FEDERAL-STATE COLLABORATIVE INITIATIVES FOR RESOURCE MANAGEMENT AND RESTORATION

POLICY BRIEF

Center for Natural Resources and Environmental Policy, University of Montana
www.cnrep.org
March. 2010

EXECUTIVE SUMMARY

Federal agencies increasingly face environmental issues that cross political and jurisdictional boundaries. In response, some federal agencies have engaged in informal partnerships with state governments and other stakeholders, while others have embraced more formal, organized approaches defined by legislation, executive order, or negotiated agreements. While there is no single model to address regional environmental problems, there appear to be some key ingredients for success. Whether bottom-up or top-down, federal-state collaborative initiative can result in better-informed decisions, reduced conflict among competing interests, and better chances of successful implementation and environmental gains.

What conditions favor creation of a federal-state collaborative initiative?

- Trans-boundary environmental problems are sufficiently "ripe" for a new approach. Often, this arises from a crisis such as an endangered species listing or similar indications of widespread ecosystem decline.

- No single agency holds sufficient legal authority and political capital to address the problem comprehensively acting alone. Typically, though, one or two federal agencies possess primary authority through federal law (Endangered Species Act, Clean Water Act, etc.) and thus serve as a catalyst in forming a collaborative initiative.

- There is sufficient leadership among various participating entities to build a foundation of trust and communication, and a willingness to work collaboratively to understand the problem, develop options for action, and monitor implementation over the long term.

Lessons Learned from Existing Initiatives

There is no single model for a successful federal-state collaborative initiative. Nonetheless, a broad set of principles suggest key ingredients that contribute to a widely accepted and effective collaboration:

- Begin the process with a shared and accurate understanding of the problem to be addressed and a clear statement of the specific, achievable goals of the collaborative initiative.

- Make sure the right parties are involved, including all who are legally responsible for implementation and all who might block implementation. Take the time to establish procedures that ensure regular and meaningful interaction among all participants.

- Ensure participants' commitments to implementation, including sustained financial support for all stages of the process. Think ahead to eliminate barriers to participation.

- Monitor the results of actions taken and make adjustments to respond to unexpected outcomes. Adaptive management is a good fit with the ongoing mutual learning facilitated by a federal-state collaborative initiative.

PURPOSE OF FEDERAL-STATE COLLABORATION

Environmental challenges seldom respect political jurisdictions. Water carries contaminants downhill. Wildlife species routinely cross imaginary lines to reach habitats and migration corridors. Invasive plants and animals move from homelands to new frontiers. Drought and wildfire can threaten whole landscapes.

Similarly, efforts to address such broad and complex challenges are seldom successful if tackled by a single entity—even a powerful federal agency fortified by the rule of law—unless it engages meaningfully with others who are affected by the problem and have a stake in the outcome. It is useful to think of the logical unit for dealing with complex environmental challenges as a "problemshed" defined by the range of these interests.

Increasingly, federal agencies are finding it useful to address complex landscape-scale problems through collaborative approaches, ranging from informal cooperation with local landowners to large and formally organized entities. Though the variations on collaborative initiatives are infinite, they do share several common features, which help explain why this approach may be appealing to federal resource and environmental agencies addressing complex regional problems.

Collaborative initiatives emerge to fill gaps in governance—situations in which no single entity has the full range of legal authority and political capital necessary to address difficult boundary-crossing issues. In short, parties engage in collaboration for the very practical reason that it often leads to better decisions with greater likelihood of implementation than more traditional approaches (notice-and-comment rulemaking, litigation, etc.). More specifically, a federal-state collaborative initiative can result in:

1. **Better-informed decisions**, supported by:
    - Access to information sources that otherwise might not be available or easily accessible, including experts working for other agencies, databases maintained by nongovernmental organizations, emerging scholarship from academic institutions, and practical experience of individual stakeholders.
    - Opportunities to share information and learning through a more open and inclusive decision process, which can lead to fewer interagency and public misunderstandings and broader public education about the scope of the problems. In some cases, collaborative initiatives engage stakeholders through joint fact-finding processes, a mutual learning exercise that can lead to better agreement about the facts underlying scientific uncertainty.

2. **Reduced conflict among competing interests**, based on:
    - Early and sustained exploration of stakeholders' values and concerns through interactive processes.
    - Mutual problem-solving to address agreed-upon challenges in the context of acknowledged values and concerns.

