

# **Collaborative Forest Management: Policy and Practice**

**A training module for forestry practitioners**

Ecological Restoration Institute  
Pinchot Institute for Collaboration  
Southwest Community Forestry Caucus  
USDA Forest Service – Region 3  
Sustainable Northwest  
The Nature Conservancy - Fire Learning Network  
Society of American Foresters  
Forest Guild  
Public Policy Research Institute, University of Montana

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## Purpose of this training module

This training module evolved from a collaboration training workshop for forestry practitioners designed in 2005-2006 by the Ecological Restoration Institute, the Pinchot Institute for Collaboration, the Southwest Community Forestry Caucus, the USDA Forest Service – Region 3, Sustainable Northwest, The Nature Conservancy’s Fire Learning Network, the Forest Guild, and the Society of American Foresters.

Collaboration in resource management is extremely popular, yet there is much confusion about mandates and opportunities for collaboration, different forms of collaboration, and collaboration best practices. This training module was designed to provide in-depth information on the benefits and costs of collaboration, legal and policy mandates for and barriers to collaboration, collaboration best practices, and other lessons from collaboration in practice. It can be used as a reference document and also applied in a workshop setting.

The module is organized around three broad topics:

- The history and current context for collaboration in the United States
- Mandates, opportunities, and barriers to collaboration from federal law and policy
- Lessons learned from practical experience – challenges and best practices

For each topic, you will find detailed overviews appropriate for presentations and group exercises designed to encourage group discussion and peer learning among participants.

Case studies are not included here, but trainers are encouraged to include relevant, regionally-appropriate examples of collaboration to illustrate key points. It is very helpful to have case examples presented by a key participant in the collaborative effort.

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## Organizing a training workshop

The Ecological Restoration Institute and its partners offered two-day trainings based on this module in November 2005 and May 2006. In evaluations, participants reported that the most valuable aspects of the workshops were:

1. *Opportunities to interact* with and learn from other participants
2. *Small group exercises* that mimic collaboration and explore issues
3. *Case examples* presented by people who have lived the process
4. *Broad range of perspectives* and experiences represented
5. *Presentations by experts* on policy mandates and barriers

In other words, it is important to both present detailed information and keep the workshop interactive. We found that the following elements encouraged discussion and improved efficiency while still providing concrete information:

- *Build in plenty of time* for participants to talk informally. We scheduled 30-minute breaks in both the morning and afternoon and allowed 90 minutes for lunch. We also provided an on-site lunch, which both encouraged participant interaction and kept the agenda on time.
- *Advertise widely* to encourage broad range of participants.
- *Include small-group activities* to allow participants to discuss issues and learn from each other, and to break up presentations.
- *Make sure policy mandates and barriers to collaboration are presented by experts* who can answer technical questions. There is much confusion over federal mandates and policy guidance on collaboration, and participants greatly appreciate clear explanations of these topics.
- *Include case examples* of successful collaboration processes, presented by key participants in the collaborative effort who can explain how they did it and highlight lessons learned.
- Hold the workshop in a *large room* with windows. Participants should be able to easily see and communicate with each other.
- Organize the room so *participants are seated at large tables*, 8-10 people to a table. This allows for efficient transition between large-group and small-group activities. Assign seating at the tables, so that each small group has a mixture of different interests represented (e.g., agency scientists, agency planners, environmental groups, other interest groups, community groups, etc.).

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## Perspectives on collaboration

The following section provides a context for conceiving of and discussing collaboration. It begins with a discussion of common definitions of collaboration and the minimum characteristics that define a collaborative process – *participation from diverse interests* and *group process*. Graphics are used to illustrate how collaboration expands upon more traditional forms of public participation. A table describes the different forms that collaboration can take, including *networks*, *dialogue groups*, *advisory committees*, and *partnerships*. The group exercise and text allow participants to explore their own and others' sometimes conflicting expectations of collaborative processes and their outcomes.

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## Definitions of collaboration<sup>1</sup>

There are many *working definitions of collaboration*, for example<sup>2</sup>:

- “Collaboration is a process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible” (Gray, 1989).
- “At its most basic level, collaboration is the sharing of responsibility among people for something they care about. It is a process in which interdependent groups work together to affect the future of an issue of shared interest” (Hummell and Freet, 1999)
- Collaboration “is a mutually beneficial relationship between two or more parties who work toward common goals by sharing responsibility, authority, and accountability for achieving results” (Chrislip and Larson, 1994).
- Collaboration is a “bottom-up strategy involving negotiations and problem solving among a variety of governmental and nongovernmental stakeholders” (Kamienieki and Kraft, 2005).

What all these definitions have *in common is participation from diverse interests and group process*. In addition, most people agree that:

- Collaboration is a process by which *multiple stakeholders work together to solve a common problem* or achieve a common objective.
- Collaboration involves *sharing information and perceptions* to encourage innovation and mutual learning, and
- Collaboration provides an *opportunity to improve planning and decisionmaking* by finding innovative ways to work beyond gridlock and inefficiency.

Other characteristics are commonly but not universally associated with collaboration, for example:

