

## Lessons Learned from the 2005-2008 Western Oregon Plan Revisions and Initial Scoping Comment Themes of the 2012 Resource Management Plans for Western Oregon (as of 8/15/2012)

### Overview

The following report provides a snapshot of lessons learned from the 2005-2008 Western Oregon Plan Revision, and the initial review of comments received during the Resource Management Plans for Western Oregon scoping period. The intent of this document is to identify common themes, issues, and process improvements that were identified through employee, public, task force and organization reports and interviews. Once identified, the lessons learned and common themes can be addressed and appropriate improved processes incorporated into the BLM's current planning.

The first section of the report synthesizes the common "lessons learned" from six sources; Western Oregon Task Force – Final Report to the Secretary of the Interior, BLM Forested Lands in Oregon Collaboration Inquiry, Western Oregon Plan Revision (WOPR) Lessons Learned, U.S. Institute for Environmental Conflict Resolution, Western Oregon Planning Team Members After Action Review/Lessons Learned, and BLM Western Oregon District Employee Comments.

In this section, the individual reports and interview comments were reviewed and evaluated for common themes. Not all specific comments are highlighted; however, the comments are generally aggregated in the 24 themes divided into five general areas. Please refer to the full reports for more specificity.

The second section provides an initial analysis of common issues from the more than 500 comments received during the scoping process for the current planning effort. This section does not take the place of the formal scoping report for the Resource Management Plans for Western Oregon that will be published later. Instead, the analysis provides the reader a glimpse of what the BLM will be addressing to determine scope and scale. The analysis identifies some of the gaps in information that would need to be filled.

### Background

Oregon BLM is initiating a resource management plan (RMP) revision which will provide goals, objectives, and direction for the management of approximately 2.5 million acres of BLM-administered lands in western Oregon. The revisions to the existing RMPs will determine how the BLM will actively manage public lands in western Oregon to further recovery of threatened and endangered species, to provide clean water, to restore fire-adapted ecosystems, to produce a sustained yield of timber products, and provide for recreation opportunities.

The litigation settlement for the 1994 American Forest Resource Council suit against the BLM included an agreement that the BLM would revise the six 1995 BLM Western Oregon Resource Management Plans (RMPs). Over the course of WOPR planning, the BLM met with cooperators and partners 180 times and received more than 30,000 public comments. Between 2004 and 2008, the BLM went through the planning process to revise the 1995 resource management plans with six records of decision in December 2008. In 2009, Interior Secretary Salazar announced the withdrawal of the records of decision (RODs) for the six RMPs citing the decision by the acting assistant



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secretary for lands and minerals that the “no effect” determination under the Endangered Species Act for the resource management plans was legally indefensible based on the record and applicable laws. The withdrawal of the RODs reinstated the management direction of the 1995 BLM Western Oregon RMPs.

In the spring of 2012, the Interior Secretary announced the BLM would be revising the 1995 Western Oregon Resource Management Plans. In order to initiate new planning, the BLM took the extra steps to review, revisit, and learn from after-action studies from the 2005-2008 planning effort.

## Documents and Summaries

### Engaging People in the BLM Western Oregon Plan Revisions Process (January 6, 2006)

At the request of the BLM Oregon State Office, the Public Policy Research Institute – with the assistance of RESOLVE and the Consensus Building Institute – completed the first phase of a situation assessment on the Western Oregon Plan Revisions process in October 2006. The assessment attempted to clarify what key stakeholders expect from the planning process, offered a synthesis of major opportunities and challenges facing BLM in the planning process, and finally identified that the success would rely on the extent citizens are meaningfully engaged in the planning and decision-making process.

### Western Oregon Task Force – Final Report to the Secretary of the Interior (July 22, 2010)

Interior Secretary Ken Salazar asked the BLM and US Fish and Wildlife Service directors to establish a special interdisciplinary task force to take a fresh look at processes that have guided the management of BLM forests in western Oregon. The task force was instructed to make recommendations to the Interior Secretary on a process for finding a long-term strategy for forest management on Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act of 1937 lands.

### BLM Forested Lands in Oregon Collaboration Inquiry (September 2011)

BLM engaged the U.S. Institute for Environmental Conflict Resolution (the U.S. Institute), in partnership with Oregon Consensus, to conduct a neutral third-party inquiry into whether a forest management stakeholder collaboration process should be initiated. If initiated, it would define the objectives to address long-standing forest management issues in western Oregon and inform BLM planning.

### Western Oregon Plan Revision (WOPR) Lessons Learned, U.S. Institute for Environmental Conflict Resolution (January 2010)

The US institute of Environmental Conflict Resolution summarizes what was learned about participation, about innovative web applications presented by the government, and about attempts to push the boundaries of public engagement. It does not address the larger issues of WOPR’s assumptions, context, and approach.

### Western Oregon Planning Team Members After Action Review/Lessons Learned (April 2012)

An after action review was conducted with the planning team members to provide feedback to a series of topics related to the Western Oregon Plan Revision process. The topics included; internal communications, external communications, public/cooperator involvement, data and



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modeling, work flow with the core team and steering committee, what went well, and looking forward.

#### BLM Western Oregon District Employee Comments (June 2012)

(Salem, Eugene, Roseburg, Coos Bay, Medford, Lakeview)

Employee interviews and questionnaires were used at each of the BLM western Oregon districts to gather employee personal opinions both positive and negative regarding the 2005-2008 Western Oregon Plan Revision. The topics included; internal communications, external communications, public/cooperator Involvement, data and modeling, work flow with the core team and steering committee, what went well, and looking forward.

#### Abbreviations

EP	Engaging People in the BLM Western Oregon Plan Revisions Process
WOTF	Western Oregon Task Force
EC	Employee Comments
USIECR	US Institute of Environmental Conflict Resolution
WOPRTC	WOPR Team Comments
CI	Collaboration Inquiry

### Common Themes and Issues from Lessons Learned Summaries

#### Public Involvement

- 1) The Western Oregon Plan Revision (WOPR) effort was perceived as having a narrow decision space, leaving little room for compromise. (USIECR, EC, EP)
- 2) The WOPR effort as a court-ordered settlement contributed to distrust within some publics, despite the considerable public involvement investment. (USIECR, EC, WOTF, EP)
- 3) Transparency of decision-making process and the transparent process of preparing planning documents is important. (USIECR, EC, CI, EP)
- 4) Recommendations were made to strengthen relationships with formal cooperators. (EP, WOPRTC)
- 5) Recommendations were made to validate the Analysis of the Management Situation, Planning Criteria, and State Director Guidance with formal cooperators and stakeholders. (EP)
- 6) Implement best practices for public participation. (EP, IECR)
- 7) Engage unaffiliated, general citizens in reviewing draft planning documents. (EP)

#### Communication

- 8) Decisions were not stable and were subject to reevaluation at the expense of moving forward. Decisions were perceived by employees as “top down.” (EC, WOPRTC, USIECR)
- 9) Interest groups tended to drive media coverage and public perceptions. (WOPRTC, EC)
- 10) Communication with the public and employees was not as good as it could have been as a result of inefficient feedback loops. (EC, USIECR)
- 11) The ability by the BLM to thin younger stands to meet economic objectives is limited, but the public’s awareness of this short timeline is not widely known. (WOTF)



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- 12) Important to clarify and communicate BLM's evolving task made complex by the unique nature of the O&C lands, the economic and ecological values of the public lands, and the regulatory law requirements. (EP)
- 13) Important to engage Native American tribes on a government-to-government basis, recognizing tribal sovereignty and self-determination. (EP)
- 14) Important to establish good communication and relationship between BLM and the Federal and State regulatory agencies early in the planning effort. Recommendation is to develop written agreement on how RMPs will comply with ESA and other regulatory legislation. In addition, consultation at the plan level in the Pacific Northwest was problematic. Recommendations include senior managers for the land management and regulatory agencies review existing consultation procedures and the effectiveness of the Streamlined Consultation approach, and suggest improvements as appropriate. (WOPRTC, WOTF, EC)

#### Geographic Scale

- 15) Geographic scale of one environmental impact statement (EIS) can be an issue. Geographic scale can impact local participation and collaboration in the planning process. (WOTF, USIECR, EP, CI)

#### O&C Act

- 16) WOPR highlighted a public without a common vision or objectives for the management of O&C lands. Lack of decisive clarification of the O&C Act will continue to foster debate and litigation. (WOTF)
- 17) The socio-economic contribution of O&C lands to local communities was not resolved and was framed as a tradeoff between sustainable community economic health versus sustainable fish and wildlife habitat. (WOTF, EP)

#### NEPA

- 18) Document review (by public and employees) was inefficient. (WOPRTC, USIECR)
- 19) The planning schedule was not adhered to leading to missed planning timeline dates. (WOPRTC)
- 20) Quality of specialist reports is an important factor. (WOPRTC)
- 21) The use of science data that was not peer reviewed was an issue. (WOPRTC, WOTF)
- 22) Timber plan was emphasized within the Resource Management Plans (EC,USIECR, EP)
- 23) Integrity of the EIS planning process is essential in order to arrive at an implementable outcome. (EP)
- 24) Consider a range of alternatives, including citizen-based alternatives that meet people's substantive interests. (EP)



## Resource Management Plans for Western Oregon

### Scoping Summary (as of 8/15/12)

Scoping is a collaborative public involvement process to identify planning issues and help define the scope of the analysis. Planning issues are disputes or controversies about existing and potential land and resource allocations, levels of resource use, production, and related management practices. Issues include resource use, development, and protection opportunities for consideration in the preparation or revision of the RMP. The public scoping period for Resource Management Plans for Western Oregon began on March 9 and ran through July 5, 2012. Results of scoping come from three sources: lists of scoping points from internal BLM meetings, brief summaries of the general discussions from the public meetings, and specific comments submitted at or after public meetings.

### Scoping Process

Internal Scoping Meetings - During the scoping period the Bureau of Land Management (BLM) held internal scoping meetings at all six represented District offices. Employees were asked a series of open ended questions similar to those offered to the public. Discussion points noted by employees were collected at five of the meetings, employees were also provided a place where they could make online comments similar to what was available to the public. Refer to “Internal Scoping Summaries” tab on the SharePoint

site: <http://teamspace/or/sites/rmpwesternoregon/committee/Pages/Scoping.aspx> for the summary documents.

Public Meetings - Eight public meetings were held in Medford, Grants Pass, Roseburg, Klamath Falls, Salem, Coos Bay, Eugene and Portland. At each of these the BLM provided a brief overview and a list of questions to prompt feedback, then opened the meeting for discussion. At the public meetings, the BLM did not take formal oral comments but encouraged the public to submit written comments through a variety of venues. BLM provided brief summaries of the meetings including the number of people attending, a list of the key topics raised by the public and the number of written comments (comment forms provided) turned in at the meetings. An abbreviated compilation of these meeting summaries is provided in the “RMPs for Western Oregon Scoping Meeting Summaries - - June 2012”.

Scoping Comment submittal – The BLM solicited public comments and accepted responses via hard copy, email or FAX and even set up an on-line comment form. Despite the July 5 close of the comment period comments continued to trickle in for the next few weeks. By the end of July 507 comments had been received. The majority of comments were submitted via email. Approximately 25% were form letters (the same as another letter sent by a different person).

### Results of Scoping

#### Nature of Comments

To date, a Content Analysis has been completed on over 450 comments. A general summarization of key points in each letter has been completed on about 50% of those. In general, the majority



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(about 70%) of the individual internal comments were focused more on “process”, while the majority of individual public comments (about 75%) dealt more with “content” or listing of issues to be addressed in our planning and analysis.

### Process

Internal comments that focused on “process”, addressed either how to improve our planning process for developing the plan or improving the process for communicating/ collaborating with the public. A few of the key issues raised by the public related to process included the need for additional outreach or collaboration with community groups, and the public’s interest in participating in some form of alternative development or collaborative planning. These comments will be extracted and shared with the individual Districts for consideration of opportunities for additional scoping/public involvement at the local level. In addition, some individuals and community groups submitted “community-based alternatives”. These submittals will be thoroughly reviewed for the need for further discussion between the interdisciplinary team and the proposer for potential consideration as a component of an alternative, or a stand-alone alternative to be analyzed.

### Content

Although the comments covered a broad spectrum of resources that BLM should analyze, the two most common were recreation and socioeconomic conditions, collectively accumulating about 15 percent of the individual comments. Timber management, especially maintaining Old Growth/Late Successional Forests and suggesting the use of ecological forestry/restoration practices accounted for the next highest percentage of comments.

The following table lists the issues most commonly raised in order of abundance.

1. Recreation, esp. OHVs
2. Economic Situation/Employment/County Funding
3. Timber Management (high percentage of comments to retain old growth)
4. Travel Management (often related to OHVs)
5. Aquatic Species
6. Fuels Treatments/Wildfire
7. Riparian Area Management
8. Wildlife/Endangered Species
9. Botany/Special Status Species
10. Scenic Resources

## **Additional Input to determine the Scope of Analysis**

Scoping Report - 2006

Final Summary of Substantive Public Comments by Issue – 2008



## Lessons Learned and Recommendations Source Documents

1. Engaging People in the BLM Western Oregon Plan Revisions Process
2. Western Oregon Task Force
3. US Institute of Environmental Conflict Resolution
4. BLM Forested Lands in Oregon Collaboration Inquiry
5. Western Oregon Plan Revision Team Comments
6. BLM Western Oregon District Employee Comments

## Memorandum

TO: People Interested in the BLM Western Oregon Plan Revisions Process

FROM: Matthew McKinney, Project Director  
Paul De Morgan, Senior Mediator

SUBJECT: Final Report and Recommendations

DATE: January 6, 2006

Attached please find the final version of our report, *Engaging People in the BLM Western Oregon Plan Revisions Process*. Thank you to everyone who provided feedback on the preliminary draft. We have done our best to incorporate your input and advice into this final report. Any errors or omissions remain our responsibility.

Please keep in mind that this report is advisory; it contains a number of process suggestions on how to engage people and make the process as transparent as possible given the time and other resources available. The report is not an end in itself. Rather, it should be viewed as one step in the planning process – a building block of sorts. Our understanding is that BLM's intent is to enable people to stay engaged and to provide ample opportunities for people to participate during this three-year process. We believe this final report includes some practical suggestions on how to fulfill this objective.

Based on the findings and conclusions of the situation assessment, the feedback we received on the draft report, and our understanding of the time schedule, we recommend the following steps to engage people in the WOPR:

### January through March, 2006

1. Begin to implement the “best practices for public participation” presented in option 8 and Appendix D, including but not limited to:
  - a. Provide more notice and a longer lead-time prior to public meetings
  - b. Distribute reports and/or other documents far enough in advance of a public meeting or hearing to enable the public to digest and review them.
  - c. Continue to publish and distribute a quarterly newsletter.
  - d. Build on existing social networks, and where feasible, allow the “culture of communities” to dictate the timing, location, and format of public meetings.

- e. Use effective web technologies when and where feasible.
  - f. Make every effort to make meetings of the Steering Committee, Science Advisory Team, and Cooperating Agencies more open to the public. This could include open meetings where the public could participate, publish minutes of the meetings, etc.
  - g. Encourage written public comment on draft documents.
  - h. Engage in responsive decision-making and provide continuous feedback to citizens and stakeholders on how their input is being integrated into the plans or not, and why.
2. Convene one or more sessions with Tribal governments in the region to design a government-to-government process for engaging Indian tribes during the WOPR planning and decision-making process based on the specific suggestions in the full report.
  3. Validate the draft planning criteria and “thematic alternatives” by explaining the underlying values, interests, and goals that will drive the planning and decision-making process and asking people:
    - a. Do the planning criteria adequately address the requirements of the settlement agreement, the O&C Act, the conservation objectives of the Northwest Forest Plan, and the other interests important to people?
    - b. Does the range of “thematic alternatives” capture the range of interests at stake in the management of BLM lands in western Oregon?

The process of validation could be accomplished through one or more of the following:

- Ask members of the WOPR BLM Steering Committee to host open public workshops; and/or meet with groups of like-minded individuals (e.g., the O&C County Association, conservation groups, Indian tribes, etc); and/or meet with existing groups such as PACs and watershed councils.
- Use an impartial facilitator to likewise convene public workshops, meet with groups of like-minded individuals, and/or meet with existing groups. The advantage with this approach is that people might be more candid and forthcoming with their comments than if a BLM official is asking for the feedback.

This process of validating the planning criteria and thematic alternatives should be separate from asking people for feedback on the models and methods that will be used to analyze the alternatives. The latter is likely to be interesting to a smaller population of technically-oriented people, while the former addresses more of the value issues, and thus is likely to be of interest to a broader, more general audience.

4. Seek input and advice on the model and methods for analyzing alternatives, including the Analysis of the Management Situation (AMS). This will provide BLM the opportunity to benefit from any additional information and knowledge that stakeholders have. Since this is likely to be a much more technical discussion than the dialogue around planning criteria and the thematic alternatives, it is probably wise to separate the two.

The BLM should explain that, while they are interested in obtaining information that will

help inform the analysis, the time formally to refine the assumptions and data is in the draft EIS (the AMS itself will not be revised until then, but will be incorporated into chapter 3 of the DEIS). At this point, the objective is to foster a common understanding and ensure the credibility of the basic methodology and model that will be used to analyze the alternatives.

This objective could be met by one or more of the following mechanisms:

- The project team and/or WOPR BLM Steering Committee could consult with the formal cooperators.
  - The project team and/or WOPR BLM Steering Committee could convene one or more open workshops for people interested in this more technical aspect of the planning process.
  - If appropriate, an impartial facilitator could help design and facilitate these workshops.
5. During this time period, the most valuable use an impartial facilitator/mediator might be to:
- a. Provide ongoing coaching and consultation.
  - b. Shuttle a single text document – including the planning criteria and thematic alternatives – around to groups of like-minded interests.
  - c. Convene and facilitate public workshops on the planning criteria and thematic alternatives.
  - d. Convene and facilitate workshops on the model and methods for analyzing the alternatives.
  - e. Provide input and advice, or help produce, communication materials.

#### April through December, 2006

6. After fostering as much common understanding (if not agreement) on the planning criteria, the thematic alternatives, and the model and methods to analyze alternatives, the challenge is to make the process of analyzing the alternatives as transparent and as credible to all stakeholders as possible. Realizing that this will take place over a nine-month period or so, the BLM should create periodic opportunities to brief any and all interested stakeholders on their progress.

This objective could be achieved through one or more of the following mechanisms:

- Share information, trends, surprises, and questions with the formal cooperators and the Science Advisory Team on a regular basis; seek their input and advice on how to proceed. Invite citizens and stakeholders to these meetings consistent with the “best practices for public participation.”
  - Convene periodic public workshops for the same reason.
7. Depending on the momentum and success of fostering a common understanding on the planning criteria and the thematic alternatives, the BLM and other parties should seriously consider the value of convening one or more workshops and/or a multi-party working group to jointly develop one or more mutual gain alternatives. If this process is successful, the preferred alternative is likely to emerge at this stage of the process, thereby mitigating the posturing and anxiety common during the formal selection of the preferred alternative.

In addition to workshops and/or a multi-party working group, other venues for participation might include a web-based survey and/or a collaborative/deliberative poll.

This strategy would need to be carefully linked to the analysis of the alternatives, such that there would be some back-and-forth between the Interdisciplinary Team and the working group (which would presumably include the formal cooperators). As part of this effort, BLM can increase the credibility of the analysis of alternatives by soliciting and incorporating into their analysis the cooperators' and others' questions about the alternatives and stakeholder views about the pros and cons of the alternatives being analyzed.

8. During this time period, the most valuable roles of an impartial facilitator would be to:
  - a. Provide ongoing coaching and consultation;
  - b. Help design and facilitate the process outlined in # 7 above.
  - c. Provide input and advice, or help produce, communication materials.

#### 2007 and Beyond

9. Once the draft EIS and RMPs are released, the BLM and other stakeholders should consider one or more of the options presented in the report on:
  - a. How to engage the unaffiliated, general citizenry;
  - b. How to effectively integrate national or non-local interests into the planning and decision-making process.

Since this step in the process is about 12 months away, there is ample time to continue exploring and refining the options.

10. Depending on the momentum and success of efforts to develop a preferred alternative the BLM and other parties should consider the value of convening a multi-party working group and/or other strategies to review the DEIS and continue efforts to develop agreement around a preferred alternative.
11. During this period of time, the best use of an impartial facilitator might be to:
  - a. Provide coaching and consultation;
  - b. Help refine, design, convene a way to engage unaffiliated, general citizens (e.g., the Citizens Jury, web-based surveys, and other methods);
  - c. Help design, convene, and facilitate more traditional public meetings;
  - d. Mediate any emerging disagreements.

Thank you for the opportunity to work with all of you. If we can be of further assistance, please feel free to let us know.

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# Engaging People in the BLM Western Oregon Plan Revisions Process

Prepared by



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# ENGAGING PEOPLE IN THE BLM WESTERN OREGON PLAN REVISIONS PROCESS

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## EXECUTIVE SUMMARY

The U.S. Bureau of Land Management (BLM) is responsible for the management of over 2.5 million acres of public forest lands in western Oregon. For the last ten years these lands have been managed under six Resource Management Plans (RMPs) that were developed using the standards of the Federal Northwest Forest Plan (NWFP). Over the next three years, the BLM will examine current management efforts and revise the six RMPs. They will use a single Environmental Impact Statement (EIS) for the Salem District, Eugene District, Coos Bay District, Roseburg District, Medford District, and the Klamath Falls Resource Area of the Lakeview District Office.<sup>1</sup> In revising the RMPs, the BLM has indicated they must achieve the Oregon and California Lands Act (O&C Act) requirement of permanent forest production, as interpreted by the 9<sup>th</sup> Circuit Court of Appeals on the O&C lands, while complying with other applicable laws such as the Endangered Species Act (ESA), Clean Water Act (CWA), and the Federal Land Policy and Management Act (FLPMA).<sup>2</sup>

At the request of the Oregon state office of the BLM, the Public Policy Research Institute – with the assistance of RESOLVE and the Consensus Building Institute – completed the first phase of a situation assessment on the Western Oregon Plan Revisions (WOPR) process in October 2005. Sections I and II give an introduction to the report and background on the WOPR process.

### Expectations About the WOPR – Key Findings

The first objective of this situation assessment is to clarify what key stakeholders expect from the plan revision process. Section III summarizes people's expectations in terms of (1) their substantive interests or the outcomes they would like to see; and (2) their process interests, or how they would like to be involved in the planning and decision-making process. While the report includes a significant amount of information and ideas from the interviewees, the following points represent the essence of our findings and the basis for many of the possible options for engaging the public and stakeholders.

- While there are different interests, they are often not mutually exclusive; though some stakeholders are fixed in their positions, most of the people seem to think there is value in trying to work together.
- There has been an erosion of trust due in large part to the settlement agreement, but also because people do not know what is going on or how they can be involved.
- People are warming-up to the idea that the economic and demographic infrastructure of the region is changing.
- People recognize that an implementable solution must integrate the objectives of the O&C Act and the other values and benefits generated by BLM lands.
- Land management decisions need to be based on “best available” science, and there is a lot of information available. However, agreeing on what to do with “best available” science is difficult, and many people would like opportunities to synthesize and analyze alternatives.
- People want to engage unaffiliated, general citizens (the “silent majority”) in this process.
- Tribes want to negotiate one-on-one, as sovereigns.
- The formal cooperators want a more active role.

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1 A map of the planning area can be found at: [http://www.blm.gov/or/plans/wopr/files/wopr\\_map.htm](http://www.blm.gov/or/plans/wopr/files/wopr_map.htm)

2 WOPR Scoping for Issues Newsletter Issue No. 1

## **Summary of Major Opportunities and Challenges**

Section IV offers a synthesis of major opportunities and challenges facing the BLM and others in terms of engaging people in the revision of the six RMPs. These opportunities and challenges are based on the findings presented in section III of this report.

The major opportunities include BLM's interest in providing opportunities for stakeholders and citizens to be meaningfully and effectively engaged; recognition by most interviewees that balancing different interests will be necessary to achieve an 'implementable' solution; a willingness of diverse parties to engage in some type of cooperative, collaborative process; a tight but sufficient timeline for completion of the EIS and six RMPs; a useful baseline of information from which conversations can begin; and broad interest in engaging the general public.

The major challenges include the erosion of trust among some of the participants, due to a number of process concerns; the lack of a common understanding and/or agreement about the O&C lands purpose, conflicting mandates, and the current role of public lands in western Oregon; the geographic scope of the planning area; a concern, expressed by many people, about BLM's ability, and in some cases, intent, to move beyond the public participation steps required in NEPA and FLPMA.

## **Options for How to Engage People**

The options for engaging people are designed to satisfy the substantive and procedural interests identified earlier, as well as respond to the opportunities and overcome the challenges.

The success of the Western Oregon Plan Revisions will depend to a large degree on the extent to which citizens and stakeholders are meaningfully engaged in the planning and decision-making process. Based on the findings and conclusions of this situation assessment, along with our professional experience, there are several options that the BLM and other stakeholders might want to consider at this point to effectively engage the general public; organized stakeholder groups; Native Americans; and cooperating agencies. The options include, but are not limited to:

1. Clarify and Communicate BLM's Evolving Task
2. Engage Native Americans in Government-to-Government Negotiations
3. Validate the Analysis of the Management Situation
4. Validate the Planning Criteria
5. Generate a Range of Alternatives that Capture the Various Interests
6. Create an Open, Transparent Process to Analyze Alternatives
7. Engage Unaffiliated, General Citizens in Reviewing the Draft RMPs and EIS
8. Implement Best Practices for Public Participation
9. Consider Using Impartial, Nonpartisan Facilitation

## **I. INTRODUCTION**

### **A. Report Objective**

The Public Policy Research Institute (PPRI), with the assistance of RESOLVE and the Consensus Building Institute (CBI) (collectively, the assessment team), was hired by the U.S. Bureau of Land Management (BLM) to “Prepare an independent assessment of the opportunities and challenges facing the BLM in the Western Oregon Plan Revisions Process (WOPR).” According to the BLM directive, the assessment should:

- Clarify what key stakeholders expect from the plan revision process (i.e., how they name and frame the issues);
- Identify possible challenges and constraints to public and stakeholder involvement, and strategies to overcome such challenges and constraints;
- Present reasonable recommendations and alternatives for engaging these diverse publics and organizations in a meaningful way, given the expected timeframes and resources available; and
- Spell-out the need for neutral facilitation assistance, identification of appropriate partners, appropriate roles and responsibilities for key participants in the process, and recommendations for what needs to be done, continue, or change to create an effective public involvement process.

The objective of this report is to share our findings with stakeholders to confirm that the information in this report is accurate, to identify remaining gaps, and to solicit their views about possible options for public involvement.

### **B. Situation Assessment Process and Approach**

The purpose of this situation assessment is to respond to the four expectations presented above. It is a vehicle to identify key stakeholders, clarify their interests and concerns, and examine alternative approaches to engaging people in the WOPR process. This report, and subsequent dialogue, should foster a common understanding among stakeholders and the BLM on the objectives of the WOPR, the interests of different stakeholders, options on how to address the various issues and concerns, and the opportunities and challenges of creating more effective, more meaningful opportunities to engage people in the WOPR process. This common understanding, in turn, will serve as a foundation for the stakeholders and the BLM to jointly explore various options to engage people, consider the trade-offs with different approaches, and create a more credible, legitimate process.

In August and September 2005, the assessment team worked with BLM staff to better understand their interests and expectations for the assessment and to get input regarding the individuals to interview and the questions to pose during the interviews. Building on these interactions, and on their own experience, the assessment team identified potential interviewees, crafted questions, drafted an introduction letter, and created a project schedule. Many interviewees were chosen because they are active in these issues and could assist the team in assessing the history, current climate, and opportunities for engaging the public and stakeholders throughout the planning process.

In mid-September, the assessment team sent proposed interviewees a packet of information, including an introductory letter describing the process, interview questions, and a request to schedule an interview. Interviews took place in September and October. Many of these interviews were in-person, sometimes with individuals and in many cases with groups of like-minded individuals. Due to logistical challenges, some telephone interviews were also necessary.

Ultimately, 28 interview sessions, involving a total of 61 individuals, were conducted during the month and a half (see Appendix A for a list of interviewees). The interviewees included representatives of tribal, federal, state, regional, county, and city governments; recreation-related business interests; recreational user groups; rural communities; urban communities; and conservation- and education-related organizations. As you can see, we talked to a representative sample of people representing diverse interests and viewpoints.

The assessment team consisted of two Senior Mediators, Matthew McKinney of PPRI and Paul De Morgan of RESOLVE, each of whom conducted approximately half the interviews. For consistency, all interviews were conducted using the same set of questions to guide the discussion (see Appendix B for the interview questions).

All the interviewees were generous with their time, and their willingness to participate in a constructive and engaged manner was much appreciated. Collectively, the interviews helped the assessment team to better understand how the interviewees view the current situation in regard to revision of the Resource Management Plans (RMPs), what they would like to see in the future, how concerns and issues might be addressed, and how the public might be involved in the WOPR process moving forward.

During the interviews, we asked people to suggest other groups or people that we might interview. Due to time and funding constraints, we were not able to interview any of the people identified; however, we are sending a copy of this report to them, and will include them in any future dialogue building on this situation assessment. A list of the suggested names can be found in Appendix C.

### **C. Analyzing the Results**

The assessment team analyzed the interviews to meet three basic objectives (consistent with the overall expectations of this effort): first, develop a picture of the interviewee's current procedural and substantive interests; second, assess the opportunities and barriers to meaningfully engaging stakeholders and the general public; and third, identify options for engaging the public in the WOPR process based on the interviewees' suggestions.

In creating the picture of interests, the assessment team looked for themes present across a wide enough spectrum of interviewees to formulate conclusions. The assessment team then combined its expertise in developing and conducting an array of public processes with the reality of the current situation to develop options for how to engage the public in the WOPR process.

This report summarizes the interviews conducted, presenting what people told us more or less in their own words, paraphrased as needed to capture the common themes that emerged from the interviews. As such, this report is not exhaustive in its coverage of the issues or of people's concerns, nor is it a fact-checked documentary on life in western Oregon. Instead, think of this

report as a snapshot of what people think about the management of BLM lands in western Oregon — as a starting place for further discussion.

#### **D. About the Authors**

The PPRI is an applied research and education organization at The University of Montana. Its mission is to foster collaborative governance to sustain communities and landscapes. The Institute is impartial and nonpartisan; it is not an advocate for any particular interest or outcome. The Director of the Institute, and the lead for this project (Matthew McKinney), belongs to the Association for Conflict Resolution and the International Association for Public Participation, and serves on the faculty at the Lincoln Institute of Land Policy and the School of Law at The University of Montana.

RESOLVE is a non-profit organization with 28 years of experience providing neutral design, facilitation, and consensus building services with particular expertise in environmental, natural resources, energy, land-use and transportation planning, and health-related public policy issues. RESOLVE's mission is to improve dialogue, problem solving and decision-making between parties to better handle complex policy problems, and to advance the effective use of dispute resolution and consensus building tools through excellent practice, capacity building, and research. RESOLVE's work ranges from providing facilitation services for public workshops and strategic planning processes, to mediating site-specific enforcement disputes, and multi-party regulatory negotiations and policy dialogues.

The CBI is a non-profit organization designed to help people with diverse viewpoints and interests build agreement and resolve disputes. CBI provides a full-range of consensus building services, and has worked with people and organizations in more than 30 countries around the world. CBI senior staff are affiliated with the Program on Negotiation at Harvard Law School and the Environmental Policy Group at the Massachusetts Institute of Technology.

