



**US BUREAU OF LAND MANAGEMENT
MEDFORD, OREGON OFFICE TIMBER
MOUNTAIN/JOHN'S PEAK OHV
RECREATION MANAGEMENT PLAN**

**Independent Process
Assessment
Recommendation Report**

December 16, 2011



I. INTRODUCTION

The Bureau of Land Management (BLM) retained the Institute *for* Conflict Management Inc. (ICM,) through the Oregon Consensus Program at Portland State University, to assess the potential for agreement to a modified Timber Mountain/Johns Peak, off-highway vehicle (OHV) alternative that the BLM could analyze in a subsequent Environmental Impact Statement (EIS) process.

II. MAJOR THEMES FROM STAKEHOLDER INTERVIEWS

As part of the initial stakeholder assessment, ICM interviewed twenty-three stakeholders on November 15, 2011, in-person, in Jacksonville, Oregon. The interviewees were divided into groups based upon their affiliation. On November 16, 2011, ICM interviewed two individuals by phone, Tony Hess and Ken Chapman. On November 29, 2011, ICM interviewed another stakeholder by phone, Shayne Maxwell. The full list of participants interviewed follows.

Name	Group/Association
Chris Bratt	Thompson Creek
Joseph Vaile	Klamath-Siskiyou Wildlands
AO Black	Forest Creek
David Calahan	Wellington; Wellington Wild Lands (WWL)
Jack Duggan	Forest Creek
Bob Kingsnorth	The Johns Peak/Timber Mt Citizens Alliance
Michelle LaFave	Humbug Creek Road
Laurie LeDoux	Foots Creek Road Middle Fork
Ron LeDoux	Foots Creek Road Middle Fork
Shayne Maxwell	Foots Creek Road
Karen Mitchell	
Dennis Morgan	Birdseye Creek Fire and Emergency Committee
Gary O'Neil	
Susan Phelps	Forest Creek Community Association
Monna Prefontaine	Abbey Lane & Left Fork Foots Creek
Roland Prefontaine	Abbey Lane & Left Fork Foots Creek
Seldom	Foots Creek Road
Jim Lewis	Counselor, City of Jacksonville
Randy Brown	Spalding
Ken Cummings	Forest Capital Partners
Eric Hippler	Plum Creek
Steve Croucher	Motorcycle Riders Association
Jack Leroy	Motorcycle Riders Association and Private Land Owner
Steve McIntyre	Motorcycle Riders Association
Tony Hess	City of Jacksonville Parks, Recreation, and Visitors Service Committee, and Jacksonville Park Ranger
Ken Chapman	Applegate Trails Association (ATA)

ICM shared the interview questions with participants prior to the session. Some individuals provided written comments. While each session was different in tone and content, in general, we explored numerous topics related to OHV use. The major themes from the interviews follow.

- A) The status quo is not working and the time is ripe for a new, broadly acceptable plan.
- B) There are different opinions as to the appropriate starting point for a new alternative. Some support working from the existing DEIS and others assert the 1995 decision was wrong, and thus, it is an inappropriate basis for any plan.
- C) There are different opinions regarding where OHVs should be allowed to ride.
- D) There are concerns that BLM has been managing trails without an approved plan, as well as concerns that the BLM has not been enforcing approved trail usage, allowing user-created trails to develop.
- E) There is a general, albeit reluctant recognition that somewhere there is an appropriate balance between protection of the environment, attention to neighborhood livability, and providing OHV recreation facilities.
- F) There is general agreement that no matter what plan is adopted, enforcement will be a persistent challenge due to geography and available resources.
- G) There has been a negative impact on trust, respect, and relationships between various groups, each believing they have been misunderstood, disrespected, and/or treated poorly.
- H) In order to succeed, there is a need to identify mutually agreeable goals, plan thoroughly, implement fairly, communicate clearly, and create an effective system of enforcement and accountability.
- I) There is genuine hope that these issues can be resolved in a constructive way.