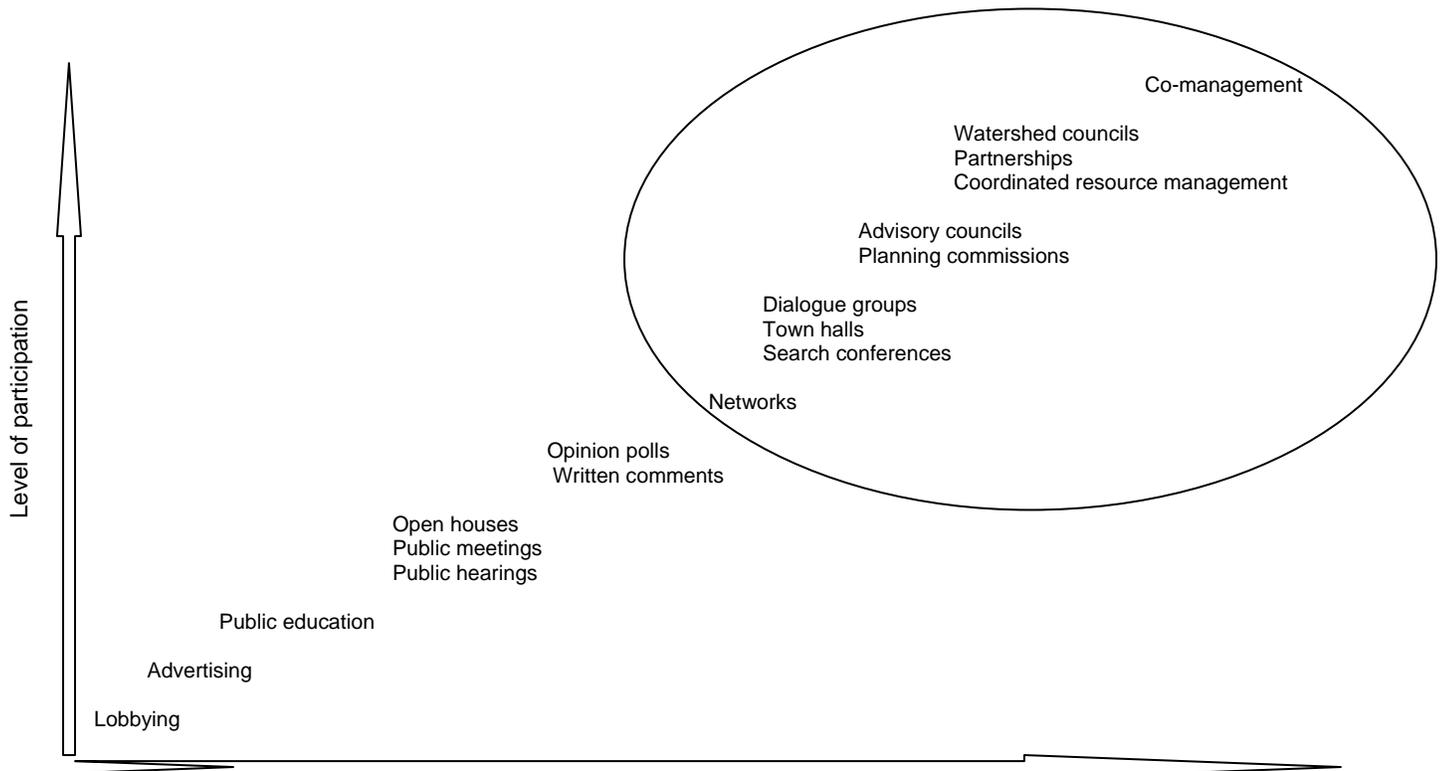
- Collaboration is *sometimes considered a form of conflict management* - a way to improve relations, diffuse tensions, and resolve disputes.
- To many, collaboration *implies the participation of local citizens and development of civic community*.
- Collaboration in natural resource management *often addresses interconnections between social, economic, and ecological goals*.
- Collaboration differs from public participation in that a process *is often not considered collaborative unless stakeholders participate directly in the development and review of proposed actions*.

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<sup>1</sup> Material in this section is based on Moote, Ann and Kimberly Lowe. 2005. Collaborative Resource Management. Unpublished manuscript, Ecological Restoration Institute, Flagstaff, Arizona.

***Although collaboration can be a form of public participation, not all forms of public participation are collaborative.*** As shown in the figure below, there are many ways to engage the public, ranging from lobbying to co-management. Activities that would commonly be considered collaborative have high levels of participation from a variety of social groups and encourage face-to-face information exchange and learning among participants. These include most networks, dialogue groups, advisory councils, partnerships, and watershed councils. Activities like public hearings, open houses, and public comment periods generally are not considered collaborative.

**Collaboration on the ladder of public participation<sup>3</sup>**



Objective: persuasion – information dissemination – information gathering – feedback & consultation – shared decisionmaking

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<sup>3</sup> After Arnstein, Sherry. 1969. A ladder of citizen participation. *American Institute of Planners Journal*. 216-224.

## Forms of collaboration<sup>4</sup>

Type	Purpose and goals
Networks	Loosely defined group of individuals and/or organizations with overlapping interests or responsibilities who engage in intermittent, informal communication over extended periods of time. The goal is information exchange and resource sharing, not conflict resolution or shared decisionmaking. Participation is voluntary and often ad-hoc and there are no formal rules of operation.
Dialogue groups <i>(e.g., town hall, search conference, community visioning)</i>	Individuals with diverse interests participating in single events or ongoing gatherings to share ideas and create a vision for future action. Participants share information and ideas, explore issues, and attempt to identify common values, but do not attempt to reach agreement or make decisions. Participation may be open or by invitation only. Meetings are semi-formal and facilitated.
Advisory groups <i>(e.g., advisory council, planning committee)</i>	Regular, facilitated meetings of individuals who are usually invited or appointed based on their expertise. Participants often represent specific interests or agencies rather than their individual perspectives. The group works together to develop guidelines or plans for others, analyze trends, review plans or proposals, and make recommendations, but has no decision-making authority.
Partnerships and Councils <i>(e.g., watershed council, coordinated resource management group)</i>	Participants with diverse interests working together, both formally and informally, to achieve a common purpose. Typical group activities include developing and advancing a shared vision, mission, and goals; collectively identifying issues, gathering information, and learning about the issues of concern; generating options and developing recommended actions; engaging in joint projects; and monitoring and evaluating activities. Participation is open to any interested group or individual, but membership may be formally defined. Group makes decisions through a formal, defined process. Group will typically develop a budget and seek funding independent of their member organizations.

<sup>4</sup>Table from on Moote, Ann and Kimberly Lowe. 2005. Collaborative Resource Management. Unpublished manuscript, Ecological Restoration Institute, Flagstaff, Arizona.

## ***Exercise: Exploring Expectations of Collaboration***

**Time required:** 20-30 minutes

### **Objectives:**

1. Review commonly held (but sometimes conflicting) expectations of collaboration processes and outcomes.
2. Demonstrate the need to identify and come to agreement on expectations when embarking on a collaborative effort.

### **Process:**

1. Break into groups of about 6-10 people, ideally with a diversity of participants in each group. Have each group sit in a circle with participants facing each other.
2. Pass out a list of commonly held beliefs about collaboration processes and outcomes (see below for an example).
3. Each participant reads one or two statements, then explains whether he or she agrees or disagrees why and asks other participants if they have different views.
4. Continue around the circle until all statements have been discussed (or until time is up – usually 15 minutes).
5. Reconvene as a large group; facilitator asks participants to share surprises or insights that came up in the small groups.
6. Facilitator points out need for participants in a collaborative process to discuss their expectations and reach agreement on appropriate expectations of their process.

### **Handout:**

Do you agree with the following statements about collaboration? Why or why not?

1. Collaboration is a process of collecting information, educating the public, and building support for proposed actions.
2. Collaboration empowers local communities / citizens, giving them a greater voice in resource management.
3. Collaboration is essentially synonymous with public input.
4. Collaboration means shared decisionmaking.
5. Collaboration is goal-specific, and should end when the project has been completed.
6. Collaboration is a long-term approach to relationships, communication, and problem solving.
7. Collaboration is a source of innovation and joint problem-solving.
8. Collaboration often results in lowest-common-denominator decisions.
9. Collaboratively developed projects are more likely to get implemented.
10. Collaboration saves time and money.
11. Collaboration frequently involves hundreds of hours spent in meetings with few tangible results.
12. Relationship-building is an important part of collaboration.
13. Agency bureaucracy is one of the greatest barriers to effective collaboration.
14. Collaboration undermines government authority.