## **II. THE WESTERN OREGON PLAN REVISION PROCESS**

### **A. Background**

The BLM is responsible for the management of over 2.5 million acres of public forest lands in western Oregon. For the last ten years these lands have been managed under six RMPs that were developed using the standards of the Federal Northwest Forest Plan (NWFP). Over the next three years, the BLM will examine current management efforts and revise the six RMPs. They will use a single Environmental Impact Statement (EIS) for the Salem District, Eugene District, Coos Bay District, Roseburg District, Medford District, and the Klamath Falls Resource Area of the Lakeview District Office.<sup>3</sup> In revising the RMPs, the BLM has indicated they must achieve the Oregon and California Lands Act (O&C Act) requirement of permanent forest production, as interpreted by the 9<sup>th</sup> Circuit Court of Appeals on the O&C lands while complying with other applicable laws such as

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<sup>3</sup> A map of the planning area can be found in the WOPR Scoping for Issues Newsletter Issue No. 1 (a copy is available at: <http://www.umtpri.org/pbc/projects.htm>)

the Endangered Species Act (ESA), Clean Water Act (CWA), and the Federal Land Policy and Management Act (FLPMA).<sup>4</sup>

The BLM efforts to revise the RMPs are being undertaken now for several reasons including “because key aspects of implementation have proven to be extremely controversial ... the plans have not been able to operate as envisioned and we have not been able to meet our commitments to Counties and local communities to make a sustainable supply of timber available for sale.”<sup>5</sup> In addition, revisions are being undertaken in response to the American Forest Resource Council (AFRC) lawsuit settlement agreement. The Secretary of the Interior, the Secretary of Agriculture, the AFRC, and the Association of O&C Counties agreed to a settlement in August of 2003 which requires that the BLM re-focus their efforts to on-the-ground management by fulfilling the commitments made in response to the NWFP. The settlement also requires the BLM to consider in each proposed RMP revision at least one alternative which will not create any reserves on O&C lands except as required to avoid jeopardy under the ESA and that “all plan revisions shall be consistent with the O&C Act as interpreted by the 9<sup>th</sup> Circuit Court of Appeals.”

## **B. Timeline and Schedule of Activities**

The settlement agreement requires that the six RMPs and the associated EIS be completed by December 30, 2008. Based on this mandate, the Notice of Intent to revise the six RMPs was published on September 7, 2005 in the Federal Register. In the scoping phase, BLM held 12 Public Scoping Meetings across western Oregon as follows:

- September 8 in Salem
- September 13 in Clackamas
- September 15 in Klamath Falls
- September 20 in Coos Bay
- September 21 in Eugene
- September 22 in Corvallis
- September 22 in Gold Beach
- September 27 in Cloverdale
- October 6 in Reedsport
- October 6 in Roseburg
- October 12 in Medford
- October 13 in Grants Pass

In addition, BLM in partnership with the Sonoran Institute have conducted seven workshops about how the local and regional economies have changed, along with the role of public lands in the region’s economy. Using a tool called the Economic Profile System, the objective of each meeting was to assist the community in developing a better understanding of regional social and economic changes and how to benefit from those changes.<sup>6</sup> These meetings took place as follows:

- September 14 in Klamath Falls

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4 WOPR Scoping for Issues Newsletter Issue No. 1

5 Note from BLM Oregon/Washington State Director, Elaine M. Brong, August 2005 (included in the WOPR Scoping for Issues Newsletter Issue No. 1)

6 For information on the tool go to: [http://www.sonoran.org/programs/socioeconomics/si\\_se\\_program\\_main.html](http://www.sonoran.org/programs/socioeconomics/si_se_program_main.html)

- September 15 in Josephine County
- September 16 in Jackson County
- October 4 in Coos Bay
- October 5 in Roseburg
- November 1 in Salem

The BLM is currently operating according to the following schedule to meet the deadline of December 30, 2008.

- |   |                    |
|---|--------------------|
| ○ Complete the Analysis of the Management Situation               | December 2005      |
| ○ Prepare Planning Criteria                                       | December 2005      |
| ○ Prepare Draft RMPs and EIS                                      | December 2006      |
| ○ Provide a 90-day Public Comment Period                          | January-March 2007 |
| ○ Prepare the Proposed Final RMPs and EIS                         | October 2007       |
| ○ Provide a 30-day Protest Period and<br>60-day Governor’s Review | December 2007      |
| ○ Prepare a Record of Decision                                    | March 2008         |

The proposed completion of the six RMPs and EIS is nine months before the deadline required in the settlement agreement. The BLM’s rationale for this proposed schedule is to provide some flexibility, allow time to resolve any appeals prior to the deadline, and to complete the process before the November national elections. Opportunities to engage the public and stakeholder groups must take place within these time constraints. The BLM seems open to discussing and revising this schedule according to the interests of citizens and stakeholders.

### III. PEOPLE’S EXPECTATIONS ABOUT THE WOPR

The first objective of this situation assessment is to clarify what key stakeholders expect from the plan revision process. This section of the report summarizes people’s expectations in terms of (1) their substantive interests or the outcomes they would like to see; and (2) their process interests, or how they would like to be involved in the planning and decision-making process.

#### A. Substantive Interests

Nearly everyone we interviewed recognized that the overarching goal of managing BLM lands in western Oregon is to achieve the objectives of the O&C Act and to sustain all of the other values generated and supported by these lands (e.g., endangered species, water quality, and recreational opportunities). Another way some people named this interest is – “to sustain the economy, communities, and the environment.”

When the conversation turns to “how” to achieve this overarching goal, and “how” to balance the myriad mandates that the BLM must satisfy, opinions diverge. However, these differences of opinion seem to narrow the more people talked and clarified their underlying interests – suggesting that apparent conflicts among interests might be reconciled as stakeholders have more opportunities to clarify their interests, learn more about the interests of other people, and be creative about alternatives that might satisfy diverse interests.

In the course of the conversations, participants identified additional interests that, while different, were not necessarily conflicting. These interests included:

- Promote and support small business development, particularly for products harvested off the land.
- Recognize the ecological and economic benefits provided by restoration efforts.
- Improve private lands management, otherwise public land must produce all of the conservation values.
- Focus on management issues in and around the urban/wildland interface.

In order to move forward with efforts to develop new RMPs, participants identified a number of actions that need to be taken or issues that will need to be addressed by all involved parties.

### 1. Improve Public Understanding of Existing Statutory Requirements

Most of the people interviewed suggested that it is imperative to better inform and educate the general public about the unique characteristics of BLM land in western Oregon. Realizing that most unaffiliated, general citizens most likely do not know the BLM from other federal, state, or even local agencies, interviewees suggested that the BLM needs to distinguish itself from other agencies by clearly and concisely explaining its diverse statutory requirements, the unique objectives of the O&C Act, the checkerboard nature of its land in western Oregon, and the opportunities for public participation under NEPA. Explaining other legal requirements including the ESA, CWA, and FLPMA as well as the role BLM plays in implementing the NWFP would also be helpful.

### 2. Clarify the Economic Value of BLM Lands

Many participants suggested clarifying the economic impacts of timber harvesting on local communities, as well as the economic value of the environmental amenities generated by BLM and other public lands in western Oregon. Some of the specific questions that people identified include:

- What role has timber harvesting played historically within local communities?
- What contribution does timber harvesting make today?
- What other benefits do forests provide local communities?
- How do environmental amenities of public lands impact the communities and the economy?
- How are positive and negative externalities accounted for?

An additional suggestion was that new ways of assessing costs and benefits of logging versus other emphases (such as ecosystem services including clean water, carbon sequestration, etc.) should be factored into economic deliberations.

### 3. Implement the Objectives of the O&C Act

Some suggested that BLM should ‘reestablish’ the principles and objectives of the O&C Act as a mandate for management of BLM lands in western Oregon. The Act states “... lands ... which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, shall be managed, except as provided in section 3 hereof, for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal of sustained

yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

In many instances, local communities would rather harvest timber on a sustained-yield basis to generate revenue rather than depend on federal payments under the Secure Rural Schools and Community Self-determination Act of 2000. Moreover, there is a growing concern that the latter (which sunsets on September 30, 2006 and has its funds running out at the end of October 2006) will be difficult to reauthorize in light of other national priorities. Reauthorization is currently being debated in Congress (S. 267 and H.R. 517). The 2003 Report to Congress by the Forest Counties Payments Committee – *Recommendations for Making Payments to States and Counties* -- presents the history and alternative futures for the county payments program.

Ensuring the sustainability of the forest products industry (including loggers, sawmills, plywood plants, paper mills, and the communities where people live and work) was viewed as a significant interest. As such, ensuring an adequate and dependable supply of timber from BLM and other federal lands would be important. Presently, many timber sales are not bid-on because people know the sales will get tied-up in court and the cost of obtaining the contracts is simply too high.

Interviewees suggested a number of approaches to satisfy these interests: opening more areas to timber contracts, providing more access to smaller timber for biofuels and other purposes, and experimenting with “stewardship contracts.” Some noted that the social and cultural dynamics today are different than when the O&C Act was passed and, therefore, that implementation needs to be creative to accommodate multiple interests and needs. While some interviewees stressed the importance of the language in the O&C Act regarding “sustained yield” of timber, others suggested a discussion involving principles of sustainability beyond sustained yield is necessary.

Some people expressed concern that other people may use the RMP process to try and rewrite the O&C Act. Others expressed concern that the O&C Act is not being enacted as originally intended. Therefore, it is particularly important to identify creative alternatives that meet a wide range of interests.

#### 4. Utilize the BLM Lands to Protect and Restore Oregon’s Wildlife, Water, and Lands

For others, the value of BLM lands in western Oregon is to restore and enhance fishery resources, maintain late successional habitat, regenerate young forests, and provide clean water. Creation of more reserves that prohibit or limit logging would be seen by these participants as a way to ensure these values are protected and even enhanced. These individuals believe opportunities for forestry (e.g., plantation thinning and small diameter fuel reductions) could be provided to meet the needs of the timber industry. These participants also indicated that the new plans should be consistent with the NWFP and that promotion and protection of the status quo (if not more protection for endangered species) would be essential. It was noted that to the extent timber provisions of the NWFP have not been met, the same can be said of other provisions for habitat and species.

Some participants suggested it is important to recognize the ecological value that BLM lands provide and to consider them while trying to meet the needs of the O&C Act mandates. Some people believe that the RMP revision process threatens the very core of the NWFP – which is to say the reserve system. The reserve system (where logging is only allowed if it is used as a tool to meet

management objectives for the reserves) is critical to preserving old growth forests, wildlife habitat, water quality, and other important values. A recent report entitled “Importance of Western Oregon BLM Lands and Reserves to Fish and Wildlife Conservation” expands upon the value of reserves from the perspective of three conservation organizations.<sup>7</sup> The BLM lands are critical to the overall landscape, and should be managed according to the needs of the watershed. According to these people, you can only partially compensate habitat loss on BLM ground by doing restoration work on USFS and private lands. These participants noted that addressing how to protect old growth forests from logging will be of paramount importance in the WOPR process, and indicated there is significant public desire to see remaining old-growth forests on public lands retained. Finally, an interviewee suggested that as the USFS and BLM initiate the process to update the Survey and Manage program it should be integrated into the WORP process as there is direct relevance to the reserve system.<sup>8</sup>

Some people conversely point out that the overall environmental quality of the region is declining (e.g., the population of spotted owls is declining, new species of salmon are being listed as threatened and endangered) and as such the BLM lands need to assist in enhancing the environment.

#### 5. Manage BLM Lands in Western Oregon for Recreational Uses

Consistent management of recreational uses on BLM lands in western Oregon would be helpful to some stakeholders, as presently there seems to be a great deal of variation in how recreation is managed from one BLM district to another. Finding a more balanced equilibrium between recreation interests and timber interests and ecological protection was identified as an important desired outcome. Some participants suggested that recreational areas and corridors should be treated with higher priority, as opposed to the current approach where they are often considered only after timber, mining, and other resource development activities. One suggestion was that recreation be formally recognized as an economically valuable asset provided by BLM lands in western Oregon. In addition, it was suggested that BLM should use professional recreation managers, not people who are trained in forestry and wildlife management and do recreation management as a fallback.

Finally, resolution of a number of specific on-the-ground management problems would be helpful, including but not limited to: 1) class 2 OHV permit requirement; 2) user fees; 3) the acreage formula for designating motorized recreational areas; and 4) the designation of recreational and wilderness areas on the basis of use, not arbitrary criteria. Some suggested that BLM explore opportunities to work with the motorized recreation interest groups to build and maintain roads, trails, and corridors as an approach to building relationships.

#### 6. Seek Understanding and Agreement on How to Meet the Objectives of the O&C Act

In addition to the specific interests regarding how to manage the land (items 3, 4, and 5 above), many interviewees indicated it is important to seek understanding and agreement on how BLM land can meet the mandates of the O&C Act. To the extent some parties focus on the O&C Act

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<sup>7</sup> The lead author was Dominick DellaSala of the World Wildlife Fund Klamath-Siskiyou Program who developed it with Nancy Staus and Erik Fernandez. Copies can be found at <http://www.consbio.org/cbi/pubs/index.htm>.

<sup>8</sup> More information can be found in the Notice of intent to prepare a supplement to a final environmental impact statement in the Federal Register / Vol. 70, No. 237 / Monday, December 12, 2005 / Notices

mandate of timber harvesting “with the principal of sustained yield,” others focus on the language associated with “... protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities.”

For some interviewees it would be helpful to recalculate sustained-yield harvest levels and determine which lands/forests can best meet the desired volume of timber. Defining what sustained-yield means, and what happens if the forest is not periodically harvested (i.e., nature takes its course in the form of forest fires, insect infestations, disease, and eventually forest fires) will be important. As none of the western Oregon BLM districts have met the timber harvest targets established in the NWFP, it may be useful to address some of the reasons including:

- BLM field staff has been reduced (due to retirement and not filling vacancies), so there are fewer people to do the necessary work to harvest timber and otherwise manage the land.
- The timber sales that are offered are not very economical. According to some people, it is very hard to lay-out economically viable timber harvests and meet the goals of the NWFP.
- The timber sales that are offered, even though in the matrix, are often contested in court.

While some indicated that the NWFP should continue to serve as the driver for managing all forest lands in the region, including the O&C lands, others suggested that the NWFP violates the objectives of the O&C Act. Some of the individuals who suggested the NWFP violates the O&C Act offered that the best approach to developing a new land management plan is to start all over, with a blank slate and carefully map the resource base, clarify existing laws and policies, examine the science, and then make informed decisions.

#### 7. Work with Adjacent Landowners

Given the checkerboard nature of the landscape, many participants emphasized the need for BLM, building on existing efforts, to work with adjacent landowners, including the USFS and private landowners. Many participants noted it is impossible to effectively manage land within a given watershed without engaging all of the “land managers” within that watershed – including private landowners. Some suggested the USFS should be more than a formal cooperater in this planning process and that perhaps other vehicles for better interagency coordination exist.

#### 8. Manage the Existing Road System

A number of participants noted that many roads are not in very good condition; they are overgrown with vegetation because of lack of use. Also, sometimes agency decisions are contested which significantly slows down efforts to maintain roads. Others noted however that the challenges come from over-building of roads followed by under-funding for maintenance.

#### 9. Administer the Fire Management Regime on BLM Lands

There are as many opinions about why the current fire regime exists as there are about what it should be in the future. The science of fire ecology and the history of management decisions’ impacts on the fire regime were identified as important factors to better understand in making future decisions. A number of participants suggested that enabling effective management of the timber load on BLM lands is essential. Specifically, some maintained that managers need to be able to act to reduce the risk of future fires, while others wanted to ensure natural systems are allowed to work

as nature intended. In the same area, many participants wanted to create opportunities to salvage wood in burned areas while ensuring those efforts are done in an ecologically sensitive manner.

## **B. Process Interests**

In addition to clarifying substantive interests or outcomes, the interviewees also expressed a number of process interests – that is, expectations about how the planning and decision-making process should unfold, and how the public and stakeholders should be involved in the process. Appendix D includes a menu of options on how to meet these process interests, building on the interviews and the assessment team’s experience.

### **1. Clarify the Evolving Task of the BLM**

Several people suggested that the BLM should clarify its evolving task. Even for seasoned observers, the complexity of BLM’s task is often confusing given the unique nature of the O&C lands, the economic and ecological values of BLM lands in western Oregon, the settlement agreement, and the requirements of NEPA, ESA, CWA, FLPMA, and other statutes.

Somewhat related to the substance of BLM’s task, some participants indicated that the most effective way to accomplish the task is allow BLM land managers to do their job. Some people indicated that BLM staff have the expertise to manage the land according to ecological needs, the best available science, and legal mandates – and that this would be a far better approach than managing the land according to lawsuits and political decision-making. Others suggested that BLM may not have implemented programs with all legal mandates in mind and are dubious that they can do so in the future.

At the same time, some interviewees claimed that the BLM needs to do a better job listening to people and explaining – early and often – what they can and cannot do (legally, scientifically, administratively, etc.). At least one participant suggested BLM should just make decisions through the regular process and then stakeholders will be able to determine if the proposed approach is legal.

Some people suggested that the EIS should be organized by region – Coast Range, Oregon Klamath basin, and Western Cascades – similar to the Provincial Advisory Committees (PACs) created by the NWFP. Other people commented that the PACs are not very effective, and that it would be much more effective to organize around the administrative units of each RMP.

### **2. Maintain the Integrity of the EIS-planning Process**

Most, if not all of the interviewees, agreed that it is essential to maintain the integrity of the EIS-planning process in order to arrive at an implementable outcome – one that will satisfy people’s interests enough so they do not feel compelled to challenge or object to the plan. The participants offered a number of suggestions on how to accomplish this objective.

First, all of the BLM mandates and objectives need to be understood and considered in the course of revising the RMPs. Second, compliance with all existing laws is essential and non-negotiable. Third, compliance with the NWFP ecological provisions is essential. Fourth, all participants, including the BLM and the parties to the settlement agreement, need to be careful not to presume a predetermined outcome or preferred alternative before the analysis and public involvement

processes are completed. Fifth, the BLM should increase the level of specificity of the goals, objectives, strategies, and techniques in the RMPs in terms of how certain activities will meet state laws, rules, regulations, and standards

In addition to these four general suggestions, the participants offered a number of more specific suggestions (which could be considered criteria for a good process) including:

- Foster an open, transparent decision-making process.
- Create dialogue, deliberation, trust, communication, and understanding.
- Utilize creative methods to engage unaffiliated, general citizens.
- Keep the pace of activity manageable for participants.
- Do not surprise people.
- Make the process as appeal-proof as possible by meeting all statutory requirements.
- Coordinate efforts to engage the public.
- Create a level playing field for all participants.

Appendix E presents a variety of options to engage the public and stakeholders in different steps in EIS-level planning.

### 3. Engage Native American Tribes on a Government-to-Government Basis

Some participants stressed the need to engage Native American tribes on a government-to-government basis, noting that it is important to recognize and respect tribal sovereignty and self-determination. The tribes want to make their own decisions about how to manage their lands and resources. Among other things, they would like to revisit the reserve system; in some places it may need to be increased, while in other places it should probably be eliminated.

Some interviewees pointed out that the administration's policy and Secretary Gail Norton's memo on Indian self-determination contradicts the Congressional statute under which the Coquille Tribe must manage their lands (i.e., they are required to manage their lands according to the standards and guidelines of adjacent federal lands). Along these lines, the tribes would like the opportunity to meet existing laws and policies in their own way and to adapt strategies to site-specific conditions. Regarding the Coquille Forest, one participant wondered whether the BLM has the legal authority to establish management direction and standards for Tribal lands. Since the Coquille Forest requires management of these Tribal lands subject to standards and guidelines of the adjacent BLM lands, the Coquille Tribe feels the BLM planning process should provide the Tribe with an opportunity to design a management strategy which respects Tribal sovereignty, Indian self-determination, and meets the Tribe's goals for management of its Tribal forest lands. This can be accomplished through direct government-to-government consultation between the Tribe and BLM. Indian trust lands are not public lands and special considerations are needed in impacting management of the Coquille Forest lands as a result of the BLM/Tribal nexus established in the Coquille Forest Act.

### 4. Consider a Range of Alternatives that Meet People's Substantive Interests

The perceived legitimacy or integrity of the EIS process also will be affected by the choice of alternatives considered. Although we include it in this section on process, it links to the fundamental differences in substantive interests about what the forests should be managed for.

Engaging the public and interested stakeholders in a conversation about what the alternatives to consider is one of the most critical steps in the WOPR process.

According to the settlement agreement, the EIS/RMPs shall include a “no reserve alternative,” and that “all plan revisions shall be consistent with the O&C Act as interpreted by the 9<sup>th</sup> Circuit Court of Appeals.” In light of this mandate, the interviewees who support the reserves expressed significant cynicism about what influence, if any, they can have in the process and on the eventual outcome as they believe the Court’s opinion is “unfriendly to wildlife conservation on O&C lands.” According to these participants, the entire process seems to be driven by the settlement agreement it appears that the outcome is both predetermined and inevitable. As such, they believe the entire process has very little credibility and may be irreparably flawed. In addition, they indicated that this situation assessment and the involvement of independent, impartial third-parties in general are only utilized to create an illusion of participation.

To help offset the weight given to a “no reserve” alternative, some participants would like to see a “conservation alternative” that focuses on sustaining conservation values first, and allowing timber harvesting only when and where necessary to enhance conservation values. Some also wondered if the impact of no reserves on BLM lands on all of the adjacent lands – in terms of meeting the goals of the ESA, CWA, etc. – had been considered and whether that would be acceptable to other land managers.<sup>9</sup>

Several participants suggested that a wide range of alternatives need to be assessed, giving careful consideration to how each alternative satisfies legal mandates, reflects the changing economic and demographic fabric of the region, and satisfies different stakeholder. Clearly, a process that fosters creative alternatives that get closer to achieving the goals of the O&C Act, ESA, CWA and other statutes would best achieve the shared interest expressed of “sustaining the economy, communities, and the environment.”

In developing alternatives for consideration, BLM and the other participants should keep these ideas in mind:

- Use best available science (i.e., science that has gone through independent peer review), regardless of the source.
- Provide opportunities for other sources of information (e.g., anecdotal) to be considered.
- Be guided by explicitly articulated sideboards and constraints (what the BLM refers to as “planning criteria”).
- Promote vibrant economies, livable communities, and healthy landscapes.
- Document and integrate changing public attitudes about natural resource management in western Oregon. (Examples include the 2005 poll conducted by Davis, Hibbitts & Midghall Inc. for the Communities for Healthy Forests<sup>10</sup> and the February 2002 poll, Old Growth and

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<sup>9</sup> The report, “Importance of Western Oregon BLM Lands and Reserves to Fish and Wildlife Conservation,” referenced earlier, explores this question.

<sup>10</sup> To obtain results of the poll please contact Communities for Healthy Forests at <http://www.communitiesforhealthyforests.org/>.

Mature Forest Protection, conducted by Davis, Hibbitts, and McCaig, Inc. for the Northwest Old-Growth Campaign<sup>11</sup>.)

#### 5. Engage the Public Early and Often in the Planning and Decision-making Process

Nearly all of the interviewees asserted that the credibility and legitimacy of the six RMPs will be significantly improved to the degree that the BLM (and/or others) engage the “silent majority,” or unaffiliated, general citizens. Other people observed that the issues here are so complex and nuanced – if not esoteric – that it will be difficult to involve the general public in any meaningful way. That said, nearly everyone supports the use of new strategies and techniques to inform and educate, and seek the input and advice of the general public.

To improve public participation, interviewees suggested a number of themes, interests, and options:

- Allow the “culture” (or character) of communities to dictate the pace and format of engagement;
- Provide more notice and longer lead-time;
- Release reports and/or other documents far enough in advance of a public meeting or hearing to enable the public to digest and review them;
- Hold meetings in different venues and other places (e.g., out near Mt. Hood)
- Consider that conventional public meetings or hearings are often too emotionally charged and not a very good way to foster dialogue, deliberation, learning, and understanding.
- Building in the time up-front to do public participation right the first time is preferable to being forced to re-do the entire process because people object for one reason or another.

#### 6. Create More and Better Opportunities for People with Diverse Viewpoints to Work Together

As explained earlier, many if not most of the interviewees expressed an interest in working together on the WOPR. One participant noted that “we need an opportunity for people with diverse viewpoints to sit-down with each other, exchange ideas, and figure-out how to balance or integrate all of our interests.” It was also suggested that the BLM or others should provide opportunities to build a deeper sense of community and place. Some of the suggestions to achieve these objectives included developing FACA-chartered groups, possibly through the existing RACs; creating an independent group that includes BLM but is convened by others; or adding to the mandate of already established working groups. If such a group is convened, it was noted that membership should include a broad range of expertise, including individuals who understand conservation science, federal environmental laws, and timber practices.

In addition to the process-oriented challenges of establishing any of these groups, the scope and focus of such a group would need to be acceptable to all the parties. Some people believe the most useful multi-stakeholder conversation would be inclusive and comprehensive, focusing on all public and private lands in the region, and addressing the full range of management options – including but not limited to habitat conservation plans. In this respect, according to these people, a parallel stakeholder engagement process is more likely to address a larger mix of issues and concerns.

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11 Results of the poll can be found at: <http://www.nwoldgrowth.org/infostation/infostation.htm> under Briefing Documents.

## 7. Strengthen the Role of Formal Cooperators

Consistent with NEPA, BLM has identified a number of “cooperative agencies” to assist in developing the revised RMPs.<sup>12</sup> In projects where implementing NEPA is necessary, a lead agency is identified if more than one Federal agency either is involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity. In the WOPR, the BLM is the lead agency. Appendix F presents a list of cooperating agencies.

While interviewees generally recognized BLM’s efforts to convene the cooperators, some participants wanted BLM to create additional, more meaningful opportunities for local, state, and federal officials (i.e., “cooperating agencies”) to be engaged proactively, before preliminary decisions are made, rather than simply asking them what they think after BLM has made a decision.

According to some of the cooperating agency officials, this process could be improved by:

- Involving the cooperators more meaningfully before decisions are made, rather than limiting their role to commenting on decisions made by BLM.
- Allowing the cooperators to jointly name problems/issues and frame options/alternatives.
- Allowing the cooperators to share information, models, and other expertise.
- Engaging the cooperators in the analysis and interpretation of data and the evaluation of impacts.
- Using a professional facilitator.

Working more closely with the state agencies would be valuable to BLM during development of the RMP revision process and subsequently in implementing the RMPs. Specifically, it was suggested that BLM:

- Engage the Oregon Department of Transportation more frequently and more meaningfully when BLM is constructing buildings along highways; dealing with noxious weeds; and inventorying and managing cultural and archaeological resources; and
- Work closely with the Oregon Department of Environmental Quality to coordinate programs related to air and water quality and hazardous materials to meet state rules, regulations, and standards.

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<sup>12</sup> According to NEPA, “cooperating agency” means any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. The selection and responsibilities of a cooperating agency are described in Sec. 1501.6 of NEPA. A state or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency.

Each cooperating agency shall: 1) participate in the NEPA process at the earliest possible time; 2) participate in the scoping process (described in Sec. 1501.7); 3) assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise.; 4) make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability; and 5) normally use its own funds. The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests.

## 8. Create an Open, Inclusive, Transparent Process to Address Scientific and Technical Issues

Most of the interviewees seem to agree that a significant amount of information is available on a wide range of scientific and technical issues. As one interviewee expressed, “We already know a lot, if not most, of what we need to know to manage the landscape.” However, another perspective was that regardless of how much is known, an adaptive approach must be taken as science will never have all the answers given the complexity of ecosystems.

The immediate challenge, then, is to determine what information is necessary for which decisions. Several people expressed concerns that – given the diversity of interests and viewpoints – different people will look at the same data and arrive at different conclusions. At least one person suggested there are few if any legitimate disputes over science and technical information, implying that if the claims of people representing the extremes were discounted, the remaining participants would most likely agree on nearly everything. Another individual indicated there were disputes over science and in particular, how to manage forests based on what we currently know.

To mitigate the potential for disputes over scientific and technical issues, a number of the participants suggested it would be important to create an open and inclusive process to deal with scientific and technical information. As one participant noted, “We need a process to foster a common understanding of the scientific and technical aspects of managing BLM lands in western Oregon.” The first task, according to several interviewees, is to create opportunities for stakeholders to look at existing information together and to clarify what we know, what we don’t know, and what we need to know in order to make decisions.

Participants identified a number of potential gaps in existing knowledge, some of which may be more important and/or relevant to planning and decision-making:

- Do old-growth forests increase the likelihood of catastrophic fires or provide a buffer if and when such forest fires start?
- Do plantations increase the likelihood of catastrophic fires?
- How can the agency and communities quickly (via some type of fast-track system) respond to catastrophic wind and fire storms?
- What is the economic value of timber harvesting and other uses/values of the landscape?
- What is happening on the ground with respect to forest health, wildlife habitat, water quality, etc.?
- How much timber (including old growth) can be harvested on a sustained yield basis?
- What are the impacts of timber harvest on endangered species, water quality, and other forms of economic enterprise?
- What are the likely impacts of emerging natural resources industries – such as biofuels and plantation harvesting – on conservation values?
- What is the relative impact of multiple drivers on fisheries, including but not limited to logging, dams, ocean conditions, and commercial development?

Assuming the objective is to allow for the best available science to guide land management decisions, participants suggested the following ideas:

- Use independent, recognized scientists to help gather, synthesize, and interpret technical information.
- Share scientific and technical information, regardless of the source.
- Build on existing scientific and technical information, beginning with the Ten-year Review of the NWFP and current studies on the spotted owl, fishery resources, fire, forest health, etc.

Whether people can reach agreement on the scientific and technical information used to shape the RMPs and complete the EIS will go a long way to determining if plan revisions can be supported by a range of participants. That said, several participants were quick to point out that this is really not a debate about scientific and technical issues, as much as it is a debate about social and cultural values.

#### 9. Explore Options for Long-term Management

As a long-term proposition, several people expressed interest in learning more about innovative approaches to governing federal lands and resources. One option is to create a Board of Trustees that would assume responsibility for managing some or all of the BLM O&C lands in western Oregon – consistent with all applicable laws, policies, rules, and regulations. Some people suggested that Douglas County might be an appropriate location for such an experiment in governance given that the county boundaries correspond to the watershed boundaries, and that all of the issues related to managing BLM lands in western Oregon can be found in this area. Others indicated concern with this type of approach, noting that agreeing on membership on a Board of Trustees would be a significant challenge.

This option would require Congressional authorization, which is the only entity that can legally delegate such authority. It might be modeled after similar experiments in the Valles Caldera and the Presidio. For more information, please contact the assessment team or see *The Western Confluence: A Guide to Governing Natural Resources* (Island Press 2004). The most common concerns with these experimental models tend to revolve around issues of representation, transparency, and accountability.

Another option suggested was that the BLM transfer their forest lands to the USFS to allow for a more integrated approach to resource management.

## **IV. SUMMARY OF MAJOR OPPORTUNITIES AND CHALLENGES**

This section of the report synthesizes the major opportunities and challenges facing the BLM and others in terms of engaging people in the revision of the six RMPs. These opportunities and challenges are based on the findings presented in section III of this report. This section responds to the expectation that the situation assessment will identify possible challenges and constraints to public and stakeholder involvement. In the next section, we provide a set of options that are designed to satisfy the substantive and procedural interests identified earlier, as well as take advantage of the opportunities and overcome the challenges summarized here.

### **A. Opportunities for Moving Forward**

1. The BLM has demonstrated its interest in providing opportunities for stakeholders and citizens to be meaningfully and effectively engaged in the revision of the six RMPs. The situation assessment and this report should help foster this interest.
2. Nearly all of the interviewees recognize that to achieve an 'implementable' solution, management of BLM lands in western Oregon will need to achieve the objectives of the O&C Act and sustain all of the other values generated and supported by these lands (e.g., endangered and sensitive species, water quality, and recreational opportunities). This creates the basis for a common goal or criteria for what would constitute a good outcome.
3. People representing diverse interests and viewpoints seem to be willing to engage in some type of cooperative, collaborative process to inform and invigorate the development of the EIS and six RMPs. This willingness to participate is critical to designing and managing a legitimate, credible process.
4. The BLM's schedule to complete the EIS and six RMPs is tight but is sufficient to enable parties to undertake some type of collaborative effort, and to experiment with some different ways to engage the general public.
5. The recent evaluation of the NWFP, as well as other sources of information, provides a useful baseline of information from which conversations can begin.
6. A broad cross-section of interested parties have expressed the desire to engage the general public.

