

policy

Collaboration at Arm's Length: Navigating Agency Engagement in Landscape-Scale Ecological Restoration Collaboratives

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In 2010, the USDA Forest Service 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 10-year period. A central tension in the program is the extent to which the Forest Service can engage in the collaborative process while retaining authority for management decisions on Forest Service lands and adhering to statutory guidance on collaboration. Drawing on comparative research of the first 10 projects enrolled in the CFLRP, this paper describes how Forest Service 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.

Keywords: collaboration, ecological restoration, landscape scale, statutory compliance

On Aug. 13, 2010, USDA Secretary Vilsack announced that 10 landscape-scale restoration projects had been funded under the newly established Collaborative Forest Landscape Restoration Program (CFLRP). This program supports landscape-scale ecological restoration on USDA Forest Service 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 must abide by the requirements of the Federal Advisory Committee Act, retain decisionmaking authority within the agency, and avoid making specific decisions about on-the-ground actions prior to the National Environmental Policy Act of 1969 (NEPA) process." In this context, agency employees must determine the ex-

tent to which they can engage in dialogue with collaborative groups while ensuring compliance with other statutory guidance about collaboration and land management decisionmaking processes. Through comparative case studies of the first 10 CFLRP projects, this research illuminates how Forest Service personnel navigated this challenge, leading to varied levels of engagement in collaborative decisionmaking procedures and dialogue on substantive matters. It concludes by providing a rationale for why an arm's length posture with regard to agency participation in collaborative decisionmaking may be a useful approach to engaging in collaborative landscape-scale management.

Tensions of Collaboration in the USDA Forest Service

Since the late 1960s, the Forest Service has been evolving from a tightly insular to a more open organization that seeks to incorporate multiple stakeholder values and perspectives (Tipple and Wellman 1991). The NEPA set the stage for this transformation as it increased transparency and allowed the public to challenge agency decisions. The National Forest Management Act (National Forest Management Act of 1976 [NFMA])

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of 1976 reinforced public involvement in land management planning. Since announcing a shift to ecosystem and landscape-scale management in the 1990s (Cortner and Moote 1999, Predmore et al. 2008), collaboration has become widely touted in agency documents and speeches at all levels.

Despite growing calls for public engagement, the Forest Service has an uneasy relationship with collaboration. Collaboration implies a level of power sharing (Gray 1989, Bryson and Crosby 1992, Innes and Booher 2010, Margerum 2011). As Margerum (1999, p. 190) clarifies, collaboration “requires that [participating organizations] give up some of their autonomy and share decisionmaking powers.” While collaboration does not inherently *require* relinquishing authority, the call for collaboration may create expectations that stakeholders will have a say in management decisions. Moreover, effective collaboration is associated with substantive dialogue among 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 alone (Innes and Booher 2010). Yet, public land management agencies are vested with the authority to make decisions that cannot be relinquished to a collaborative group and they have to follow specific procedures for participating in collaboration. Thus, as the agency has sought to incorporate collaboration into planning and management, Forest Service personnel have had to navigate a core tension between engaging in collaborative dialogue and preserving agency authority.

Part of this tension relates to statutory guidance. Collaborative groups established or used 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 and Yaffee 2000, p. 242). To counter this collusion, the act specifies provisions for inclusion, transparency, and public recordkeeping.

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” (CEQ 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, however, 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 nongovernmental organizations to collaborate in natural resources and public lands management (Lynch 1996, Norris-York 1996, Long and Beierle 1999, Koontz et al. 2004, Fellman 2009). Agency personnel seek to avoid what some have characterized as a “burdensome FACA-chartering process” to formalize procedures, undertake recordkeeping tasks, and conduct that imposes “considerable costs in time and flexibility” (Wondolleck and Yaffee 2000, p. 243). Beyond burdensome procedures, the process is initiated by an act of Congress to establish a nondiscretionary 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 (Moote

and McClaran 1997, Long and Beierle 1999, Fellman 2009). A 1995 Forest Service 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 or project level decisions” (Thomas Task Force 1995, p. 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 (CEQ 2007). While NEPA falls short of “empower[ing] individuals to *directly* influence agency decisions” (Stern et al. 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 decisionmaking authority throughout 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 decisionmakers 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” (CEQ 2007, p. 4). Still, other public

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 10 CFLRP landscape projects, the paper argues that Forest Service 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 decisionmaking 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 decisionmaking. 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.

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

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 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).