III. PROCESS RECOMMENDATIONS

ICM was tasked with making process recommendations, not suggestions for substantive changes, to the draft Timber Mountain/John's Peak OHV Recreation Plan. Based upon what we learned through stakeholder interviews, several hours of meetings with BLM staff, and reviewing historical documents and videos, our process recommendations follow:

- A) Convene a facilitated work group, beginning in early 2012, to explore collaboratively areas of agreement for moving forward. ICM anticipates needing at least five formal meetings, plus several off-line, small group meetings/conversations. (See Section E, below, for a detailed outline of the workplan.)
- B) Use Collaboration Principles – See, Attachment A for a working draft. Please read it for information on: 1) Goals, Charge and Scope of Work (BLM-provided language), 2) Collaboration Protocols (ICM-provided language), and 3) Voting (ICM-provided language).

- C) If the work group is to succeed, it will need to use an Interest-Based approach and focus on building relationships and fixing problems – NOT building cases and fixing blame.
- D) Membership: 11 members, with the public able to observe the meetings. ICM will seek volunteers and/or nominations from each stakeholder constituency group listed below in December 2011. In the event of disagreement regarding membership, ICM will work with the group to resolve the issues.

Citizen
Citizen
Environmental Group
Environmental Group
Industrial Timber
Industrial Timber
MRA
MRA
BLM – Ex Officio (Non-Voting)
City of Jacksonville – Ex Officio (Non-Voting)
Oregon Parks and Recreation – Ex Officio (Non-Voting)

- E) Schedule at least five, 3-4 hour Work Group meetings as follows:

MEETING NUMBER	PROPOSED TIMEFRAME	MEETING/TASK/EVENT The timeline and meeting tasks will likely change as the process evolves.
	Early-Mid January	Preparation A) Establish Elements to Incorporate into Draft Work Plan 1) Determine what data is needed, when, and from whom? 2) Public Communication Plan B) Prepare for Kick-off Meeting 1) Draft Agenda 2) Confirm Membership/Attendance 3) Logistics C) Logistics
1	January 28, 2012 <i>Proposed Kick-off Meeting</i>	Work Group Meeting #1, 9:30 – 1:30 A) Introductions B) Collaboration 101 Presentation C) Collaboration Principles – Discussion and Agreement to Proceed D) Identify Advantages and Disadvantages of having a Managed OHV Area E) Establish Goals F) Provide Background Information and Timeline G) Identify Data Needs H) Lunch I) Create Work Plan 1) Create and Triage Topic/Issue List 2) Create Action List 3) Homework for WG members

		J) Next Steps: Meeting Dates K) Closing Comments
	Early-Mid February	Follow-Up and Preparation A) De-brief Kick-off Meeting B) Status of data needs and discuss impacts of new information C) Review Work Plan D) Review Action List E) Draft Agenda for WG 2
	Prior to WG Meeting #2	Follow-Up and Preparation
2	February-March, 2012	Work Group Meeting #2 A) Provide Requested Data ③ Presentation from invited speakers, if needed B) Discuss Select Action List Items C) Begin discussing issues in order of Meeting 1 Triage D) Next Steps E) Closing Comments
	Prior to WG Meeting #3	Follow-Up and Preparation
3	March-April, 2012	Work Group Meeting #3 A) Provide Requested Data ③ Presentation from invited speakers, if needed B) Continue Discussions C) Vote on Emerging Proposals and consider what Draft Recommendations could look like D) Next Steps E) Closing Comments
	Prior to WG Meeting #4	Follow-Up and Preparation
4	April-May, 2012	Work Group Meeting #4 A) Provide Requested Data B) Continue Discussions C) Vote on Emerging Proposals and consider what Draft Recommendations could look like D) Next Steps
	Prior to WG Meeting #5	Follow-Up and Preparation
5	May-June, 2012	Work Group Meeting #5 A) Explore remaining topics B) Make recommendations to BLM on topics upon which the group was able to reach “consensus” and discuss Majority-Minority Report on unresolved topics C) Create metrics and process to monitor results/next steps D) Next Steps
--	June 2012	Final WG Report

F) BLM proceeds with processes for plan approval and implementation; monitor and share results.