3. **Better chances of successful implementation (environmental gains**), due to:
    - Participants' sense of ownership in the collaborative initiative, built from trust and common effort. Those who shared in the development of a recovery or restoration are more likely to support it through the sometimes-stormy public review phase.
    - Shared responsibility for implementation, with defined responsibilities and regular communication among participants. Federal agencies may share workforce resources with state and tribal agencies, local watershed groups, and nongovernmental organizations, thus leveraging resources to get more done.
    - Ongoing learning through monitoring for specific indicators of success, following by adjustments in management practices to adapt to unexpected outcomes. The practice of adaptive management is well supported by foundation of shared information and regular communication among participants in a collaborative initiative, though measures of success must be clearly articulated and scientifically justified.

The governance gap that prompts regional collaboration cannot be closed merely applying scientific or technical knowledge to address economic, social, or environmental concerns. Nor is closing the gap simply about managing land or resources more effectively and efficiently. At its core, regional collaboration is a sociopolitical challenge. It is a question of how people can integrate the interests and concerns of multiple jurisdictions, government agencies, and public and private stakeholders to address complex regional issues.

On the other hand, focusing entirely on building relationships will not restore a compromised ecosystem or recover an endangered species. A successful collaborative initiative articulates clearly the measures by which success will be judged, and is prepared to adapt practices if necessary to achieve its goals. Incorporating an impossibly broad range of political and economic goals into an ecosystem recovery plan may raise unrealistic hopes and doom its prospects for success.

This is best illustrated with examples of collaboration initiatives involving federal and state agencies, usually working together with other affected parties.

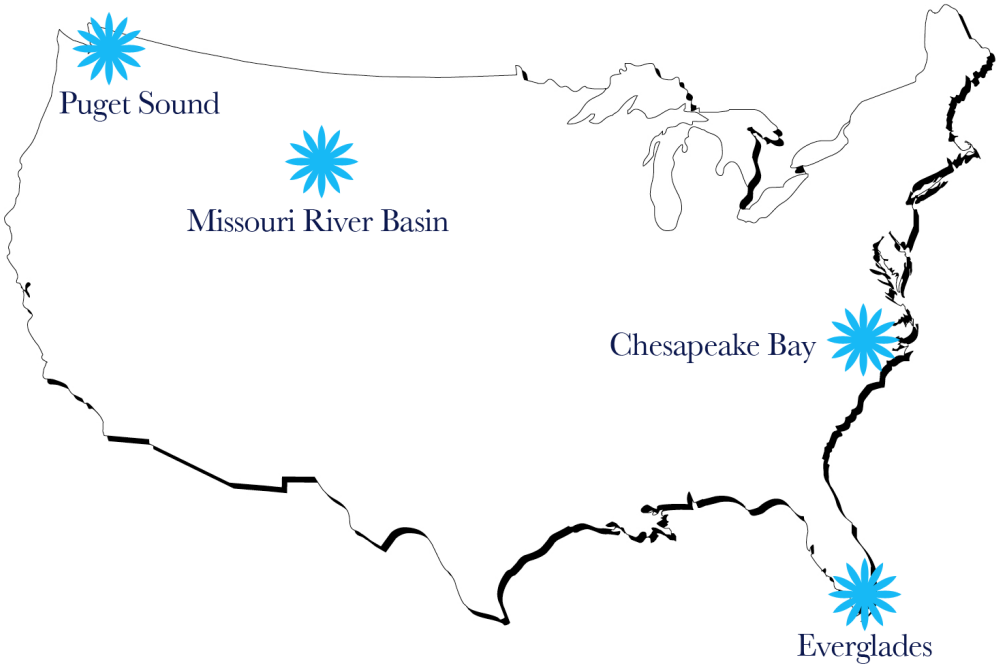
EXAMPLES OF FEDERAL-STATE COLLABORATIVE INITIATIVES

Over the past several decades, the number of environmental collaborative initiatives has grown dramatically. Ranging from local watershed-focused restoration projects to large, interstate river basin governance bodies, there is no single "ideal" model for collaboration. See, for example, the variety of initiatives featured at the website on Regional Collaboration: Stewardship Across Boundaries (http://www.lincolninst.edu/subcenters/regional-collaboration/).

The examples featured in this paper provide a sampler of regional, restoration-oriented collaborative initiatives involving federal agencies and other government bodies—states, tribes, and local governments. All include provisions for nongovernmental organizations and other stakeholders to participate in the collaborative process, though the levels of formal involvement vary considerably.

These examples share several important characteristics. In each, a lead federal agency made a formal commitment to work together with other agencies and stakeholders to develop new information and incorporate it into a federal environmental process involving an ecosystem in crisis, with the Endangered Species Act, Clean Water Act and other federal laws in play. The lead federal agencies have not given up their ultimate decisionmaking authority, and remain responsible for implementation of federal laws.

