

Chapter 7: Developing Collaboration and Cooperation

*G. Bartlett*¹

Introduction

Good forestry practices require onsite flexibility. A core concept in U.S. Forest Service General Technical Report PSW-GTR-220 “An Ecosystem Management Strategy for Sierran Mixed-Conifer Forests” (North et al. 2009) is that management treatments and thinning intensity should differ depending on local forest conditions and topographic location. In the absence of restricted forestry practices (e.g., stream exclusion zones, upper diameters for thinning, etc.), managers have to effectively communicate where and how different treatment decisions will be made. Using GTR 220 concepts requires effective outreach and project transparency. No single blueprint exists to achieve cooperation and trust as social context differs between projects, national forests, and stakeholders involved.

The objective of this chapter is to provide an example and analysis of a successful collaboration that may help projects find their own path to building public cooperation. Other forest management projects may not need professional mediation, yet some of the principles discussed here may be of value in any project involving public outreach. This chapter’s example is a summary of how mediation and group collaboration led to settlement of one of the more litigated forest management projects in the Sierra Nevada—fuels treatments around the Dinkey Creek area on the Sierra National Forest.

For 15 years, conflict and litigation had stalled management practices on the Kings River project, which contains habitat used by a subpopulation of fisher. In 2009, with the help of an outside mediator, the Sierra National Forest Project Planning Forum successfully developed a proposed 5,000-ac (2023-ha) project—Dinkey Creek North and South based on GTR 220’s conceptual framework. Subsequent to the successful project collaboration, the Sierra National Forest received significant Collaborative Forest Landscape Restoration funding. Currently, the Sierra National Forest is proceeding with the environmental analysis, and is expanding the collaborative group’s membership and project area.

Dinkey Project History

In 2007, the Center for Collaborative Policy, a program of California State University, Sacramento, that provides impartial mediation services, conducted an assessment of the mediation potential of several forest management projects, including

¹ Staff mediator, Center for Collaborative Policy, 815 S Street., 1st floor, Sacramento State University, Sacramento, CA 95811.

Summary of Findings

1. **Collaboration involves five stages: assessment, organization, education, negotiation, and implementation:** Assessing the issues, organizing the collaborative group, and educating stakeholders about each other's interests and technical issues lay the foundation for negotiation. During negotiation, the parties work through all the issues, building agreements over time. Stakeholders then monitor the project and adapt during implementation.
2. **Early engagement of a broad range of participants is essential to robust agreements:** For stakeholders to have meaningful dialogue and an effect on issues, stakeholders need to engage early in project planning. Engaging a broad range of stakeholder participants can create a project that balances fire, wildlife, and silviculture perspectives, making final agreements more robust.
3. **Site visits support decisionmaking and agreements:** Site visits illustrate existing variability and contribute to clarifying project objectives. Site visits help ground stakeholder discussion over desired conditions, providing a specific context in which decisions need to be made rather than a principled argument over management practices.
4. **An impartial mediator can promote trust and problemsolving:** The mediator's essential role is to organize the process, create trust, normalize conflict, develop a problemsolving environment, manage the timeframe, and orient the group to reach outcomes. A key element to trust building is the mediator's independence and ability to speak to all parties confidentially.

Kings River, in the Southern Sierra Nevada. At that time, the center did not recommend the parties meet to resolve project issues because the conditions necessary for success were not present. The center did, however, make some recommendations to correct these conditions. The first recommendation was for the parties to engage in joint factfinding to establish consensus on the scientific foundations from which projects could be developed. Joint factfinding is a process in which stakeholders engage with scientific experts to frame research questions and interpret research results (Ehrman and Stinson 1999, Karl et al. 2007). In the southern Sierra projects, stakeholders often cited conflicting studies to justify their proposed management

recommendations. As a result, the Forest was “paralyzed by science.” The center also recommended that the Sierra National Forest engage the public early in any project development. During the assessment, stakeholders complained that they only learned about projects once they were in such late stages of development that the Forest Service did not have flexibility to modify or significantly change the project because of the professional and resource investment, which had already occurred.