## Expectations of collaboration: discussion points

Depending on their background and previous experiences, people tend to have different expectations of collaborative process and outcomes. For example:

- People who consider collaboration a form of alternative dispute resolution tend to expect that it will *involve extensive dialogue in which participants' share their values and goals and use a consensus approach to identifying and selecting actions* that will benefit everyone.
- Proponents of participatory or discursive democracy tend to expect collaboration to *provide opportunities for citizen participation throughout planning and decisionmaking*.
- Advocates of network management and adaptive management expect that collaboration will *involve interagency cooperation, increased agency flexibility, and resource sharing to achieve common goals*.

In particular, the extent to which participants in a collaborative process engage in government planning and decision-making activities is open to debate:

- *Government agencies often consider collaborative planning to be primarily an advisory function* – with the collaborative group making recommendations to the agency and the agency retaining full decision-making authority.
- Non-agency stakeholders often view collaboration as a way to expand their role beyond simply sharing information or advising agencies. There is a common expectation that *collaboration means government will be more open and willing to engage in ongoing dialogue about their plans and procedures*.

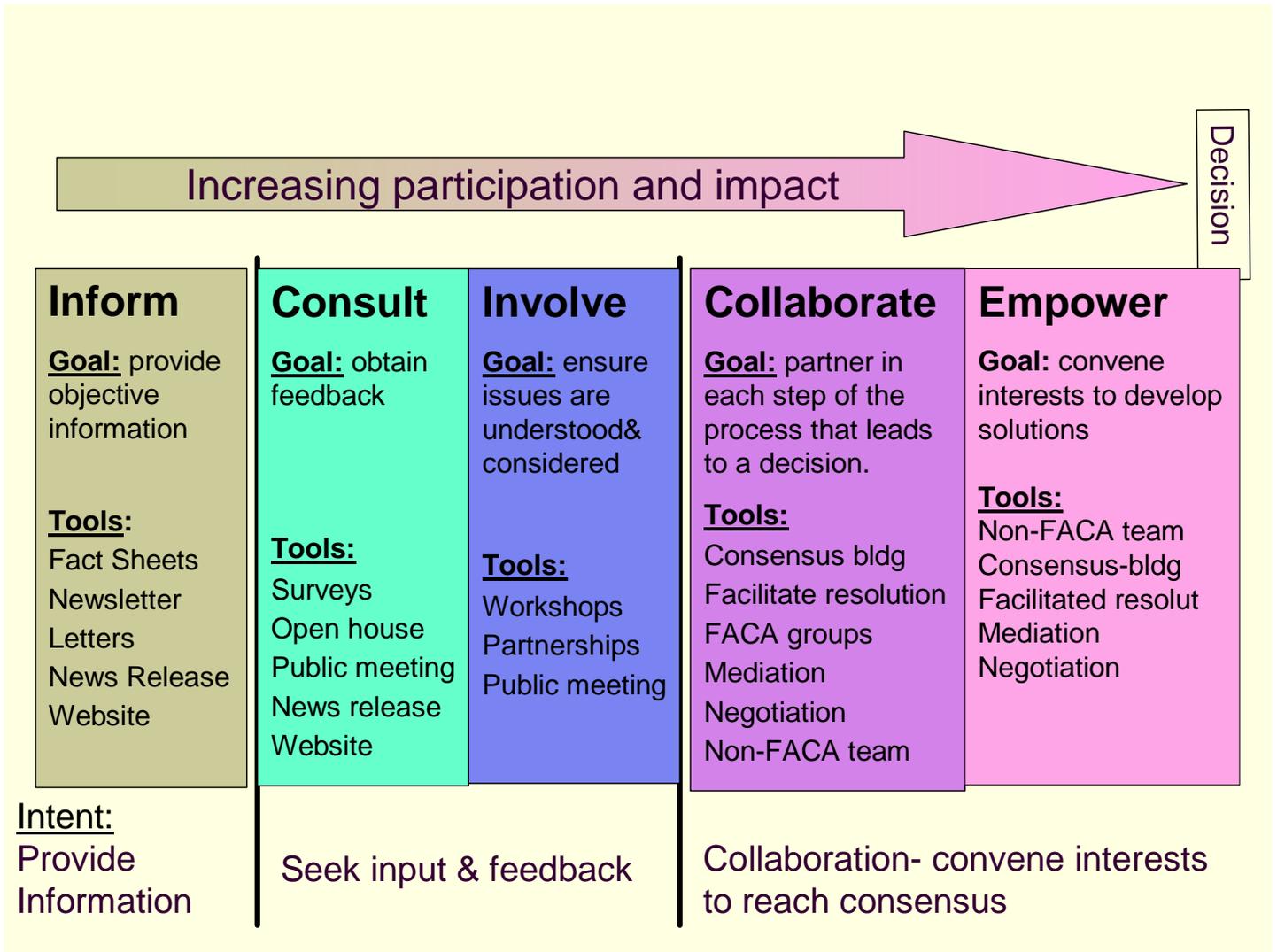
Because people hold preconceived ideas about the purpose, scope, and process of collaboration, it is very important that participants discuss their perspectives at the outset of the process and come to common agreement on the goals, scope, and procedures appropriate to the current collaborative effort.

### For more information:

Moote, Ann and Dennis Becker, editors. 2003. Exploring Barriers to Collaborative Forestry. Flagstaff, AZ: Ecological Restoration Institute.  
<https://library.eri.nau.edu:8443/handle/2019/210>

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The following figure illustrates common expectations of the level of participation in and goals of collaboration.





## **Collaboration law and policy**

The following sections on legal and policy mandates for collaboration are dense, and presenting all of them will take about six hours. Avoid overloading workshop participants by breaking alternative policy presentations with group exercises and case examples illustrating the different types of collaboration that each policy fosters (e.g., a collaborative NEPA process, a Resource Advisory Committee, a Community Wildfire Protection Plan). Consider presenting policy information over two days, and build in plenty of time for questions and discussion.

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## The legal context for collaboration<sup>5</sup>

Increasingly, federal laws have been designed to provide broad and balanced input to agency decisionmaking, make decisions transparent (without confidential negotiations or hidden agendas), and follow strict procedures intended to ensure fair processes. These guidelines underly many of the laws that influence collaborative resource management.