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

navigate tensions posed by engaging in collaboration. I chose to limit the study to the first 10 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 CFLRP and general characteristics of the first 10 projects, see Schultz et al. (2012).

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, memoranda of understanding (MOU), collaborative meeting minutes, and other relevant materials. Moreover, the author has conducted 75 interviews at the time of this writing, speaking for approximately one hour each with between 4 and 10 participants on each CFLRP landscape, including both Forest Service employees and other stakeholders. Interviews were semistructured and covered topics on the individual’s history and role in the collaborative, the collaborative structure and decisionmaking processes, approaches to engaging in implementation, and challenges and tensions associated with transitioning from collabora-

tive planning to implementation. Several questions explored the role of the collaborative vis-à-vis Forest Service planning and management efforts and the level of Forest Service 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 through member checks that took place in spring 2013.

Documents and interview transcripts were 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 and Corbin 1990). The researcher assigns ideas or action descriptions with category names based on thematic similarities. The data collection and analysis proceed 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 conveyed the information as intended by interviewees. To protect confidentiality, no names are provided.

Forest Service Levels of Engagement

The analysis of the extent to which Forest Service employees engage in the CFLRP collaboratives reveals four levels of engagement: leadership, membership, involvement, and intermittence. These levels of engagement can be differentiated across two dimensions: the level of integration into collaborative decisionmaking procedures and the level of participation in collaborative dialogue about 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 decisionmaking processes. In the leadership category, Forest Service personnel participate in decisionmaking of the collaborative and serve in leadership roles that could contribute to guiding the work of the collaborative. Forest Service staff are integrated into the collaborative decisionmaking 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 under “involvement,” agency personnel are not voting members of the collaborative, but they thoroughly engage in dialogue on substantive issues. In the category of “intermittence,” Forest Service employees also are not voting members, but they inconsistently engage in collaborative dialogue. Although these categories appear static, agency personnel move between levels of engagement with collaboratives over time and the quality of collaborative dialogue about substantive matters likewise varies over time. This section categorizes how Forest Service personnel engaged in each of the CFLRP landscape collaboratives early on and then describes some of the tensions that have emerged and changes that resulted in the first 2 years of the program.

Leadership

Originally, individual Forest Service 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, Forest Service staff members play roles that could contribute to guiding the work of the collaborative, participating fully in collaborative decisionmaking

procedurally as well as contributing to substantive dialogue. 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 cochairs of the collaborative. On the SWJM, a group of five collaborators formed an executive committee that 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 cochair type role. This leadership role is somewhat mitigated by the fact that a neutral facilitator guides collaborative dialogue. Indeed, although a Forest Service 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 collaboratives in this category. In the SWJM case, agency staff began questioning the 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. Forest Service employees did not engage with the committee while they developed NEPA documentation for a landscape-scale project through the summer of 2012. Collaborative dialogue broke down for nearly a year although NEPA processes went well beyond the usual public participation techniques. Forest Service staff suggested that nonfederal collaborators develop a new group to support the CFLRP project. At a group meeting discussing a way forward, Forest Service leaders articulated that agency staff would be involved in a collaborative group but would not be voting members or play leadership roles in the group. As of spring 2013, stakeholders were working out the details of how to design and convene the collaborative group.

On the Tapash, similar questioning has led to a re-evaluation 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 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, May 23, 2012). 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 ahead to bring others to the table” (interview, Apr. 12, 2012). 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 because of the leadership role of Forest Service staff. Regional staff suggested that the collaborative revise its structure. In their new charter, unveiled in February 2012, Forest Service employees no longer serve as cochairs at any level of the collaborative. Agency personnel still serve as voting members. Both Forest Service participants and stakeholders asserted that their commitment to working together has not waned and Forest Service employees engage extensively in dialogue about planning, 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, Forest Service employees can be considered members of two other landscape collaboratives, the Colorado Front Range Roundtable (COFRR) and the Uncompahgre Partnership (UP). Forest Service staff participate extensively in collaborative dialogue and are integrated into these collaboratives procedurally. Both use informal consensus rather than formal voting processes to make decisions.