Between the 2007 assessment and March 2009, a group of Forest Service and university scientists developed GTR 220 (North et al. 2009) summarizing recent research on forest and fire ecology, ecosystem restoration, silviculture, and wildlife species (particularly the Pacific fisher) (*Martes pennanti*) in the Sierra Nevada. There was substantial research relevant to forest management that had been completed since the last major summary of Sierra Nevada science (SNEP 1996), but much of it was technical and scattered among many different journals. Using the North et al. (2009) paper as a starting point for finding scientific common ground, the U.S. Institute for Environmental Conflict Resolution invited the Center for Collaborative Policy to speak with the parties and consider organizing a collaborative effort to develop a project.

Mediator’s Role

The center appointed a mediator to the project with the assigned task of facilitating meetings and being impartial to the substance or content of outcomes. The mediator’s essential role was to organize the process, create trust, normalize the conflict, develop a problemsolving environment, manage the timeframe, and orient the group to reach outcomes. A key element to building trust was the condition that the mediator had the planning forum’s permission to speak confidentially with all of the participants to discuss their interests, concerns, and negotiation strategies. In turn, participants were able to call the mediator when they were upset or worried about something. This trust helped the parties overcome hurdles and allowed the mediator to reframe conflict as a problem to be solved. For example, early in the process, during the development of one of the signature documents, the mediator was able to combine significant comments from several stakeholders into one document, getting permission from several key parties to share it as a straw proposal for group consideration. She never disclosed who submitted comments, and one person’s contribution might have been viewed as controversial within the person’s organization. However, this version was substantially better and the parties’ accepted it without question, largely because the draft better reflected the intent they wanted to convey.

The parties first identify all the key issues that need to be addressed. The parties' interests are used to develop criteria for decisionmaking. As areas of potential disagreement emerge, they are put on the table and treated as issues that the parties need to resolve.

Five Stages of Collaboration

As practiced by the center, collaborative policymaking typically involves five stages: assessment, organization, education, negotiation, and implementation (table 7-1). The Dinkey collaborative went through these stages and is now in the implementation process. The first three stages lay the foundation for getting to negotiation. In the assessment stage, the mediator meets with the parties to determine whether they would like to negotiate and if they have enough interests in common to support a negotiated outcome. In this stage, it is important to identify participants willing to collaborate and consider others' perspectives. Next the organizational structure is developed. The mediator works with the parties to set the agenda and a decisionmaking rule for the collaborative process, and to define how agreements and outcomes will link to agency decisionmaking. In the third stage, education, the parties develop a common understanding of the project's scientific and technical issues, and also the interests and goals of each of the interest groups.

During negotiations, the parties first identify all the key issues that need to be addressed. Then the group works through the issues, building agreements over time. The parties' interests are used to develop criteria for decisionmaking. As areas of potential disagreement emerge, they are put on the table and treated as issues that the parties need to resolve. During implementation, stakeholders initiate and monitor the project, modifying the approach as data indicate.

Steps That Facilitated Collaboration for the Dinkey Project

- **Include a broad range of participants.** The initial inclination was for the Forest Service to meet with a singular environmental organization that had engaged on the original larger Kings River project. However, the success of the process was ultimately rooted in having a diversity of perspectives represented. For each "small" agreement, stakeholders had to grapple with balancing fire, wildlife, and silviculture perspectives, a process that made final agreements more robust. Expanding participation diffused tensions that had developed over the long history of the conflict and litigation. Additional parties brought expertise, problemsolving, and humor.
- **Establish a conceptual framework, purpose and need, and long-term desired condition.** There is often a tendency to immediately start evaluating the project without first finding common ground on current forest conditions and long-term objectives. General Technical Report 220 helped establish a conceptual framework around which the purpose and need was developed.