Several federal environmental laws *offer implied authorization for collaboration* through their requirements for public involvement. These include:

- National Park Service Organic Act (1916)
- National Environmental Policy Act (1969)
- Endangered Species Act (1973)
- Federal Land Policy & Management Act (1976)
- National Forest Management Act (1976)

Others require mediation or dispute resolution processes, which often *include aspects of collaboration, such as group process*. For example:

- Clean Air Act (1970)
- Coastal Zone Management Act (1972)
- Clean Water Act (1977)
- Alternative Dispute Resolution Act (1998)

In addition, several federal laws and policies developed in the past ten years *explicitly authorize collaboration* in natural resource management. These include:

- Stewardship contracting authorities (1998, 2003)
- Secure Rural Schools and Community Self-Determination Act of 2000
- Western Governors' Association 10-Year Comprehensive Strategy and Implementation Plan (2001, 2002, 2006)
- Executive Order 13352: Facilitation of Cooperative Conservation (2004)
- Healthy Forests Restoration Act of 2003

However, some federal laws also *limit opportunities for collaboration* because of their strict procedural requirements. These include:

- Federal Advisory Committee Act (1972)
- U.S. Constitutional law - delegation rules

The focus here is on laws and policies that explicitly authorize or limit opportunities for collaboration.

### For more information:

Van de Wetering, Sarah Bates. 2006. *The Legal Framework for Cooperative Conservation*. Missoula, MT: Public Policy Research Institute, The University of Montana.  
<http://cooperativeconservation.gov/library/LegalFrameworkCC.pdf>

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<sup>5</sup> This material is drawn from Van de Wetering, Sarah Bates. 2006. *The Legal Framework for Cooperative Conservation*. Missoula, MT: Public Policy Research Institute, The University of Montana.

## National Environmental Policy Act

The National Environmental Policy Act (NEPA) was one of the first environmental laws to *explicitly mandate broad public involvement* as part of an environmental review process for any environmental assessment or environmental impact statement. An environmental assessment or environmental impact statement is required for any major action that could significantly affect environmental quality.

NEPA also established the Council on Environmental Quality, which developed NEPA regulations that state, “NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.” Also according to the CEQ regulations, “*Federal agencies shall, to the fullest extent possible, ... encourage and facilitate public involvement in decisions* which affect the quality of the human environment.” Most federal departments and agencies have developed their own, more specific, NEPA regulations and policies.

### Public involvement in the NEPA process

By law, agencies must allow public involvement at three steps in the NEPA environmental review process.

1. **Scoping** takes place as soon as a federal agency has determined that an environmental assessment or environmental impact statement is required. During the scoping process, which *usually takes the form of a public meeting, and may also include field trips and soliciting written comments*, the agency must “invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds).”
2. After the scoping process, the agency develops a *draft environmental assessment (EA) or environmental impact statement (EIS) which is released for written (and possibly oral) public comment*. In other words, public input at this stage is usually through letters written to the agency.
3. After the comment period has ended, the agency completes a final version of the EA or EIS and issues a *Record of Decision*, at which point the *public can provide input only through a legal appeals process or litigation*.

### Collaboration in the NEPA process

A major criticism of the NEPA public involvement process is that information flow is one-way, i.e., the agency gathers information through the scoping process and public comment periods, and releases information through the draft and final environmental assessment or environmental impact statement. Thus the *traditional NEPA process does not involve information sharing and joint learning among diverse stakeholders*, including the federal agency.

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However, ***collaboration can be built into the NEPA process***. The following observation and recommendations are based on a 2003 NEPA Task Force report to the Council on Environmental Quality:<sup>6</sup>

1. ***Collaboration works best when it begins during the early planning stages, before the formal NEPA process begins*** (i.e., before formal announcement of a project subject to an EA or EIS).
2. It is important that the lead agency and other participants in a collaborative NEPA process ***recognize that the process will be time consuming and require commitment by all parties***. Individuals responsible for committing to the collaborative process should have the authority to commit resources early in the project-planning cycle and to complete the effort.
3. To avoid confusion and conflicts due to differing expectations, the ***lead agency should ensure that all participants in the collaborative process understand the lead agency's mission, needs, and NEPA procedures***. In addition, ***participants should share their expectations of the process and their role in it***, and time should be allocated to resolve differences in expectations.
4. The lead agency should ***be willing to listen to alternative suggestions***. Collaborating agencies and other participants expect that their input and expertise will be respected and used in issue identification, analyses, and document development.
5. Communication must be ongoing and multi-directional. ***Participants expect to access to the lead agency's information and the ability to establish a dialogue about the information***.

#### For more information:

National Environmental Policy Act of 1969 (P.L. 92-190, as amended)

<http://www.nepa.gov/nepa/regs/nepa/nepaeqia.htm>

<http://www.redlodgeclearinghouse.org/legislation/nepa.html>

Pinchot Institute for Conservation. 2005. *Understanding the Relationship between Collaboration & NEPA: A Quick Guide*. Washington, DC: Pinchot Institute for Conservation.

<http://www.pinchot.org/pubs/?catid=32>

Council on Environmental Quality. 2003. The NEPA Task Force Report to the Council on Environmental Quality: Modernizing NEPA Implementation.

<http://ceq.eh.doe.gov/ntf/report/index.html>

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<sup>6</sup> Council on Environmental Quality. 2003. The NEPA Task Force Report to the Council on Environmental Quality: Modernizing NEPA Implementation. <http://ceq.eh.doe.gov/ntf/report/index.html>

## Stewardship contracting

In 1998, Congress authorized “stewardship end result contracting,” commonly referred to as stewardship contracting, on a limited demonstration basis, “to perform services to achieve land management goals for the national forests that meet local and rural community needs.”

Specifically, stewardship contracts are an innovative and flexible contracting tool that combine aspects of both timber sale and service contracts and allow the agency to work with private entities on an array of forestry projects. For example, stewardship contracts may combine activities like timber harvest, road construction or removal, treatment of noxious weeds, or any of a number of other land management activities.

In 2003, stewardship contracting’s demonstration status was removed and the Forest Service and the Bureau of Land Management (BLM) were granted *general authority to enter into stewardship contracting projects via agreement or contract “with private persons or other public or private entities.”*

### Collaboration in stewardship contracting

Both the Forest Service and the Bureau of Land Management have made collaboration a prominent aspect of their stewardship contracting policies.

The Bureau of Land Management defines stewardship contracting as “a new authority ... [that] involves caring for the public lands through broad-based public and community involvement.” BLM’s policy further states that, “*because projects must meet local and rural community needs, collaboration with local interests is emphasized.*” BLM’s stewardship contracting projects emphasize on-the-ground results and “*early collaboration with States, Tribes, and communities and private sector organizations to achieve healthy landscapes, thriving communities, and dynamic economies*”

The Forest Service Handbook similarly states that “*collaboration shall be a part of stewardship contracting project planning and continue throughout the life of the project*” and that Forest Supervisors should “*ensure that all stewardship contracting projects ... are developed in collaboration with cooperating federal, State, and local agencies, tribal governments, non-government organizations, local communities, and any interested groups or individuals, as appropriate.*”

The Forest Service’s stewardship contracting policy defines collaboration as “a process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond what any one group could envision alone.”