Forest Service staff have been heavily involved in COFRR since its inception in 2004 as a voluntary informal coalition. Two Forest Service staff sit on the executive team and agency employees participate in all committees. The group makes decisions through an informal decisionmaking process, so agency personnel have a voice in collaborative decisions. However, Forest Service participants see clear boundaries between the agency and the roundtable. As one Forest Service 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, June 14, 2012). In May 2012, some stakeholders suggested that the collaborative should have more say over CFLRP projects. But, another Forest Service employee clarified, “The roundtable isn’t set up as a decisionmaking body and the agency has all these other policies that don’t allow you [the roundtable] to make these decisions” (interview, June 14, 2012). 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 UP was established through an MOU between the Forest Service, BLM, Colorado 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 nonprofit, would manage financial and other administrative functions. Forest Service staff meet regularly with UP partners to discuss “proposed projects, monitoring needs, NEPA scoping, and field reviews to strategize adaptive management” (pers. comm., Mar. 25, 2013). Forest Service staff participate in making decisions on the collaborative through an informal consensus decisionmaking process. After receiving CFLRP funds, Forest Service 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 satisfy the Forest Service 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 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, Mar. 25, 2013). However, stakeholders argue that this has not significantly hindered their ability to make progress on restoration work across the landscape or engage in productive dialogue about substantive issues.

Involvement

The Deschutes Skyline and Selway Middle Fork projects fall under the category of involvement where Forest Service staff are not integrated into the collaborative procedurally, but agency employees still contribute extensively 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 Forest Service representative. As one of the collaborative participants describes the relationship, “The Forest Service is not a signatory of the charter. The agency receives recommendations and is the ultimate decisionmaker.” Meanwhile, at the subcommittee level, “the division is a lot less formal” (interview, Jan. 17, 2012). A Forest Service 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 people understand some sideboards of where the agency can and cannot go” (interview, Feb. 1, 2012). Forest Service 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 an MOU, the Forest Service has agreed to integrate collaborative recommendations into planning and management

to the extent feasible without relinquishing any decisionmaking authority to the collaborative.

The Selway Middle Fork landscape project is guided by the Clearwater Basin Collaborative (CBC). CBC operating protocols clarify that the Forest Service will play a supporting role and will not be a voting member. However, agency staff contribute substantively to collaborative dialogue. At monthly meetings, Forest Service attendance is usually quite high and staff frequently deliver presentations. As one CBC member reflected on the Forest Service 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, Oct. 19, 2011). An agency employee claims that the collaborative helps work through value differences and shapes projects by providing substantive input (interview, May 9, 2012). 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

Forest Service engagement on the Accelerated Longleaf (ALL) project and the Four Forest Restoration Initiative (4FRI) can be described as intermittent. In these cases, Forest Service employees are not procedurally integrated into the collaborative and agency staff are inconsistently engaged in collaborative dialogue on substantive matters. 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 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 preexisting 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 used (interview, Apr. 4, 2013). 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 the 4FRI, including CFLRP-funded projects. 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. A representative from the agency attends the monthly meetings of the full collaborative and generally Forest Service staff members attend working committees. Agency employees are not voting members or leaders in the collaborative. Early on, some stakeholders expressed concerns about the lack of Forest Service engagement in discussions on substantive issues. One stakeholder suggested that the Forest Service staff were hesitant to participate fully, “dipping their toes in the water, in terms of collaboration, instead of diving in” (interview, Dec. 12, 2011) as they would wait for collaborative members 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, Mar. 13, 2012). Meanwhile, the tone of agency employees suggests a desire to keep distance between the agency and the collaborative as they consistently invoke FACA as a constraint. In mid-2012, these tensions began to ease as the agency engaged more regularly in collaborative dialogue. Completing some of the major work on a nearly 600,000 acre environmental impact statement alleviated some of the intense workload on staff that had constrained their participation. Also, moving into the public engagement phases of the NEPA process alleviated some of the perceived procedural barriers (interview, Nov. 15, 2012; pers. comm., Mar. 21, 2013).

Implications

Given the varied levels of engagement of Forest Service 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 decisionmaking. First, it outlines how agency employees and the collaborative groups have responded to tensions that have emerged based on interpretations of statutory guidance, particularly FACA, which has arisen as a procedural concern in several of the collaboratives. Where Forest Service staff are highly integrated in the collaborative, tensions have been highest and changes to collaborative structures have emerged. Secondly, it specifies how Forest Service staff participation in substantive dialogue with stakeholders may be most effectively accomplished through an arm’s length posture from collaborative decisionmaking that minimizes procedural concerns. This posture, best captured in the “involvement” category, does not limit participation in substantive dialogue when agency personnel are willing and able to engage.