G) Celebrate Successes!

IV. CONCLUSION

We are confident that the work group participants can focus on their common interests and solve the issues noted in this report. It will take creativity, patience, and hard work. ICM commits its full energy to help the BLM and stakeholders capitalize on the hopeful, problem-solving tone that is now developing around this initiative.

We appreciate your cooperation, commitment, and candor. Thank you for the opportunity to assist you.

ATTACHMENT A

DRAFT COLLABORATION PRINCIPLES BLM TIMBER MOUNTAIN/JOHN'S PEAK OHV RECREATION PLAN WORK GROUP

I. Process Goals Statement

The BLM is interested in achieving a broadly supported plan for OHV recreation in the Timber Mountain/John's Peak area, while minimizing negative impacts to landowners and the environment. The goal of convening a Work Group (WG) and conducting a facilitated process is to provide an opportunity for stakeholder input, dialogue, and problem solving.

II. Work Group Charge and Scope of Work

A. Charge

The Work Group will make recommendations to the BLM regarding elements of the proposed plan. While the BLM has ultimate responsibility for decision-making as to which recommendations to implement, it is committed to supporting consensus recommendations from this collaborative (ADR) process. As a result, it will move forward with such a recommendation as the Proposed OHV Management Plan Alternative in the final EIS. If there is consensus on specific aspects of the project, but not on a complete plan, BLM will move forward with the consensus aspects, creating a separate alternative, or incorporating them into the BLM's Proposed Alternative.

This ADR process is not about resolving disputes over processes associated with previous land management planning (either the 1995 Medford District Resource Management Plan or the 2008 Western Oregon Plan Revision for the Medford District). Therefore, this process will not consider eliminating OHV from Timber Mountain/Johns Peak, nor will it attempt to rectify any perceived process errors in past land management planning.

Additionally, there are ongoing efforts to swap/sell lands between the City of Jacksonville and the Motorcycle Riders Association. There is an ongoing effort to create a non-motorized trail through the Timber Mountain/Johns Peak management area. This ADR process will not directly consider those efforts. However, participants can include their specific needs or opportunities related to those efforts in the negotiation process.

Finally, this ADR process is not a NEPA public comment process. Therefore, there is no current "scoping" or public comment opportunity for those who are not directly involved in this ADR process. Because the WG meetings will be open to the public, BLM will put meeting dates and information pertinent to this ADR process on its website. Any plan developed through this ADR process will be reviewed through a subsequent environmental impact statement (EIS) process. BLM will consider *all* public comments related to *all* alternatives then, regardless of one's affiliation with the ADR process. Alternatives with substantial consensus will rank higher in BLM's evaluation.

B. Scope of Work and Timeline

MEETING NUMBER	PROPOSED TIMEFRAME	MEETING/TASK/EVENT
	Early-Mid January	Preparation A) Establish Elements to Incorporate into Draft Work Plan 1) Determine what data is needed, when, and from whom? 2) Public Involvement Plan B) Prepare for Kick-off Meeting 1) Draft Agenda 2) Confirm Membership/Attendance 3) Logistics C) Logistics
1	January 28, 2012 <i>Proposed Kick-off Meeting</i>	Work Group Meeting #1, 9:30 – 1:30 A) Introductions B) Collaboration 101 Presentation C) Collaboration Principles – Discussion and Agreement to Proceed D) Identify Advantages and Disadvantages of having a Managed OHV Area E) Establish Goals F) Provide Background Information and Timeline G) Identify Data Needs H) Lunch I) Create Work Plan 1) Create and Triage Topic/Issue List 2) Create Action List 3) Homework for WG members J) Next Steps: Meeting Dates K) Closing Comments
	Early-Mid February	Follow-Up and Preparation A) De-brief Kick-off Meeting B) Status of data needs and discuss impacts of new information C) Review Work Plan D) Review Action List E) Draft Agenda for WG 2
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5	May-June, 2012	Work Group Meeting #5 A) Explore remaining topics B) Make recommendations to BLM on topics upon which the group was able to reach “consensus” and discuss Majority-Minority Report on unresolved topics C) Create metrics and process to monitor results/next steps D) Next Steps
--	June 2012	Final WG Report