## **B. Challenges to Moving Forward**

1. The erosion of trust among some of the participants, due in part to the following issues, will make it somewhat challenging to engage people in a constructive, meaningful dialogue:
  - a. The inability to implement the NWFP agreement according to different expectations.
  - b. A sense by some parties that, regardless of the process and the final RMP revisions, the decisions will be contested in court.
  - c. A limited belief that BLM and the other interested parties can negotiate a solution or preferred alternative that meets the interests of all parties.
2. The lack of a common understanding and/or agreement about:
  - a. The purposes of the O&C lands.
  - b. The conflicting mandates under which the BLM must manage public lands in western Oregon.
  - c. The role of public lands in sustaining economies, communities, and the landscape, accentuated by:
    - i. Extreme viewpoints.
    - ii. Impassioned but narrow interests, which quickly leads to polarization.
    - iii. Focus on self-interest rather than the common interest.
    - iv. Cultural resistance to economic and demographic change.
  - d. The influence of global economic forces relative to regional economic impacts on local communities and resources.

3. The geographical range of the planning area and the differences across the six Regions.
4. Many people, representing diverse interests and viewpoints, are doubtful about BLM's ability, and in some cases, intent, to move beyond the public participation steps required in NEPA and FLPMA. More specifically,
  - a. Some people believe that the outcome of the planning process is predetermined, as defined by the Settlement Agreement.
  - b. Many people do not believe that their input and advice is seriously considered by the BLM and/or other decision-makers in the planning process.
  - c. Many people question the scientific credibility of the technical information guiding the process.
  - d. Nearly everyone recognizes that "meaningful engagement of the public and stakeholders" is time and resource intensive, and will require significant coordination.
  - e. Some people are frustrated by the BLM's lack of willingness to embrace and practice "adaptive management."

## V. OPTIONS FOR HOW TO ENGAGE PEOPLE

The success of the Western Oregon Plan Revisions will depend to a large degree on the extent to which citizens and stakeholders are meaningfully engaged in the planning and decision-making process. Based on the findings and conclusions of this situation assessment, along with our professional experience, there are several options that the BLM and other stakeholders might want to consider at this point to effectively engage unaffiliated, general citizens; organized stakeholder groups; Native Americans; and cooperating agencies.

This section of the report responds to the final two expectations for the situation assessment as defined by the BLM:

- Present reasonable recommendations and alternatives for engaging these diverse publics and organizations in a meaningful way, given the expected timeframes and resources available.
- Spell-out the need for neutral facilitation assistance, identification of appropriate partners, appropriate roles and responsibilities for key participants in the process, and recommendations for what needs to be done, continued, or changed to create an effective public involvement process.

The options presented below are based on the findings and conclusions outlined in Section III of this report, and the summary of major opportunities and challenges presented in Section IV. The options also build on and are designed to operationalize the BLM's "Philosophy and Principles for Public Involvement" (see Appendix G) and the "Principles of Public Participation" articulated by the International Association for Public Participation (see Appendix H).

In addition to the options listed below, we encourage the BLM and other interested people to carefully consider the menu of options to engage the public and stakeholders presented in Appendix D.

We have stopped short of offering specific recommendations per se at this point because our goal is to foster a broad sense of ownership in the planning process and its eventual outcomes. The options presented below focus more on “what” might be done, rather than “how” to do certain things. They are designed to foster informed dialogue and deliberation, represent the views of the assessment team, and are not meant to bind anyone to anything.

To help us complete the final report we first distributed a draft version for feedback on these options. The draft report was to be used as a tool for asking clarifying questions about these options, suggesting additional options, discussing the pros and cons of the options, improving the options to overcome any concerns, and, overall, to learn together which options may offer the most constructive opportunities for all stakeholders and the interested public to engage in the process.

After receiving feedback, we revised the report to reflect the additional insights as appropriate; however we did not revise the following options as they continue to offer a range of practical suggestions that may be useful to participants moving forward. Instead, we developed specific recommendations which are included in a cover letter with the final report.

#### 1. Clarify and Communicate BLM’s Evolving Task

Given the complexity of BLM’s task, it should develop a public information and education strategy – in consultation with stakeholders representing different viewpoints – to help the general public understand the unique nature of the O&C lands, the economic and ecological values of BLM lands in western Oregon, the court settlement, and the requirements of NEPA, ESA, CWA, FLPMA, and other statutes. This should also convey BLM’s commitment to a transparent, inclusive, and responsive public involvement process where the interests and concerns of the public and interested stakeholders are heard, and how subsequent decisions do and do not reflect that input, and why, is communicated.

The value of engaging stakeholders – including formal cooperators – in crafting and disseminating this message is that they have a particular understanding of different constituents, established channels of communication, and the credibility to provide information and education. To assist in creating a credible approach, BLM should incorporate a continuous feedback loop to stakeholders concerning how they are using feedback and input provided. Building trust among all the parties should be an explicit goal of this process and will require open communication and an ability to answer questions as they are raised.

Once the core message is developed and refined, it could be distributed via the newsletter, a web site, and a standard 2-3 minute mantra that all staff memorize. The point is that it should be repeated often and in different venues.

#### 2. Engage Indian Tribes in Government-to-Government Negotiations

The BLM and the Coquille Tribe, the Confederated Tribes of Siletz, and perhaps other tribes – depending on their level of interest and commitment – might explore the value of government-to-government negotiations. One way to implement this option is to adapt the model used by NOAA Fisheries and Indian tribes regarding salmon management in California and the Northwest. According to some of the tribal representatives, the approach NOAA Fisheries used in excluding

critical habitat designation for salmon on Indian lands provides an example of principles which other federal agencies should consider in proposing actions which might impact sovereign rights of tribes to manage their lands and resources.

The principles underlying this approach to government-to-government negotiations include:

- Respect for tribal sovereignty over the management of natural resources on tribal lands;
- The policy of Indian self-determination promulgated by Secretary of Interior Gail Norton; and
- BLM's federal trust obligations, including its deference to the tribes when the agency's actions might impact managing natural resources on tribal land.

The BLM and Coquille Tribe could build on these principles to establish appropriate forest management standards and guidelines for the Coquille Forest.

### 3. Validate the Analysis of the Management Situation

Since the *Analysis of the Management Situation* serves, in part, as the foundation for developing planning criteria, generating alternatives, and analyzing alternatives, it seems imperative that formal cooperators and other interested stakeholders have an opportunity to review and validate the findings and conclusions of that analysis. If this piece of information is not critically examined and somehow validated with people who care about the management of BLM lands in western Oregon, it significantly increases the chances of future disagreements (or, alternatively, decreases the possibility of mutual understanding, collaborative thinking about creative alternatives to consider in the RMP process, and perhaps agreement).

This objective could be satisfied in several different ways, none of which are mutually exclusive:

- BLM could ask Indian tribes to review the analysis and provide feedback.
- BLM could ask the formal cooperators to review the analysis and provide feedback at one of their regular meetings.
- BLM could ask existing RACs to review the analysis and provide feedback.
- BLM could sponsor a special workshop of the cooperators or the RAC to focus on particular issues identified by the feedback received. Members of the Science Advisory Team, or other experts, might serve as resources at such a workshop. Members of the general public could be invited to observe and ask questions.
- BLM could make the analysis available to the public (via a press release or newsletter; placing it on a web site; and sending a copy to everyone interviewed for this situation assessment) and convene two or three workshops to allow people to provide feedback.

**A Note on Convening:** As everyone considers the value of different strategies to engage people in the WOPR, it is important also to consider who might be the most effective sponsor or convener of an activity. Several interviewees questioned whether the BLM has the credibility and legitimacy to convene a multi-party, collaborative process given the history surrounding this issue. Moreover, people are sensitive to the requirements placed on BLM by the Federal Advisory Committee Act when it comes to seeking input and advice. Others might see any public involvement activity as

more credible if it is convened by BLM, however, because of the perception that the results would be more likely to have an impact on the RMP process.

While everyone agrees that BLM needs to play a key role in any such process – and that the process needs to be linked to the formal planning and decision-making process – several people wondered whether it might be more effective to consider one of the following options in terms of convening workshops and dialogues:

- The counties.
- Some coalition of interest groups, including the counties and Indian tribes.
- Five Resource Advisory Committees and one Resource Advisory Council. Several people thought this made the most sense since the Committees more or less correspond to the six administrative units around which the six RMPs are being developed. Whether the current Committee charters would allow for this type of effort was questioned.
- Three Provincial Advisory Councils. Though, there seems to be some disagreement on the effectiveness and relevance of these groups.

While each of these was suggested, the viability of any of them actually convening a multi-stakeholder effort would be dependent on the mandate of each (e.g., whether the RACs are actually able to convene such a discussion) or whether other parties would see the potential convener as legitimate.

**A Note on Scientific and Technical Information:** Several interviewees indicated the information necessary to make sound, credible decisions based on science is probably available. The problem, they observed, is that there is an overwhelming amount of such information, and that the first task is to sort out what we know, what we do not know, and what we need to know in terms of making good decisions.

The credibility of the BLM's existing approach to addressing scientific and technical information could be greatly improved by allowing stakeholders the opportunity to review the strategy, help frame questions for study, contribute scientific and technical information, and participate in the interpretation of the data. This approach is often called 'joint fact finding.' See Appendix I for where this sits within the various strategies to incorporate science into public decision making. Such activities do not usually conflict with the Federal Advisory Committee Act (FACA), particularly when in a workshop format designed to identify areas of agreement and disagreement or to provide individual (but not group consensus) advice. The primary value of this strategy is to engage stakeholders in addressing scientific and technical issues – thereby creating information that is scientifically credible, politically legitimate, and relevant. Where consensus would be useful, convening an activity under the auspices of the RAC may serve to comply with FACA.

#### 4. Validate the Planning Criteria

In the same way that the *Analysis of the Management Situation* serves as a fundamental building block for the six RMPs and the EIS, the *Planning Criteria* likewise play a critical role in the decision-making process. Therefore, BLM may want to consider one or more ways to allow the formal cooperators and other interested stakeholders to review, comment, and hopefully validate the planning criteria.

This objective could be achieved in the much the same way as validating the *Analysis of the Management Situation*.

The operational principle here, and in Options #3, #5, and #6, is to do this work with, not for, the formal cooperators and other interested stakeholders.

One challenge that could be created by Options 3-6 has to do with expectations of how BLM responds in each case. It is important, if BLM creates a more open, inclusive process, and creates opportunities for people to provide written and other comments during the various steps in the planning process, that the agency be responsive in letting the public know what the impact of those comments were. However, this does not need to be a formal requirement or excessively burdensome on BLM staff. For example, federal agencies are making increasing use of a “listening panel” format at the end of workshops to indicate what they heard and to describe next steps in how that information will be considered in the decision making process. In this way, the public can look for what decisions were made and why in documents that are already part of the process.

#### 5. Generate a Range of Alternatives that Capture the Various Interests

As explained earlier in this document, the Settlement Agreement requires the BLM, contingent on funding, to consider in each of the six RMPs at least one alternative which does not create any reserves on O&C lands except as required to avoid jeopardy under the Endangered Species Act and that “all plan revisions shall be consistent with the O&C Act as interpreted by the 9<sup>th</sup> Circuit Court of Appeals.” Some people interpret this mandate as leading to a predetermined outcome of the planning process.

One way to help address this concern, and to effectively attend to the range of interests and values associated with BLM lands in western Oregon, the BLM would be well advised to create an open, transparent process to generate a range of alternatives that capture the various interests. This might be achieved in one of several ways:

- BLM could ask Indian tribes to generate an alternative.
- BLM could ask the formal cooperators to jointly generate one or more alternatives.
- BLM could integrate the conservation alternative prepared by ONRC and others.
- The right people (see note on convening under Option #3 above) could convene a series of workshops to encourage people with diverse viewpoints and interests to get together and seek agreement on an alternative that meets the objectives of the O&C Act and the other values and interests generated by BLM lands in western Oregon. The goal here is try to generate an alternative that is at least as good, or better, than people’s default alternatives. In other words, is it possible to create an alternative that is better than either the “no reserves” alternative or the “conservation alternative?”

While constructing a range of alternatives that capture the various interests will help all stakeholders understand the range of options and the tradeoffs each option offers, clearly what is included in the preferred alternative and, ultimately, final option will determine whether or not the full range of interests can support the revised plans. In our view, the more that diverse stakeholders try to craft one or more alternatives together (rather than each crafting its own), the more likely the process will be to generate creative alternatives that will meet the range of interests across interest groups.

In addition to engaging people in generating alternatives, the BLM might also consider sharing the preliminary range of alternatives with people and seeking some feedback. The objective here would be to make sure that the range of alternatives being considered adequately addresses the range of interests and values at stake in terms of managing BLM lands in western Oregon. Once again, this objective could be met by presenting the information to the existing RACs and PACs, as well as convening two or three workshops throughout the planning area.

#### 6. Create an Open, Transparent Process to Analyze Alternatives

Analyzing the alternatives is a tedious, time-consuming process; but it is also where the rubber meets the road. Assuming that there is more understanding and agreement than less on the *Analysis of the Management Situation*, the *Planning Criteria*, and the *Development of Alternatives*, the formal cooperators and stakeholders may have sufficient confidence in the BLM's Interdisciplinary Team to complete the analysis.

Whether or not formal cooperators and other stakeholders are involved in the actual analysis of the alternatives, the BLM should consider the value of providing opportunities for people to review the results along the way. Perhaps the most practical advice here is to adopt a principle of “no surprises.” Once again, this objective might be achieved by sharing the results at strategic moments with:

- Indian tribes.
- Formal cooperators.
- RACs.
- PACs.
- Other interested stakeholders, perhaps through a series of workshops.

#### 7. Engage Unaffiliated, General Citizens in Reviewing the Draft RMPs and EIS

Many people interviewed said that it would be valuable to inform, educate, and then engage the “silent majority” or unaffiliated, general citizens in the planning process. Most people understand that it is the organized interests groups that do most of the participating in these types of planning processes, and that unaffiliated citizens are generally absent from the process.

The one option that seemed to generate the most interest among interviewees is convening one or more Citizen Juries. As explained in Appendix D, a *Citizen Jury* is organized and sponsored by a diverse group of people/institutions representing different viewpoints – in the case of the WOPR, this could be the BLM, counties, or some combination of decision-makers and stakeholders.

This “steering committee” designs the process, beginning with defining a “charge” or set of questions they want the jury to consider, packaging appropriate information, and so on. A randomly selected and demographically representative panel of 18 citizens meets for 4 or 5 days to hear from expert witnesses representing different viewpoints. Citizens deliberate and offer nonbinding advice on “the charge” or question. During the interviews for the situation assessment, a number of people expressed a great deal of interest in this strategy, and several people suggested that it might

be appropriate to convene one citizen jury within each of the six RMP administrative unit within the first 30 days of the formal public comment period on the DEIS.

If people feel that there is sufficient value in further considering this option, we will provide more specific information on “how” to do this in the final report.

**A Note on National or Non-local Interests:** Convening one or more Citizen Juries focuses on people who live and work in the planning area. However, the BLM must also consider how to effectively integrate national (or perhaps more accurately, non-local) interests into the planning and decision-making process generally. Although this issue did not come-up very much during the interviews, it is important to consider some options on how to achieve this objective:

- Non-local interests are encouraged to provide input and advice through the conventional processes of public notice and comment.
- BLM represents “national interests” as part of its’ public trust responsibility.
- Develop opportunities for presentation and interaction/comments through a web-based mechanism.
- Hold one or more public information sessions in Portland or more state-wide.
- Non-local interests are invited to participate in other stakeholder activities, such as in reviewing the *Analysis of the Management Situation* or in alternatives generation.
- Diverse panels of national interests are invited to engage in interactive, roundtable discussions on targeted issues sponsored by the RAC or by the cooperators.

#### 8. Implement Best Practices for Public Participation

We have included several strategies to inform and educate citizens, and to seek their input and advice in Appendix D. The BLM would most likely implement most of these strategies in any case, but it is valuable to review, evaluate, and perhaps improve upon these ideas. Here is a short synopsis of the best practices.

- A. Provide more notice and a longer lead-time prior to public meetings
- B. Distribute reports and/or other documents far enough in advance of a public meeting or hearing to enable the public to digest and review them.
- C. Continue to publish and distribute a quarterly newsletter.
- D. Build on existing social networks, and where feasible, allow the “culture of communities” to dictate the timing, location, and format of public meetings.
- E. Use effective web technologies.
- F. Convene open meetings of the Steering Committee, Science Advisory Team, and Cooperating Agencies.
- G. Provide a public comment period at each meeting of the Steering Committee, Science Advisory Team, and Cooperating Agencies.
- H. Encourage written public comment on draft documents.
- I. Engage in responsive decision-making.

#### 9. Consider Using Impartial, Nonpartisan Facilitation

Impartial, nonpartisan facilitation assistance can help groups meet their collective interests. As needed, facilitators or mediators can assist parties in (a) the design of various forums; (b) facilitation and mediation of different processes; and (c) implementation of the results of those efforts. Specific tasks for the facilitator/mediator in the design phase include assisting with identification of appropriate stakeholders to involve, development of operating principles, and development of a work plan to assist the group in achieving their objectives. In the facilitation phase, tasks include fostering communication and understanding, creating an atmosphere of fairness and respect, and capturing agreements. During the implementation phase, facilitators/mediators can help participants implement outcomes by working to link informal agreements to formal decision making processes and helping to reassemble parties if subsequent disagreements emerge.

The potential specific applications for this type of assistance in the WOPR process include:

- Design and facilitation of workshops focused on validating the analysis of management options or planning criteria or on developing alternatives.
- Design and facilitation of an independent collaborative forum for organized stakeholder groups.
- Design and coordinate one or more Citizen Juries.
- Facilitation of other appropriate meetings – e.g., public meetings, Science Panel, etc.
- Facilitation of the cooperating agency meetings.

If it is determined that impartial, nonpartisan facilitation is needed, it is essential to obtain an understanding of the potential facilitator/mediator's experience with different processes; knowledge of the issues, players, and decision-making arena; education, training, and professional affiliations; personality and style; and reputation.

## Appendix A

### List of Interviewees

American Forest Resource Council	Tom Partin
Association of O& C Counties	Kevin Davis Rocky McVay Doug Robertson
Association of Oregon Loggers	Jim Geisinger
Benton County	Annabelle Jaramillo
BLM Forester and Timber Management Specialist, Cascades Resource Area	Randy Herrin
BLM Field Manager	Abbie Jossie
BLM Steering Committee	Elaine Brong Mark Buckbee Jay Carlson Bill Freeland (Acting for Tim Reuwsaat) Dan Hollencamp (Acting for Denis Williamson) Mike Mottice Dick Prather Jon Raby (Via phone) Sue Richardson <u>Others</u> John Cisel Duane Dippon Maya Fuller Phil Hall Alan Hoffmeister Jerry Hubbard (Facilitator) Al Wood
BLM Wildlife Biologists	Jim Henaney Steve Lagenstein Kerrie Palermo Holly Witt
Coast Range Association	Chuck Willer
Confederated Tribes of Siletz	Mike Kennedy
Conservation Leaders Network	Peg Reagan
Coquille Indian Tribe	Kevin Craig George Smith

Douglas Small Woodlands Association	Bill Arsenault
Douglas Timber Company	Bob Ragon
Klamath/Siskiyou Wildlands	George Sexton Joe Vaile
Lumber Sawmill Workers	Randy Fouts Darrell Middleton Neil Neilsen Jeannie Weakley
Motorcycle Riders Association	David Lexow
Noahs River Adventures	Noah Hague
Oregon Natural Resources Council	Doug Heiken Regna Merritt
Roseburg Forest Products	Dave Friedlein
City of Sandy	Scott Lazenby
Southwest Oregon Provincial Advisory Council	Anita Ward
State of Oregon	Richard Beck, OD Transportation Kevin Birch, OD Forestry Jon Germond, OD Fish and Wildlife Koto Koshida, OD Environmental Quality
Sustainable Northwest	Martin Goebel
Umpqua Basin Watershed Council	Richard Chasm Bob Kinyon Penny Lind Leonard Schussel Stan Vejtasa
Umpqua Watersheds	Francis Eatherington
United States Forest Service	Linda Goodman
The Wilderness Society	Bob Freimark

## Appendix B

### Interview Questions: Western Oregon Resource Management Plans

1. What are your interests and/or concerns with respect to the management of BLM land in western Oregon?
2. What are the most important issues that need to be addressed from your perspective? How would you name these issues?
3. How should these issues be addressed? In other words, how would you frame one or more options or approaches to dealing with the issues you identified?
4. What concerns, if any, might other stakeholders have about the options you suggest? And, do you have any suggestions on how to address these concerns in a way that satisfies as many different interests as possible?
5. Given the diversity of interests that need to be accommodated in managing BLM lands in western Oregon (including your understanding of the mandate for O & C lands), what are the characteristics of a successful outcome?
6. What information related to the WOPR is currently available that you view as credible? What additional information is needed to make wise, well informed decisions? And, do you have suggestions on how BLM and others might go about gathering and analyzing the needed information? Where, if at all, might there be disputes over scientific information?
7. Do you have any suggestions on how the BLM and other stakeholders might go about gathering and analyzing the information that is necessary?
8. What are the characteristics of a good public process from your perspective? What would make it most meaningful and constructive? And, do you have suggestions on specific strategies for public participation?
9. How would you personally like to be involved in the RMP revision process? What obstacles or constraints might you face in participating in the RMP process? How might these obstacles or constraints be overcome?
10. Is there anyone else you think we should be interviewing and why?
11. Do you have any questions for me?
12. Do we have your correct phone, fax, address, etc.? Preferred method of contact (phone/fax/email/mail)?

## Appendix C

### People Identified During the Interviews

During the interviews, we asked people to suggest other groups or people that we might interview. The following people were identified, but due to time and funding constraints, we were not able to interview any of these people. However, we are sending a copy of this report to these people, and will include them in any future dialogue building on this situation assessment.

- Dave Allen – USFWS
- Bob Bastian – Rocky Mountain Elk Foundation
- Alan Baumann – US Forest Service
- David Bayles – Pacific Rivers Council
- Linda Bell – Clackamas County Tourism Development Council
- Bill Black – Spirit River Inc.
- Michael Carrier – Oregon Governor’s Office
- Gary Chapman – Corvallis to the Sea Trail
- Mike Crouse – NOAA
- Dominick DellaSalla – World Wildlife Fund
- Jim Fairchild – Audubon Society
- Dave Gilmour – Jackson County Commissioner
- Liz Hamilton – Northwest Sportsfishing Industry Association
- Kelly Hollumes – former BLM\*
- Brad Keller – BLM
- Robert Kenta – Confederated Tribes of Siletz
- Sue Kupillas – former Jackson County Commissioner
- Bud Lane – Confederated Tribes of Siletz
- Bob Lohn – NOAA
- George McKinley – Jefferson Sustainable Development Initiative
- Don Mench – Sandy Watershed Council
- Mark Nauman – Weyerhaeuser
- Dale Riddle – Senneca Sawmill
- Hal Salwasssar – Oregon State University
- Cindy Sardinia – small business in agriculture\*
- Dick Schouten – Washington County Commissioner
- Jack Shipley – Applegate Partnership
- Karen Shogren – interested public\*
- Howard Sohn – Lone Rock Timber
- Chris Sokol – US Timberland\*
- Pete Sorenson – Lane County Commissioner
- Glen Spain – Pacific Coast Federation of Fishermen Associations
- Deanna Spooner – Pacific Rivers Council
- Bart Starker – Starker Forests
- Johnny Sundstrom – Natural Resources Conservation Service
- Mark Trenholm – Tillamook Estuaries Partnership
- Barry Wulff – Sierra Club

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\* We are still working to secure contact information for these individuals.

## Appendix D

### A Menu of Options to Engage People in the WOPR

These options represent a combination of ideas identified during the interviews as well as, in some cases, some elaboration based on the assessment team's experience.

#### A. Options to Engage the General Public

##### 1. *Continue Publishing the Newsletter*

Several people commented that the newsletter announcing the RMP revisions and explaining the rationale and objectives of planning process was very good. They said that it would be nice to have a regular newsletter – monthly, quarterly, or whatever – that updates the status of the planning process and plans for the next period of time.

The newsletter should be distributed via the BLM's mailing list, placed on a project web site, and perhaps distributed through existing social networks (see next option).

##### 2. *Use Existing Social Networks*

Many interviewees suggested that the BLM could improve their public outreach and engagement by using existing social networks, such as the local grange, volunteer fire departments, community stores, county fairs, watershed councils, and perhaps even churches. The idea here is to not reinvent what already exists – a social network. This strategy may also inform and engage people that might not otherwise know about the planning process, or not get involved for whatever reason.

##### 3. *Use Effective Web Technologies*

The BLM should explore ways to increase its ability to utilize a website and specifically consider such functions as a list server, a web log, and perhaps a web-cam simulcast of meetings. These types of functions should be implemented to the extent that they are practical and cost-effective.

##### 4. *Convene Open Meetings of the Steering Committee, Science Advisory Team, and Cooperating Agencies*

To build trust, communication, and understanding, several people suggested that the BLM should provide adequate notice of all meetings of the BLM Steering Committee, Science Advisory Team, and Cooperating Agencies. Meeting agendas and supporting materials should be distributed in advance via the BLM's master mailing list; an electronic list serve for people who would like to be notified of such meetings; and posted on a project web site. The summaries for such meetings should be available electronically and/or posted on a project web site.

##### 5. *Provide a Public Comment Period at Each Meeting of the Steering Committee, Science Advisory Team, and Cooperating Agencies*

In addition to letting people know when various project committees are meeting, the BLM should include an opportunity for the public to comment at each meeting. Once again, this will help build

trust, communication, and understanding. Any public comments at such meetings should be captured and included in the summary of the meeting.

#### *6. Encourage Written Public Comment on Draft Documents*

The BLM should also encourage the public to provide written comments on any and all documents created in the course of revising the six RMPs and drafting the EIS. The strategy would obviously apply to any documents being considered for adoption, but should also be applied to other documents such as the Analysis of the Management Situation, draft Planning Criteria, and the like. The goal, once again, is to be open, transparent, and inclusive at every twist and turn of the planning process. Another way to say this is, adopt a “no surprises” policy with respect to public participation.

#### *7. Engage in Responsive Decision-making*

Although it may be obvious, it is imperative that the BLM seriously consider any and all public comment – whether it is received at meetings or by written word. The BLM should explain how the public comments were integrated into the decision-making process, or explain why they were not incorporated.

#### *8. Convene 21st Century Town Meetings*

One innovative approach to public participation is *21<sup>st</sup> Century Town Meetings*. This strategy was created by AmericaSpeaks, and you can learn more about it at [www.americaspeaks.org](http://www.americaspeaks.org). In short, *21<sup>st</sup> Century Town Meeting* is a large-scale forum that enables dialogue and deliberation among all of the participants, rather than speeches, panels, and the typical question and answer format of most public meetings. AmericaSpeaks has convened *21<sup>st</sup> Century Town Meetings* with up to 5,000 people. At the town meeting, diverse groups of citizens engage in roundtable discussions (10-12 people). Each table is supported by an experienced facilitator, and participants receive balanced information to foster “informed dialogue and deliberation.” Using keypad polling and interactive computers, the work of each small group is immediately transformed into a synthesis of all the participants, thereby creating an overall sense of the participants.

In the WOPR, the *21<sup>st</sup> Century Town Meeting* could be used to scope issues, generate alternatives, evaluate and select alternatives.

#### *9. Conduct Deliberative Polling and/or Citizen Jury*

A surprising number of people interviewed lamented the fact that we most often hear from organized interest groups (the extremes on either end of the spectrum,) and rarely (if ever) here from unaffiliated, general citizens in these type of planning processes. Of course, there may be a number of reasons that the “silent majority” does not engage.

Nevertheless, most people agree that we need to experiment with some different ways to effectively solicit “informed” advice from a “representative” sample of the silent majority. Such input informs and invigorates BLM’s decision by generating “informed public judgment.” It also allows us to validate the findings and conclusions of multi-stakeholder groups.

To achieve this set of objectives, there are two innovative approaches. The first approach is referred to as *Deliberative Polling*. In the case of the WOPR, this strategy will be most effective once a DEIS and proposed action is available. At that point, a multi-party group designs a survey of public opinion about the proposed action. The typical survey includes an explanation of the proposed action; a set of options; information about the consequences of the different options; statements representing different viewpoints and interests; and a set of questions about people's level of support for various options. The survey is mailed to a large random sample of the general public, which in theory provides a representative indicator of public preferences. It is also sent to a smaller random sample of people who attend a short meeting to learn more and make more informed judgments.

The second approach to generate "informed public judgment" is a *Citizen Jury*. This strategy was created by the Jefferson Center, and you can learn more about it at [www.jefferson-center.org](http://www.jefferson-center.org). In short, a *Citizen Jury* is organized and sponsored by a diverse group of people/institutions representing different viewpoints – in the case of the WOPR, this could be the BLM, counties, or some combination of decision-makers and stakeholders. This "steering committee" designs the process, beginning with defining a "charge" or set of questions they want the jury to consider, packaging appropriate information, and so on. A randomly selected and demographically representative panel of 18 citizens meets for 4 or 5 days to hear from expert witnesses representing different viewpoints. Citizens deliberate and offer nonbinding advice on "the charge" or question. During the interviews for the situation assessment, a number of people expressed a great deal of interest in this strategy, and several people suggested that it might be appropriate to convene one citizen jury within each of the six RMP administrative unit within the first 30 days of the formal public comment period on the DEIS.

#### *10. Convene a Study Circle*

A study circle is a small, diverse group of 8 to 12 people that meets together for several, two-hour sessions. The group deliberations usually start with personal stories, which help the group look at a problem from many points of view. Next, the group explores possible solutions. Finally, they make plans for action and change. Study circles are intended to be inclusive and demonstrate that the whole community is welcome and needed.

### **B. Options to Engage Stakeholders with Diverse Interests**

#### *1. Create a Multi-stakeholder Group*

Create a multi-stakeholder group similar to how the "Cooperating Agencies" work together. The options here include, but are not necessarily limited to:

##### *a. Creating one or more FACA-charted groups.*

Some people suggested convening working groups to correspond to each of the six RMPs, possibly by creating subgroups of the six existing RACs. Some of the participants indicated the RACs have been effective forums for citizen engagement; however, others expressed a concern that the RACs are not truly representative of all interests and viewpoints, largely because the members were selected by the BLM.

The tasks for these FACA-chartered groups would be to identify issues; generate (or at least affirm) credible information; articulate a vision; and assist with convening public outreach efforts. The groups could be region-specific, issue-specific, or some combination of the two. An outstanding question was whether or not this type of planning falls under the existing charters of the RACs.

b. Create an independent forum for deliberative dialogue.

An alternative to working within the formal NEPA/FLPMA planning process is to encourage and support the stakeholders themselves in the creation of an independent forum for deliberative dialogue that closely tracks and is designed to influence the BLM's formal land-use planning process. This forum might be co-convened by one or more organizations representing timber interests and those representing conservation, wildlife, and recreational interests. Some people suggested that the counties might be seen as natural leaders and conveners for an independent, parallel process. Additional thoughts about this approach include:

- This type of process is likely to be more meaningful and effective than anything done under the auspices of the BLM and the NEPA/FLPMA process. It would allow people to understand what is happening (socially, economically, and environmentally); and to articulate what they would like to happen in the future.
- A parallel public participation/negotiation process would be valuable if and only if people come to the table with an open mind about the objectives for land management, the range of options or alternatives to meet those objectives, and in the spirit of trying to satisfy as many of the different interests as possible.
- Efforts must be made to clearly link the efforts of the independent, parallel group to the formal decision-making process.
- BLM could either participate as a member of the group (probably the best alternative) or merely appoint someone to serve as a liaison.
- BLM could provide some financial support to the group in terms of facilitation, research, etc.
- To address FACA concerns, the objectives would be for the group to engage in dialogue and deliberation, and provide individual (but not group consensus) advice.

c. Build on existing work groups to the extent possible.

