play is
595 too strong. However, it is well within statutory guidance to create space for substantive interaction and dialogue as stakeholders and agency personnel mutually define the nature of the problem they are addressing, jointly develop options, and engage in multi-party monitoring to enable learning and adaptive management.

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ⁱ An anonymous reviewer pointed out that agency personnel can turn to FACA as a way to shield themselves from participating in collaboration, a sort of “FACA-brandishing,” through deliberate misinterpretation of the act. While in a couple of the CFLR cases some stakeholders had the impression that agency personnel might be engaging in FACA-brandishing, it was not clear that agency personnel were engaged in willful misinterpretation of the act.