The process timeline for the Work Group is to begin in January 2012 and continue through the June 2012. While it is the intent of the BLM to conclude this collaborative dialogue and advisory process within a six-month period, it is impossible to contemplate all eventualities. As a result, the dates listed above are projected, not fixed.

C. Public Involvement

The meetings of this Work Group will be open to the public. BLM staff will provide meeting information/notices, in advance, and regularly update the website with process-related information, documents, and meeting announcements.

IV. Work Group Membership and Support

A. Members

AFFILIATION	Member/Representative
Citizen	
Citizen	
Environmental Group	
Environmental Group	
Industrial Timber	

Industrial Timber	
MRA	
MRA	
BLM <i>Ex Officio (Non-Voting)</i>	
City of Jacksonville <i>Ex Officio (Non-Voting)</i>	
Oregon Parks and Recreation <i>Ex Officio (Non-Voting)</i>	

B. Chair

There will be no chair. Sam Imperati of the Institute for Conflict Management, Inc., will facilitate the WG meetings.

C. Work Group Alternates and Replacements

Due to the complexity of the process, it is best to have one person represent each interest throughout the planning process to maintain continuity of discussion and recommendations. If necessary, Work Group members may identify an alternate to represent them in their absence, preferably at the outset of the process.

It will be the responsibility of the primary WG member to keep the alternate informed so they can represent their group in case the primary WG member is absent. Alternates may attend WG meetings, but will not sit at the main table or vote, unless they are substituting for the primary WG member. Notice of substitution must be submitted to the WG facilitator in advance of WG meetings.

WG member resignations, changes, and replacements must be submitted in writing to the WG Chair by the representative interest group/organization.

D. Project Staff

The Bureau of Land Management will staff the WG process. John Gerritsma, Field Manager, and Dennis Byrd, Ashland Reserve Area Resource Staff, are the primary project staff at the BLM.

The BLM commits to:

- 1) Clearly define opportunities where the public can provide timely input so that there is an opportunity to affect change.
- 2) Be accessible, inclusive, meaningful, regular, timely, open, fair, and honest. This includes providing information in as much advance as practical.
- 3) Ensure a collaborative public involvement process between the BLM and stakeholders, and meet the planning timelines.
- 4) Provide an ongoing record of public input, questions, and responses, as well as a mechanism to make this information available to the public.

- 5) Provide the public with a way to stay involved and informed during the process.
- 6) Provide the WG with the relevant, objective information, in a timely fashion, necessary to make informed decisions. Presentations will provide the facts – pro and con – surrounding the issues in a readily understandable format.
- 7) Provide the big picture context and interconnections surrounding all issues, before asking the WG to make a recommendation.
- 8) Be responsive to WG member requests for information and process support, be clear and transparent about staff positions, and be open to carefully considering Work group recommendations.

E. The Facilitator

An independent facilitation firm has been hired as a process manager by the BLM, separately from the other consultants. They will assist the Work Group and staff. They will also facilitate WG meetings and provide advice on the public involvement program. The facilitator's "client" is the Work Group process, but neither WG membership, nor process participation is a substitute for independent legal or other professional advice. That is the responsibility of the process participants and is encouraged. The facilitator will be responsible to ensure the WG process is fair, well run, and productive. The facilitator will be available as a resource to the BLM for minor conflict resolution and process improvement suggestions. As a neutral collaborative process provider, the facilitator will not act as an advocate for anyone on any substantive issue. However, the facilitator may propose substantive suggestions for Work Group consideration, but will not make decisions on substantive issues.