Collaboration and FACA

The extent of agency involvement in CFLRP collaboratives is mediated in part by FACA. CFLRP collaboratives are not specifically governed by FACA as they are not exclusive advisory bodies to the agency. 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.¹

Where FACA-fear influences agency participation, Forest Service staff keep an arm’s length posture on both procedural decisionmaking *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 Forest Service 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 not going to happen” (interview, Dec. 8, 2011).

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 Forest Service staff would not ask questions at stakeholder meetings for fear of giving the impression that responses from the stakeholder group would be used as advisory input. He notes that Forest Service staff “would attend some meetings and listen, and sometimes partici-

pate, but never convey to the stakeholders that anything they did would be considered with any weight or given any influence” (interview, Dec. 12, 2011).

On the SWJM, concerns about potential FACA violations arose among new agency leadership, which led to a shift toward intermittent communication with the collaborative. 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 decisionmaking.

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 Deschutes and CBC in the involvement category. On the Deschutes, a Forest Service 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, Feb. 1, 2012). Instead, they designed the collaborative with FACA principles in mind, ensuring inclusive and diverse representation, open meetings, and transparent recordkeeping. On the CBC, FACA arose as a concern when external stakeholders brought a complaint about potential FACA violations to the Forest Service and the regional office conducted a formal review process. However, according to a Forest Service staff member, the findings of the regional office reiterated the CFLRP requirement to collaborate and clarified that the agency had not given up decisionmaking authority. Moreover, the stakeholder body was found to be appropriately diverse and inclusive and meetings open to outside participation (interview, May 9, 2012). 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 decisionmaking processes while relying on an inclusive and transparent process to engage in substantive dialogue. 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 engage

in dialogue about substantive matters that 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 10 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 decisionmaking 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 they may have a voice in collaborative decisionmaking 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 faced with procedural concerns, Forest Service staff and collaborators divert their attention from issues related to forest management outcomes and focus on dealing with issues of governance and decisionmaking. They spend time working through issues such as charter or MOU revisions (SWCC, Uncompahgre), establishing new organizational structures (SWJM), or discussing potential ways to handle such concerns (Tapash).

One alternative is to engage only minimally with the collaborative group. However, where Forest Service 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 be-

tween partners and agency employees in the ALL and the agency 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 Forest Service (interview, Feb. 17, 2012). Stakeholders who engage in 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 Forest Service level of engagement is "involvement," collaborative input is substantive and influential while there are few concerns about procedural issues. 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 Forest Service and the collaborative]. And, in practice, ultimately the overarching goal is to make sure that the 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, Jan. 17, 2012). A Forest Service 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 their beliefs and form recommendations" that the Forest Service staff take seriously (interview, Feb. 1, 2012). One of the stakeholders on the CBC points out that "ultimately, the forest supervisors are the decisionmakers. 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, Oct. 19, 2011).

In each of these cases, Forest Service

employees maintain an 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, 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 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 interactions, build relationships and trust, and facilitate working through ideas, disagreements, information, and knowledge among diverse stakeholders (Innes and 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 Forest Service employees are 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 decisionmaking 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 beginning. Where Forest Service 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 Forest Service engagement is intermittent, the

potential for collaborative dialogue is inhibited due to a lack of interaction while procedural concerns about decisionmaking processes are either not relevant or minimal.

Despite these challenges, landscapes where the agency is more integrated into collaborative decisionmaking procedures or where engagement is intermittent are still moving forward on ecological restoration goals. On every project, CFLRP landscapes are making significant progress on developing large-scale NEPA analysis, designing multiparty monitoring plans, and/or undertaking restoration projects on the landscape. Indeed, it is arguable that “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 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 legally defined procedures for decisionmaking 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 that previously had been largely insular. How stakeholders and agency personnel are navigating this tension in CFLRP collaboratives is instructive.

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, Forest Service employees are able to engage in dialogue with and obtain substantive input from the collaborative while maintaining separate decisionmaking processes. FACA-aware collaboratives tended to follow the principles of FACA regarding representation, transparency, and openness in forming and governing their 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 (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 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 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 substantive engagement on the part of Forest Service 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 decisionmaking structures often exacerbated concerns about procedural issues. Collaboratives where agency staff 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 Forest Service staff to address procedural issues and potentially hampered their ability to engage in dialogue on substantive issues.

The choice before the agency is not about relinquishing authority but about how extensively to engage in collaborative dialogue on substantive issues 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 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 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 multiparty monitoring to enable learning and adaptive management.

Endnote

1. 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.

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