Table 7-1—Progressive steps in collaborative decisionmaking

Five stages of collaborative decisionmaking on public issues				
Assessment/planning	Organization	Education	Negotiation/ resolution	Implementation
Conflict analysis and assessment • Do the parties want to negotiate? • Are the issues negotiable?	Training in interest-based collaboration Meeting logistics and schedule	Review history, context, and legal/statutory framework Develop common understanding of problem and issues	Turn interests into decisionmaking criteria Option generation/brainstorming	Linking agreements to external decisionmaking Monitoring implementation
Can the parties get a better deal elsewhere?	Settle representation issue Settle mission goals	Thorough understanding of one's interests and adversaries' interests	Inventing without deciding Developing/refining trial balloons	Assure compliance and respond to changing conditions
What are the chances for success?	Develop ground rules: • Decisionmaking • Press/observers • Roles/responsibilities • Other	Thorough understanding of most likely alternatives to a negotiated agreement	Linking and packaging agreements	
Identify: • What is the problem • Mission goals • Range of issues to be addressed • Preliminary process design	Dealbreaker analysis Determine ongoing communication and accountability systems with: • Constituents • Elected/appointed boards • General public • Other important players	Develop common information base: • What information do we have? • What portion of that information is accepted by all? • What new information is needed and how to get it (data gaps)	Agreements in principle Agreements in detail If get stuck: • Revisit underlying interests • Revisit alternatives to a negotiated agreement	
Representation issues (stakeholder analysis): • Who are the dealmakers and dealbreakers? • What groups should be represented? • Who can legitimately speak for each group?	Agenda setting for education phase: • Initial discussion of issues • Initial issue framework	Educate constituency to issues and interests	Constant feedback from one's constituency	
Assess adequacy of staffing: • Process • Policy • Administrative	Finalize process design	Develop framework for negotiation, including range and order of issues to be addressed	Develop agreements with: • Quid pro quo linkages • Assurances for mutual commitments	
Assess adequacy of commitment: • Time • Financial resources				
Key challenges by stage				
Can problem be successfully addressed through negotiation?	Determining how group makes its decisions	Agreeing to devote sufficient time to this stage	Reconciling conflicting interests Bringing constituents along	A test of how well implementation was integrated into the agreement
Not excluding any party that could undermine negotiated agreements		Postponing judgment to learn about other parties' interests	Development of assurances	

Determining desired future conditions involved evaluating current conditions using forest measurement data, discussion, and selection of desired future conditions, and developing management practices to get there. Given the time commitment and expertise required, a subcommittee was formed and tasked with developing recommendations to bring back to the full group.

The parties were unable to reach agreement on the definition of forest health... [However, they] were still able to negotiate the details of the Dinkey project by dealing with the specifics of the particular project rather than the philosophy or values around forest health.

- **Scientific experts served as technical resources during meetings.** In the organization phase, the mediator vetted scientists with relevant expertise with each of the stakeholders who were going to participate in the collaborative planning forum. The planning forum participants essentially approved each technical expert. The technical experts participated in most planning forum meetings: they were able to answer scientific questions immediately, keeping the workflow and dialogue moving. This proved invaluable to moving forward and reaching agreements. In cases where questions arose requiring analytical work, the scientists were able to clarify the analytical questions first hand and then conduct analytical work or provide data with a clear understanding of what was needed.
- **Some intractable issues moved forward without complete consensus.** For example, the parties were unable to reach agreement on the definition of forest health because they had different philosophical approaches to forest management. However, the parties were still able to negotiate the details of the Dinkey project by dealing with the specifics of the particular project rather than the philosophy or values around forest health. The negotiations forced parties to evolve from individuals challenging each other to a collaborative team seeking solutions.
- **Site visits used to develop decision priorities and the initial mark.** The subcommittee went out into the field and looked at parts of the project area. After the site visit, the group developed a set of decision priorities to clarify how project objectives varied with location (e.g., forest in defense zones versus riparian areas). This priorities document continued to evolve and serve as the repository for agreements. Working with the silviculturists, the group developed targets that were translated into preliminary marking guidelines. After stands in different priority zones were marked, the group and the GTR authors visited the sites and discussed the mark and the reasoning used to make decisions. This field visit was particularly useful for grounding discussions over desired conditions, providing a specific context in which decisions needed to be made rather than a principled argument over management practices.