The Institute *for* Conflict Management, Inc. (ICM, or the facilitator) has been hired for this process. ICM's Executive Director, Sam Imperati, will act as the lead facilitator. Melissa Egan will act as the Assistant Facilitator. ICM, Sam Imperati, Melissa Egan, and any subcontractors are not employees of any participant. ICM's written contract is available for review. The facilitator will not be influenced by payment source.

The facilitator may have non-confidential, informal communications and perform facilitation activities with staff and WG members, between and during meetings. The facilitator will address situations where it appears a participant is not acting according to these Collaboration Principles and will advise the BLM if it appears unlikely that the WG will be unable to fulfill its Charge.

V. Collaboration Protocols

A. Quorum

A quorum is a simple majority of voting WG members or their alternates. If there is no quorum, the chair can cancel/reschedule or conduct the WG meeting and send all meeting notes and materials to the members for voting at the next meeting.

B. Open Meetings

Meetings of the Work Group are open to the public. Notice will be posted in advance of meetings on the Timber Mountain OHV Area website (<http://www.blm.gov/or/districts/medford/recreation/timbermountain/index.php>). WG meeting summaries will be posted on the website.

C. Public Comment

The facilitator will provide a public comment opportunity for non-WG members during meetings before the WG makes a decision. Comments from the public will be limited in time to allow sufficient opportunity to conduct the other portions of the WG agenda. The public is encouraged to submit written comments to ICM for circulation to the full Work Group.

E. Meeting Agendas and Meeting Materials

ICM and the BLM will draft Working Agendas for WG meetings. Meeting agendas and meeting materials will be mailed or sent electronically to WG members one week in advance of the meetings, and will be posted on the project website. WG meetings will begin and end as scheduled.

F. Work Group Member Commitments to Each Other

The Work Group members, project staff, and participants will participate in good faith, which means:

- 1) Prepare for and set aside time for the meetings and the whole process,
- 2) Participate fully, honestly and fairly, commenting constructively and specifically,
- 3) Speak respectfully, briefly and non-repetitively; not speaking again on a subject until all other members desiring to speak have had the opportunity to speak,
- 4) Allow people to say what is true for them without fear of reprisal from WG members, or the BLM,
- 5) Avoid side conversations during meetings,
- 6) Provide information as much in advance as possible of the meeting in which such information is to be used and share all relevant information to the maximum extent possible,
- 7) Generate and explore all options on the merits with an open mind, listening to different points of view with a goal of understanding the underlying interests of other WG members,
- 8) Consult regularly with their interest groups/organizations and provide their input in a clear and concise manner,
- 9) Agreeing to work toward fair, practical and durable recommendations that reflect the diverse interests of the entire WG and the public,

- 10) When communicating with others, accurately summarize the WG process, discussion and meetings, presenting a full, fair and balanced view of the issues and arguments out of respect for the process and other members,
- 11) Success depends on a full airing of the ideas and opinions of each committee member. Members should be forthcoming and honest during discussions and in the consensus process. When a consensus recommendation is reached, each member owes it to the others and to the process to not attempt to effect a different outcome outside of the WG process once the WG has reached a consensus recommendation,
- 12) Strive vigorously for consensus and closure on issues, and
- 13) Self-regulate and help other members abide by these commitments.

VI. Decision-Making Process

A. Developing Recommendations

The facilitator will assist the Work Group in identifying objectives, addressing the diversity of perspectives, and developing substantive, practical recommendations to implement its Charge. The WG will use a *Consensus Decision-Making* model to assist the process.