Some participants suggested utilizing an existing work group such as the Lake County Stewardship Unit Working Group – around the BLM Lakeside Resource Area – as a vehicle for determining if solutions that meet multiple interests could be found. It was suggested that if this approach is chosen, BLM should pick a diversity of communities – small, medium, and large – that have the natural leadership capacity and are predisposed to work. Finally, documenting and sharing lessons learned across communities would be a useful way to enable groups to continue to make progress.

## 2. *Use Shuttle Diplomacy*

Use an impartial, non-partisan third party to shuttle among various BLM officials and other stakeholders to clarify issues, options, and possibilities for agreement on both science and policy issues.

### 3. Create Place-based Pilot Projects

The goal here would be to create a series of multi-stakeholder groups to lay-out timber sales to optimize all of the values and interests at stake. Each group would be closely watched and evaluated, and lessons learned would be shared with other places interested in similar pilot projects. A specific on-the-ground action suggested was to let stewardship contracts.

## C. Options to Engage Native Americans

1. *The special federal trust relationship with Indian tribes requires a different involvement approach than used with the general public. Government-to-government consultation is the appropriate method of engaging Indian tribes.*
2. *Build on the existing relationship between the Coquille Tribe and the Coos Bay BLM District.*
3. *In regard to the Coquille Forest, use a strategy for addressing the BLM/tribal forest nexus which recognizes tribal sovereignty and federal Indian self-determination policy.*
4. *Create a “standard and guideline” that gives tribes some flexibility, consistent with the principle of accountable autonomy.*

## D. Options to Address Scientific and Technical Information

### 1. Create a Science Advisory Team

The BLM has already created a panel of scientists to improve the scientific credibility of the RMPs and EIS. The team consists of federal and state scientists, and will work closely with the Interdisciplinary Team writing the plans and EIS. The team is coordinated by the BLM RMP Science Liaison. Figuring out how to integrate their efforts with the general public and stakeholders will be a necessary step to build legitimacy for the process.

### 2. Employ Joint Fact Finding

The credibility of the BLM's existing approach to addressing scientific and technical information could be greatly improved by allowing stakeholders the opportunity to review the strategy, help frame questions for study, contribute scientific and technical information, and participate in the interpretation of the data. This approach is often called ‘joint fact finding.’ See Appendix I for where this sits within the various strategies to incorporate science into public decision making. To address FACA concerns, the objectives would be for the group to engage in dialogue and deliberation, and provide individual (but not group consensus) advice. The primary value of this strategy is to engage stakeholders in addressing scientific and technical issues – thereby creating information that is scientifically credible, politically legitimate, and relevant.

As a first step or two, have stakeholders:

1. Review, refine, and ultimately affirm or validate the *Analysis of the Management Situation*.
2. Develop a model to identify the best available science (similar to the model used in medical science).

### 3. Use Multiple Experts

Rather than rely on any one group of experts, several people suggested using multiple experts and multiple sources of information. Suggested sources of information include:

- The Sonoran Institute
- EcoNorthwest
- Professor John Sessions (who has created a model to increase output on lands while satisfying the objectives of the ESA and other laws and social values)
- Local BLM experts
- Statewide poll of public attitudes

Among other things, different experts could independently review existing studies and data; complete new studies as needed (e.g., the economics of the region); and otherwise complement and validate the work conducted by the BLM's Science Advisory Team. The BLM already envisions using recognized experts to complete "State of the Science" reports on major issues and questions.

## Appendix E

### Public Participation Options for BLM EIS-Level Planning Efforts

Key Steps	ADR-based Strategies
<b>Prepare to Plan</b>	<ul style="list-style-type: none"> <li>• Consult an Facilitator or Mediator to for Coaching, Training, and/or Team-building</li> <li>• Conduct a Situation or Conflict Assessment</li> <li>• Design the Right Process, or a Public Participation Plan, in consultation with citizens</li> <li>• Include resources (time, money, and staff) in your project plan and budgets to support the selected level of participation.</li> </ul>
<b>Analyze the Management Situation</b>	<ul style="list-style-type: none"> <li>• Jointly Name the Problem with citizens and stakeholders via one-on-one interviews; groups of like-minded interests; and/or a multi-party group</li> <li>• Foster Mutual Education by Exchanging Information</li> <li>• Engage in Joint Fact Finding</li> </ul>
<b>Conduct Scoping</b>	<ul style="list-style-type: none"> <li>• Publish Notice of Intent and provide opportunity for Comment</li> <li>• Gather public input and advice via Public Meetings, Open Houses, Web-based Surveys, Stakeholder Meetings, and Existing Social Networks</li> <li>• Convene a 21<sup>st</sup> Century Town Meeting</li> <li>• Validate public input and advice via newsletters, web sites, letter to the editor</li> </ul>
<b>Formulate Alternatives</b>	<ul style="list-style-type: none"> <li>• Jointly Frame Options or Choices – either one-on-one; in groups of like-minded interests; and/or a multi-party group</li> <li>• Encourage citizens and other stakeholders to develop and submit their own alternatives</li> <li>• Use stakeholders as a sounding board to ensure that the range of alternatives responds to NEPA issues and unresolved issues.</li> </ul>
<b>Analyze Effects of Alternatives</b>	<ul style="list-style-type: none"> <li>• Use an Independent Fact Finder</li> <li>• Convene a Technical Advisory Panel</li> <li>• Engage in Joint Fact Finding</li> </ul>
<b>Select a Preferred Alternative</b>	<ul style="list-style-type: none"> <li>• Use agreed-upon criteria to evaluate alternatives.</li> <li>• Negotiate – either Unassisted or Assisted (with Facilitator or Mediator)</li> <li>• Conduct a Collaborative (or Deliberative) Poll</li> <li>• Convene a Citizen Jury or Study Circle</li> <li>• Explore opportunities for Partnering</li> </ul>
<b>Prepare a Draft RMP/EIS</b>	<ul style="list-style-type: none"> <li>• Make sure the process is open and transparent</li> <li>• Adopt a principle of “no surprises”</li> </ul>
<b>Publish NOA and Provide 90-day Public Comment Period</b>	<ul style="list-style-type: none"> <li>• Convene a working group of stakeholders to review public comments, clarify dominant themes, validate or revise NEPA issues, and identify criteria for the selected alternative.</li> <li>• Before the responsible official announces the selected alternative, he or she may consult stakeholders to confirm decision and rationale.</li> </ul>
<b>Prepare a Proposed RMP/Final EIS</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Publish NOA and Provide: 30-day Protest Period 60-day Governor’s Consistency Review</b>	<ul style="list-style-type: none"> <li>• Resolve outstanding issues through negotiation, then mediation, then arbitration</li> <li>• Engage in a Settlement Conference, Summary Jury Trial, or Mini-Trial</li> <li>• Litigate</li> </ul>
<b>Prepare an Approved RMP/ROD</b>	<ul style="list-style-type: none"> <li>•</li> </ul>
<b>Implement, Monitor, and Evaluate Plan Decisions</b>	<ul style="list-style-type: none"> <li>• Convene a working group to monitor and evaluate implementation, and to suggest appropriate changes to the plan of action.</li> </ul>

## Appendix F

### Western Oregon Plan Revisions – Official Cooperators

Organization		Notes
<b>County</b>		
Clackamas Co.	Klamath Co.	MOUs on file. Represented by the Association of O&C Counties with Van Manning as their contractor.
Columbia Co.	Lane Co.	
Coos Co.	Lincoln Co.	
Curry Co.	Marion Co.	
Douglas Co.	Polk Co.	
Jackson Co.	Tillamook Co.	
Josephine Co.	Washington Co.	
Linn Co.	Yamhill Co.	
<b>State</b>		
Oregon Governor's Office		Ten agencies and the Governor's Office are joined in a single MOU. The Department of Forestry is the lead agency. ODF, ODFW, DEQ, and ODOT are the primary agencies with regular representation at the cooperator meetings. The Governor's Office coordinates and resolves differences between the individual agencies should they occur.
Oregon Department of Forestry		
Oregon Department of Fish & Wildlife		
Oregon Department of Environmental Quality		
Oregon Department of Transportation		
Oregon Department of Geology and Mineral Industries		
Oregon Department of Agriculture		
Oregon Department of Parks and Recreation		
Oregon Department of State Lands		
Oregon State Marine Board		
Oregon Water Resources Department		
<b>Federal</b>		
U.S. Forest Service		MOUs on file
NOAA - Fisheries		
Fish & Wildlife Service		
Environmental Protection Agency		MOU essentially complete
U.S. Army Corps of Engineers		MOU pending

## Appendix G

### Western Oregon Plan Revision BLM Philosophy and Principles for Public Involvement

Public involvement during the Western Oregon Planning Revision will be conducted with sincerity and integrity in the true spirit of collaboration. To us, collaboration involves working at multiple levels with diverse interests and publics to understand each other, and share knowledge and resources. The goal of our collaborative efforts is to find solutions to the social challenge we face, how to meet the needs of local communities while also meeting our legal responsibilities to ecosystem health and protect sensitive species.

#### Guiding Principles for Successful Public Involvement

1. Design public involvement activities to establish a foundation for lasting relationships that will facilitate plan development and plan implementation.
2. Design early public involvement activities to identify and share common values among participants.
3. Acquaint stakeholders with the RMP Revision process and how it links to future site-specific decisions.
4. Identify what is fixed and what is open for input and influence by the public, based on legal sideboards national strategies and policies, court decisions.
5. Be clear, focused and consistent.
6. Encourage and maintain opportunities for communication and participation with diverse interests and publics.
7. Use a diverse set of public involvement tools and techniques to meet the needs of diverse publics, as well as to engage as many viewpoints as possible.
8. Ensure we have a process in place to demonstrate how we addressed the input received from the public (feedback loops).
9. Develop and implement a process to continually communicate the results from public involvement activities at the multiple scales,
10. Actively engage employees seeking their input and building their support for the plan to empower them to be advocates for public involvement, and for development and implementation of the plan.
11. Realistically match internal capacity with our commitments for public involvement activities.
12. Follow through on commitments, both procedural and substantive.

## Appendix H

### IAP2 Principles of Public Participation<sup>13</sup>

1. The public should have a say in decisions about actions that affect people's lives.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. The public participation process communicates the interests and meets the process needs of all participants.
4. The public participation process seeks out and facilitates the involvement of those potentially affected.
5. The public participation process involves participants in defining how they participate.
6. The public participation process communicates to participants how their input affected the decision.
7. The public participation process provides participants with the information they need to participate in a meaningful way.

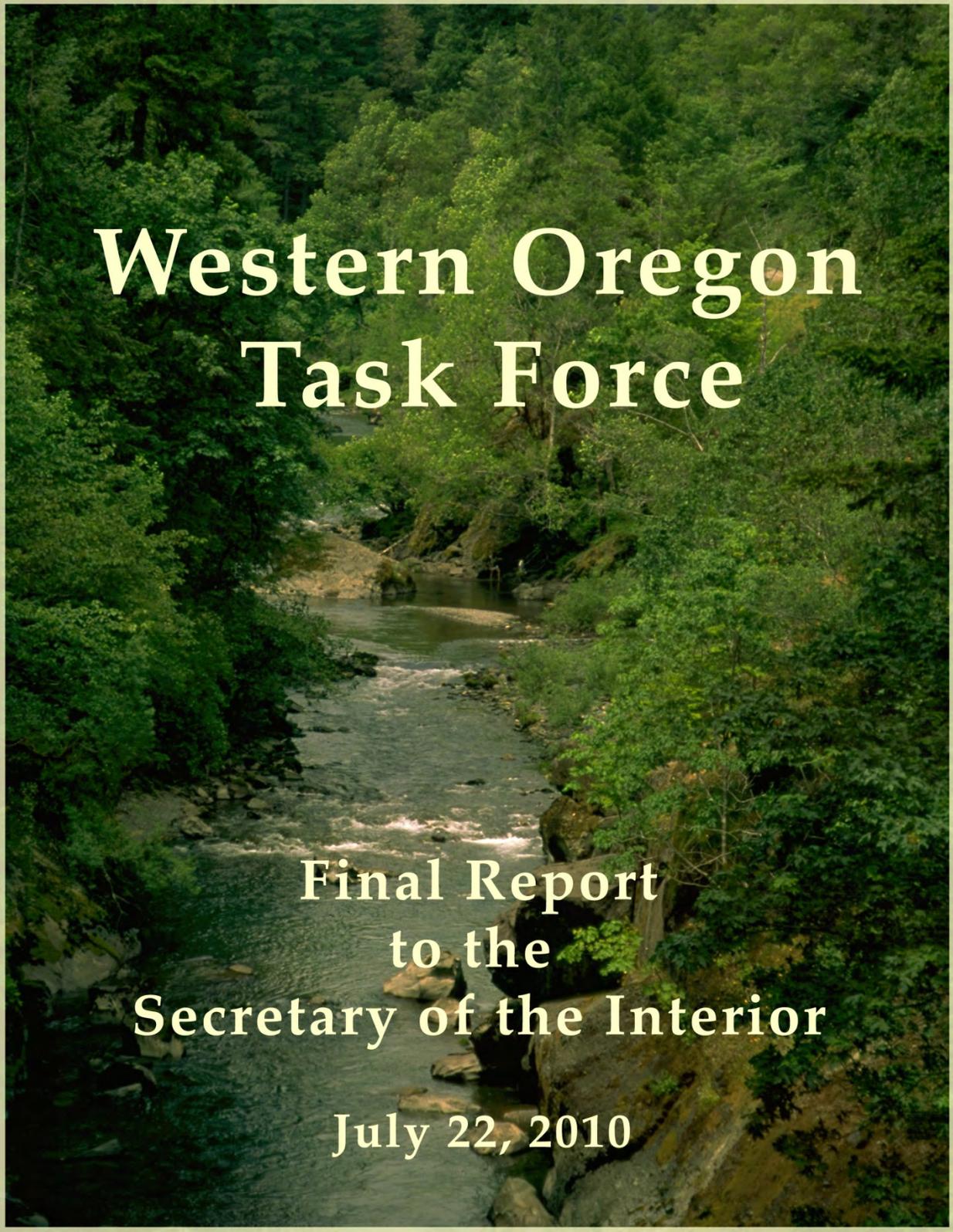
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<sup>13</sup> Developed by the International Association for Public Participation, 1997.

## Appendix I

### Pyramid of Strategies to Incorporate Science into Public Decision Making





# Western Oregon Task Force

Final Report  
to the  
Secretary of the Interior

July 22, 2010

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# Western Oregon Task Force Report

## Executive Summary

### INTRODUCTION

On July 16, 2009, Secretary of the Interior Ken Salazar announced the withdrawal of the Records of Decision (RODs) for the Salem, Eugene, Roseburg, Coos Bay, Medford, and Klamath Falls Resource Management Plans (RMPs), citing the decision by the Acting Assistant Secretary for Lands and Minerals that the “no effect” determination under the Endangered Species Act (ESA) for the RMPs was legally indefensible based on the record and applicable law. Secretary Salazar asked Bureau of Land Management (BLM) Director Bob Abbey and U.S. Fish and Wildlife Service (FWS) Director Sam Hamilton to establish a special interdisciplinary Task Force to take a fresh look at processes that have guided the management of BLM forests in western Oregon.

The Task Force was instructed to make recommendations to the Secretary on a process for finding a long-term strategy for forest management on Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act of 1937 (O&C Act) lands. The Task Force was asked to focus on a number of western Oregon forest management components, including:

- The statutory framework for planning, including the O&C Act and the Endangered Species Act (ESA);
- Interagency coordination and collaboration in the context of the planning process;
- The appropriate scope and geographic scale for BLM planning;
- Public outreach and involvement; and
- Use and implementation of science.

In addition to these five areas, the Task Force identified three additional areas of concern that surfaced in the discussions with stakeholders:

- Coquille Tribal Trust Responsibility;
- Northwest Forest Plan; and
- Social and Economic Considerations.

This is the report of the special interdisciplinary Task Force. This report contains conclusions and recommendations based on a number of interviews of individuals and groups who were involved in the Western Oregon Plan Revision (WOPR). The conclusions and recommendations are advisory in nature. Nothing in this report is intended to or should be interpreted to create any binding or mandatory requirements or obligations on the part of the Secretary of the Interior or the BLM. Any interpretations of Court cases or laws belong to the Task Force alone and are not intended to represent the position that the United States has taken or may take in future litigation involving western Oregon timber issues.

## BACKGROUND

The Task Force was comprised of 12 Federal employees with backgrounds in several resource disciplines and represented the BLM, FWS, National Marine Fisheries Service (NMFS), and the Forest Service (FS). Over the course of several weeks in December 2009 and January 2010, the Task Force met with more than 80 stakeholders, State and Federal agency representatives, and the Coquille Tribe. The Task Force made numerous observations generated from the discussions.

Though many recognized BLM's efforts in the WOPR process, the Task Force found opinions are polarized. This report reflects what we heard from all parties. For example, viewpoints desiring increased regulation are countered by those wanting less regulation. Even in instances with apparent agreement, there is still debate over the "how," "what," and "when" of the action. For example, forest "management" was an area of common ground, but meant different things to different people.

The O&C Act itself is a cause for polarization and debate. The Federal Land Policy and Management Act of 1976 (FLPMA) requires multiple use on public lands. However, in the event of conflict with or inconsistencies between the O&C Act and FLPMA, the O&C Act prevails (FLPMA, Section (701)(b)). While this report discusses the issues associated with interpretations of the O&C Act, the opinion of the Task Force is that unless and until the O&C Act has decisive clarification, it will continue to foster debate and litigation.

As a result of the information-gathering process, the Team identified issues and developed recommendations for consideration by the Secretary.

Recommendations are made on the following issues:

- Coquille Restoration Act
- Three Components of the Northwest Forest Plan:
  - Aquatic Conservation Strategy
  - Survey and Manage Mitigation Measures
  - Northern Spotted Owl Critical Habitat and Matrix Lands
- Interagency Cooperation and Collaboration:
  - Interagency Vision
  - ESA Consultation
  - Public Outreach and Involvement
- Appropriate Scope and Geographic Scale of Planning:
  - Land Tenure
- Use and Implementation of Science

- Social and Economic Considerations:
  - Three-Year Program of Work
  - State and Federal Cooperation in Development of Long-Term Economic Solutions
- Budget Structure and Performance System

## MAJOR ISSUES AND RECOMMENDATIONS

### Coquille Restoration Act

The Coquille Restoration Act (P.L. 101-42), as amended by Public Law 104-208 of September 30, 1996, established the 5,410-acre Coquille Forest and states that the Assistant Secretary for Indian Affairs, acting in consultation with the Coquille Tribe, is authorized to initiate development of a forest management plan for the Coquille Forest. The Act requires the Secretary to manage the Forest under “applicable State and Federal forestry and environmental protection laws, and subject to critical habitat designations under the ESA, and subject to the standards and guidelines of Federal forest plans on adjacent or nearby Federal lands, now and in the future.”

***To satisfy obligations under the Coquille Restoration Act, the Task Force recommends that priority be given to the initiation of a planning process for the Coquille Forest and the proposed Tribal Cooperative Management Area. We recommend that the planning effort would result in an amendment to the 1995 Coos Bay RMP.***

### Three Components of the Northwest Forest Plan (NWFP)

Much of the BLM lands managed under the NWFP are under a land allocation titled ‘Matrix.’ The Matrix lands comprise 3,975,300 acres, representing 16 percent of the Federal lands within the range of the northern spotted owl. The Matrix is the area in which most timber harvest and other silvicultural activities will be conducted. However, the Matrix does contain non-forested areas as well as forested areas that may be technically unsuited for timber production. It is this mix of uses and the intersection with designated critical habitat for northern spotted owl and salmonid species that is the crux of the debate over management of timber on BLM lands.

The NWFP and the WOPR were two attempts to allocate land to assure high-quality resource conditions and predictable supply of timber and economic activity. Due to a variety of reasons, those objectives have not been fully achieved.

In a highly litigious atmosphere under the NWFP, the agencies have been managing controversy by designing timber projects (primarily thinning and fuels reduction projects) that can expeditiously proceed through the ESA Section 7 consultation process. For example, the proposed BLM 2010 Program of Work identifies 90 percent of the proposed volume to be generated from thinning projects. This opportunistic and risk-avoidance approach results in not implementing projects in areas where they are needed to achieve the full suite of landscape

objectives. This approach to forest management cannot continue indefinitely. Some Districts have predicted they will run out of thinning projects and harvest volume in a few years.

Three components frequently litigated are: 1) the Aquatic Conservation Strategy (ACS); 2) Survey and Manage Mitigation Measures; 3) and conflicts between designated northern spotted owl critical habitat and Matrix lands. If there is an expectation to provide jobs and income from forest management activities on O&C lands, then resolution to the implementation issues of these three elements needs to occur.

***Aquatic Conservation Strategy: The Task Force recommends the agencies review, update where necessary, and affirm consultation tools and procedures that were put into place to address deficiencies identified by the Courts in the Pacific Coast Federation of Fisheries Association v. National Marine Fisheries Service litigation (i.e., ACS consistency, four scales of spatial analysis, and analysis of jeopardy). Failure to resolve these issues could result in continued Court decisions invalidating biological opinions.***

***Survey and Manage Mitigation Measures:*** Following a December 2009 decision by the District Court of Washington granting plaintiffs motion for partial summary judgment based on NEPA violations, the BLM and FS decided to respond to settlement communications from plaintiffs. The NWFP requires BLM and FS manage for a comprehensive suite of non-ESA listed species. The list is more expansive than the species that would be managed under the agencies' Special Status Species policies. This will likely place a significant cost and administrative burden on the land-management agencies for completing surveys and providing habitat protection prior to engaging in ground-disturbing actions.

***In the short term, the Task Force recommends BLM concentrate on projects in areas with a low probability of occurrence of Survey and Manage species (i.e., Pechman exemption including thinning projects in stands 80 years and younger).***

***The Task Force also recommends an Interagency Science Team reexamine the requirements for the conservation of old-growth dependent species, review the Survey and Manage list, and recommend revision as appropriate.***

***Northern Spotted Owl Critical Habitat and Matrix Lands:*** In 1992, the northern spotted owl critical habitat was designated (prior to the NWFP). In 1994 when the NWFP was adopted, a percentage of the NWFP's Matrix land-use allocation (i.e., lands intended for harvest) was placed on areas designated as critical habitat. This has created a conflict during timber sale project-level consultation. In 2008, the FWS revised critical habitat; however, that redesignation has been challenged in the Courts along with the recovery plan. The FWS is proposing to revise the recovery plan and based on that revision, the Fish and Wildlife Service will consider whether to revise critical habitat. Once those actions are completed, the Federal agencies need to work together to align management actions with critical habitat.

***In the short term, the Task Force recommends that we defer harvests in mature forests where there is the potential overlay with northern spotted owl critical habitat designations (both the***

***1992 and 2008) until the recovery plan is revised and, if appropriate, critical habitat is redesignated.***

***The Task Force recommends the FWS revise the recovery plan and, if appropriate, the critical habitat designation as soon as possible so that the agencies can work together to align management actions.***

#### Interagency Cooperation and Collaboration

During discussions with stakeholders, agency staff, and the Coquille Tribe, the Task Force heard many times that the WOPR process was very informative but not truly collaborative. Consequently, the perceived lack of collaboration reduced opportunities to build broad-based support for the process and establish trust between the stakeholders. For future efforts to be successful, collaboration must be integral at all phases of planning and implementation.

Numerous collaborative forums already exist and should be engaged as appropriate, such as the Governor's Federal Forest Advisory Committee, Sustainable Rural Schools Act Resource Advisory Councils, Provincial Advisory Committees, and the Landscape Conservation Cooperative to help to develop an overarching vision for forest management in the Northwest.

***Interagency Vision: The Task Force recommends the establishment of an Interagency Executive Steering Committee chartered by the Secretaries of the Interior, Agriculture, and Commerce to establish a common vision for the management of the NW forests and requirements of all government agencies in the regulation and management of the federal lands in the Pacific Northwest.***

***The Interagency Executive Steering Committee should address the implementation of the Endangered Species Act, Clean Water Act, FLPMA, NWFP, O&C Act etc, thus allowing a common government vision for the management of the federal forests in the Pacific Northwest.***

***ESA Consultation:*** Consultation at the plan level in the Pacific Northwest remains problematic due to a lack of specificity in RMPs that would enable the NMFS and FWS to write a legally defensible biological opinion. Absent a new, innovative approach to consultation at the plan level, the Task Force finds the current lack of specificity in land use plans precludes the Services from writing a legally defensible biological opinion.

***The Task Force recommends an interdepartmental SOL/DOJ/OGC/NMFS attorney group work together to propose a consultation process under the ESA which addresses a means to evaluate the conservation contribution of land use plans. The result would be a revision, update, or replacement of the 2000 Memorandum of Agreement among FWS, NMFS, FS, and BLM.***

To the extent that consultation under ESA Section 7(a)(2) continues to be required at the plan level, such consultation could be successfully completed either by : 1) proposing a multi-year program of work with sufficient specificity to define the potential level of adverse effect (i.e.,

amount of incidental take); or 2) by identifying sufficient side-boards that provide the NMFS and FWS reasonable certainty that adverse effects will be minimized.

***The Task Force recommends that the senior managers of the action and regulatory agencies review existing consultation procedures and the effectiveness of the Streamlined Consultation approach, and recommend improvements as appropriate. The senior managers should closely examine the added value of co-locating more NMFS and FWS personnel in BLM offices to facilitate project-level design and consultation.***

***Public Outreach and Involvement: The Task Force recommends the Interagency Executive Steering Committee establish a collaborative process with stakeholders throughout western Oregon to develop overarching principles for management of Federal forests. At some point near the culmination of this process, it may be desirable to provide a forum for the Secretaries to announce the successful development of the overarching principles that would be used in future land use planning efforts.***

#### Appropriate Scope and Geographic Scale for Planning

With the withdrawal of the WOPR RODs, the BLM returned to managing under the 1995 RMPs. In the 15 years since the 1995 RMPs were completed there have been advances in science and technology, additional data has been acquired, additional issues have developed (such as climate change), and the establishment of the Coquille Forest (September 30, 1996).

The RMPs must address issues that occur at a variety of scales; for example, recovery plans and aquatic conservation strategies are landscape level and lend themselves to broader analysis. There are also geographic differences that lend themselves to smaller-scale analysis.

***The Task Force recommends future planning efforts use the overarching principles developed through the regional collaborative process outlined by the Interagency Executive Steering Committee above. Each RMP/EIS effort would result in a Purpose and Need statement that is responsive to local issues as identified through a collaborative effort.***

***To address the issues of scale and to more fully facilitate local participation and collaboration in the planning process, the Task Force recommends that each District (or combination of Districts with common planning issues) initiate a stand-alone RMP revision/EIS process. Given budget constraints, it is likely that not all plans will be initiated at the same time.***

***The Task Force recommends that new plan evaluations be completed on the existing plans to determine priority for revisions and whether there are common issues that would indicate an opportunity to combine District planning and EIS efforts.***

***Land Tenure:*** The BLM-administered O&C lands are embedded in a checkerboard pattern of landownership throughout western Oregon and only comprise 11 percent of the land base in western Oregon. The pattern of land ownership in the O&C Act area creates a wide range of challenges associated with managing for healthy forestlands, habitat conservation and restoration, species conservation and recovery, timber management, access, watershed

protection, recreation, and aesthetics. As a result of private land practices (timber harvest, agricultural, residential, etc.), species conservation is even more dependent on Federal lands in the checkerboard.

Notwithstanding the above, there is important habitat on non-BLM lands in the checkerboard that would be essential to meet watershed and species conservation needs; and, therefore, may be desirable to bring into public ownership through acquisition or exchange.

***The Task Force recommends that a Land Tenure Team be established to conduct a comprehensive review and identify opportunities to adjust landownership patterns to meet species conservation and other resource management objectives in western Oregon. The land use planning process would be used to identify BLM lands that would facilitate land ownership adjustment.***

#### Use and Implementation of Science

A considerable amount of time, energy, and funding was spent in the development of the science used in the WOPR process.

***The Task Force recommends that the science work (including base data, modeling protocols, and assumptions) be independently reviewed by an Interagency Science Team. Work that is determined to be complete, appropriate, and applicable to support management strategies should be used in future planning efforts.***

#### Social and Economic Considerations

Since the mid-1990s and the development of the Northwest Forest Plan, timber production has steadily declined in western Oregon which has caused economic hardship in many communities. Some communities have been more resilient than others and have had opportunities to further diversify their economies, but many still rely to a great degree on timber production. Highly dependent communities have been facing a loss of forest-industry infrastructure and without a sustainable, predictable supply of timber, this is likely to continue. Additionally, the loss of timber revenues has had a big impact on the 18 O&C counties, some of which are highly dependent on these revenues to fund basic services. County payments under The Secure Rural Schools (SRS) Act were designed to supplement revenue from loss of timber sales but these payments are declining and will be phased out entirely in 2012. In light of these significant concerns, development of long-term planning guidance for the O&C lands will be an essential element to address the social and economic issues in western Oregon.

The Governor's Federal Forests Advisory Committee's final report (January 2009), *Achieving Oregon's Vision for Federal Forestlands*, addresses a number of issues faced by Federal land managers in western Oregon – environmental, social, economic, and process – and offers a range of actions that could be taken at the local, state, and Federal levels to address these issues.

Additionally, the Governor's Task Force on Federal Forest Payments and County Services issued its *Final Report* in January 2009, with options for addressing the decline in timber receipts from

all Federal forest lands in Oregon. The report contains a number of recommendations aimed at local, State, and Federal levels, recognizing that the issue is complex and needs involvement at all levels in order to diversify Oregon's tax base as well as diversify forestland management practices to make them more sustainable.

*Three-Year Program of Work: For the short term, given diminishing opportunities for thinning projects on O&C lands coupled with the considerable uncertainty in the BLM forest management program, the Task Force recommends BLM and the Forest Service jointly develop a 3-year program of work, updated annually and coordinated with the regulatory agencies.* This will support the Secretary's commitment to provide forest industry jobs across western Oregon and bridge the gap until completion of new land use plans. To facilitate this joint program of work, the agencies should explore options for sharing staff and resources to optimize their ability to both restore forest landscapes and support rural communities.

*State and Federal Cooperation in Development of Economic Solutions: The Task Force recommends that BLM partner with a State organization (such as the Oregon Economic Development Association) to use the information developed by the Governor's Task Force to assess opportunities for economic diversification in O&C counties, and how resources from BLM's O&C lands could contribute to those diversification efforts as well as local revenues.*

#### Budget Structure and Performance System

The current budget and performance system, which emphasizes timber harvest and associated targets, is compelling managers to attempt to meet a performance measure that is impacted by circumstances beyond their control (litigation, market conditions, ESA consultations, etc.).

*The Task Force recommends BLM explore redirecting the current budget and performance focus away from timber targets and toward forest health and restoration. Treating acres may allow for a greater variety of forest goods and ecosystem services to be recognized.*

## Western Oregon Task Force Report

### INTRODUCTION

On December 30, 2008, C. Stephen Allred, the Assistant Secretary for Land and Minerals Management in the Department of the Interior, signed the RODs for the Salem, Eugene, Roseburg, Coos Bay, Medford, and Klamath Falls RMPs.

Several legal complaints were filed against the approved plans; and on July 16, 2009, Secretary of the Interior Ken Salazar announced the withdrawal of the RODs for the Salem, Eugene, Roseburg, Coos Bay, Medford, and Klamath Falls RMPs. The Secretary cited the decision by the Acting Assistant Secretary for Lands and Minerals that the “no effect” determination under the Endangered Species Act for the RMPs was legally indefensible based on the record and applicable law.

Secretary Salazar subsequently directed the BLM, in coordination with the FWS, to identify ecologically sound timber sales under the NWFP that could get wood to the mills in Fiscal Year 2010. With the withdrawal of the WOPR, BLM forests in western Oregon are again managed under the NWFP, which guided BLM timber sales from 1994 until December 2008.