Several of these initiatives have foundered from muddled missions and inadequate financial support. Nonetheless, theses examples offer lessons for addressing regional issues in which lead federal agencies work in partnership with others to identify the options and to implement a plan of action—all directed at a clearly defined goal of species recovery and/or ecosystem restoration.



Comprehensive Everglades Restoration Plan

Intergovernmental plan seeks coordinated implementation of the nation's most ambitious ecosystem restoration initiative.

Summary: In 1993, responding to widespread concern about impacts of water development of the 18,000 square-mile Everglades ecosystem, six federal agencies involved in water management in South Florida formed a Task Force to coordinate restoration activities over the 18,000 square-mile Everglades ecosystem. The U.S. Army Corps of Engineers developed the Comprehensive Everglades Restoration Plan (CERP), and the Task Force established a Working Group to coordinate implementation of the CERP. Federal legislation in 1996 expanded the Task Force and Working Group to include broader representation of state, local, and tribal governments. The current CERP was approved in the Water Resources Development Act of 2000, which articulated its overall goals as restoration, preservation, and protection of the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The CERP, led by the Corps and the South Florida Water Management District, includes more than 60 elements to increase storage capacity, improve water quality, reduce loss of water from the system, and reestablish pre-drainage hydrologic patterns. This ambitious restoration initiative will take at least 30 years to complete.

Federal Funding: From fiscal years 1999 through 2006, the federal government contributed $2.3 billion, and Florida contributed $4.8 billion, for a total of about $7.1 billion for the restoration.

Accomplishments: The National Research Council's Committee on Independent Scientific Review of Everglades Restoration Progress reported on implementation of the CERP in 2006 and 2008. The most recent report applauded the agencies for developing a great deal of solid scientific information and establishing the necessary foundations to implement adaptive management. The state of Florida has acquired more than 200,000 acres of land, about half of the total CERP target. Moreover, CERP has increased interagency and intergovernmental coordination, and has resulted in more environmentally sound water management practices by the Corps and the South Florida Water Management District.

Challenges: The Committee on Independent Scientific Review of Everglades Restoration Progress noted that the CREP's progress to date is "mostly programmatic," concluding that: "(1) the condition of the Everglades ecosystem is declining; (2) the CERP is entangled in procedural matters involving federal approval of projects and lacks consistent infusions of financial support from the federal government; and (3) without rapid implementation of the projects with the greatest potential for Everglades restoration, the opportunity for meaningful restoration may be permanently lost." Other critics fault an unbalanced stakeholder process, which they see as emphasizing development interests concerned about maintaining water supplies over environmental water needs.

Information: www.evergladesplan.org/

Chesapeake Bay Program

Multi-jurisdictional partnership coordinates planning and activities to restore water quality in the nation's largest estuary.

Summary: The Chesapeake Bay Program was launched in 1983 when the U.S. Environmental Protection Agency, three states (Maryland, Pennsylvania, and Virginia), the District of Columbia, and the Chesapeake Bay Commission (a tri-state legislative body) entered into a cooperative agreement aimed at improving water quality in this 64,000 square-mile estuary. The CPB's Executive Council, made up of the signatories to the cooperative agreement, provides governance for the organization. A 48-member Implementation Committee develops the annual work plan and budget, provides technical support, and conducts public outreach.

Federal Funding: From fiscal years 1995 through 2004, the CBP restoration effort received almost $972 million from 11 federal agencies, with the U.S. Army Corps of Engineers provided the greatest amount of direct funding, $293.5 million. The District of Columbia and the states of Maryland, Pennsylvania, and Virginia together contributed $2.7 billion in direct funding for restoration work during this period.

Accomplishments: The CBP estimates that it has achieved approximately half of its goals for reducing pollution, restoring habitat, and developing ecosystem-based fisheries management plans; close to three-quarters of its goals of protecting small watersheds in the region; and two-thirds of its goals of its programs to foster public stewardship of the resource.

Challenges: A 2005 Government Accountability Office report concluded that the CBP lacked a comprehensive, coordinated implementation strategy to help target limited resources to those activities that would best achieve stated restoration goals. In a 2008 follow-up review, the GAO noted that the CBP has developed a strategic framework to unify planning documents and identify how it will pursue its goals, but concluded that additional actions are needed before the program achieves a comprehensive, coordinated implementation strategy. In a 2004 report, the Chesapeake Bay Watershed Blue Ribbon Finance Panel estimated that the restoration effort is grossly underfunded and recommended that a regional financing authority be created with an initial capitalization of $15 billion, of which $12 billion would come from the federal government. In May of 2009 President Obama issued an executive order creating a new Federal Leadership Committee for Chesapeake Bay, chaired by the EPA and charged with developing goals and strategies to achieve water quality and restoration goals for the estuary. The administration issued a draft strategy on Nov. 9, 2009, emphasizing a stronger federal role in strategic planning and implementation, though it recognizes the need for continued collaboration with state and local officials. Legislation is pending before Congress (H.R. 3852/S. 1816) to force more aggressive cleanup of Chesapeake Bay.