### For more information:

Expansion of Stewardship End Results Contracting Authorities (16 U.S. C. 2104 Note, revised February 28, 2003).

<http://www.redlodgclearinghouse.org/legislation/>

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## Secure Rural Schools & Community Self-Determination Act

The Secure Rural Schools and Community Self-Determination Act has three purposes:

1. to stabilize payments to counties to provide funding for schools and roads;
2. to make additional investment and create employment opportunities through projects that improve maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality; and
3. to improve collaborative relationships and to provide assistance and recommendations to the land management agencies among people that use and care for federal lands and agencies that manage those lands.

### Resource Advisory Committees

Title II of this Act establishes Resource Advisory Committees (RACs), which are the primary vehicle by which special projects funded by this act (purpose #2) are initiated and improved.

- RACs have 15 members, which ***must include representatives from industry/labor, environmental/recreation, and community/tribal interests.***
- RACs review proposed projects and select those to be recommended for funding with county payments funds.
- RACs are required to “***provide frequent opportunities for citizens, organizations, tribes, land management agencies to participate openly and meaningfully, beginning at the early stages of the project development process.***”

### Collaborative Forest Restoration Program

Title VI is the Community Forest Restoration Act, which established the Collaborative Forest Restoration Program (CRRP) in New Mexico.

- CFRP provides cost-share grants for restoration projects designed through a collaborative process.
- CFRP-funded projects ***must “include a diverse and balanced group of stakeholders as well as appropriate Federal, Tribal, State, County, and Municipal government representatives in the design, implementation, and monitoring of the project.”***
- CFRP proposals are reviewed by a Technical Advisory Panel (designed much like a RAC), which is directed to “***use a consensus-based decision-making process***” to select projects that it recommends for funding.

### For more information:

Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-393)  
[http://www.fs.fed.us/r6/fremont/rac/106\\_393.html](http://www.fs.fed.us/r6/fremont/rac/106_393.html)

## 10-year Comprehensive Strategy and Implementation Plan

### 10-year Comprehensive Strategy

In August 2001, the Secretaries of Agriculture and the Interior joined the Western Governors' Association, National Association of State Foresters, National Association of Counties, and the Intertribal Timber Council to endorse *A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: A 10-Year Comprehensive Strategy*.

This Strategy marked the initial fulfillment of two key Congressional directives that:

- The Secretaries of the Interior and Agriculture and the Governors, using a collaborative structure, should jointly develop a long-term national strategy to address the wildland fire and hazardous fuels situation and the needs for habitat restoration and rehabilitation; and
- The strategy should be developed with “close collaboration among citizens and governments at all levels,” including “states and local governments as full partners.”

Specifically, the 10-year Comprehensive Strategy states, “This strategy should **enhance collaboration among all levels and all parties for planning, decision-making, implementation, monitoring, and learning**—without altering the responsibilities or statutory authorities of participating Federal and State agencies.”

### 10-year Comprehensive Strategy Implementation Plan

In 2002, the Western Governors' Association, Secretaries of Agriculture and Interior, and their partners developed an *Implementation Plan* to achieve the goals of the Comprehensive Strategy. In the Implementation Plan, **all parties agreed to implement a collaborative framework** to facilitate collaboration among governments and stakeholders at the local, state/regional, and national levels. The framework calls for **collaboration in planning, prioritizing actions, implementing projects, and monitoring performance** and describes types of participants that should be included in collaboration at each level (local, state/regional, and national).

In December 2006, the same parties released an updated version of the Implementation Plan, *A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10-year Comprehensive Strategy Implementation Plan*. The 2006 Implementation Plan incorporates opportunities created by the Healthy Forest Initiative and the Healthy Forest Restoration Act. In addition, it lists characteristics of successful collaboration.

#### For more information:

A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10-year Strategy Implementation Plan (2006)  
<http://www.westgov.org/wga/publicat/TYIP.pdf>

A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10-Year Comprehensive Strategy (2001)  
[http://www.westgov.org/wga/initiatives/fire/final\\_fire\\_rpt.pdf](http://www.westgov.org/wga/initiatives/fire/final_fire_rpt.pdf)

## Executive Order 13352

In August 2004, President Bush issued an Executive Order directing the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency to ***“implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in Federal decisionmaking, in accordance with their respective agency missions, policies, and regulations.”***

The Executive Order also directed the Secretaries to carry out their programs, projects, and activities “in a manner that:

- (i) facilitates cooperative conservation;
- (ii) takes appropriate account of and respects the interests of persons with ownership or other legally recognized interests in land and other natural resources;
- (iii) properly accommodates local participation in Federal decisionmaking; and
- (iv) provides that the programs, projects, and activities are consistent with protecting public health and safety.”

### **For more information:**

Executive Order 13352, *Facilitation of Cooperative Conservation*, August 25, 2004  
<http://www.ofee.gov/eo13352.pdf>

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## Healthy Forests Restoration Act

The Healthy Forests Restoration Act of 2003 (HFRA) was Congress' response to the presidential Healthy Forests Initiative (HFI). A principal purpose of the act is “to ***reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects.***” The provisions of Title I of the act (the part most relevant to collaborative fuel reduction planning) apply to lands administered by the US Forest Service and BLM.

The agencies are directed to encourage “meaningful public participation” in project planning through collaboration. They are required to “***facilitate collaboration***” among ***State and local governments, Tribes, and interested parties for any authorized fuel reduction project carried out under HFRA.***

Beyond the requirement for agencies to “facilitate collaboration” during public involvement on individual HFRA-covered projects, the primary vehicle for collaboration under HFRA is Community Wildfire Protection Plans

### Community Wildfire Protection Plans

Community Wildfire Protection Plans (CWPPs) are collaboratively developed plans for lands of all ownership status (federal, state, private, etc.) surrounding communities at risk of wildland fire.

Among other things, CWPPs define the extent of the wildland-urban interface for each community, prioritize federal and non-federal actions needed for community protection, and outline fire protection responsibilities for the various federal, state, local, and private entities. To expedite the development of CWPPs, their development is exempt from the National Environmental Policy Act and the Federal Advisory Committee Act.

***HFRA requires that CWPPs are created collaboratively, with the inclusion of various levels of government, Tribes, and interested members of the public.***

The CWPP requirements give the agencies an incentive as well as a mandate for collaboration, because, ***under the law, funding for hazardous fuels reduction activities is supposed to be prioritized to communities that have completed CWPPs.***

Additionally, CWPPs give local communities and other stakeholders a powerful tool for encouraging the Forest Service and BLM to collaborate with them. The Act ***requires the agencies to consider CWPP recommendations when allocating funds to non-federal land.*** Further, when a project is proposed to take place within 1½ miles of an at-risk community, and that community has developed a CWPP, HFRA states that the ***agency must consider CWPP recommendations as an alternative under NEPA.*** In this way, CWPPs are envisioned as locally-driven endeavors which affect the prioritization and allocation of federal treatment funds.