Secretary Salazar asked BLM Director Bob Abbey and FWS Director Sam Hamilton to establish a special interdisciplinary Task Force to take a fresh look at processes that have guided the management of BLM forests in western Oregon. The Task Force was comprised of 12 Federal employees with backgrounds in several resource disciplines and represented the BLM, FWS, NMFS, and the FS. The Task Force was instructed to make recommendations to the Secretary on a process for finding a long-term strategy for forest management on O&C lands and was asked to focus on a number of western Oregon forest management components, including:

- The statutory framework for planning, including the FLPMA, O&C Act, and the ESA;
- Interagency coordination and collaboration in the context of the planning process;
- The appropriate scope and geographic scale for BLM planning;
- Public outreach and involvement; and
- Use and implementation of science.

Over the course of several weeks in December 2009 and January 2010, the Task Force met with over 80 stakeholders, State and Federal agency representatives, and the Coquille Tribe. The Task Force made numerous observations and findings from the discussions with these individuals and groups which illuminated specific issues affecting forest management of the O&C lands. In addition to the Secretary’s five areas of focus, the Task Force identified three additional areas of interest:

- Coquille Restoration Act;
- Northwest Forest Plan; and
- Social and Economic Considerations.

These areas of interest generated a variety of issues that were subsequently reviewed and are the basis for the Task Force recommendations. Several of the issues and subsequent recommendations in the body of this report are cross-cutting with the eight areas of focus.

### Recent Case History of the O&C Act

The O&C Act has guided the management of the O&C lands for 70 years. The BLM has viewed its primary role as providing timber for the local economy and receipts to O&C counties as authorized by the O&C Act. The forest products industry and counties dependent on O&C receipts generally believe that timber production is the dominant use of O&C lands. They point to the Ninth Circuit Court decision in 1990 in the *Headwaters v. BLM* case as affirmation of this interpretation. However, other people believe the Secretary of the Interior has much more discretion in implementing the O&C Act and point to Judge Dwyer's decision in *Seattle Audubon Society v. Lyons* affirming the Northwest Forest Plan and the Federal Government's defense in that case. People generally agree the O&C Act is subject to other laws, such as the ESA and the Clean Water Act, but those adhering to the view that timber is the dominant use feel only the minimum necessary to protect species and water is required. Others interpret the O&C Act to give the agency discretion to establish reserves and limit timber production.

The American Forest Resource Council (AFRC) Court case *AFRC v. Caswell* settlement agreement (August 2003) included a provision that at least one alternative to be considered in each proposed revision to the 1995 Western Oregon RMPs be an alternative which will not create any reserves on O&C lands except as required to avoid jeopardy under the ESA. The agreement included a December 31, 2008 deadline for completion and a provision that all plan revisions be consistent with the O&C Act as interpreted by the Ninth Circuit Court of Appeals. The opinion of the Task Force is unless and until the O&C Act has decisive clarification, it will continue to foster debate and litigation.

## **BACKGROUND**

The Task Force invested a substantial amount of time seeking to understand the social, economic, and environmental issues intersecting with the planning efforts of both the BLM and the FS. The forest management efforts of both Federal agencies are interrelated because of the proximity of the lands they manage to one another, their interests in forest health and timber production, the dependence of some communities on forest management for their vitality, and, of course, the NWFP. Since forest management for BLM O&C lands has reverted to the NWFP and the 1995 RMPs, it is important to understand this plan as it explains a number of reasons why the BLM moved forward with a new plan revision process.

### 1994 Northwest Forest Plan

The purpose of the NWFP was to develop a management strategy to protect late-successional and old-growth, forest-related species and produce a sustainable timber harvest. A series of late-successional forest reserves (45 in total) were established for protection of northern spotted owl habitat and to provide habitat for other late successional and old-growth related species, as well as buffers around riparian areas to protect aquatic species. The late successional reserve system

was designed to reduce habitat fragmentation over time and consisted of significant stands of existing old-growth forest and younger stands to be managed to create late-successional forest conditions. Ten adaptive management areas were designated to encourage the development and testing of technical and social approaches to achieving desired ecological, economic, and other social objectives. In addition, the NWFP area included over 7 million acres of Congressionally Reserved Areas. Most of the remaining Federal land was designated “Matrix” where more traditional timber harvesting, including regeneration harvests, would be allowed. The Matrix included pockets of old-growth forest, some of which had been designated as northern spotted owl critical habitat in 1992. Issuance of “no adverse modification of critical habitat” biological opinions on the effects to owls from timber harvests by the FWS in these overlap areas became difficult. Lawsuits on these timber sale project-level biological opinions from environmental groups were numerous. The NWFP itself was challenged in Court by the environmental community and the forest products industry, each with very different reasons. In 1994, Judge William Dwyer upheld the NWFP against all challenges.

The regulatory framework for the NWFP was based on the FS’s 1982 planning regulations issued pursuant to the National Forest Management Act of 1976 (NFMA) and the Multiple-Use Sustained Yield Act of 1960. A uniform approach was applied to all Federal lands, including BLM, within the planning area to provide more consistent management. As such, the NWFP was developed consistent with the “viability standard” of the FS’s planning regulations (36 CFR Ch.II 7-1-91 Edition 219.19 (1982)), which reads “Viable populations of all native, and desirable non-native vertebrates, will be maintained, well distributed within the planning area.” Timber production was one of several desired outcomes of the NWFP, and an expected level of timber output was established.

### BLM Planning

Prior to the NWFP, the BLM District Offices had begun revising their old Management Framework Plans, issuing a draft RMP, and a draft EIS in 1992. This planning process was put on hold pending completion of the NWFP in 1993. In 1994, the ROD for the NWFP amended the old MFPs (the plans in effect at that time), and the final EIS for the NWFP was used to supplement BLM’s 1992 draft EIS. In 1994 through 1995, BLM issued its final EIS and RMPs, which incorporated the management direction from the 1994 NWFP ROD and its standards and guidelines.

### BLM’s WOPR

The BLM had completed a plan evaluation in 2004 (per BLM planning policy) and confirmed that the NWFP was not being implemented consistent with the ROD. In addition, in August 2003 the Department of Justice, on behalf of the BLM, entered into a settlement agreement with the AFRC, et al., which included a stipulation, contingent on obtaining the necessary funds, to revise the RMPs for its Coos Bay, Eugene, Lakeview, Medford, Roseburg, and Salem Districts by December 31, 2008. The stipulation further required that:

- At least one alternative to be considered in each proposed revision will be an alternative which will not create any reserves on O&C lands except as required to avoid jeopardy under the ESA.
- All plan revisions shall be consistent with the O&C Act as interpreted by the Ninth Circuit Court of Appeals.

Over a 6-year period beginning in 2004, BLM spent over \$18.5 million to prepare the WOPR. The plan was prepared consistent with the O&C Act as interpreted by the Ninth Circuit Court of Appeals. The Purpose and Need for the WOPR was focused on specific legal requirements and intended benefits of the BLM's unique mandate under the O&C Act.

The "Notice of Intent" to prepare the Resource Management Plan Revisions and an associated Environmental Impact Statement for Six Western Oregon Districts," commonly known as the WOPR, was published in the Federal Register on September 7, 2005. The Analysis of the Management Situation was published in October 2005. The Proposed Planning Criteria and State Director Guidance was published in February 2006. The draft EIS was published in August 2007, followed by a 5-month public comment period. The final EIS was published in October 2008. During the 30-day protest period initiated via Federal Register on November 7, 2008, 264 protest letters were filed. The BLM denied all protests, save one, resulting in a minor boundary adjustment to a proposed area of critical environmental concern in the Salem District.

### Social and Economic Considerations

Western Oregon is facing significant social and economic issues. Since the mid-1990s and the development of the NWFP, timber production has steadily declined in western Oregon which has caused loss of jobs and economic hardship in many communities. Timber-related job losses have resulted from both the decline in timber production on Federal lands and technological changes in the forest industry. Some communities have been more resilient than others and have had opportunities to further diversify their economies, but many still rely to a great degree on timber production.

Highly dependent communities have been facing a loss of forest-industry infrastructure and without a sustainable, predictable supply of timber, this is likely to continue. Additionally, the loss of timber revenues has had a significant impact on the 18 O&C counties, some of which are highly dependent on these revenues to fund basic services. County payments under the SRS Act were designed to supplement revenue from the loss of timber sales. However, these payments are declining and will be phased out entirely in 2012. In light of these significant concerns, development of long-term planning guidance for the O&C lands will be an essential element to address the social and economic issues in western Oregon.

## **MAJOR ISSUES AND RECOMMENDATIONS**

### **Coquille Restoration Act**

In 1989, Federal Indian status was reestablished for the Coquille Tribe. The Coquille Restoration Act (P.L. 101-42), as amended by Public Law 104-208 of September 30, 1996,

established the 5,410-acre Coquille Forest and states that the Assistant Secretary for Indian Affairs, acting in consultation with the Coquille Tribe, is authorized to initiate development of a Forest Management Plan for the Coquille Forest. The Act requires the Secretary to manage the Forest under “applicable State and Federal forestry and environmental protection laws, and subject to critical habitat designations under the Endangered Species Act, and subject to the standards and guidelines of Federal forest plans on adjacent or nearby Federal lands, now and in the future.”

The Coos Bay District of the BLM is the manager of the “adjacent and nearby Federal lands,” and as a result the Coquille Tribe adopted and incorporated by reference the Coos Bay District ROD and RMP of May 1995, and manages the Coquille Forest subject to the standards and guidelines in that plan.

With the initiation of the WOPR, which includes the Coos Bay RMP, the Tribe participated as an active member of the WOPR Steering Committee and the Department of the Interior exercised its trust responsibility. The Tribe stated that the relationship between the Tribe and the Coos Bay District and the State Director was purposeful and positive and that representatives of the Tribe were active participants in the planning process through the Draft EIS of the WOPR.

The Tribe, recognizing the influence of the Coquille Forest on their self-sufficiency, proposed a Tribal Cooperative Management Area (TCMA) of approximately 18,000 acres to include the Coquille Forest and similarly situated BLM-managed lands. The forest management design for the TCMA would focus on forest resilience and deemphasize the reserve system promulgated under the NWFP. The TCMA was to be based on an adaptive-management approach with an active monitoring program.

The adaptive-management approach for the TCMA would consider variable streamside buffers which were a point of concern for the Environmental Protection Agency (EPA), the NMFS, and the Oregon Department of Environmental Quality. As a result of water quality concerns expressed by the regulatory agencies and the lack of time between the draft and final EIS to complete the necessary analysis, the BLM dropped consideration of the TCMA in the final EIS and the RODs.

The Coquille Tribe was distressed that it was not consulted about the withdrawal of the RODs and emphasized that consultation on decisions with great import to the Tribe is a trust responsibility of the Department of the Interior. Management of the Coquille Forest, and the inextricable connection to the Tribe’s social and economic health, is now in a state of flux. The Tribe does not consider continued management of the Coquille Forest under the direction of the NWFP sustainable from an ecological and economical standpoint and is very concerned about its self-sufficiency. The concern about sustainability is based on the inability to practice economical forestry considering that 50 percent of the Forest is designated as reserves by the NWFP and because it’s many acres of mature forest is not suitable for thinning. The lack of a predictable harvest from the Forest has a significant social and financial impact on the Tribal community.

### ***Recommendation***

***To satisfy obligations under the Coquille Restoration Act, the Task Force recommends that priority be given to the initiation of a planning process for the Coquille Forest and the proposed Tribal Cooperative Management Area. We recommend that the planning effort would result in an amendment to the 1995 Coos Bay RMP.***

### **Three Components of the Northwest Forest Plan**

The NWFP and the WOPR were two attempts to allocate land to meet the multiple uses to assure high-quality resource conditions and a predictable supply of timber and economic activity. Due to a variety of reasons, those objectives have not been fully achieved.

In a highly litigious atmosphere under the NWFP, the agencies have been managing controversy by designing timber projects that can expeditiously proceed through Section 7 of the consultation process (primarily thinning and fuels reduction projects). For example, the proposed BLM 2010 Program of Work identifies 90 percent of the proposed volume to be generated from thinning projects. This opportunistic and risk-avoidance approach results in not implementing projects in areas where they are needed to achieve the full suite of landscape objectives. This approach to forest management cannot continue indefinitely because as forests approach 80 years of age, active management within them is constrained by other environmental factors. Some Districts have predicted they will run out of thinning projects and harvest volume in a few years.

Three components frequently litigated are the ACS, Survey and Manage Mitigation Measures, and conflicts between designated northern spotted owl critical habitat and Matrix lands (lands that were designated primarily for timber harvest). If there is an expectation to provide jobs and income from forest management activities on O&C lands, then resolution of these three elements needs to occur.

Aquatic Conservation Strategy: The ACS provided a management strategy for public lands with a primary purpose of restoring and maintaining the ecological health of watersheds and aquatic ecosystems contained within them. It acknowledged that any management action that did not maintain the existing condition or lead to improved conditions in the long term would not meet the intent of the ACS. The ACS consists of four primary components: 1) Riparian Reserves, 2) Key Watersheds, 3) Watershed Analysis, and 4) Watershed Restoration.

Implementation of these four components, along with application of the standards and guidelines developed for various management actions, were to ensure action consistency with the ACS. Management actions designed consistent with the ACS could have site-level impacts, provided those impacts did not retard attainment of nine ACS objectives over time. The ACS has been the subject of significant litigation, with resulting interpretation by the Courts of what the ACS is, and what “consistency with the ACS” means. These Court interpretations, when coupled with ESA requirements, have effectively reduced options for long-term timber production under the NWFP. These issues remain today and will continue to impact the BLM’s ability to maintain a timber program from BLM lands within the range of listed salmonid species.

Four Court opinions issued from the District Court of Western Washington have resulted in inconsistent interpretations about the types of activities that can proceed under the NWFP. These inconsistencies will continue to influence the types of actions that will be implemented both in the short and long term until new or revised plans address the issues identified by the Courts. For example, timber sale actions that create sediment are viewed by some courts as inconsistent with the ACS; and therefore, inconsistent with “no jeopardy” biological opinions issued by the NMFS. The same level of sediment, generated by culvert replacement or watershed restoration activities is consistent with the ACS and with NMFS “no jeopardy” biological opinions. This is the genesis of the now common catch phrase “good dirt versus bad dirt.”

A discussion of these Court cases can help explain how some Courts ultimately concluded that site-level impacts from timber sale activities are inconsistent with the ACS, and how fallout from these decisions will impact all future actions until new or different interpretation is provided. It must be noted that the agencies created new direction and process after each decision was issued to address issues identified by the Court. Since November 2004, the agencies prescribed mandatory use of the “Analytic Procedures” (or AP) on all timber sale actions that “May Affect” ESA-listed salmonid species. The AP is thought to provide the logic and analysis necessary to meet the Court’s expectations; however, because no regeneration harvest timber sale actions have been proposed that require formal consultation, litigation on the ACS has occurred both at plan and project levels in the numerous *Pacific Coast Federation of Fisheries Association v. National Marine Fisheries Service* complaints.

*PCFFA I:* In 1998, Judge Rothstein determined that the NMFS cutthroat trout and coastal Coho biological opinions for the FS and BLM land use plans were valid, but the project level (timber sales and other projects) biological opinions reliance on ACS compliance lacked sufficient detail to determine no jeopardy. The Court invalidated those project-level biological opinions. The agencies redesigned and reissued the project-level biological assessments and the biological opinions to be more specific in addressing the ACS.

*PCFFA II:* These redesigned and reissued project level biological opinions were challenged again on the same “specificity” issue. The Court found that the compliance with the ACS for the purposes of determining no jeopardy was arbitrary and capricious and that projects must also be analyzed for jeopardy caused by minor, short-term effects. The Court invalidated these project level biological opinions. The Federal Government appealed Judge Rothstein’s adverse ruling to the Ninth Circuit Court of Appeals in January 2000. The Ninth Circuit Court of Appeals agreed in large part and affirmed Judge Rothstein’s ruling. However, the Ninth Circuit offered that there were other methods for evaluating jeopardy at the project scale.

*PCFFA III:* On December 7, 2000, the U.S. District Court enjoined 20 more project-level biological opinions and enjoined NMFS from using the methodology struck down in PCFFA II for any other timber sale covered by the 20 biological opinions before the Court. On December 20, 2000, the Court amended the decision to enjoin only the timber sale actions in the subject biological opinions, when it was brought to the Court’s attention that some biological opinions contained actions other than timber sales.

*PCFFA IV*: To provide clarification of the intent and implementation of the ACS, the action agencies completed a NWFP revision in 2003. The PCFFA plaintiffs immediately filed suit on grounds of inadequate NEPA and ESA (an EIS had been written and consultation completed on that ROD). In March 2006, a preliminary Report and Recommendation was issued by a Federal Magistrate Judge who found violations of ESA, and upheld the NEPA challenge. This report was adopted, in part, a year later by a District Court Judge. The Court found NEPA and ESA violations and enjoined the decision. As a consequence of this ruling, the holdings by Judge Rothstein in the PCFFA I-III opinions (i.e., no action can have a site-level degrade, all actions must conform to the ACS objectives at four spatial scales, and any degrade equates to jeopardy) remain in place. The report and summary, along with the District Court opinion, shed light on potential information needs for future plan and project level consultations.

Deficiencies identified by the Courts, for regeneration harvest timber sale project-level consultations, were presumed to be addressed through jointly developed (Department of the Interior, Department of Agriculture, and Department of Commerce) guidance, including use of mandatory analytic procedures. These procedures, referenced as the “AP,” were originally designed to provide additional analysis in an action agency’s biological assessment so that NMFS could develop a legally defensible biological opinion for “likely to adversely affect” timber sale actions. Because of the controversial nature of timber sale actions in the Pacific Northwest, the agencies issued direction in 2004 to use the AP on all timber sale actions that were determined to be “May Affect.” Despite widespread use of the AP, no regeneration harvest timber sales have been planned within the range of listed fish, so the AP remains untested in the Courts.

Survey and Manage Mitigation Measures: The NWFP included a species mitigation measure called Survey and Manage Mitigation Measures, which was added to the 1994 ROD to reduce risk to about 400 rare and little-known species. These species are within the NWFP area, are not listed under the ESA, are closely related to late-successional or old-growth forests, and are assumed to need additional protection because the reserve system and other standards and guidelines of the NWFP do not appear to provide reasonable assurance of species persistence.

The Survey and Manage Mitigation Measures require that the BLM and FS conduct surveys for certain species and manage habitat where those species were found. Surveys, which can take up to 2 years to complete, include both pre-disturbance surveys when certain ground-disturbing activities are proposed, and more general surveys to determine species’ range and status.

A variety of decisions have been made since 1994 to modify and/or eliminate this mitigation feature of the NWFP. The NWFP was amended in 2001 to remove common species, ease implementation, and provide an Annual Species Review (ASR) process for species removal or management category changes. In essence, the agencies were authorized to reassign species to different categories of pre-disturbance survey and site management requirements, or remove them completely from Survey and Manage Mitigation Measures, based on analysis of biological information and adequacy of other standards and guidelines in the NWFP providing for the conservation of the species. The ASR process was conducted in 2001, 2002, and 2003. As a result of litigation on the 2001 decision, a settlement agreement with Industry plaintiffs was

signed that committed the agencies to examine an alternative that replaced the Survey and Manage Mitigation Measures altogether.

In March 2004, a ROD was issued that removed the Survey and Manage Mitigation Measures from the NWFP. This decision was based on over 5 years of accumulated knowledge about these species, including some species that were shown to be prevalent; duplicative protections provided by the agencies' respective Sensitive or Special Status Species Programs; and significant implementation costs compared to small or nonexistent benefits to Survey and Manage Mitigation Measures species. The 2004 decision was successfully challenged by environmental plaintiffs; and in 2006, a Court order reinstated the 2001 ROD. All actions not in compliance with the 2001 ROD were enjoined. Later in 2006, all parties stipulated four categories of project exemptions (Pechman exemptions) to the Court order such that the agencies could go forward with certain projects without undertaking the Survey and Manage Mitigation Measures requirements.

In a separate case in November 2006 (*Klamath Siskiyou Wildlands Center v. Boody*), the Ninth Circuit Court ruled on a BLM timber sale that relied on the 2001 ASR supporting a red tree vole category change; and the subsequent 2003 ASR removal of red tree vole from Survey and Manage Mitigation Measures in part of its range, constituted a plan amendment that should have had NEPA analysis. The Circuit Court held the agencies' ASR process, which was intended to provide for flexible, adaptive management, constituted a plan amendment, and was thus required to comply with NEPA and FLPMA's planning provisions.

The agencies then set about preparing a Supplemental final EIS to address the NEPA violations in the 2004 ROD, as well as address the Ninth Circuit's decision in *Klamath Siskiyou Wildlands*. In 2007, the agencies signed a new ROD that again eliminated the Survey and Manage Mitigation Measures. Several groups immediately sued the agencies to overturn the 2007 decision alleging NEPA, NFMA, FLPMA, and ESA violations.

In December 2009, the District Court of Western Washington issued an order granting the plaintiffs' motion for partial summary judgment based on NEPA violations. The Court did not address the NFMA, FLPMA, or ESA claims. The Court indicated that resolution of those issues could affect the appropriate remedy, and declined to issue a remedy at this time. The Court directed the parties to submit a case management schedule for the remaining issues. In regard to NEPA, the Court found:

- The 2007 FS EIS lacked a true no action alternative that accounted for 1) the Ninth Circuit's decision in *Klamath Siskiyou Wildlands Center v. Boody* and 2) the stipulation modifying the injunction entered in *Northwest Ecosystem Alliance v. Rey*.
- The 2007 FS EIS did not disclose enough new information to ensure the public that elimination of Survey and Manage Mitigation Measures is warranted. Specifically, the appropriate level of accurate scientific data and analysis is lacking for 1) assessment of fire and fuel treatments, 2) costs of survey and management, and 3) data about Survey and Manage Mitigation Measures species.

- There is no NEPA violation in the agencies' consideration of global warming.
- In regard to disclosure of cumulative effects and whether the FS EIS should have considered the WOPRs, the question has now been mooted or is unripe given the voluntary withdrawal by the Acting Assistant Secretary for Lands and Minerals.

Northern Spotted Owl Critical Habitat and Matrix Lands: In 1992, northern spotted owl critical habitat was designated (prior to the NWFP). In 1994, the land allocation for the NWFP placed Matrix lands (i.e., lands intended for harvest) on top of critical habitat. This has created a perpetual conflict during consultation. In 2008, the FWS revised designated critical habitat; however, that revised designation has been challenged in the Courts along with the recovery plan. The FWS is proposing to revise the recovery plan and based on that revision, Fish and Wildlife Service will consider whether to revise critical habitat for the northern spotted owl. Harvests in forests in northern spotted owl critical habitat designations (both the 1992 and 2008) will continue to be problematic and likely face Court action until the recovery plan is revised and, if appropriate, critical habitat revisions are made.

### ***Recommendations***

***The Task Force recommends the agencies review, update where necessary, and affirm consultation tools and procedures that were put into place to address deficiencies identified by the Courts in the Pacific Coast Federation of Fisheries Association v. National Marine Fisheries Service litigation (i.e., ACS consistency, four scales of spatial analysis, and analysis of jeopardy). Failure to resolve these issues could result in continued Court decisions invalidating biological opinions.***

With the projected reductions in budgets over the out-years, it is critical that the agencies search for cost-efficiencies in the Survey and Manage Mitigation Measures. A possible recourse to facilitate this would be to initiate NEPA on the three annual species reviews that were completed so that the scientific information they contain can be applied. ***In the short term, the Task Force recommends BLM concentrate on projects in areas with a low probability of occurrence of Survey and Manage species (i.e., Pechman exemption including thinning projects in stands 80 years and younger).***

***The Task Force also recommends that an Interagency Science Team reexamine the requirements for the conservation of old-growth dependent species, review the Survey and Measures list, and recommend revision as appropriate.***

***In the short term, the Task Force recommends that we defer harvests in mature forests where there is the potential overlay with northern spotted owl critical habitat designations (both the 1992 and 2008) until the recovery plan is revised and, if appropriate, critical habitat redesignated.***

***The Task Force recommends the FWS revise the recovery plan and, if appropriate, a critical habitat redesignation, as soon as possible so that the agencies can work together to align management actions.***

## **Interagency Cooperation and Collaboration**

Interagency Vision: The NWFP was an unprecedented effort by the Federal Government to develop a common vision for forest management of public lands in the Pacific Northwest. It was an attempt, by the highest levels of Government, to resolve natural resource conflict by addressing species conservation and habitat needs, while ensuring a sustainable flow of goods and services from Federal forests to help secure rural communities that depend upon those Federal lands for their livelihoods. Essential to successful implementation of the NWFP was a system of interagency governance composed of policy and implementation oversight teams ranging from the agency executives to staff.

A common vision can provide the integration between the agencies' missions. For example, species conservation is a dominant feature under the ESA and is used as a measure in evaluating jeopardy. Land management agencies operating under FLPMA or NFMA have a conservation mandate. It is generally accepted that the O&C Act is subject to the ESA and hence has a conservation mandate as well. Illuminating the conservation component of these statutes is a way of harmonizing the agency missions to create a common vision.

The WOPR planning effort, and reaction to the ROD, calls attention to the perception that the Federal agencies and the public do not share a common vision on the management of the O&C lands and the lands encompassed by the NWFP. This lack of common vision creates tension and conflict in the development of project-level actions designed to meet the goals and expectations of the overlying plan. Tension and conflict, both with the WOPR and the NWFP, have been expressed through the time it takes to get projects through the ESA Section 7 consultation process, the lack of up-front collaboration in designing projects, and frequent litigation on project actions. Lack of commonly agreed upon standards and commitment to adhere to those standards for project design criteria stalls project consultations.

There is a wide range of viewpoints on how well agencies cooperated and collaborated on WOPR. The Federal family consists of the management agencies, the BLM and FS, and the regulatory agencies, FWS, NMFS, and the EPA. In addition, numerous Oregon State agencies and many counties were involved in the development of WOPR and many had formal cooperating agency status. The Coquille Tribe had a seat on the steering committee. Many of these groups felt the Purpose and Need statement for the WOPR was narrow and overly constraining and developed without adequate collaborative involvement. Additionally, the deadline set by the settlement agreement for completion of the planning revision, December 31, 2008, prevented them from engaging in a more collaborative manner. For example, several State agencies stated that they were unable to adequately resolve issues, resulting in the letter of concern sent by Governor Ted Kulongoski (Appendix 7). The WOPR was viewed by many as disassociated from the NWFP, which reduced agency and public support of the effort. Although extensive outreach and interagency coordination opportunities were offered, some cooperating agencies felt the outcome was predetermined and did not fully engage.

Several cooperating agencies stated that, due to constraints of the Purpose and Need, they felt this would not be a truly collaborative effort. Consequently, this affected their commitment to the effort. Some expressed strong differences of opinion on the science and the assumptions

used in modeling. The regulatory agencies stated consultation was difficult at the landscape level because plans do not provide the detail necessary to evaluate the effect of an action on a species. The question of whether consultation was required led to considerable debate among the Federal agencies. These events led to frustration, a feeling of not being heard, and again, that the decision was preordained.

Several Federal agencies expressed concern over their inability to thoroughly examine models, assumptions, and outcomes during the planning process. The schedule appeared to drive very tight timeframes that inhibited opportunity for full interagency discourse on those efforts, which lead to the disagreement and distrust. On the other hand, the WOPR steering committee clearly established a science team that was to provide advice, direction, and oversight on the underlying science and analysis; however, the science team did not include scientists from cooperating agencies. Because the science team did not have all requisite backgrounds necessary for the full range of analysis undertaken, team members contracted with outside scientists on certain modeling efforts. It appears that most modeling and analysis efforts either directly involved expert scientists, or relied upon their research.

While the lack of up-front agreement and understanding of the underlying science and models used in the plan-level analysis created concerns with the regulatory agencies, this was of much greater concern for NMFS. This resulted in a basic distrust of the science and has translated into distrust at the project level when projects are proposed using this science. Largely due to the underlying statutes governing each agency's role in the consultation process, adoption of a "precautionary principle" has driven changes to project design. The precautionary principle is one in which, in light of inadequate information (or disagreement on the science), the most conservative approach is taken in developing final action design. The consultation process, unlike the NEPA process, does not employ an interdisciplinary team and projects can be modified by the action and consulting agency biologists to a point that raises issues about the scope of the existing NEPA analysis.

Some people raised a concern that proposed critical habitat for the northern spotted owl did not align with the late successional reserve allocations in the NWFP. This comment was also made regarding the involvement of the BLM with the FWS in identifying critical habitat, and whether there was undue influence in this process. These people believed the regulatory agencies must operate independent of the land management agencies in developing critical habitat. A similar concern was raised that key watersheds did not align with the high intrinsic potential habitat for fish.

Collaboration and ESA Consultation: The Pacific Northwest created streamlining consultation procedures to facilitate Section 7(a)(2) consultation on Federal actions. These have been memorialized in a Memorandum of Understanding between the action and consulting agencies and is designed to improve up-front coordination in project design to ensure actions minimize adverse effects to listed species and to reduce the timeframe in completing consultation. Streamlining consultation procedures are operational across the United States and can be effective in facilitating and expediting Section 7(a)(2) consultation requirements. These streamlining procedures are implemented with various degrees of success, depending upon geographic area, streamlining team membership, and species/habitat involved. A review of

streamlining procedures may lead to the identification of specific issues that can be addressed and resolved to ensure effective collaboration and coordination.

Federal land management agency actions that affect ESA-listed species require consultation with either the FWS or NMFS, depending upon the species, to ensure those actions do not jeopardize a listed species or cause the destruction or adverse modification of designated critical habitat. Actions that address and implement design features that provide for these needs will generally be found to avoid jeopardy and/or the destruction/adverse modification of critical habitat. This up-front coordination creates an administrative record that can be used to defend both the Federal action decision and its accompanying consultation.

Courts in the Pacific Northwest and the Ninth Circuit Court of Appeals have issued a variety of opinions on the proper construction and completion of Section 7(a)(2) consultation on Federal actions that do not in and of themselves create ground-level disturbance, such as RMPs. The agencies promulgated and signed a Memorandum of Agreement in 2000 that prescribed Section 7(a)(2) consultation procedures to programmatic and planning decisions. Despite this direction, consultation remains problematic for RMPs that do not contain any self-executing actions. Because there generally are no direct effects (i.e., no self-executing actions), analysis by design must focus on those future actions that will occur subordinate and in conformance with the plan at a later point in time – these are indirect effects which are reasonably certain to occur.

In 2009, the regulatory agencies lost a challenge where plaintiffs alleged incidental take must be quantified at the plan level, and the biological opinion must then have an accompanying Incidental Take Statement to afford the land management agency sanctions from the prohibition of take under Section 9 of the ESA. This has created a conundrum in the analysis process. Plans, by regulation and policy, do not generally analyze information at a site-specific level where take could be estimated. If plans were to provide this level of analysis, it potentially restricts adaptive change in the implementation of the plan.

Section 7 consultation at the project level is a different matter. Agency staff at the local level stated there was collaboration among the agencies in developing projects only to have those projects overturned or modified at higher levels in the regulatory agencies. It was mentioned that there was a lack of resources available within the regulatory agencies to support the work associated with forest product projects; that within NMFS, much of the work is delegated to contract employees. These employees generally do not stay with the agency long, and their replacements take a period of time to become effective in their jobs, resulting in slower response periods to management agency requests. Additionally, to assist the inexperienced employees NMFS provides them with a check list to work from on project evaluations. It was stated that this check list is broad and conservative to assure adherence to an overly cautious approach (“precautionary principle”). Additionally, it was stated that within NMFS all biological opinions in Oregon are reviewed by a single individual, resulting in a backlog and extensive time delays. Some staff indicated that project design criteria, when based on science and specific resource use, can be effective in facilitating Section 7 consultation. Lack of agreed upon standards or lack of understanding the basis for certain standards (e.g., artificial lighting in culverts over 150 feet long), can create tension in the consultation environment. Transparency in the underlying

science in the development of standards may create project check lists that all players can support.