Information: www.chesapeakebay.net

Missouri River Recovery Implementation Committee

Broadly representative advisory body provides input and guidance for federal ecosystem recovery efforts in the nation's longest river.

Summary: Section 5018 of the Water Resources Development Act of 2007 authorized the U.S. Army Corps of Engineers to establish this advisory body to provide guidance to the Corps and affected federal agencies, state agencies, and tribes on a study of the Missouri River and its tributaries to determine the actions required to mitigate losses of aquatic and terrestrial habitat, to recover federally listed species protected under the Endangered Species Act, and to restore the river's ecosystem to prevent further declines among other native species. MRRIC's ("Mister Rick" in shorthand) membership includes representatives of federal agencies (the Corps and USFWS serve as lead agencies), eight states, up to 28 tribes, and 16 stakeholder categories (28 total stakeholder members). In September of 2008, the Corps' Northwest Division made appointments to MRRIC. The U.S. Institute for Environmental Conflict Resolution provided facilitation through the formation of MRRIC and posts information about this initiative on its website.

Federal Funding: Congress allocates funding for the U.S. Army Corps of Engineers' Missouri River Recovery Program. The MRRIC is a line-item in the MRRP budget, with a current operating budget of approximately $1.4 million.

Accomplishments: As a relatively new entity, MRRIC focused initially on establishing its membership, organizational structure (there are six work groups), and operating procedures. In 2009, the Committee issued its first substantive recommendations to federal agencies, addressing the endangered pallid sturgeon and the purpose and need for the Corps' long-term river restoration plan. MRRIC is currently in the process of establishing a third-party neutral science review program, which will examine discrete science questions that rise in the recovery study process. Additionally, MRRIC is setting up formal liaisons to interact with agency teams working on various aspects of the study process. Participants are pleased with the federal government's financial and substantive commitment to MRRIC.

Challenges: The authorizing legislation forbids reimbursement of members' travel expenses, which has made it very difficult to ensure participation by sovereign and stakeholder representatives over this large region. MRRIC's consensus decision rule reflects shared values for a common vision, but may prevent the group from making meaningful recommendations on controversial issues. The process, according to one leader, is frankly "tedious," due to the numerous meetings and the need to establish procedural guidelines before engaging in substantive work; drafting the group's charter took 18 months. Finally, the "background noise" of separate processes addressing Missouri River management reminds participants that they are working in a highly charged political context and can be distracting to MRRIC deliberations.

Information: www.moriverrecovery.org/mrrp/
http://missouririver.ecr.gov/

Shared Strategy for Puget Sound

Regional coalition of watershed groups and others developed essential elements of a recovery plan for endangered species.

Summary: Shared Strategy formed in response to the 1999 Endangered Species Act listings of the Chinook salmon, summer chum, and bull trout in Puget Sound, together with a recognition that various recovery efforts and initiatives were operating in isolation. The coalition included federal, state, tribal, and local officials, representatives of watershed groups, and other stakeholders. The federal agencies responsible for implementing the ESA endorsed this approach and were active participants. Shared Strategy spent four years developing a regional plan for ESA-listed Puget Sound Chinook Salmon. Notably, the coalition developed its plan from the ground up, based on recovery plans drafted by 14 watershed groups in cooperation with a Technical Recovery Team appointed by the National Oceanic and Atmospheric Administration and an interagency policy team.

Federal Funding: Full implementation of the recovery plan is estimated to require $1.6 billion over the next decade. Most of the funding will come from the state (and much is not yet secured), but in October of 2009, Gov. Gregoire's office announced that the federal government would provide $50 million to the Puget Sound Partnership to support cleanup and restoration work to implement the Shared Strategy Plan.

Accomplishments: NOAA combined Shared Strategy's salmon plan with supplementary materials to approve a final recovery plan in January of 2007. The federal agency lauded the partnership's contribution as "a remarkable public achievement," and vowed to continue collaborative efforts in implementing the plan. In 2008, the Washington Legislature designated the Puget Sound Partnership, a cabinet-level state agency, with responsibility for implementation of the plan. With this transition, Shared Strategy announced that it had achieved its goals: developing a regional salmon recovery strategy; getting it adopted as a federal plan; and finding a successor organization to carry out the program. Various components of the regional collaboration continue in the new structure. For example, the Puget Sound Salmon Recovery Council, a group of policy decision makers, meets regularly to develop guidance for implementation of the plan and advises the Leadership Council of the Puget Sound Partnership on salmon recovery decisions. This group consists of representatives from each of the 14 watershed areas, the environmental and business community, tribes, and state and federal agencies involved in salmon recovery. A NOAA-appointed Regional Implementation Technical Team (RITT) works with the regional and local groups to provide technical review and guidance for recovery.