HFRA also ***directs the agencies to establish a multiparty monitoring process for tracking the effects of HFRA-covered projects wherever there is sufficient interest.***

The development of a CWPP offers many opportunities for collaboration at the local level.<sup>7</sup> For example,

- To provide a context for the CWPP, communities and agencies may engage in a process to share knowledge about previous natural resource concerns, projects, and plans and develop a common vision for CWPP actions.
- To assess wildfire risk to the community, a number of agencies, including local fire departments, share data and knowledge about wildfire risk.
- Addressing defensible space and risks of structural ignition is an opportunity to pull in key third parties and may encourage creation of a community fire safe council or similar sustainable, collaborative leadership component within the action plan.
- Communities may choose to address wood products utilization in their CWPP; this encourages the involvement of encourages engaging economic development groups, existing businesses, and labor force training interests.
- Prevention and mitigation education can involve neighborhood or home owner associations, local nongovernmental organizations, the state forest service, and schools in educational workshops and field trips, and helps maintain a level of community dialogue needed to sustain key stakeholder involvement in the overall action plan.
- Developing an action plan and other implementation strategies provides a strategic opportunity for all parties to envision and reinforce the collaborative process.
- Monitoring CWPP implementation provides an opportunity for multiple parties to take a role in addressing implementation challenges and adaptive management.
- Authorizing signatures from the Forest Service, state forestry agency, and local government establish direction, accountability, and auspices for the formal organizations and their constituencies.

**For more information:**

Healthy Forests Restoration Act of 2003 ( P.L. 108-148)

[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_public\\_laws&docid=f:publ148.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ148.108.pdf)

Healthy Forests website for USDA Forest Service and BLM

<http://www.healthyforests.gov/>

US Forest Service Field guide created in 2004 to guide implementation of HFRA and HFI.

<http://www.fs.fed.us/projects/hfi/field-guide/>

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<sup>7</sup> Burns, Sam, 2005. A Menu of CWPP Steps and Elements. Fort Lewis College, Durango, CO.

Logan Simpson Design, Inc. 2004. *A Handbook for Developing Community Wildfire Protection Plans in Accordance with Title I of the Healthy Forest Restoration Act of 2003.*  
<http://cals.arizona.edu/firewise/libraryresources.html>

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<http://communitiescommittee.org/pdfs/cwpphandbook.pdf>

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<http://jfsp.fortlewis.edu/>

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## 2005 National Forest Planning Rule

The National Forest “planning rule,” as it is known, consists of implementing regulations for the National Forest Management Act of 1976. The USDA Forest Service introduced a new planning rule in January 2005 to clarify and streamline the forest plan development process while allowing agency officials more freedom to adapt forest plans to reflect changes in science, technology, land conditions, judicial orders, or legislative requirements.

The new rule states that the *Forest Service must collaborate with the public during both the forest plan revision process and plan implementation.*

The planning rule states that the agency official responsible for plan creation or revision “must use a collaborative and participatory approach to land management planning...by *engaging the skills and interests of appropriate combinations of Forest Service staff, consultants, contractors, other Federal agencies, federally recognized Indian Tribes, State or local governments, or other interested or affected communities, groups, or persons.*”

Likewise, the Responsible Official is required to “*provide opportunities for the public to collaborate and participate openly and meaningfully in the planning process.*”

Specific approaches and procedures for public collaboration and engagement are determined independently by each Responsible Official. Therefore, processes for collaboration will vary greatly between different National Forests and Grasslands. However, based on an in-depth analysis of six forest plan revision processes, researchers at Fort Lewis College and Colorado State University recommend the following to facilitate collaboration in any forest plan revision:<sup>8</sup>

- Identify and define key collaborative principles and values that will guide the forest plan revision process; make them available and visible.
- Conduct an assessment of the social context and capacities for collaboration within the region. Involve community partners in identifying regional perspectives about public lands, historical and existing relationships, and capacities for collaboration.
- Assess the Forest Service planning team’s organizational capacities for collaboration, and ensure that staffers have the experiences, skills, and commitments to engage in a collaborative planning process.
- Clarify expectations by providing a road map of the essential steps in the collaborative forest planning process, including roles and responsibilities at each step.
- Monitor and adapt the collaborative process itself, including content and substance of meetings.
- Design the collaborative planning process, including procedural benchmarks, timelines, and mechanisms for completing each step.

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<sup>8</sup> Burns, Sam and Tony Cheng. 2005. The Utilization of Collaboration in Forest Planning. Fort Lewis College, Durango, CO. <http://ocs.fortlewis.edu/ForestPlanning.pdf>

**For more information:**

Final Rule, National Forest System Land Management Planning, 35 CFR Part 219

<http://www.fs.fed.us/emc/nfma/includes/rule%20.pdf>

<http://www.redlodgeclearinghouse.org/legislation/nationalforestmanagement3aa.html>

Burns, Sam and Antony S. Cheng. 2005. *The Utilization of Collaboration in Forest Planning*. Durango, CO: Fort Lewis College Office of Community Services.

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## Federal Advisory Committee Act<sup>9</sup>

The Federal Advisory Committee Act (FACA) was enacted post-Watergate to limit the ability of special interest groups to privately influence public policy. This law aims to ensure that agency officials make policy decisions in open, deliberative processes rather than behind closed doors with undue influence by select stakeholders.

FACA applies to any group that includes nongovernmental participants and is established by a federal agency or utilized by a federal agency to obtain consensus advice or recommendations. If a collaborative group meets this description it should be chartered as a federal advisory committee under FACA. This means that the group must have a charter, balanced committee membership, open committee meetings and records, and a limited number of subcommittees

### FACA constraints on collaboration

Many collaborative groups want to avoid chartering under FACA, because *FACA's procedural requirements can make the collaborative process more rigid and bureaucratic*. For example:

- Having a charter limits a group's flexibility
- Appointed membership is often rigid and position-based
- Agencies may hesitate to seek a charter and avoid participation
- Charters expire, potentially limiting effectiveness

### How to avoid violating FACA

A few collaborative groups have been found in federal court to have violated FACA. These include the Forest Ecosystem Management Assessment Team, the Sierra Nevada Ecosystem Project, and the Southern Everglades Ecosystem Restoration Alliance. The key lessons from the court decisions in these cases are:

- FACA is *most likely to apply when an agency establishes the collaborative group*.
- A group is unlikely to be found in violation of FACA if it *ensures broad and balanced participation, follows a transparent decision-making process, and establishes clear and fair procedures*.