B. Representative Voting

Each Work Group member will have one vote except non-voting, Ex Officio members. A vote represents that the member will recommend to his or her organization or group that they should support the voted-upon proposal consistent with the member's vote. The names of those voting in favor and those voting against a proposal will be noted and included in the WG's recommendations to the BLM.

D. Consensus

Consensus decision-making is a process that allows WG members to distinguish underlying values, interests, and concerns with a goal of developing widely accepted solutions. Consensus does not mean 100% agreement on each part of every issue, but rather support for a decision, "*taken as a whole.*" This means that a member may vote to support a consensus proposal even though they would prefer to have it modified in some manner in order to give it their full support. Consensus is a process of "*give and take,*" of finding common ground and developing creative solutions in a way that all interests can support. Consensus is reached if all members at the table support an idea or can say, "*I can live with that.*"

C.1. "1-2-3" Consensus Voting Method

The facilitator will assist the WG in articulating points of agreement, as well as articulating concerns that require further exploration. WG will use a "Consensus Voting" procedure for testing the group's opinion and adjusting proposals. In "Consensus Voting," the facilitator will articulate the proposal.

Each WG member will then vote “one,” “two,” or “three,” reflecting the following:

- “One” indicates full support for the proposal as stated.
- “Two” indicates that the participant agrees with the proposal as stated, but would prefer to have it modified in some manner in order to give it unconditional support. Nevertheless, the member will fully support the consensus even if his/her suggested modifications are not supported by the rest of the group because the proposal, taken as a whole, is worthy of support, as written.
- “Three” indicates refusal to support the proposal as stated.

The facilitator will repeat the consensus voting process, as reasonably necessary, to assist the group in achieving consensus regarding a particular recommendation, so that all members are voting “one” or “two.”

C.2. Cooling-Off Period

If a consensus is not reasonably forthcoming, the facilitator may table the issue for additional discussion with constituencies, the gathering of new information, or perhaps just sufficient time to consider options more carefully. The “cooling off” period recognizes we value getting as close to consensus as possible by way of dialogue, clarification, and consideration of alternatives. Absent an emerging consensus, the facilitator may make a recommendation for the WG to consider taking into consideration all of the available information and views. The WG may then revisit the issue.

C.3. No Consensus – Majority and Minority View

If a consensus on an issue is still not reasonably likely, as determined by the co-chair, the votes of those present at the meeting will be taken and recorded as a majority - minority vote. Majority is defined as at least 50% plus one of the WG voting members in attendance. The proposed language and reasoning supported by the majority will be noted along with their names in the WG’s recommendations. Members voting in the minority will have their names, proposed language, and reasoning noted in the Minority Report(s). The facilitator will document these issues, the differences of opinion involved, and submit the report to the BLM staff for inclusion in the WG recommendations, along with other stakeholder comments.

VII. Additional Understandings

A. Communications Outside of the Work Group

WG members and staff can refer press, public, and other inquiries to the WG facilitator or the BLM project managers.

B. Meeting Summaries

The facilitator will prepare WG meeting summaries. They will be provided electronically in draft form to the WG for proposed correction and comment. The final meeting summaries will be posted on the project website.

C. Public Records and Confidentiality

WG records, such as formal documents, discussion drafts, transcripts, meeting summaries, and exhibits are public records. This is not a mediation. It is a facilitation. As a result, WG communications (oral, written, electronic, etc.) are not confidential and may be disclosed.

D. Process Conclusion

The WG process will conclude with submission of its recommendations to the BLM, when necessary funding and resources are no longer available, or when the BLM determines it is unlikely the Work Group will fulfill its Charge.

E. Amendment and Interpretation

Amendments to this document can be made by vote of the Work Group. The facilitator shall lead a WG discussion designed to reach a consensus on any process dispute or proposed amendment to these Collaboration Principles.

VIII. Signatures

We agree:

MEMBER	AFFILIATION	SIGNATURE