Additional Steps for Successful Collaboration and Cooperation

- **Timely engagement.** For stakeholders to have meaningful dialogue and an effect on issues, the Forest Service needs to engage potential participants early in project planning. While stakeholders can be nimble, in cases of low trust and high conflict, having adequate time is essential for conflict resolution. Working with a stakeholder group, a deliberative initial pace can be frustrating, but is often needed to build the foundation for long-term collaboration and may potentially reduce project approval time during the environmental analysis and review.
- **Building trust.** Many issues can come up to derail collaboration, but one of the most common is starting off with the most difficult and contentious issues first. In the long-term it may be more productive to first build general agreement on ecological principles. For example, does the group agree that low-intensity fire is a critical ecological process that management actions should attempt to mimic where possible? General agreements on ecological principles tied to topographic feature can help determine if the parties share concepts for current and future desired conditions for the planning landscape. If there is conceptual agreement, do the parties also understand and trust the data being used to examine treatment levels and impacts to resources. Information used to understand the landscape, descriptions of existing conditions, historical reference conditions, and estimates of effects of actions (alternatives, no action) taken to achieve desired conditions need to be supported by the group. Next, where possible (i.e., outside defense zones), the planning process and marking prescriptions should balance and move multiple objectives forward (e.g., fuels reduction, ecosystem restoration, and provision of wildlife habitat) rather than using single or primary objectives for different landscape locations. Finally, project monitoring is essential to demonstrating a commitment to understanding what worked and what did not. Greater management flexibility will only improve forest conditions if it commits to assessing and adapting from what it learns. As climate changes, all management practices will be experimental. Monitoring is essential to building trust in an uncertain future.

Many issues can come up to derail collaboration, but one of the most common is starting off with the most difficult and contentious issues first. In the long-term it may be more productive to first build general agreement on ecological principles.

- **Testing implementation.** Heterogeneity marking is less about right or wrong and more about moving in a new direction. Sharing ideas, trying different approaches, and making mistakes will be part of developing a new approach. The marking crew leader and crews should understand the design features and preliminarily mark several acres to test design measures as they are transferred to the ground. The collaborative group should review this phase with the Forest Service since the marking crews are the people who will actually cover all the ground in the project area.
- **Patience.** These collaborative projects may initially require more time and resources before a particular method or “tool box” application is developed. One potential benefit would be to try GTR 220-based collaboration in several more areas and then analyze commonalities across all the projects. This would help fine tune procedures and provide insights that could streamline project development efforts and develop a set of tools that might be applicable in other landscapes.

References

- Ehrman, J.R.; Stinson, B.L. 1999.** Joint fact-finding and the use of technical experts. In: Susskind, L.; McKernan, S.; Thomas-Larmer, J., eds. *The Consensus Building Handbook*. Thousand Oaks, CA: Sage Publications: 375–398.
- Karl, H.A.; Susskind, L.E.; Wallace, K.H. 2007.** A dialogue, not a diatribe: effective integration of science and policy through joint fact finding. *Environment*. 49: 20–34.
- North, M.; Stine, P.; O’Hara, K.; Zielinski, W.; Stephens, S. 2009.** An ecosystem management strategy for Sierran mixed-conifer forests. 2nd printing, with addendum. Gen. Tech. Rep. PSW-GTR-220. Albany, CA: U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station. 49 p.
- Sierra Nevada Ecosystem Project [SNEP]. 1996.** Sierra Nevada Ecosystem Project: final report to Congress. Davis, CA: University of California, Davis Centers for Water and Wildland Resources. Volumes 1–4.