Additionally, collaborative groups are exempt from FACA if they:

- *Organize around a goal of information* sharing rather than developing policy recommendations (which could be interpreted as advising a federal agency).
- *Organize as a subcommittee* under an existing federal advisory committee.
- Are *composed solely of federal, state, tribal, and local government employees*.
- Ensure that *government agencies participate without seeking to control or manage the group's activities or act on the group's recommendations*.

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<sup>9</sup> Much of this material is drawn from Van de Wetering, Sarah Bates. 2006. *The Legal Framework for Cooperative Conservation*. Missoula, MT: Public Policy Research Institute, The University of Montana.

**For more information:**

Federal Advisory Committee Act of 1972 (P.L. 92-463, as amended)

<http://www.archives.gov/federal-register/laws/fed-advisory-committee/>

<http://www.redlodgeclearinghouse.org/legislation/faca.html>

Bureau of Land Management. 2005. *Federal Advisory Committee Act: What BLM Staff Need to Know When Working with ADR-Based Collaborative Community Working Groups.*

BLM/WO/GI-05/07+1614. Washington, DC: Bureau of Land Management Alternative Dispute Resolution and Conflict Prevention Program.

<http://www.blm.gov/adr/adrFACA.html>

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## Constitutional delegation rules<sup>10</sup>

*U.S. constitutional law* on delegation of federal authority may limit some types of collaboration. Delegation rules stipulate that Congress may delegate authority to agencies to interpret and implement federal statutes, but agencies may not fully shift their administrative authority.

In particular, ***agencies must retain decision-making authority over public resources under their jurisdiction.***

While they may not delegate (give away all) authority, ***agencies may share management authority with third parties.*** This is the case with the Columbia River Gorge Commission in Oregon, which conducts resource management planning and reviews proposed land uses for consistency with its zoning but does not have final decisionmaking authority over resource management or land use decisions.

Also, while agencies may not delegate their management authority, ***Congress may delegate directly to nongovernmental bodies,*** as it has done in the case of the Presidio Trust in California and the Valles Caldera Trust in New Mexico.

### **For more information:**

Van de Wetering, Sarah Bates. 2006. *The Legal Framework for Cooperative Conservation*. Missoula, MT: Public Policy Research Institute, The University of Montana.  
<http://cooperativeconservation.gov/library/LegalFrameworkCC.pdf>

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<sup>10</sup> This material is drawn from: Van de Wetering, Sarah Bates. 2006. *The Legal Framework for Cooperative Conservation*. Missoula, MT: Public Policy Research Institute, The University of Montana.

## ***Exercise: evolving collaboration opportunities***

**Time required:** 45-60 minutes

### **Objectives:**

1. Identify ways that collaboration practices in the United States have evolved over the past 20 years.
2. Identify new opportunities for and approaches to collaboration that participants may be able to apply in their work.

### **Process:**

This exercise can be conducted in small or large groups.

1. Ask participants if they were involved in cooperative process in the late 1980s or early 1990s. Ask 2 or 3 of people who were involved in a collaborative effort 10-20 years ago to *briefly* describe that experience, addressing each of the following questions. (Post the questions where everyone can read them.):
  - Why was a collaborative process initiated, and who initiated it?
  - What were the goals?
  - Who participated in the process?
  - Were the goals met?
  - What challenges were encountered along the way?
2. Ask the group to think about collaborative processes they know of or are involved in today, and how these differ from the processes just described.

Possible discussion questions:

- Who initiates collaborative processes today?
  - Are the goals different than those of earlier collaborative efforts?
  - Are there different types of participants?
  - Do they encounter the same types of challenges?
3. If the group identifies changes in collaborative processes, ask why.
    - Have new laws and policies mandating and defining collaboration changed the way we collaborate?
    - Do the changes reflect lessons learned from experience?
  4. Ask the participants to consider collaborative processes they are likely to be involved in the near future.
    - How have new mandates created opportunities for collaboration that did not exist 10 years ago?
    - Have new mandates constrained collaboration in any way? If so, how?



## Lessons learned

This section addresses common questions about the collaboration process, such as when collaboration is appropriate, who should be involved, and roles and responsibilities. Exercises offer opportunities for workshop participants to share their lessons from experience.

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***Exercise: frequently asked questions***

**Time required:** 30 minutes

**Objectives:**

1. Allow participants to identify their questions about collaboration and information they would like to take home from the workshop.
2. Address common collaboration challenges.

**Process:**

This exercise is best conducted in with all participants at once (in a large group).

1. At the start of the workshop, give each participant several large post-it notes and pens or markers, and ask them to write down any questions that they would like to have answered by the end of the workshop.
2. Have participants post their questions in a common area during a break.
3. Toward the end of the day, gather the post-it notes and group questions, deleting repeats.
4. Facilitator reads each question and asks the group to brainstorm responses.
5. Recorder writes down all responses where everyone can read them.
6. Facilitator guides discussion of responses, seeking group agreement on a set of answers for each question.
7. As soon as possible (at or soon after the workshop), type and distribute questions and responses.

## **Collaboration challenges: Answers to frequently asked questions<sup>11</sup>**

### **In what situations is collaboration NOT advisable?**

- The problem or project can be handled by one entity alone (e.g., a small, noncontroversial project).
- A decision has been or is close to being made.
- The issue is outside the scope of what a collaborative group could accomplish (for example, an issue which could not be addressed without a change in legislation).
- Time or money are too limited to allow for a collaborative process.
- Legal, policy, or funding constraints severely limit available options.

### **How long does it typically take a collaborative group to reach a decision?**

- Because it is an interactive process involving people with diverse perspectives, collaboration takes time.
- Expect to spend at least a few meetings learning about other participants and coming to agreement on the scope and goals of for the collaborative effort.
- Expect to spend several meetings developing and discussing alternative approaches to achieving goals.
- Project-specific collaboration may take a few months to a year or more from start to project implementation. If the scope is broader, e.g., developing a land management plan, it can take three to five years before there are tangible results.
- To avoid frustration with the process, it is a good idea to start with a small, non-controversial project that can be implemented relatively quickly.

### **What should we do if key stakeholders refuse to participate?**

### **How important is it to have people in positions of power or authority involved?**

- Maintain communication with all affected stakeholders, whether or not they are participating.
- Adopt a policy of transparency, which means that everyone has access to the information being used in the collaborative process, and it's clear to everyone how decisions are made.
- Develop a process for sharing information developed during the collaborative process and requesting feedback. For example, you can post drafts and summaries of meetings on the Internet. Internet sites can facilitate two-way information. Newsletters and mailing lists are also good ways to spread information.
- For key stakeholders (those with decisionmaking authority or who could block implementation of proposed actions), the onus to communicate is on the collaborative group participants. Make sure the non-participants understand the goals and activities of the collaborative group, find out what concerns they may have and make every effort to address them, and repeatedly invite their participation. Face-to-face meetings may work best.