Timelines for completing consultation (both formal and informal) are impacted in a variety of ways: inadequacy of the biological assessment; review processes of consultation documents; and signature authority for biological opinions and letters of concurrence. Because of the likelihood of legal challenge, both consulting agencies request analysis that is rigorous and transparent in a biological assessment (many biological assessments for a single project may exceed 100 pages). Although agreement on the sufficiency of this document may be established at the local staff level between the action and consulting agency biologists, internal review within the consulting agency may (and generally does) require additional analysis and revision. In NMFS, this internal review is handled by one individual for the entire state. The FWS does not have this review unless the project is considered highly controversial. Signing authority has been delegated to the State level in both agencies, so increased efficiency may be realized in the future.

The litigation history of the Pacific Northwest on regeneration harvest timber sales requires the action and consulting agencies to increase rigor of their administrative review process. The four Court opinions in *Pacific Coast Federation of Fishermen's Association v. National Marine Fisheries Service* have interpreted the NWFP ACS as not allowing any degradation at the site scale. Any environmental impact causes a “degrade” within the ACS. Any action that “degrades” is considered an adverse effect and is subject to formal consultation. The NMFS “no jeopardy” analysis is predicated on actions maintaining and restoring baseline conditions; hence, “no jeopardy” biological opinions are easily challenged under the Administrative Procedures Act as being arbitrary and capricious. Regeneration harvest sales, subject to consultation with the FWS, must demonstrate that removing northern spotted owl habitat is consistent with the long-term conservation of the owl, and that the incidental take of the owl must be enumerated. This was challenged by plaintiffs by demonstrating the continued decline in owl population numbers (*Oregon Natural Resource Council v. U.S. Fish and Wildlife Service*). This public debate, centering generally on the harvest of “old-growth” forests, was not resolved even under the NWFP. An outcome of the numerous Court challenges has been an inability to meet the social and economic goals of the NWFP; and as a consequence, rural communities have been impacted to a degree unanticipated in that plan.

The public debate on the management of “older forests” has not been resolved in the Pacific Northwest. As a consequence, plaintiffs have effectively used the Court system to halt the harvest of large trees, particularly when harvest is proposed using regeneration techniques. Because of the Court decisions requiring tracking incidental take (*Oregon Natural Resource Council v. U.S. Fish and Wildlife Service*) and requiring no-site level degradation can occur (*Pacific Coast Federation of Fisheries Association v. National Marine Fisheries Service*), the land management agencies are often faced with completing consultation documents that cannot reasonably meet those expectations. As a consequence, it can appear that the regulatory agencies are “dragging their feet as fast as they can” in these consultation proceedings. Until models for consultation can be developed and litigated and affirmed in the Courts, there is no advantage to either the consulting agency or land management agency for proposing timber harvest actions that adversely affect ESA-listed species. The reluctance to complete consultation on complex timber sale actions has bred frustration and distrust between the agencies.

Experience gained through the planning process and ongoing plan and project level Section 7 consultations has surfaced a variety of issues that future plans and projects will need to address. Of most recurring concern was the issue of delays in consultation. The Task Force found these were caused by the following conditions: actions requiring consultation are not fully understood by all participants in the consultation process, or are packaged in ways that leads to increased confusion as to expected outcomes; the Quality Assurance/Quality Control process in NMFS is a “choke point” for consultation documents; action agencies proposing projects known to carry a high level of controversy or changing project design late in the process; and lack of commonly agreed standards and commitment to adhere to those standards for project design criteria. Other issues affecting consultation include the need to develop more robust administrative records and processes that can withstand legal challenge (such as, how to complete plan-level consultation) and inefficiencies or problems with the streamlining consultation procedures.

Public Outreach and Involvement: The BLM had a massive and broad ranging public outreach effort during the development of WOPR. In addition to the involvement of cooperating agencies, the BLM maintained a mailing list of 1,600 individuals and organizations, held a total of 75 scoping meetings, and numerous key contact meetings during the 45-day formal scoping period. During the 5-month public comment period for the draft EIS (a minimum of 90 days is required), BLM held over 150 formal public meetings, open houses at District Offices, and meetings on request from organizations. The BLM used an innovative online web comment forum to both inform the public about the plan and to gather comments. The BLM received 3,000 comments during public scoping and 29,500 comments on the draft EIS. The agency also issued eight newsletters during the 29-month period from plan initiation until the draft EIS, detailing each step in the planning process.

Even with this level of outreach, many people believe the public involvement was not effective or collaborative. Concerns were expressed that only those people with a keen interest in the outcome participated and the general public did not participate. Some people and organizations only participated to the extent required to maintain standing for future Court actions. People also indicated there was distrust in the planning process. They felt the plan was an attempt to increase harvest levels, decrease protection for species and water quality, and the decision was made at the start. The settlement agreement was often cited as a reason for this distrust.

In general, representatives of the wood products industry were complimentary of BLM’s efforts to solicit public comments and the state-of-the-art online interactive public comment forum. Several noted that BLM went “above and beyond” the minimum requirements to solicit public input. In contrast, representatives from environmental organizations deemed the WOPR to be “dead on arrival” due to the settlement agreement which they felt dictated a plan revision with narrowly defined parameters. Although there were abundant opportunities for the public to participate, the environmental representatives stated these were not meaningful. Some stated the online interactive comment forum was established late in the process (i.e., when the draft plan was released); and, as a result, they felt it was an ineffective collaborative tool.

Members of Federal agencies, cooperators, and the public expressed a desire to have a meaningful collaborative process. Many think that any future effort must be collaborative in order to develop consensus around alternatives which will bring together the support of the

majority of the public, stakeholders, and cooperating agencies. Many cited the efforts at the local level demonstrating collaborative, early engagement of the public as seen in the Siuslaw National Forest, the Oregon Watershed Enhancement Board watershed councils, and non-Governmental organization work in numerous areas of Oregon. The Roseburg BLM Office was cited for beginning a local collaborative process to develop forestry projects. Some suggested designing an outreach process that would “go to the stakeholder” first, rather than holding large public meetings to inform the public of a proposed project.

### ***Recommendations***

***The Task Force recommends the establishment of an Interagency Executive Steering Committee chartered by the Secretaries of the Interior, Agriculture, and Commerce to establish a common vision for the management of the NW forests and requirements of all government agencies in the regulation and management of the federal lands in the Pacific Northwest.***

***The Interagency Executive Steering Committee should address the implementation of the Endangered Species Act, Clean Water Act, FLPMA, NWFP, O&C Act etc, thus allowing a common government vision for the management of the federal forests in the Pacific Northwest.***

***The Task Force recommends an interdepartmental SOL/DOJ/OGC/NMFS attorney group work together to propose a consultation process under the ESA which addresses a means to evaluate the conservation contribution of land use plans. The result would be a revision, update, or replacement of the 2000 Memorandum of Agreement among FWS, NMFS, FS, and BLM. To the extent that consultation under ESA Section 7(a)(2) continues to be required at the plan level, such consultation could be successfully completed either by : 1) proposing a multi-year program of work with sufficient specificity to define the potential level of adverse effect (i.e., amount of incidental take); or 2) by identifying sufficient side-boards that provide the NMFS and FWS reasonable certainty that adverse effects will be minimized.***

***The Task Force recommends that the senior managers of the action and regulatory agencies review existing consultation procedures and the effectiveness of the Streamlined Consultation approach, and recommend improvements as appropriate. The senior managers should closely examine the added value of co-locating more NMFS and FWS personnel in BLM offices to facilitate project-level design and consultation.***

***The Task Force recommends the Interagency Executive Steering Committee establish a collaborative process with stakeholders throughout western Oregon to develop overarching principles for management of Federal forests. At some point near the culmination of this process, it may be desirable to provide a forum for the Secretaries to announce the successful development of the overarching principles that would be used in future land use planning efforts.***

## Appropriate Scope and Geographic Scale for BLM Planning

The NWFP integrated the management of the BLM-administered O&C and public domain lands of western Oregon with national forest lands under an ecosystem plan defined by the range of the northern spotted owl. The NWFP made land allocations and established standards, guidelines, and goals for both agencies. The BLM revised their RMPs in conformance with the NWFP. Shortly after the RMPs were revised, the Douglas County Timber Operators and AFRC filed suit alleging the BLM violated the O&C Act. In the resulting settlement agreement, the agency agreed to develop an alternative with only reserves necessary to meet regulatory requirements in the planning revision, WOPR.

The view of the effectiveness of the NWFP influenced views on the approach to planning. Some people believe the NWFP is paramount and working well, and any departure from the NWFP is unnecessary. Others believe the NWFP is a good base but is old and needs updating. Still others think the NWFP did not work, and either pointed to the decline in the northern spotted owl population or the agencies' inability to offer timber for sale at the level of the Probable Sale Quantity. Some stakeholders interpreted the goals or expectations as commitments or a social contract. Suggested alterations to the NWFP ranged from adding more lands to the reserve system to protect the northern spotted owl to implementing the standards and guidelines in the NWFP for regeneration harvest in the Matrix lands and active management in the Adaptive Management Areas.

There was a general consensus that we need large-scale regional guidance such as the NWFP to guide on-the-ground management for both the BLM and the FS. However, it was noted that this guidance must provide for flexibility to address site-specific conditions. It was expressed by many stakeholders that collaborative planning also needs to be conducted at the local level to address site conditions and design projects to meet the overarching landscape-scale guidance.

Many people believed collaborative planning was not effective at the ecosystem or NWFP scale, and true collaborative planning can only be achieved at the project level. Several people cited social, economic, and vegetative differences as a rationale for planning at a District level. The O&C lands range from urban to rural, with diverse economies to more timber dependent as one travels from north to south. These differences lead some people to suggest planning should, at a minimum, be split south and north or at the District level in order to tailor plans to local conditions.

The broad scale of the *2008 Northern Spotted Owl Recovery Plan*, and consequently the 2008 WOPR, did not allow for local differences in management. People tended to agree any planning level should include other lands; private, State, Tribal, and Federal. Some felt the O&C lands must consider and possibly mitigate for actions occurring on other ownerships. This was expressed in numerous ways, including O&C lands should mitigate affects from private land with respect to species protection and have more reserves, O&C lands needed to provide early succession and mid-seral vegetation to compensate for poor habitat on private land, and declines in species requiring this habitat. Others felt BLM should harvest more timber to compensate for reductions in private harvest or to provide larger timber not commonly found on private land.

Along the Coast Range and the Willamette Valley are the wetter and faster growing forests, with a predominance of Douglas Fir trees. The drier, slower growing, mixed conifer forests may be found in the Eastern Cascades and Klamath provinces which are also fire-adapted forests, historically characterized by higher fire frequency and lower fire severity. The West Cascades province has greater amounts of mature and structurally complex forests than other provinces, comprising 43 percent of all forest lands in the province and 49 percent of BLM-administered lands. Fire frequencies and intensities are moderate or highly variable.

It was suggested that any planning recognize these differences. Representatives from both the forest products industry and environmental organizations identified fire as a major threat to Pacific Northwest forests. Fire suppression has significantly altered the fire regime from high-fire frequency and low-fire severity to more frequent, higher-fire severity in the drier provinces. There was significant disagreement in both public opinion and the scientific community on how best to manage forests before and after fire.

Assuming that no single plan can effectively resolve the complexity of issues in the Pacific Northwest, a multi-scaled approach may work best to provide the interagency coordination needed to address Statewide issues and to provide the flexibility to address local and unique conditions: such as, recovery of the northern spotted owl, addressing drier fire-prone forests versus fast growing wet forests, reaching consensus on how best to manage local forests and addressing situations; such as, the Coquille Tribal lands and alternative management scenarios; such as, uneven-aged management in the Klamath Falls office.

Land Tenure: The checkerboard landownership pattern of the BLM-administered O&C lands throughout western Oregon has created unique management issues relative to the FS's solid blocks of National Forest System lands. Moreover, BLM lands comprise 11 percent of the land base in western Oregon; 30 percent is managed by the FS; 5 percent is managed by other Federal and State Governments; and 54 percent is held in private interests.

Some stakeholders expressed concerns that this checkerboard landownership pattern makes it difficult for the BLM to effectively manage for timber production and ecological benefits; such as, recovery of the northern spotted owl and other Federally listed species, conservation of old-growth forests and old-growth dependent species, fire management, watershed protection, access, and aesthetics.

It was recommended that plans should consider opportunities to consolidate landownership and create bigger blocks of contiguous land Federal land. This could contribute to improvements in forestland management and restoration; such as, provide for more effective reserves and management for threatened and endangered species, improved watershed protection, access and recreation opportunities. However, this suggestion was not universal as some people believed consolidation would impact access to the forest and limit people's recreation and gathering opportunities. Still others felt the checkerboard pattern was more effective in providing habitat connectivity and mitigating the effects on private land.

Some were in favor of land exchanges or land consolidation actions that would result in more contiguous acres of private lands which could add to the private timber base. These various

positions are not mutually exclusive; however, some members of the timber industry who were generally supportive of consolidation felt that any Federal forestlands that were blocked up this way would ultimately become off limits to timber harvest, thereby lowering the available acreage for future timber harvests. For this reason, several timber industry representatives we spoke with seemed skeptical that land consolidation would provide a positive outcome for them.

There are many positive aspects to consolidating landownership. While complicated, land tenure adjustments could provide for easier management of Federal forest lands and private lands alike. Land consolidation actions can be structured to meet multiple resource objectives, including: consolidating larger tracts of lands to sufficiently provide habitat for the most vulnerable species; ensuring enhanced watershed protection; providing for better access to Federal lands; and providing for private land timber production at a geographically diverse scale (i.e., spread across the range of O&C from north to south).

### ***Recommendations***

***The Task Force recommends future planning efforts use the overarching principles developed through the regional collaborative process outlined by the Interagency Executive Steering Committee above. Each RMP/EIS effort would result in a Purpose and Need statement that is responsive to local issues as identified through a collaborative effort.*** For example, the southern (dry) Districts may need to address fire issues in a different context than the northern (wet) Districts (see Use and Implementation of Science recommendations).

***To address the issues of scale and to more fully facilitate local participation and collaboration in the planning process, the Task Force recommends that each District (or combination of Districts with common planning issues) initiate a stand-alone RMP revision/EIS process. Given budget constraints, it is likely that not all plans will be initiated at the same time.***

***The Task Force recommends that new plan evaluations be completed on the existing plans to determine priority for revisions and whether there are common issues that would indicate an opportunity to combine District planning and EIS efforts.***

***The Task Force recommends that a Land Tenure Team be established to conduct a comprehensive review and identify opportunities to adjust landownership patterns to meet species conservation and other resource management objectives in western Oregon. The land use planning process would be used to identify BLM lands that would facilitate landownership adjustment.***

### **Use and Implementation of Science**

Stakeholders regularly raised the topic of science during the Task Force discussions. The Task Force heard many times that there was a large investment in the science conducted to support the analysis in WOPR, and that it would be unfortunate if this effort were not incorporated into whatever comes next. Many thought the BLM did a very good job of using the best science available and developing and incorporating Geographic Information System into the planning process. The agency was complimented on its ability to present spatial products (maps) in

significantly improved detail over the NWFP. However, some cooperating agencies did not feel they had sufficient time to thoroughly review the science and, consequently, could not support it.

People also indicated the NWFP was 16 years old and newer scientific studies needed to be incorporated into the planning process. The BLM established a science panel and science consistency review process. Some people believed the science consistency review process did not go far enough and new and emerging science was not universally accepted and needed to be peer reviewed. Many of the discussions indicated that there is more detailed information from inventory and monitoring since the development of the NWFP. There were concerns expressed that the WOPR used science and studies that were not universally accepted by the other Federal agencies or the public to make the assumptions for the modeling that was used to determine the alternatives and their impacts.

The BLM managers and staff indicated high confidence in the quality of science used to develop the vegetation modeling and to conduct the environmental impact analysis for the western Oregon Plan Revision. The BLM staff on the planning team conducted informal consultations and small group meetings with scientists to provide early and rapid feedback regarding proposed analysis methods. Draft descriptions of proposed analytical methods were shared with the scientists who responded with suggestions to improve methods.

In June 2006, the BLM hosted a “State of the Science” Workshop held at Oregon State University. The Workshop brought together scientists, forest managers, interested citizens, interest groups, and plan cooperators to discuss a series of state-of-the-science reviews prepared for the BLM to address critical information needs related to the WOPR.

### ***Recommendation***

***The Task Force recommends that the science work (including base data, modeling protocols, and assumptions) be independently reviewed by an Interagency Science Team. Work that is determined to be complete, appropriate, and applicable to support management strategies should be used in future planning efforts.***

### **Social and Economic Considerations**

In conversations with stakeholders, many discussed the concept of sustainability in terms of economic and community sustainability. This was expressed through the decrease in timber harvest resulting in the loss of forest products infrastructure, loss of jobs, and the negative effects of decreased receipts to O&C counties. There is much concern over the uncertainty of Federal timber being made available for the timber industry and the attendant receipts for the counties. This was particularly troublesome for several of the southern counties where it was relayed that without Federal timber opportunities within the next year or two, closures of several mills could be expected. Conversely, some people questioned if it was the role of the BLM or Federal Government to sustain communities.

Others expressed this concern in terms of sustaining wildlife habitats, old trees and old growth, and the associated habitat for old-growth dependent species. They believed any reductions in

riparian or late-successional reserves decreased the likelihood of sustaining habitat for these species. There was also deep concern from some stakeholders over the proposed use of regeneration harvests (timber harvest that results in a new forest stand) and the harvest of older trees.

Currently, the SRS Act provides a safety net for the reduction in county receipts but the Act is scheduled to expire in 2012. There was grave concern by some members of the O&C counties and private industry on how this funding loss will affect the counties if timber receipts are not there to replace the SRS Act funding.

There was general agreement on the need to harvest forest products and support communities. However, there was much disagreement on how this could be accomplished and to what degree. Some people believe forest products and jobs can be maintained through thinning younger forests, generally less than 80 years of age, commonly derived from past harvest and replanting. Others believe a young stand thinning strategy is not sustainable as the remaining trees will grow older without any young trees to take their place. These people indicate some level of regeneration harvest is needed to maintain age class diversity and a sustainable flow of forest products. A number of BLM employees and stakeholders indicated that there are less than 5 years of young stands left which can be thinned.

Several people mentioned the concept of providing ecosystem services from Federal lands. These services include clean water, habitat, recreation, solitude, and forest products. People believe there are opportunities for the Federal Government to invest in restoration activities and restoration jobs, which would provide agreed upon ecosystem services.

Additionally, the pressing need to address fire risk due to heavy fuels buildup in many areas was referenced as a source of jobs and forest products, and that the fuels reduction program could and should be expanded to provide a source of jobs, forest products and resource protection.

It is not likely that the economic decline felt in many rural resource-dependent communities over the past 20 years will dramatically improve in the near term. Further, the fiscal squeeze being felt by O&C counties will not subside or be reversed in the near term; most solutions will likely take years to implement or bear fruit.

The Federal Forests Advisory Committee was established by the Oregon Board of Forestry to “. . . craft a document that articulates the State’s vision for how Federal forestlands should be managed to contribute to the sustainability of Oregon’s overall forest land base.” Its January 2009 final report, *Achieving Oregon’s Vision for Federal Forestlands*, addresses the entire suite of issues faced by BLM managers in western Oregon (environmental, social, economic, and process) and offers a range of actions that could be taken at the local, State, and Federal levels to address these issues.

The Governor’s Task Force on Federal Forest Payments studied options for addressing the decline in timber receipts from all Federal forestlands in Oregon, not just O&C forestlands. The Task Force’s *Final Report* (January 2009) is a clear-eyed view of the revenue problems faced by the State, counties, and local communities due to loss of Federal forest revenues and also

addresses other issues with Oregon's tax structure. The report contains a number of recommendations aimed at local, State, and Federal levels, recognizing that the issue is complex and needs involvement at all levels in order to diversify Oregon's tax base as well as diversify forestland management practices to make them more sustainable.

The decline in county revenues for all 18 of the O&C counties has had a tremendous impact on many of the counties. The stop-gap measures provided by the SRS Act have softened the impact; but, over time, those revenues have been declining and the impacts to the counties continue. Further, revenues from the SRS Act will phase out completely in 2012. Several county commissioners and others we spoke with had ideas on ways to alleviate the crisis and move toward a future less tied to timber receipts. One novel idea was to use the carbon storage qualities of Federal forests to generate a significant new revenue stream and de-emphasize the need for timber production as a means of generating revenue while providing for healthy forest management. Other ideas brought forward by the Governor's Task Force on Federal Forest Payments may be worth exploring.

### ***Recommendations***

***For the short term, given diminishing opportunities for thinning projects on O&C lands coupled with the considerable uncertainty in the BLM forest management program, the Task Force recommends BLM and the Forest Service jointly develop a 3-year program of work, updated annually and coordinated with the regulatory agencies.*** This will support the Secretary's commitment to provide forest industry jobs across western Oregon and bridge the gap until completion of new land use plans. To facilitate this joint program of work, the agencies should explore options for sharing staff and resources to optimize their ability to both restore forest landscapes and support rural communities.

***The Task Force recommends that BLM partner with a State organization (such as the Oregon Economic Development Association) to use the information developed by the Governor's Task Force to assess opportunities for economic diversification in O&C counties, and how resources from BLM's O&C lands could contribute to those diversification efforts as well as local revenues.***

### **Budget Structure and Performance System**

The current budget performance system focuses on timber outputs relative to forest health and restoration. This drives the development of actions to meet the timber target, often without collaboration with other agencies or the public. A near-term effort would be to explore redirecting BLM's budget and performance focus away from timber targets and toward forest health and restoration. Timber outputs can be an outcome of forest health and restoration efforts in conjunction with other restoration outcomes. This change in budget focus would change how forest resources are managed and would recognize the role timber harvest would play within the wider objective of forest health and restoration. Essentially, the goals would be reframed so that outcomes and outputs would be in line with restoration and healthy forests objectives. Timber production would be an element of those objectives.

***Recommendation***

***The Task Force recommends BLM explore redirecting the current budget and performance focus away from timber targets and toward forest health and restoration. Treating acres may allow for a greater variety of forest goods and ecosystem services to be recognized.***

## **Appendices**

- 1. Western Oregon Task Force Members**
- 2. DOI News Release: Interior Launches Work Plan for BLM Western Oregon Forests**
- 3. List of Participants and Contacts**
- 4. Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act of 1937 (O&C Act) (Public Law 75-405)**
- 5. American Forest Resource Council Settlement Agreement with Forest Service and Bureau of Land Management**
- 6. Website Addresses for Federal Forestlands Advisory Committee Report: Achieving Oregon's Vision for Federal Forestlands and Executive Summary of the Governor's Task Force on Forest Payments and County Services**
- 7. Governor Kulongoski's Letter of Concern to the BLM on WOPR Issues**

## Appendix 1

### Task Force Members

#### Task Force Team Lead

Linda Rundell            BLM, New Mexico State Director

#### Task Force Members

Mike Taylor	BLM, Arizona Deputy State Director, Division of Resources
Theresa Hanley	BLM, Montana Deputy State Director, Division of Resources
Wendy Favinger	BLM, Washington, DC; Business Manager
Ann B. Aldrich	BLM, Washington, DC; Strategic Advisor, Human Capital Management
Karl Stein	BLM, Redding (CA) State Office; Natural Resources Specialist
Robert Towne	BLM, Oregon; Spokane (WA) District Manager
Elena Fink	BLM, Washington, DC; Program Analyst
Ralph Morgenweck	FWS, Region 6 (Denver, CO); Senior Science Advisor
Theresa Rabot	FWS, Region 1 (Portland, OR); Assistant Regional Director, Ecological Services
Bill Timko	USDA, Forest Service, Washington, DC; Deputy Director, Forest Management National Forest System
Calvin Joyner	USDA, Forest Service, Deputy Regional Forester, Region 6, Portland, OR
Nancy Munn	NOAA, National Marine Fisheries Service, Portland, OR; ESA Policy Analyst

## Appendix 2

### DOI News Release

**Release Date:** 10/14/09

**Contacts:** Frank Quimby (DOI) 202-208-6416

Jody Weil (BLM) 503-808-6027

Joan Jewett (FWS) 503-231-6211

### Interior Launches Work Plan for BLM Western Oregon Forests

**WASHINGTON, DC** – Secretary of the Interior Ken Salazar today launched a Fiscal Year 2010 work plan for Bureau of Land Management (BLM) forests in western Oregon that will add economic certainty for local communities while protecting endangered species.

In addition to a proposed schedule of 62 timber sales under the Northwest Forest Plan, Salazar announced that federal field teams will identify future proposed timber sales with high likelihood of being sold and harvested and a special task force will take a fresh look at forest management issues in Oregon.

“In these tough economic times, we must do all we can to provide certainty for western Oregon timber mills and communities while conserving our land, water, and wildlife,” said Secretary Salazar. “These steps will help protect jobs and timber infrastructure, improve coordination between agencies as they review proposed timber projects, and move us toward a long-term strategy for forest management that is environmentally sound and economically sustainable.”

“The 62 sales under the 2010 scope of work could provide over 200 million board feet for local mills, supporting jobs and local infrastructure” said BLM Director Bob Abbey. “It is important that we continue to provide a reasonable amount of sales under the Northwest Forest Plan while, at the same time, we work towards creative, long-term solutions.”

For comparison purposes, from 2005 to 2008, the BLM has offered an average of 206 million board feet (MMBF) per year, of which approximately 150 MMBF per year was harvested.

"We are committed to working with BLM to process its 2010 program of work as expeditiously as possible in full compliance with Endangered Species Act consultation requirements," said U.S. Fish and Wildlife Service Director Sam Hamilton.

In July, a plan developed and proposed during the previous administration, called the Western Oregon Plan Revision, was withdrawn for failure to adequately complete Endangered Species consultation. Since then, the BLM has been coordinating with the FWS to develop specific projects that can be implemented under the Northwest Forest Plan while meeting ESA criteria and using the best available science.

-more-

The steps announced today include the following:

### **1. Schedule of Proposed FY 2010 Timber Sales**

To provide additional certainty to local mills and local communities, the Bureau of Land Management released today a list of 62 proposed timber sales that may be offered over the next 12 months and that could provide approximately 230 MMBF for local mills. The BLM has completed Endangered Species Act consultation with the FWS on 46 of the 62 timber sales, with an associated volume of 199 million board feet. Some sales, primarily in the Roseburg District, are currently undergoing consultation, while others, primarily in the Medford District, are awaiting consultation.

Before these sales are offered, consultation with FWS or NOAA will be completed. The sales also are subject to appropriate National Environmental Policy Act analyses and public participation.

Since the withdrawal of the Western Oregon Plan Revision in July, BLM has managed western Oregon forests under the Northwest Forest Plan and has sold 72 MMBF of timber in 22 sales with a value of \$5.4 million.

### **2. BLM-FWS Field Teams**

Secretary Salazar also announced that BLM and FWS professionals and other Federal agency specialists in Oregon are working together on interagency teams to jointly review potential and proposed timber sales. The mission of these field teams is to identify future sales under the Northwest Forest Plan that will provide greater economic certainty to local communities whose economies depend on sustainable timber harvests, while protecting endangered species. The joint field teams have completed their review on 46 of the 62 timber sales for 2010 and they will be continuing these reviews. The teams will also begin the review of potential sales that may be offered in the next 2-3 years.

### **3. BLM Special Review Task Force**

Secretary Salazar also announced today that he has asked BLM Director Bob Abbey and FWS Director Sam Hamilton to establish a special interdisciplinary task force to take a fresh look at processes that have guided the management of BLM forests in western Oregon. The task force will make recommendations to the Secretary on a process for finding a long-term strategy for forest management so that the O&C lands can reasonably, predictably and sustainably provide economic, social and ecological benefits. The special task force, which will include professionals from BLM, FWS, and other federal agencies including the U.S. Forest Service, will look at issues such as opportunities for public involvement, building consensus, scale of planning, and interagency coordination. The task force will provide its report to Secretary Salazar by spring, 2010.

For additional information, please visit [www.blm.gov/or](http://www.blm.gov/or).

- BLM -

## Appendix 3

### List of Participants and Contacts

Dr. Paul Adams, Society of American Foresters  
Jessica Adamson, Senator Merkley's staff  
Hilary Barbour, Congressman Blumenauer's staff  
Paul Beck, Herbert Lumber  
Kevin Birch, Oregon Department of Forestry  
Jack Blackwell, Rocky Mountain Elk Foundation  
Kristin Boyles, Earthjustice  
Marvin Brown, Oregon Department of Forestry  
Rick Brown, Defenders of Wildlife  
Susan Jane Brown, Western Environmental Law Center  
Ken Carloni, Umpqua Watersheds  
Alex Cuyler, Intergovernmental Liaison - Lane County  
Dr. Roy Elicker, Oregon Department of Fish and Wildlife  
Allyn Ford, Roseburg Forest Products  
Jim Geisinger, Association of Oregon Loggers  
Don Hardwick, Swanson Group  
Doug Heiken, Oregon Wild  
Heath Heikkila, American Forest Resource Council  
Russ Hoeflich, The Nature Conservancy  
Annabelle Jaramillo, Benton County Commissioner  
Scott Keep, Seneca Jones Timber  
Andy Kerr, The Larch Group  
John Kober, Pacific Rivers Council  
Kim Kratz, National Oceanic and Atmosphere Administration (NOAA)  
Cameron Krauss, Swanson Group Van Manning, Public Lands Foundation  
Knox Marshall, Murphy Plywood  
Cathy McDonald, The Nature Conservancy  
George McKinley, Small Diameter Collaborative, SW Oregon  
Curt Melcher, Oregon Department of Fish and Wildlife  
Ross Mickey, American Forest Resource Council  
Matt Millenbach, Western Rivers Conservancy  
John Murphy, Murphy Plywood  
Judy Nelson, Public Lands Foundation  
Sara O'Brien, Defenders of Wildlife  
Tom Partin, American Forest Resource Council  
Link Phillipi, Rough N' Ready Lumber  
Dave Powers, Environmental Protection Agency  
John Pugsley, Congressman Schrader's staff  
Bob Ragon, Douglas Timber Operators  
Bill Richardson, Rocky Mountain Elk Foundation  
Dale Riddle, Seneca Jones Timber  
Doug Robertson, Douglas County Commissioner

Dominick Della Salla, National Center for Conservation Science and Policy  
Bob Sallinger, Audubon  
Dr. Hal Salwasser, Dean, OSU School of Forestry  
Mary Scurlock, Pacific Rivers Council  
George Sexton, KS Wild  
Dr. Craig Shinn, Executive Leadership, Hatfield School of Government,  
Portland State University  
George Smith, Executive Director - Coquille Tribe  
Pete Sorenson, Lane County Commissioner  
Mike Tehan, National Oceanic and Atmosphere Administration NOAA  
Tom Toman, Rocky Mountain Elk Foundation  
Sara Vickerman, Defenders of Wildlife  
Tim Vredenburg, Director of Land Resources & Environmental Services – Coquille Tribe  
Cindi West, PNW Research Station  
Joe Whitworth, Freshwater Trust  
Ken Wienke, Boise Cascade Timber Company  
Greg Wolf, Federal Forest Advisory Committee  
Duncan Wyse, Oregon Business Council  
Tom Yonkers, Vice Chairman - Coquille Tribe  
Randy Zustiak, Murphy Plywood

**Bureau of Land Management Employees:**

Carol Benkosky, Lakeview District Manager  
Jay Carlson, Roseburg District Manager  
Ginnie Grilley, Eugene District Manager  
Mike Haske, Deputy State Director for Resource Planning, Use, and Protection  
Aaron Horton, Salem District Manager  
Mark Johnson, Coos Bay District Manager  
Mike Mottice, Associate State Director  
Tim Reuwsaat, Medford District Manager  
Ed Shepard, State Director  
Jody Weil, Deputy State Director Communications  
Roseburg District Management Team  
Salem District Management Team

**Western Oregon Plan Revision (WOPR) Steering Committee** (all District Managers and Deputy State Directors, the State Director, and Associate State Director, of the OR/WA Bureau of Land Management):

Ann Boeder, Lead planner for WOPR Team  
Chris Cadwell, WOPR Core Team member  
Lee Folliard, Branch Chief  
Richard Hardt, WOPR Core Team member  
Jerry Hubbard, WOPR Core Team member  
Rob Huff, Conservation Planning Coordinator  
Nikki Moore, WOPR Core Team member

Open interview through video teleconference: Salem, Eugene, Roseburg, Coos Bay, Lakeview, and Medford Districts and State Office, Division of Resources employees.