Challenges: Although the initial work of Shared Strategy was completed successfully, implementation requires sustained funding that is not yet fully secured. Additionally, much of the implementation depends on political will of dispersed local communities to protect and restore intact natural areas in a fast-growing region.

Information: www.sharedsalmonstrategy.org
www.psp.wa.gov/

LESSONS LEARNED AND BEST PRACTICES

As the examples summarized here illustrate, determining whether a federal-state collaborative initiative is "successful" can be challenging. Many participants, having spent years or decades enmeshed in bitter conflicts, place great value on improved relationships and opportunities to work together without bloodshed. Others insist on measurable on-the-ground environmental improvements before judging the outcome of a collaborative initiative.

This challenge may be addressed at the outset of a collaboration initiative. If federal environmental mandates are driving the process, then one measure of success is pre-defined. Yet, achieving those goals is unlikely the sole reason for most participants to engage in a time-consuming and often frustrating process. These other motivations and interests should be explored and acknowledged in the group's overall vision. It is not unusual for a collaborative initiative to achieve outcomes that exceed what would be possible if all participants acted alone, so the bare minimum of federally mandated standards should provide the starting point for setting goals, not a pre-defined endpoint.

Indeed, as illustrated by these examples, success is largely determined by the care that goes into articulating goals and setting up a good (and adaptable) process. As demonstrated by the Shared Strategy for Puget Sound, a collaborative initiative may have a defined lifespan, and may essentially shut down once its main task is complete. The still-forming Missouri River Recovery Implementation Committee has a similarly defined task, shaped around a particular set of federal study processes. Participants in these collaborative initiatives can judge more easily when their job is "done," a task made harder in a larger and more complex undertaking such as in ecosystem restoration in Chesapeake Bay or the Everglades.

A common theme running through the examples presented here is the critical importance of money. Whether or not collaborative processes are utilized, large-scale ecosystem restoration is expensive, and the benefits of many remedial actions are not obvious over a two- or four-year electoral time scale. A commitment to restoration requires that funds be allocated appropriately for each step of the process, from initial assessment through implementation, monitoring, and adaptive management.

Perhaps the most important take-away message from any review of collaborative initiatives is this: *There is no single model for a successful federal-state collaborative initiative*. Nonetheless, a broad set of principles suggest key ingredients that contribute to a widely accepted and effective collaboration:

1. **Take time to accurately and comprehensively articulate the problem to be addressed.**
   - Identify the compelling issue or catalyst for action, and the legal parameters for taking action.
   - Determine through an initial assessment whether the necessary participants are willing to work together.

2. **Match the solution to the scale of the problem through careful design.**
   - Identify which agency is legally required to lead the process, and explore opportunities for shared leadership.
   - Mobilize and engage the right people, including those who will be responsible for implementation and those who might undermine the outcome.
   - Define the "problemshed" appropriately, beginning with ecological boundaries; it should be large enough to capture the problem and small enough to get traction among the people whose interests are at stake.
   - Take the time to get organized, articulating a common understanding of goals, and responsibilities. The initial stage of designing a process to work together can be tedious and frustrating, but is essential for long-term success.

3. **Take action by formulating and implementing effective, appropriate strategies that result in the desired outcome.**
   - Facilitate scientific and public learning through joint fact-finding and similar joint learning.
   - Develop an action plan around a shared vision for change, spelling out specific steps necessary to reach agreed-upon goals.
   - Move from vision to action through implementation commitments from all necessary levels of government and other responsible entities, working consistently to build and reinforce the necessary political will.
   - Ensure adequate and sustained funding to support implementation.

4. **Evaluate and adjust implementation as necessary.**
   - Implementation should include ongoing monitoring, using scientifically grounded measures to test whether strategies are effective.
   - Adjust management actions as necessary maintain progress toward agreed-upon goals.

Regional collaboration is more like political organizing than rational planning. Thus, applying these principles requires a great deal of adaptation to place and people. As demonstrated in the examples presented here, the path to partnership is neither easy nor straightforward. Done well, a federal-state collaborative initiative can result in better-informed decisions, reduced conflict among competing interests, and better chances of successful implementation and environmental gains.