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<sup>11</sup> The material in this section is drawn from workshop participants' recommendations and a survey of collaboration literature.

**How do you know when you have enough participants?**

**What if the group becomes too large to handle?**

- When all affected interests are participating, you have enough participants. As issues develop, people will get more involved.
- A large group (more than 15 participants) will require more structure, including a moderator or facilitator.
- Although initially a collaborative group may be very large, it will contract down to the people that are very involved and willing to stick with it.
- People often have specific issues that they care about. When those issues have been resolved or are not being addressed, people will leave.

**How do you deal with people who seem to be participating in order to watchdog other participants or push a specific agenda?**

**How can you avoid being dominated by the more powerful groups (e.g., those with funding or decisionmaking authority)?**

- Start by establishing ground rules as to acceptable and unacceptable behavior and how meetings will be run.
- Enforce the ground rules, using an outside facilitator if necessary.
- Collaborate on small projects first. After everyone knows how they will be run, and are comfortable with the process, move on to a larger project.
- If a participant is dominating discussions, start by listening to them so that they know they are not being ignored and having a group discussion of their points. Often times, the person just wants to be heard.
- If a participant (or group) is pushing one action or attempting to direct the group, have one or more group leaders talk to them about appropriate collaboration and the implications of their actions for the group..

**Will collaboration result in better decisions?**

**Does collaboration reduce the likelihood of appeals & litigation? Should it?**

- Decisions made through a collaborative process are often multifaceted and more creative than those made by a single agency or group. With more people participating, there will be a larger range of ideas that can lead to a better outcome.
- The decisions *may* be less prone to appeals or litigation because many different groups will be involved.
- A decision made through a collaborative process is more likely to withstand criticism from outsiders, including appeals or litigation.
- If collaboration is forced (mandated), it may become too technical and perhaps less creative.

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***Exercise: collaboration best practices***

**Time required:** 45 -60 minutes

**Objectives:**

1. As a group, identify collaboration do's and don'ts, based on participants' individual experiences with collaborative efforts.
2. As a group, discuss and agree on which practices are critical to collaboration

**Process:**

To achieve group ownership in the best practices that are developed, it is best to work as a large group.

1. Facilitator asks participants to think about their collaboration experiences and, working independently, jot down 3-5 aspects of the collaborative process that seemed critical to its success.
2. Facilitator conducts a quick round-robin, asking each participant in turn to share one best practice without duplicating those already identified. Participants may pass if all of their items have already been listed.
3. Recorder quickly writes down list of best practices, numbering them.
4. After the group has exhausted its list of best practices, facilitator may add other items that have not been identified by the group. (See the list of best practices on page X of this manual.)
5. If time, facilitator guides a discussion of each item listed, asking the group to explain why this particular practice is critical to the success of a collaborative effort. The group should NOT engage in wordsmithing the list of best practices
6. Facilitator asks and whether anyone disagrees that an item is critical to collaboration, and if so, why.
7. Based on the discussion, facilitator and recorder can refine the list of best practices to separate practices that are critical to effective collaboration and those that may be desirable in some cases. (e.g., put a star next to items that the group considers critical in all cases.)
8. As soon as possible, the list of best practices should be typed and distributed to all participants.

## **Collaboration best practices<sup>12</sup>**

### **Ensure adequate time and resources**

Collaborative endeavors require a sustained commitment of resources and usually paid staff. All participants should expect to contribute significant time and energy to the effort.

### **Develop a “zone of agreement”**

Collaborative processes work best when there are clear, agreed-upon goals and priorities. Participants are motivated by working together on a salient, shared need.

### **Foster openness and flexibility**

Collaboratives should be flexible enough to change with changing needs. In addition, individual participants’ flexibility, willingness to work together, and mutual respect are important to successful collaboration..

### **Build credibility**

Collaborative efforts should use the best available information, maintain broad representation of stakeholders, and use a transparent process to build credibility with both participants and non-participants. In addition, it is often important to maintain active government support so that decisions can be implemented. Monitoring and evaluation also build credibility.

### **Create a clear and fair process**

An open and equitable process builds trust within and outside of the collaborative effort. Rules for the collaborative process (including communication and decisionmaking processes) and participant roles should be collectively agreed-upon and clear from the start.

### **Be accountable**

To build trust, participants must be accountable to the group (i.e., do what you say you will do, and don’t promise things you can’t deliver).

### **Make it participatory**

Collaboration should be interactive and ongoing, with a focus on mutual learning. This requires a diversity of perspectives and a discursive process.

### **Maintain communication**

Communication is critical to building trust and avoiding confusion and conflicts. It is useful to use multiple methods of communication, both within the group and to reach external audiences, and to emphasize “active listening” by all parties.

### **Roles for resource management agencies**

As final decision-makers on public lands, land management agencies carry special responsibilities to encourage and support collaboration. Regulatory agencies similarly have a responsibility to participate, share relevant information with others, and seriously consider proposed actions. Agencies should understand the difference between comments and collaboration.

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<sup>12</sup> The material in this section is drawn from workshop participants’ recommendations and a survey of collaboration literature.

**Roles and needs of non-agency collaborators**

Non-agency stakeholders should have an understanding of the process and their role in the process, and should feel empowered to contribute.

**Facilitation**

In many cases, a collaborative endeavor will benefit from the use of a skilled, trained facilitator.

**Logistical considerations**

Details such as meeting time and space, availability of child care, interpreters, and refreshments can influence people's ability and willingness to participate, and therefore affect the success of collaborative efforts. Make it fun!

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## References and resources

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Hummel, Mark and Bruce Freet. 1999. Collaborative Processes for Improving Land Stewardship and Sustainability. Pages 97-129 in *Ecological Stewardship: A Common Reference for Ecosystem Management*, edited by W. T. Sexton, A. J. Malk, R. C. Szaro and N. C. Johnson. Oxford, England: Elsevier Science Ltd.

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### Stewardship Contracting

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<http://www.redlodgeclearinghouse.org/legislation/stewardship.html>

### Secure Rural Schools and Community Self-Determination Act (RACs and CFRP)

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- Sec. 205. Resource Advisory Committees  
- Title VI. Community Forest Restoration Act  
[http://www.fs.fed.us/r6/fremont/rac/106\\_393.html](http://www.fs.fed.us/r6/fremont/rac/106_393.html)

### 10-Year Comprehensive Strategy and Implementation Plan

A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10-Year Strategy Implementation Plan (2006)  
<http://www.westgov.org/wga/publicat/TYIP.pdf>

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### Executive Order 13352, *Facilitation of Cooperative Conservation*

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