## Appendix 4

### **Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act (O&C Act) of 1937 (Public Law 75-405)**

AN ACT

#### **Relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon.**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding any provisions in the Acts of June 9, 1916 (39 Stat. 218), and February 26, 1919 (40 Stat. 1179), as amended, such portions of the revested Oregon and, California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, shall be managed, except as provided in "Section 3 hereof, for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities: *Provided,* That nothing herein shall be construed to interfere with the use and development of power sites as may be authorized by law.

The annual productive capacity for such lands shall be determined and declared as promptly as possible after the passage of this Act, but until such determination and declaration are made the average annual cut there from shall not exceed one-half billion feet board measure: *Provided,* That timber from said lands in an amount not less than one-half billion feet board measure, or not less than the annual sustained yield capacity when the same has been determined and declared, shall be sold annually, or so much thereof as can be sold at reasonable prices on a normal market. .

If the Secretary of the Interior determines that such action will facilitate sustained-yield management, he may subdivide such revested lands into sustained-yield forest units, the boundary lines of which shall be so established that a forest unit will provide, insofar as practicable, a permanent source of raw materials for the support of dependent communities and local industries of the region; but until such subdivision is made the land shall be treated as a single unit in applying the principles of sustained yield: *Provided,* That before the boundary lines of such forest units are established, the Department, after published notice thereof, shall hold a hearing thereon in the vicinity of such lands open to the attendance of State and local officers, representatives of dependent industries, residents, and other persons interested in the use of such lands. Due consideration shall be given to established lumbering operations in subdividing such lands when necessary to protect the economic stability of dependent communities. Timber sales from a forest unit shall be limited to the productive capacity of such unit and the Secretary is authorized, in his discretion, to reject any bids which may interfere with the sustained-yield management plan of any unit.

**SEC. 2.** The Secretary of the Interior is authorized, in his discretion, to make cooperative agreements with other Federal or State forest administrative agencies or with private forest owners or operators for the coordinated administration, with respect to time, rate, method of cutting, and sustained yield, of forest units comprising parts of revested or reconveyed lands,

together with lands in private ownership or under the administration of other public agencies, when by such agreements he may be aided in accomplishing the purposes hereinbefore mentioned.

**SEC. 3.** The Secretary of the Interior is authorized to classify, either on application or otherwise, and restore to homestead entry, or purchase under the provisions of section 14 of the Act of June 28, 1934 (48 Stat. 1269), any of such revested or reconveyed land which, in his judgment, is more suitable for agricultural use than for afforestation, reforestation, stream-flow protection, recreation, or other public purposes. Any of said lands heretofore classified as agricultural may be reclassified as timber lands, if found, upon examination, to be more suitable for the production of trees than agricultural use, such reclassified timber lands to be managed for permanent forest production as herein provided.

**SEC. 4.** The Secretary of the Interior is authorized, in his discretion, to lease for grazing any of said revested or reconveyed lands which may be so used without interfering with the production of timber or other purposes of this Act as stated in section 1 : *Provided*, That all the moneys received on account of grazing leases shall be covered either into the "Oregon and California land-grant fund" or the "Coos Bay Wagon Road grant fund" in the Treasury as the, location of the leased lands shall determine, and be subject to distribution as other moneys in such funds: *Provided further*, That the Secretary is also authorized to formulate rules and regulations for the use, protection, improvement, and rehabilitation of such grazing lands.

**SEC. 5.** The Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect. The Secretary of the Interior is further authorized, in formulating forest-practice rules and regulations, to consult with the Oregon State Board of Forestry, representatives of timber owners and operators on or contiguous to said revested and reconveyed lands, and other persons or agencies interested in the use of such lands. In formulating-regulations for the protection of such timberlands against fire, the Secretary is authorized, in his discretion, to consult and advise with Federal, State, and county agencies engaged in forest-fire-protection work, and to make agreements with such agencies for the cooperative administration of fire regulations therein: *Provided*, That rules and regulations for the protection of the revested lands from fire shall conform with the requirements and practices of the State of Oregon insofar as the same are consistent with the interests of the United States.

[PUB. 405,] TITLE II

That on and after March 1, 1938, all moneys deposited in the Treasury of the United States in the special fund designated the "Oregon and California land-grant fund" shall be distributed annually as follows;

(a) Fifty per centum to the counties in which the lands revested under the Act of June 9, 1916 (39 Stat. 218), are situated, to be payable on or after June 30, 1938, and each year thereafter to each of said counties in the proportion that the total assessed value of the Oregon and California grant lands in each of said counties for the year 1915 bears to the total assessed value of all of said lands in the State of Oregon for said year, such moneys to be used as other county funds.

(b) Twenty-five per centum to said counties as money in lieu of taxes accrued or which shall accrue to them prior to March 1, 1938, under the provisions of the Act of July 13, 1926 (44 Stat. 915), and which taxes are unpaid on said date, such moneys to be paid to said counties severally by the Secretary of the Treasury of the United States, upon certification by the Secretary

of the Interior, until such tax indebtedness as shall have accrued prior to March 1, 1938, is extinguished.

From and after payment of the above accrued taxes said 25 per centum shall be accredited annually to the general fund in the Treasury of the United States until all reimbursable charges against the Oregon and California land-grant fund owing to the general fund in the Treasury have been paid; *Provided*, That if for any year after the extinguishment of the tax indebtedness accruing to the counties prior to March 1, 1938, under the provisions of Forty-fourth Statutes, page 915, the total amount payable under subsection (a) of this title is less than 78 per centum of the aggregate amount of tax claims which accrued to said counties under said Act for the year 1934, there shall be additionally payable for such year such portion of said 25 per centum (but not in excess of three-fifths of said 25 per centum) , as may be necessary to make up the deficiency. When the general fund in the Treasury has been fully reimbursed for the expenditures which were made charges against the Oregon and California land grant fund said 25 per centum shall be paid annually, on or after June 30, to the several counties in the manner provided in subsection(a) hereof.

(c) Twenty-five per centum to be available for the administration of this Act, in such annual amounts as the Congress shall from time to time determine. Any part of such per centum not used for administrative purposes shall be covered into the general fund of the Treasury of the United States; *Provided*, That moneys covered into the Treasury in such manner shall be used to satisfy the reimbursable charges against the Oregon and California land-grant fund mentioned in subsection (b) so long as any such charges shall exist.

All Acts or parts of Acts in conflict with this Act are hereby repealed to the extent necessary to give full force and effect to this Act. Approved, August 28, 1937.

## Appendix 5

### SETTLEMENT AGREEMENT

#### 1.0 Parties and Effective Date

This Settlement Agreement is entered into by and between American Forest Resource Council, Western Council of Industrial Workers, Douglas Education Service District, South Umpqua School District, Michael Roy McMurray, Nathan Smith, William Wynkoop, Myron Mead, Alden Lish, Daniel Newton, Galihier & Huguely Associates, Inc., Seneca Jones Timber Co., C & D Lumber Co., and Swanson Brothers Lumber Co. (jointly referred to as AFRC); the Association of O & C Counties and Douglas County (jointly referred to as the Counties); and the Secretary of the Interior and Secretary of Agriculture (Secretaries). The Effective Date of this Settlement Agreement shall be the date it is last signed by the attorneys for AFRC, the Counties and the Secretaries, which signatures may be made in counterpart if necessary.

#### 2.0 Recitations

- 2.1 On April 13, 1994, the Secretaries issued the Record of Decision (1994 ROD) for planning documents known as the Northwest Forest Plan (NWFP) to govern the administration of 22.1 million acres of federal land within 19 national forests in western Oregon, western Washington and northern California administered by the U.S.D.A. Forest Service (Forest Service) and the Bureau of Land Management (BLM) Coos Bay, Eugene, Lakeview, Medford, Roseburg and Salem Districts as well as a BLM district in California. The Forest Service and BLM when collectively referred to in this Settlement Agreement are referred to as the Agencies.
- 2.2 The NWFP created 10 million acres of reserves where development of late successional or riparian habitat is the primary objective and timber harvesting is only allowed if it meets the goals of accelerating the development of the late successional or riparian habitat.
- 2.3 The Secretary of the Interior, through the BLM, manages 2.2 million acres of forest land in western Oregon of which the NWFP designated 1.6 million acres in Late-Successional and Riparian Reserves. These BLM lands are subject to the Oregon and California Railroad and Coos Bay Wagon Road Grant Lands Act (O & C Act), 43 U.S.C. § 1181a. In 1995 the BLM adopted Resource Management Plans for its Coos Bay, Eugene, Lakeview (Klamath Falls Resource Area), Medford, Roseburg and Salem Districts that adopted the reserve designations and other standards and guidelines of the NWFP.

- 2.4 Programmed timber harvest in the NWFP occurs in the 22 percent of the total area designated as Matrix or Adaptive Management Areas (AMAs).
- 2.5 The NWFP established ten AMAs as units designed to develop and test new management approaches to integrate and achieve ecological, economic, and other social and community objectives. The AMAs have scientific and technical innovation as goals, with a guiding principle of allowing freedom in forest management approaches to encourage innovation in achieving the goals of the NWFP. The primary technical objectives of the AMAs are development, demonstration, implementation, and evaluation of monitoring programs and innovative management practices that integrate ecological and economic values.
- 2.6 The NWFP estimated an annual probable sale quantity (PSQ) of 958 million board feet to be taken from the matrix and the AMAs over the first decade that the NWFP would be in effect (the period ending April 13, 2004). In addition, approximately 100 million board feet of other wood products not considered as merchantable were estimated to be produced annually on Matrix and AMA lands. Representing neither minimum nor maximum levels, the PSQ reflected the Agencies' best assessment of the average amount of timber likely to be offered annually in the NWFP area over the succeeding decade, following a start-up period.
- 2.7 Subsequent to the promulgation of the NWFP, the PSQ has been adjusted downward to 805 million board feet due to revised calculation of riparian reserves and adjustments to individual National Forest Land and Resource Management Plans and BLM Resource Management Plans.
- 2.8 A variety of factors have limited the ability of the Agencies to implement timber sales and produce the PSQ.
- 2.9 The objective of Late-Successional Reserves (LSRs) is to protect and enhance conditions of late-successional and old-growth forest ecosystems, which serve as habitat for late-successional and old-growth related species. Thinning (precommercial and commercial) may occur in stands up to 80 years old. The purpose of these silvicultural treatments is to benefit the creation and maintenance of late-successional forest.
- 2.10 The PSQ is based on the long-term sustained yield, from the lands suitable for timber production, from within the Matrix and AMA land use allocations. Harvest volume from treatments within LSRs and riparian reserves does not contribute to PSQ.

- 2.11 The Agencies estimate that 1.8 million acres of LSRs could benefit from thinning to enhance late successional conditions. Thinning one million of these acres could be accomplished with commercial timber sales.
- 2.12 The Agencies estimate that with appropriate funding, thinning sales in the LSRs could produce approximately 4-6 billion board feet of timber over 20 to 30 years, after a start-up period.
- 2.13 The parties expressly acknowledge that in order to carry out the provisions of this Settlement Agreement, except for those obligations which can be accomplished in fiscal years 2003 and 2004 with funds budgeted for those years, additional funding targeted for the accomplishment of the objectives of this settlement will have to be obtained from Congress.
- 2.14 The Forest Service and BLM expected to use AMAs to explore alternative ways of managing, and the Agencies developed plans for the management of AMAs. In upholding the NWFP, the Federal District Court for the Western District of Washington specifically noted that alternatives designed to increase timber harvest could be tested in the AMAs.
- 2.15 A model was developed to evaluate outputs from silvicultural practices and resource values on private/federal land exchanges in the Umpqua Basin which is the Multi-Resource Land Allocation Model identified in §349 of the Department of the Interior and Related Agencies Appropriations Act, 2001, Pub. L. 106-291 (October 11, 2000).
- 2.16 AFRC has pending a case in the United States District Court for the District of Columbia currently captioned *American Forest Resource Council et al. v. Clarke*, Civil No. 94-1031 TPJ (D.D.C.) (the AFRC O & C case), appeal pending No. 02-5024 (D.C. Cir.). The Second Amended Complaint in the AFRC O & C Case asserts 15 claims for relief alleging that in approving the 1994 ROD the Secretary of the Interior violated the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 2; the O & C Act; the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321, *et seq.*; the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. §§ 1701, *et seq.* and the Federal Records Act (FRA), 44 U.S.C. §§ 3101, *et seq.* The O & C Act claims allege that the NWFP cannot establish reserves on O & C lands, and that the NWFP eliminates sustained yield timber harvest management of the O & C lands in violation of the O & C Act. The federal defendants have filed an answer to the Second Amended Complaint denying all such allegations.

- 2.17 The Counties filed an action against the Department of Interior captioned *Association of O & C Counties v. Babbitt*, Civil Number 94-1044 (the Counties O & C case), in the U.S. District Court for the District of Columbia also challenging the management of BLM lands in Oregon and California under the 1994 NWFP Record of Decision. In their complaint, the Counties alleged violations of the O & C Act, FLPMA, FACA, and NEPA. This action was settled by the parties in 1997, and the matter was dismissed without prejudice. A copy of the settlement agreement (Counties O & C case Settlement Agreement) is annexed as Exhibit A. As part of the Counties O & C case Settlement Agreement, the plaintiffs in the Counties O & C case agreed to forbear from filing challenges "based on the allegations of violations made in the complaints in the present cases or on any allegations substantively similar to those made in those complaints prior to the year 2001." Counties O & C case Settlement Agreement ¶ 1. In another provision of the Counties O & C case Settlement Agreement, the BLM agreed that "in any major revisions to the [BLM Resource Management Plans], the range of alternatives given detailed consideration would include an alternative that emphasizes sustained-yield timber production on the O & C lands, except insofar as limitations on timber management on the O & C lands would be necessary to comply with the Endangered Species Act, Clean Water Act, or any other law to which management of the O & C lands must adhere." *Id.* ¶ 2.
- 2.18 Although neither the Secretary of Agriculture nor the Forest Service are defendants in the AFRC O & C case, or were defendants in the Counties O & C case, they are undertaking the obligations herein in the recognition that the NWFP is an integrated plan for management of BLM and Forest Service lands within the range of the Northern Spotted Owl, and that were AFRC to succeed in their O & C Act claims, or were the Counties to succeed in a new action raising a similar challenge to the management of O & C lands, a larger burden would fall on the Forest Service to meet the ecological objectives of the NWFP.
- 2.19 BLM Resource Management Plans in western Oregon would normally come up for revision every 15 to 20 years.
- 2.20 The O & C Act provides in part that O & C lands shall be "managed . . . for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principle of sustained yield for the purpose of providing a timber supply, protecting watersheds, and contributing to the economic stability of local communities and industries." The O & C Act has been interpreted by the United States Court of Appeals for the 9<sup>th</sup> Circuit in *Headwaters, Inc. v. Bureau of Land Management*, 914 F.2d 1174 (1990).
- 2.21 To avoid further costly litigation, and without admission of any liability or

wrongdoing by either party, the parties to the AFRC O & C Case desire to settle the claims raised in that case, and the parties to the Counties O & C Case desire to amend the Counties O & C case Settlement Agreement to modify the obligations and remedies set forth therein to conform to those set forth in this Settlement Agreement.

### **3.0 Agreements**

- 3.1** Beginning with the budget for Fiscal Year 2005, the BLM and the Forest Service severally agree that their annual program and budget requests to the Department of the Interior in the case of BLM, and to the Department of Agriculture in the case of the Forest Service, will include a request for additional funds targeted to fully fund the obligations expressed in paragraphs 3.2, 3.4 and 3.5 below.
- 3.2** Contingent upon obtaining the necessary funds as described in paragraphs 2.13 and 3.1 above, the Agencies will use their best efforts every year beginning in Fiscal Year 2005: (1) to offer timber sales in an amount equal to the annual PSQ in the NWFP, currently estimated at 805 million board feet, for as long as there is a PSQ for the area covered by the NWFP, and (2) to offer thinning sales as described in paragraph 2.12 of approximately 300 million board feet per year to the extent that and for so long as such sales are consistent with the ecological objectives of the NWFP.
- 3.3** The Agencies agree to propose research/demonstration projects (projects) in three AMAs to evaluate alternative silvicultural practices and standards and guidelines based on the principle of management across the entire landscape, as follows:
  - 3.3.1** By October 1, 2003, the BLM and the Forest Service will identify proposed projects which (a) meet the purpose for which the AMA was established; (b) provide an opportunity for significant experimentation; (c) can be implemented in a timely fashion; and (d) are cost effective.
  - 3.3.2** In consultation with the plaintiffs, the BLM and the Forest Service will select from the proposed projects identified pursuant to paragraph 3.3.1, two projects for which the environmental analysis can be completed in accordance with the schedule set forth in paragraph 3.3.4 below under current projected fiscal year 2003 and 2004 funding levels. A lead agency for each project will also be selected by the BLM and the Forest Service.
  - 3.3.3** At least one proposed project in one AMA will test the Multi-Resource Land Allocation Model, or a variation thereof.

- 3.3.4 The schedule for the projects selected pursuant to paragraph 3.3.2 as being able to proceed under the 2003 and 2004 funding levels is as follows:
- 3.3.4.1 By November 1, 2003, the Agencies will identify the proposed projects, and the AMAs where they would be implemented;
- 3.3.4.2 If it is determined by the agency that an Environmental Assessment (EA) is the NEPA documentation required for a particular project, the EA and any needed ESA section 7 consultation will be completed by September 1, 2004.
- 3.3.4.3 If it is determined by the agency that an Environmental Impact Statement (EIS) is the NEPA documentation required for a particular project, the EIS and any needed ESA section 7 consultation will be completed by April 1, 2005.

3.4 For the projects identified pursuant to paragraph 3.3.2 that do not have sufficient funding to proceed in fiscal years 2003 and 2004, a schedule for completion of the environmental analysis will be developed by the BLM and Forest Service, in consultation with the plaintiffs, upon receipt of required funding levels as described in paragraphs 2.13 and 3.1 above.

3.5 Contingent upon obtaining the necessary funds as described in paragraphs 2.13 and 3.1 above, the BLM will revise the Resource Management Plans for its Coos Bay, Eugene, Lakeview, Medford, Roseburg and Salem Districts by December 31, 2008. At least one alternative to be considered in each proposed revision will be an alternative which will not create any reserves on O & C Lands except as required to avoid jeopardy under the Endangered Species Act. All plan revisions shall be consistent with the O & C Act as interpreted by the 9<sup>th</sup> Circuit Court of Appeals.

#### 4.0 Miscellaneous Provisions

4.1 This Settlement Agreement resolves the disputes between the parties relating to the issues presented in the AFRC O & C case, and amends the Counties O & C case Settlement Agreement, superseding in its entirety the provisions beginning in

paragraph 1 of the Counties O & C case Settlement Agreement with the words: "The Association of O & C Counties and Douglas County covenant ..." through and including paragraph 2 thereof. This Settlement Agreement resolves all claims by the Counties or AFRC which were asserted or could have been asserted in both cases, but does not address or resolve any other pending, actual or potential dispute between the parties including all disputes presented in any other pending legal action. Nothing in this Settlement Agreement shall be construed as being prejudicial to any purchaser's pending or future claim concerning any timber sale contract.

- 4.2 AFRC's appeal is currently being held in abeyance in the Court of Appeals pending status reports from the parties. Provided the District Court indicates its disposition to dismiss the AFRC O & C case without prejudice in accordance with the terms of this Settlement Agreement, AFRC and the Secretaries will jointly request the Court of Appeals to remand the AFRC O & C Case to the District Court for dismissal without prejudice in accordance with this Settlement Agreement. Such dismissal shall not create, support or constitute a defense to any claims AFRC or the Counties may have against the outcome of any administrative action undertaken by the Agencies pursuant to this Settlement. The dismissal shall call for each party to bear its own costs and attorney fees.
- 4.3 The District Court shall retain jurisdiction through June 30, 2009 to consider any motion by AFRC and/or the Counties to enforce this Settlement Agreement, which may not be filed until 60 days after the moving party has given written notice to the Agencies of their failure to perform any agreement required by paragraphs 3.1 through 3.5. Alternatively, after giving such notice AFRC and the Counties or either of them may move, under Fed.R.Civ.P. 60(b), to vacate, as the case may be, (1) the dismissal of the AFRC O & C case without prejudice pursuant to this Settlement Agreement, and/or (2) the dismissal of the Counties O & C case without prejudice entered March 17, 1997, and the federal defendants shall not, unless they dispute in good faith the moving party's contention that they have failed to perform as alleged, oppose any such motion. Upon the entry of an order vacating the dismissal of its case, AFRC and the Counties shall each thereafter be free to pursue their claims for relief. In the event that the Agencies are otherwise in compliance with this Settlement Agreement, but Congress fails to provide necessary additional funding targeted for accomplishment of the objectives of the Settlement Agreement, and the objectives of the Settlement Agreement which are conditional on additional funding as set forth in paragraphs 3.2, 3.4 and 3.5 are not substantially performed for that reason, then AFRC and the Counties shall be entitled, as their sole remedy in this instance, to move to vacate the dismissals of their respective cases under Fed.R.Civ.P. 60(b), in the manner and subject to the conditions set forth above, and pursue their claims for relief.

- 4.4 The election by AFRC or by the Counties to seek enforcement of this Settlement Agreement prior to June 30, 2009 as set forth in paragraph 4.3 shall preclude either of them from alternatively moving to vacate the dismissal of its case by reason of the alleged failure to perform that forms the basis for the motion to enforce the Settlement Agreement. Subsequent to June 30, 2009, the sole remedy of AFRC and the Counties for any alleged failure to perform shall be to move to vacate the dismissals of their respective cases. In the event that the Court shall enter an order vacating the dismissal of either the AFRC O & C case or the Counties O & C case, all obligations under this Settlement Agreement shall cease.
- 4.5 The parties agree that this Settlement Agreement shall not be taken or construed as an admission of liability or potential liability on the part of either party, or an admission of the existence of any facts upon which liability could be based, but rather that any such liabilities or potential liabilities have been and are expressly denied by the parties.
- 4.6 Nothing in the terms of this Settlement Agreement shall be construed to limit or modify the discretion accorded the Agencies under any statutes administered by them or applicable to their activities or by general principles of administrative law.
- 4.7 Nothing in the terms of this Settlement Agreement shall be construed to limit or deny the power of the Agencies to promulgate or amend regulations or to otherwise amend or revise Resource Management Plans, Land and Resource Management Plans, the NWFP, or any other planning document contemplated by the NWFP.
- 4.8 No provision of this Settlement Agreement shall be interpreted as or constitute a commitment or requirement that Defendants obligate or pay funds in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other law or regulation.
- 4.9 The terms of this Settlement Agreement constitute the entire agreement of the Parties, and no statement, agreement or understanding, oral or written, which is not contained herein, shall be recognized or enforced.
- 4.10 Each undersigned representative of the Parties hereto certifies that he or she is fully authorized to enter into and execute the terms and conditions of this Settlement Agreement. This Settlement Agreement becomes effective upon signature of the undersigned representatives as of the date of last signing.

IN WITNESS WHEREOF, the parties hereto have caused this Settlement Agreement to be

Page 8 - Settlement Agreement: *American Forest Resource Council et al. v. Clarke*, Civil No. 94-1031 TPJ (D.D.C.), appeal pending No. 02-5024 (D.C. Cir.)

executed as of the date shown below.

Steel Rives LLC

By: [Signature]

Per A. Ramford

Attorneys for AFRC as that term is defined above.

Date: August 1, 2003

[Signature]

Kevin Q. Davis

Attorney for the Counties as that term is defined above.

Date: 8/1/03

Thomas L. Sansonetti

Assistant Attorney General

Environment and Natural Resources Division

U.S. Department of Justice

By: [Signature]

Wells D. Burgess

Attorneys for the Secretaries as that term is defined above.

Date: July 29, 2003

**SETTLEMENT AGREEMENT**

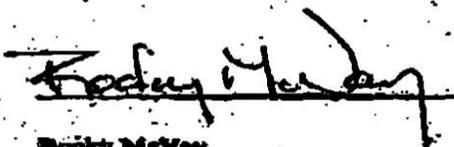
**in the case of Association of O&C Counties and Douglas County, Oregon v. Habbit and Dombek, C.A. No. 96-5222 (D.C. Cir.); Civ. No. 94-1044 (U.S.D.C. D.C.)**

1. The parties will jointly request the Court of Appeals to stay the appeal and issue a limited remand to the District Court on the basis of this settlement agreement to seek vacation of the District Court's dismissal of the cases, and instead enter voluntary dismissal without prejudice. Provided the District Court agrees to vacate its previous order on the basis of this settlement, the parties will then jointly request dismissal of the appeal. The Association of O&C Counties (AOCC) and Douglas County covenant that they will not file an action in any federal court against the Bureau of Land Management or its officers challenging the validity of the 1994 Northwest Forest Plan or the 1995 Resource Management Plans of the BLM in western Oregon (RMPs) based on the allegations of violations made in the complaints in the present cases or on any allegations substantively similar to those made in those complaints prior to the year 2001. The parties agree that the time between the date of execution of this Agreement and January 1, 2001, inclusive, will not be included in computing the time limited by any statute of limitations for any cause of action subject to this paragraph. Nor will that time period be considered on a defense of laches or similar defense concerning timeliness of commencing a civil action. The parties agree that any applicable statute of limitations shall be tolled during and for that period.
  
2. The BLM agrees that in any major revisions to the RMPs, the range of alternatives given detailed consideration would include an alternative that emphasizes sustained-yield timber production on the O&C lands, except insofar as limitations on timber management on the O&C lands would be necessary to comply with the Endangered Species Act, Clean Water Act, Clean Air Act, or any other law to which management of the O&C lands must adhere. It is understood that the BLM would not be making any commitment to select such an alternative as the preferred alternative, and that it is expected that the BLM will develop as wide a range of reasonable alternatives as possible for consideration. A minor amendment to a current RMP resulting from the adaptive management process would not be considered to be a major revision. The obligation to consider the sustained-yield timber production alternative would not apply to changes to RMPs short of major revisions, and nothing herein would alter the discretion of the BLM to amend the RMPs pursuant to the adaptive management process without undertaking a major revision. Agreement to include any such alternative in future revisions is not an admission that the current Resource Management Plans of the BLM are in violation of the O&C Lands Act, or any other law. Similarly, nothing in the settlement agreement, or the fact of settlement, would be construed as an admission by any party of either a violation of law or the lack thereof.

3. Under BLM's existing Resource Management Plans and planning regulations, the BLM conducts plan evaluations every three years. The BLM agrees to allow the county governments who make up the membership of the AOCC to participate in the development of these periodic evaluations, including consultation during preparation of, and review of, draft documents prior to their publication and dissemination to the general public. In addition to other relevant information and comments, BLM specifically agrees to give consideration in these evaluations to the studies and research developed by the State and AOCC referenced in the following paragraph. The BLM and the AOCC will cooperate in finding ways to make the county government participation in these plan evaluations as meaningful and effective as possible. The first plan evaluation on the BLM's western Oregon Resource Management Plans will be done in 1998, which will followed every three years thereafter (i.e. 2001, 2004, 2007, etc.).
  
4. The AOCC intends to request the State of Oregon to join in studies that examine ways to improve forest health and increase sustainable timber production on the O&C lands consistent with the objectives and goals of the Northwest Forest Plan. The BLM will agree to cooperate with the AOCC for purposes of these studies, including by providing requested existing information and data, and access to BLM's resource specialists, to the extent possible without interfering with the BLM's ability to carry out its program.
  
5. Nothing in this agreement will require the BLM to expend funds in excess of appropriations available under law.

Dated: Jan 30, 1997

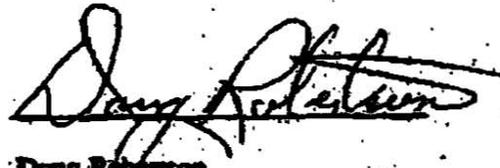
For the Association of O&C Counties:



Rocky McVay  
Executive Director of the  
Association of O&C Counties

Dated: 1-30-97

For Douglas County:



Doug Robertson  
Commissioner, Douglas County

Dated: Jan 29 1987

For the Bureau of Land Management:

Elaine Zielinski

Elaine Zielinski  
State Director, Oregon/Washington State Office

Dated: JAN 28 1987

For the Department of the Interior:

Paul Smyth

Paul Smyth  
Acting Associate Solicitor, Division  
of Land and Water Resources

Dated: Jan 29 1987

For the Defendants in Association of O&C Counties, et al. v. Babbitt, et al.:

David C. Shilton

David C. Shilton  
Attorney, Appellate Section  
Environment & Natural Resources Division  
Department of Justice

**CERTIFICATE OF SERVICE**

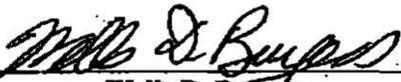
I hereby certify that on this <sup>8<sup>th</sup></sup> day of August, 2003, I served a copy of the foregoing **JOINT MOTION UNDER RULE 60(b)** on counsel of record by depositing same in the United States mail, postage prepaid, addressed to:

Per. A. Ramford,  
STOEL RIVES LLC  
DC Bar No. 392237  
900 SW 5th Avenue, Suite 2600  
Portland, Oregon 97204  
(503)224-9257

**Attorney for Plaintiffs**

Kevin Q. Davis  
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Portland, OR 97201  
(503)517-2405

**Attorney for the Association of O & C Counties and Douglas County**

  
\_\_\_\_\_  
Wells D. Burgess

## **Appendix 6**

### **Governor's Reports Website Addresses**

**Final Report of the Governor's Federal Forest Advisory Committee:  
Achieving Oregon's Vision for Federal Forestlands (January 2009)**

[http://www.oregon.gov/ODF/BOARD/docs/FFAC\\_Color\\_Report\\_and\\_Cover\\_for\\_Web.pdf](http://www.oregon.gov/ODF/BOARD/docs/FFAC_Color_Report_and_Cover_for_Web.pdf)

**Task Force on Federal Forest Payments and County Services: Final Report**

[http://governor.oregon.gov/Gov/docs/toffp/final\\_report\\_020309\\_am\\_nobkmk.pdf](http://governor.oregon.gov/Gov/docs/toffp/final_report_020309_am_nobkmk.pdf)

## Appendix 7

### Governor Kulongoski's Consistency Review of WOPR



THEODORE R. KULONGOSKI  
Governor

December 8, 2008

Mr. Edward Shepard, State Director  
Bureau of Land Management  
333 SW 1<sup>st</sup> Avenue, 6<sup>th</sup> Floor  
Portland, OR 97204

Dear Mr. Shepard:

Please accept this letter as my consistency review of the Proposed Resource Management Plan (PRMP or "plan") for the Oregon and California Lands (O&C). My comments address the PRMP's consistency with state and local plans, programs and priorities as well as the twelve principles I stated on January 10 of this year when I commented on the draft plan and draft environmental impact statement.

First, let me commend you and your staff for the hard work you have all undertaken to develop a plan for the O&C lands. I share your commitment to the completion of a plan that establishes certainty for Oregon's counties relative to funding for local governments, assures a continued and sustainable stream of wood products to contribute to local economies, and contributes the full range of other social and ecological benefits that these publicly-owned lands must continue to provide. That is why I signed a cooperating agency memorandum of agreement with your agency on December 1, 2005, committing my office and several state agencies to participate in the plan's development. It is also why I am undertaking this review with a continued commitment to assist the Bureau in adoption of a plan that meets my twelve principles, that is right for the O&C lands, that meets the needs of our counties and Oregonians in general and that can gain the support of our citizens and especially our members of Congress.

Following are my comments and concerns relative to the twelve principles I identified for the plan earlier this year:

**Principle 1:** The final plan must be fully implemented through adequate leadership, and supported with adequate human and financial resources:

**Comments:** I have serious concerns as to whether we will be able to achieve the full implementation of this plan, and thus, a great deal of uncertainty as to whether this principle will be met. The plan does not address the issues I raised relative to the need for the plan to be fully institutionalized within the Bureau of Land Management (BLM) and supported with adequate

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December 8, 2008  
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resources both within BLM and cooperating federal agencies. I will explain further my concerns relative to cooperating federal agency support in my comments on Principle Number 4. The issue of full institutionalization of the plan can be addressed through plan revisions that identify how BLM will direct its staff and operating priorities to assure implementation. However, the larger issue of obtaining support for implementation and subsequent appropriations from Congress, thereby offering a reasonable chance for planned management activities to occur without being sidetracked by disagreement, litigation or administrative appeals, is of great concern to me. I have serious doubts that there is the necessary support from our members of Congress and even greater doubt that the new federal Administration will be committed to this plan without a significant role in its adoption.

**Principle 2:** A robust and detailed monitoring strategy supported by appropriate research must be implemented as a key part of BLM's plan. The monitoring strategy must examine key questions related to the implementation, effectiveness and validity of plan assumptions and support adaptive management.

**Comments:** In my comments on Principles Number 5 and 12, I will address specific concerns and recommendations relative to water quality and to addressing the effects of rapid climate change. In general, the PRMP identifies monitoring relative to whether planned management has been implemented but generally lacks information on monitoring planned to assess the effectiveness of management activities. It is my understanding that BLM presently undertakes a number of programs for effectiveness monitoring and intends to continue those. It would be helpful if the PRMP would more clearly point those out and identify how such monitoring will inform planned adaptive management.

**Principle 3:** The BLM's plan must produce predictable and sustainable timber harvest as well as non-timber resources and values that contribute to the economic stability of the Oregon and California Lands Act counties.

**Comments:** I recognize that significant changes have been made to the Western Oregon Plan between the original and final drafts to address concerns that the State has raised through our collaborative relationship. Significant improvements have been made to address environmental concerns while still providing the economic benefits and local government funding critical to Oregon. While estimated annual timber harvest has been reduced from 727 million board feet (mmbf) in the draft to 502 mmbf in the PRMP, this harvest level is an increase over the allowable cut of 268 mmbf under the NW Forest Plan and an actual harvest of 80 to 130 mmbf in recent years. The projected revenues to counties will be \$75 million from the PRMP or about 65 percent of 2005 Secure Rural Schools payments for O&C lands. I also appreciate the sensitivity that BLM has shown over concerns about timber harvesting methods. Final harvest acres have been reduced under the PRMP, more of the volume will come from commercial thinning, and areas in southern Oregon will be managed using uneven aged management.

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While I am generally supportive of the direction the PRMP takes with regard to harvest, my concern as to the feasibility of implementing this plan also applies to the targeted harvest levels. The decision to defer Section 7(a)(2) consultation under the Endangered Species Act (addressed below), the reduction of riparian conservation areas without a coincident commitment to monitoring and assurances that water quality and aquatic habitat will be maintained or enhanced over current levels (also addressed below), and the potential for the new Administration and Congress to shift federal land management to a more protective environmental orientation are of concern as we strive to increase harvest levels on these lands. Consideration must be given by BLM to a phased approach to increasing harvest that takes into account the following: 1) Public sensitivity to clearcutting and harvest of older trees in areas of complex forest structure, 2) The philosophy and guidance of a new presidential administration, 3) The need to build the confidence and support of the Oregon Delegation and Congress for increased harvest levels which will then translate into appropriations to BLM, 4) The fact that reauthorization of the Secure Rural Schools and Community Self-Determination Act gives us additional time to address factors 1 through 3.

**Principle 4:** The BLM's approach to managing habitat must comply with the federal Endangered Species Act, aid in the recovery of listed species, and complement strategies for managing state-owned lands.

**Comments:** The PRMP's approach to the federal Endangered Species Act (ESA) is my greatest concern as to whether the plan is consistent with my twelve principles, and at the same time complies with federal and state laws. While the plan was under development, I had every reason to believe that the PRMP would fully address ESA issues and BLM's obligations under federal and state law. Both the United States Fish and Wildlife Service and the National Marine Fisheries Service (Services) were participating as cooperators in the planning process. Further, under a 2000 Memorandum of Agreement between BLM and the Services, there is a clearly-stated commitment by BLM to completing consultation with both Services Under Section 7(a)(2) of the ESA as part of the preparation of programmatic and landscape scale plans like the PRMP. Therefore, I was surprised to learn that the decision was made late in the planning process to not complete consultation, to instead issue a finding of "no effect" and to defer consultation to a project-specific approach as the plan is implemented over time.

The decision by BLM that consultation is not required for the PRMP appears to have been made unlawfully and is inconsistent with the ESA. Such a decision requires the concurrence of the Services and should have been made based upon a biological assessment prepared by BLM. The letters offered by the Services to you in response to your notice to them to defer consultation to a later time do not represent concurrence. Further, no biological assessment was prepared that would support your decision or the concurrence of the Services.

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The decision by BLM to not complete consultation raises potential problems for the State of Oregon in obtaining an Incidental Take Permit (ITP) under a Habitat Conservation Plan (HCP) for the Elliott State Forest. In preparing an HCP, the State has assessed the impact of the PRMP on listed species. However, because a federal determination of effects on listed species will not have occurred before adoption of the PRMP, it may be difficult for the Services to make a final determination on an ITP for the Elliott.

The decision by BLM could create an undesirable precedent for other federal actions in Oregon that are subject to ESA requirements. Because BLM's decision to forgo consultation at this level of planning is, in Oregon's view, a unilateral action that lacked concurrence from the Services, it opens the door for other agencies to do likewise.

For these reasons, and because the adoption of a plan that is broadly supported and that can withstand all legal or political challenges is a prerequisite for me, I am requesting that you resume and complete consultation with the Services before the PRMP is adopted.

**Principle 5:** Riparian management strategies and best management practices must maintain and restore freshwater habitat for salmonids, contribute to the conservation of other fish and wildlife habitats, and comply with the federal Clean Water Act including sustaining beneficial uses consistent with state water quality standards and protecting source water used for drinking water.

**Comments:** The Bureau of Land Management proposes an adaptive management approach as it undertakes harvest. The PRMP commits to very limited monitoring to inform that adaptive approach and is not consistent with Principle Number 2. Therefore, BLM should strengthen its monitoring program and work directly with the Oregon Department of Environmental Quality (DEQ) and Western Oregon Plan Revision Science team to include greater effectiveness monitoring information so needed adjustments can be made to BLM land management in the future. Further, harvest activities can have a significant impact on community drinking water systems particularly if they take place upstream of a drinking water intake. Even though the riparian protection in the PRMP is an improvement over the preferred alternative in the DEIS, there should be a commitment by BLM to work with DEQ and communities in advance of harvests in watershed areas above community drinking water intakes to address concerns on the part of water users. My concerns are similar to those expressed to you by the Environmental Protection Agency in its letter of November 25, 2008.

I am on record in support of the further designation of approximately 98 miles of the Rogue River and associated tributaries for federal Wild and Scenic River status. Associated with this is my support for the designation of 58,340 acres of associated BLM lands for wilderness status, of which nearly 57,000 are O & C lands. Federal designation of these areas would not only contribute to the conservation of key fish and wildlife habitats stated in this principle, it

Mr. Edward Shepard, State Director  
 December 8, 2008  
 Page Five

would also meet the goals of Principle Number 6 (The BLM plan must support the Oregon Conservation Strategy) and Principle Number 10 (The plan must provide a sustainable mix of outdoor recreation opportunities). These designations are also supported by a number of Oregon's members of Congress. The PRMP not only does not recognize the interest and support for these designations in their entirety, it proposes harvest and would allow associated road-building in critical portions of these sensitive areas that are wholly incompatible with Wild and Scenic River or Wilderness status. The plan should be amended to address the candidate status of the entire area proposed for designation, and management and protection strategies should be identified that enhance the outstanding natural qualities of these areas.

**Principle 10:** The plan must provide a sustainable mix of outdoor recreation opportunities.

**Comments:** My office has heard from a number of private property owners who live adjacent or near to O&C lands that have been designated in the PRMP as Off Highway Vehicle (OHV) riding areas. The property owners have expressed concern over the manner in which the designations are made and the potential for the designations to result in uncontrolled riding and unplanned trail development on these federal lands. The landowners' specific concern is that this method of authorizing OHV riding (based upon past experience) will increase and exacerbate trespass problems with OHV use. The PRMP does not adequately describe how BLM will monitor and regulate OHV use for adverse environmental impacts, how this use will be managed adaptively to mitigate those impacts and how BLM will respond to and assist neighbors who experience trespass or property damage.

**Principle 12:** The plan must address the interactions of forests and a changing climate; including forest management strategies that can help in sequestering carbon or reduce overall emissions into the atmosphere, as well as addressing the forest health risks that may occur due to global climate change.

**Comments:** In my January 10, 2008 letter, I asked that the plan include adaptive management strategies to explore options relative to ensuring that future forest ecosystems are better able to accommodate a warmer climate and to maximize the potential of these forests to sequester carbon. I find the PRMP lacking in descriptions of the necessary research, monitoring and decision frameworks to assess the effects of climate change over time and to inform adaptive management. Addressing the serious problems of global warming for Oregon's environment and economy has been one of my top priorities. With over half of Oregon's lands in federal ownership and with half of that ownership in forests, the effect of climate change on these lands will be enormous. The role these lands will play in helping Oregon adapt to the effects of climate change is equally enormous. Because the O&C lands represent such a large component of Western Oregon, their contributions to addressing climate change are as important as the other values they offer. I am asking that the PRMP for the O&C lands be enhanced with detailed strategies for monitoring for the effects of global warming, a commitment to supporting needed

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December 8, 2008  
Page Six

research to address critical uncertainties, and identification of a decision framework for adaptations that will be needed. It remains my hope that the PRMP address global warming and climate change in a way that will serve as a model for planning for federal and non-federal forests throughout the West.

**Conclusion:** I find that the public was not afforded a full opportunity during the DEIS phase of this process to comment on a number of the issues raised in this letter, especially the issue of BLM's decision not to complete the ESA consultation. Therefore, I am asking that the Bureau initiate a new comment period to allow Oregonians to address these issues.

Further, I am recommending that the PRMP not be adopted and that the Record of Decision not be signed until the concerns and inconsistencies I have mentioned herein are addressed. This will also give us the opportunity to work together with other state leaders, our members of Congress and the new Administration in Washington, DC, to build broader understanding and support for the PRMP.

However, I do not want a new comment period or an extension of time to finalize the Record of Decision to be viewed as reasons to sidetrack this plan. The commitment of time and resources to this planning process by both state and federal agencies has been considerable. More importantly, their efforts have shown that state and federal agencies can work together effectively and in good faith to advance plans for better management of our federal forest lands. I want us to build on these efforts, not abandon them.

Now that we have secured a reauthorization of the Secure Rural Schools safety net payments for four years, it is imperative that we continue to work together to secure the adoption and implementation of a final management plan for O&C lands within that four-year timeframe. This will require continuing efforts to ensure that the plan, when finalized, can be implemented free of legal challenges and deliver the healthier forests and sustainable harvest yields that we have been seeking since enactment of the Northwest Forest Plan more than a decade ago.

Sincerely,

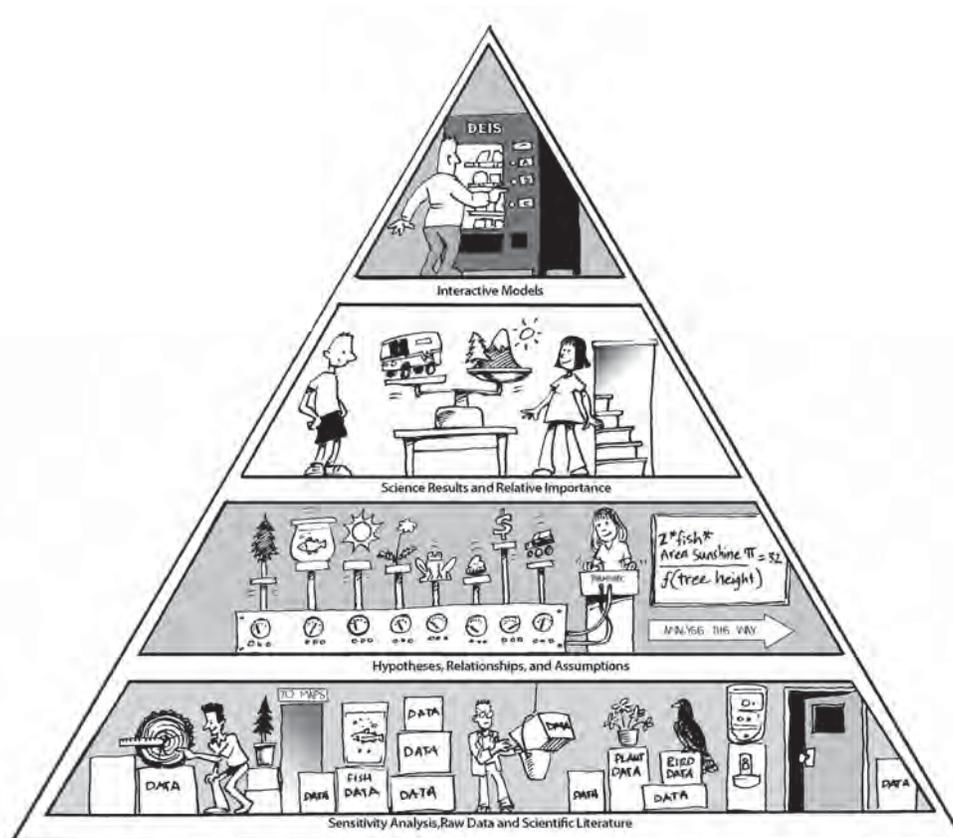


THEODORE R. KULONOSKI  
Governor

TRK:mcjb  
c: Secretary Dirk Kempthorne

# WOPR Outreach:

*Carie Fox, with Philip Murphy, Decision Scientist & Thom Cheney, Illustrator & Graphic Designer*



*The Web Pyramid, Discussed in Section VI*

# I. Introduction

## *Background on the Report*

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### The Outreach Team

**Carie Fox, J.D., M.S.**

Team Lead, designer, facilitator.  
[www.foxmediation.com](http://www.foxmediation.com)

**Gregg Walker, Ph.D.**

Designer, facilitator.

**Jon Lange, Ph.D.**

Research, design review, facilitator.

**Philip Murphy, Ph.D.**

Interactive web designer/implementor,  
decision scientist.  
[www.infoharvest.com](http://www.infoharvest.com)

**Brian Muller, Ph.D.**

Land Use Futures, University of  
Colorado  
Map-based commenting.

**Dana Lucero, M.S.**

Decision support specialist.

### Acronyms & Shorthand

**BLM:** Bureau of Land Management

**DEIS:** Draft Environmental Impact  
Statement

**ECR:** Environmental Conflict  
Resolution

**GIS:** Geographical Information  
System

**IDT:** Interdisciplinary Team

**Institute:** U.S. Institute for  
Environmental Conflict Resolution

**NEPA:** National Environmental  
Policy Act

**MCDS:** Multi-Criteria Decision  
Support

**PID:** Personal Identification

**WOPR:** Western Oregon Plan  
Revisions

This is a report about hubris, tenacity, and a naive yet resilient passion for improving participatory democracy. Our team came to the Western Oregon Plan Revisions with dreams of “pushing the boundaries of mediation” and of pioneering more inclusive, more empowering web tools for public outreach.

Yet WOPR was not the right context. An expensive experiment with few tangible benefits, our experience with WOPR nevertheless has had profound impacts on the way we think about public participation. It may provide insights on future web work.

The BLM had a memorandum of understanding with the U.S. Institute for Environmental conflict resolution, and the Institute, working closely with BLM, contracted with us to provide novel outreach for WOPR. Background information about WOPR, which we prepared for the website, is presented in Appendix A.

The first half of the report focuses on public participation models and their relation to good outreach and web practice; the role of ethics in pushing us beyond traditional mediation boundaries; the risks one takes when pioneering and how they can be recognized and mitigated for; and the relationship between outreach, learning theory, and the web. We emphasize the

role of internal agency buy-in if deep outreach is the goal.

Sections V and VI address specific work we performed and catalogs the lessons we learned in innovative web designs.

**Audience:** This report is written for agency folk, stakeholders, neutrals and managers of neutrals who are interested in empowering more people using novel methods, including interactivity on the web.

**Scope:** This report discusses our work “pushing the boundaries of public policy mediation” and using the internet in novel ways. It is not a commentary on the WOPR project as a whole.

**Goals:** Our goals were to improve accessibility of WOPR information, push technological frontiers to reach more people in a more empowering manner, glean additional information from DEIS comments, explore what it means to “push the boundaries of mediation,” and perform our work ethically.

**Bottom Line:** Though we had some successes, we failed at most of our tangible goals. One of the tools we proposed, Multi-Criteria Decision Support, was jettisoned in part because we came in too late on the project. The map-based commenting tool had wonderful elements but was over-designed and probably received too few visitors to make a difference. Our collaboration with BLM to post

# & Overview

## *and Key Questions*

the DEIS online was plagued with problems.

Our greatest successes were with traditional facilitation; our ability to maintain, repurpose, and rediscover ethics, and our willingness to learn from the numerous lessons WOPR provided.

**Challenges:** In many ways, WOPR was an ill-suited project for our endeavors because of:

- The timing of our entry into the WOPR process (when the DEIS was ostensibly almost ready to go to the printer);
- The real schedule and the aspired-to-schedule;
- BLM's internal dissonance about WOPR overall and our goals specifically;
- The starkness of the issues in WOPR;
- WOPR's geographic size and scientific complexity;
- The centralization of WOPR in the Oregon office;
- The level of disruption WOPR would have presented to the status quo;
- The fact that WOPR was a programmatic plan; and, of course
- The narrow decision space.

Our dream was to help people go deeper on WOPR information. But WOPR may not have been a project where people needed to go

deeper in order to have a good grasp on their position.

For our learning, though, WOPR was ideal. It could not have been better designed to winnow away the hubris and naivete, and also to help us develop a better grounding for the type of work we somewhat ignorantly proposed for WOPR.

**Advantages:** Our greatest advantages were the individuals with whom we worked most closely at BLM, who taught us so ably and performed miracles on behalf of our shared work; the members of the public, industry, and activist groups who were generous enough to talk with us in spite of our near-irrelevance; and our colleagues who helped us work through the ethical implications of our novel work, deepening and refining our thinking.

To capitalize on WOPR's learning opportunities, in July of 2008 BLM representatives, several outreach team members, Larry Fisher of the Institute, and Boykin Witherspoon III, a GIS and NEPA expert, met to review our experiences. This report includes the insights from that day.

Our **key lessons** can be summarized as questions one might ask in assessing whether a particular outreach need calls for the services of a neutral. Is there:

- Focus on long-term outreach investment?

- Adult-learning orientation? (We assume mediation-like perspectives and neutrality are most useful for an adult learning style of outreach.)
- Investment in agency/stakeholder discussion and resolution on outreach goals?
- Commitment to publicize?
- Schedule realities and investment allowing for beta-testing and iterations well beyond the NEPA requirements?
- Agreement for ubiquitous, instantaneous, publicly reported feedback?
- Agreement to use Institute server and interpretation of cyberlaw?
- IT and graphics bench strength?
- Clarity about roles? ...and
- A reasonable cost/benefit analysis?

Great appreciation is due to BLM for supporting this report, yet another example of their willingness to take the risks inherent in transparency.

### **WOPR not a Mediation**

Resolving legal interpretations, seeking to create precedents, and head-on values collisions are not good fodder for mediation. To create the exquisite balance of tension that is mediation, every stakeholder needs to recognize that there is something to gain by participating, something to lose by opting out.

There was not the slightest question whether WOPR met the criteria for mediation: it emphatically did not.

## II. Ethics and

### *Finding a Structure Within Which*

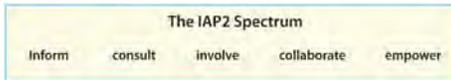


Fig. II.a The IAP2 spectrum can be found at <http://www.iap2.org/displaycommon.cfm?an=5>

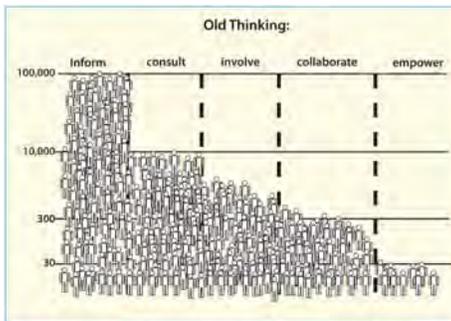


Figure II.b: Proportions of people reached with respect to the IAP2 spectrum.

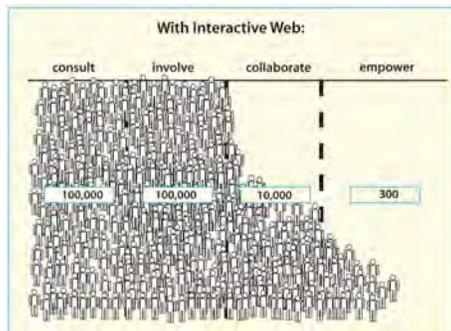


Figure II.c: Proportions of people reached using interactive web. Note that even in the collaborate mode, we envision an order of magnitude increase.

Our team and the Institute were partially motivated to work with WOPR because we wanted to “push mediation boundaries.” It is only through the WOPR experience that we are better able to express what that might mean.

The International Association for Public Participation has a simple yet powerful model for thinking about participation, moving from “inform” to “empower.” Fig. II.a. Mediation focuses on the “collaborate” part of the spectrum, where, as illustrated in figure II.b, very few people can participate. In public policy, where so many people are affected, small-scale collaboration becomes exclusionary. Thus, concerns about inclusion and implementability force us to think about scaling up.

One thing we meant by “pushing the boundaries” was “including more people in a more empowered way,” as illustrated in Figure II.c. We wanted to test web technology as a means to achieve that end. In scaling up for WOPR we discovered a great deal about the scalability of collaboration ethics generally.

Aside from scale, the other “push” we made was to work in a situation that was not mediatable see text box p. 2 . What happens to our principles when we attempt nevertheless to work as neutrals?

In early drafts of this report, I have been asked “why talk about

mediation ethics at all, when you say WOPR isn’t a mediation?”

There are three reasons:

1. When a team includes three mediators under contract to a conflict resolution agency, the first problem is one of communication: if we are not mediating, what are we doing?
2. Mediation provides authority and ethical precepts within a precise boundary. If we go outside that boundary, we need to articulate where our authority lies and what its ethical requirements are.
3. Websites alter the world. If they are to alter the world in a fair, transparent, and meta-transparent way, then the designer *must* have a principled foundation for her work. Such design comes from good conceptual models. These models support the original design, conversations among the stakeholders about the design intent, and testing of the design successes. This is underscored in Section III, where I talk about different approaches to agency intentions when they inform the public. Mediation offers a point of departure for those principles.

Mediation ethics are not sacrosanct. It could be that we would want to leave them behind and use something else as with the

# Web Design

*to Make Better Design Choices*

shift from confidentiality to transparency. But it turns out, happily, that repurposed mediation principles are often very, very useful.

Mediation is a defined, focused space within which the parties exist in counterpoise—a crucible. There, they can hold one another accountable. There is a potential for profound change. As well, the parties are committed to the process and to the proper training or calibration of the mediator.

When one scales up and/or works outside of a mediation, one moves out of a crucible and into a very large sieve. The loss of counterpoise has profound implications for the leverage points in a process. In a sieve there is:

- No team of diverse stakeholders invested in teaching the designer what neutrality means in a specific conflict;
- No counterpoise among the stakeholders and thus—
  - No place of equipoise for the designer;
  - No added accountability among the stakeholders;
  - No authority for the designer to act independently;
- No confidentiality; and
- In theory, much more transparency.

The question is: are any of these changes a loss? And if they are, what can one do about it?

Neutrality need not be among the design values in all government websites, but as a practical matter it might often behoove the agency to embrace it. People do not come to websites they perceive as biased, and they certainly do not send their constituents there.

Here is an example of neutrality it took me far too long to appreciate, a very simple tenet of mediation that was easily repurposed once I woke up to it, and something that would have been quickly set straight if I had been steadily calibrated by all the stakeholders: the concept of a website as a meeting space.

There is no question about the importance of choosing a physical meeting space to be welcoming to all the stakeholders. Agencies routinely accept that their offices may not be the best place for a public meeting. If an Institute contractor recommended such a thing, and the agency balked, the Institute would most likely support the contractor. We should think of websites in the same way. Here are examples of things to consider if we wanted the virtual meeting space to be as welcoming to stakeholders as the physical meeting space:

- Are the visual cues welcoming?

- Is the palette neutral—no, not gray, but taking into consideration all interests? Activists may want bright, action-oriented colors, an agency may want cool colors.
- Is the tone welcoming rather than bureaucratic?
- Is the experience enjoyable and efficient?
- Is this the type of site people would be willing to send their constituents and allies to?

In a way, this list is trivial. If the design includes opportunities for stakeholders to give feedback on the outreach, *the public* will inform the designer what neutrality and effectiveness mean for that situation. The important thing about this list is that, by working without the counterpoise offered in mediation or its equivalent, I missed these types of now-obvious issues. Another example of my blindness is the attitude towards “SPAM,” discussed in Section VII.

The second problem is of authority. In mediation, the neutral’s authority comes almost solely from channeling the parties’ views. What is my authority without them? It cannot be because I have the secret, the right answer to outreach like an engineer with his engineer’s stamp or that I know the standards and how to test for them like a 3rd party water

# Ethics and

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## IAP2 Spectrum & Process Feedback

One of the most useful places to apply the IAP2 spectrum is to the feedback on the website. Is it “consult,” “involve” or “collaborate?”

tester. The constitution never appointed ex-mediators as a 4th branch of government. If the Institute and its contractors are to claim independence from the agency, what, other than tenacity and charm, allows us to do that?

Unless we can find a way to replace the equipoise of mediation that is usually provided by diverse stakeholders, I believe our only role in this type of situation is as coaches, not as 3rd party neutrals.

But can we replace the equipoise found within the crucible?

Maybe, through **feedback** at large scales, we can design something to calibrate the design to stakeholders’ needs and to provide a basis for the designer’s neutrality and validity. Large scale, instantaneous, reported feedback would also increase the agency’s accountability—though unfortunately it would do little to support accountability from the other stakeholders back to the agency.

Of course feedback works best if it is iterative: feedback followed by adjustment. This requires more work and more dialog than NEPA does.

If the large-scale feedback were augmented with public meetings and focus groups, the designer could develop a reasonable understanding of what constitutes neutrality for the particular situation, and might have the authority and credibility she needs to act as a 3rd party neutral and to develop a website people trust and endorse.

The other mitigation for the loss of the mediation crucible is **transparency**. At the outset of a mediation, the equipoise among the parties forces good behavior in a way that often becomes internalized and even relatively stable. Outside of the mediation context, transparency might increase accountability in an analogous way, which can in turn support a more full and constructive dialog—though we have a lot to learn about how to do this.

Interestingly, though, transparency is often thought of as a one-way show, what I’ll discuss later as a podium-style delivery of information. This in itself does not make government accountable. It is what people *do* once they have “seen into” government that creates the accountability. Websites are not just a way for people to passively acquire information. The interactive web is also a way for people to send information back and for that response to become part of the public dialog.

The first question about transparency is definition. People often focus on what one might call substantive data dump—responding quickly to FOIA requests or making raw data available in a convenient manner. Sophisticated groups and individuals are best able to benefit from this kind of transparency.

A second kind of substantive transparency focuses on *understanding* as well as data transfer, and is discussed in the following section.

Any new outreach technique alters the playing field. Meta-transparency means that the stakeholders have an equal chance to understand and adjust to those changes. A meta-transparent website includes:

- Opportunities to test beta versions of interactive tools such as multi-criteria decision support or online modeling e.g., through a beta version as we did with WOPR’s Spring Forum ;
- Analyzing biases and making them explicit such as web design choices about ordering and reporting public input, etc. ;
- Providing opportunities for people to give feedback outside of the website’s particular rubric;
- Clarifying how the information submitted by the public will be exposed;
- Articulating how the information will be used; and

# Web Design *cont'd*

- As well as a real-time exit survey, providing **universal, ubiquitous, instantaneously reported feedback**.

If both feedback and meta-transparency worked, then one might have a structure within which the design could be effective, appropriately independent, and fair.

Transparency is a tricky thing, however. In the influence diagram below, notice that transparency by itself increases risk, and by increasing accountability it increases risk twice over. Risk is not well rewarded in government. Therefore the more risk, the less management support.

To nourish transparency one needs to reduce risk or increase management support in other ways. The website feedback is a leverage for accomplishing this:

feedback increases skill, and skill reduces the unnecessary risk related to web blunders. Lower risk means greater management support, which in turn enhances all the left-side elements: skill, publicization, peer support and so on. The diagram on the end page of this report shows how radically website feedback could feed transparency.

It would have been good to develop a much stronger version of this influence diagram collaboratively with internal BLM folk, or on another project to work this through with internal agency folk and other stakeholders as appropriate. If the outreach they dream of is a long-term investment, if it is about transparency but what kind?, if it is to be supported horizontally and vertically by the agency—then it would be useful to have a simple

approach such as this diagram to sort out different players' perspective. Based on the diagram, what is the long-term viability of the chosen outreach goals?

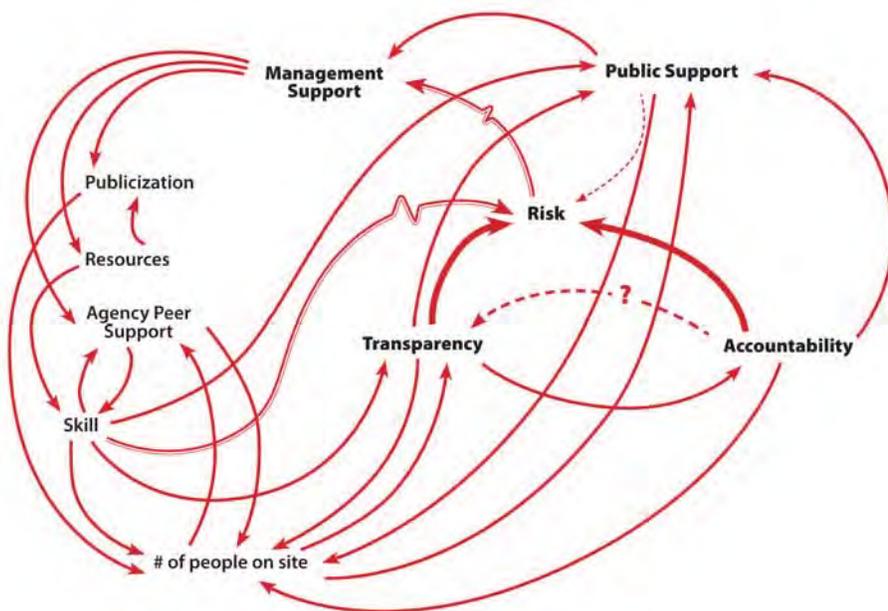
In this section, I have asked whether 3rd party neutrals can operate without an active group of stakeholders to offer a counterbalance. Indeed, I ask whether she would know *how*. I then asked whether there are ways to substitute for the lack of counterbalance and cautiously suggested that perhaps large scale feedback in combination with face-to-face meetings would work.

Transparency may also provide a container within which an appropriately independent person might work, but transparency needs to be defined and nourished.

Both the large-scale information and the transparency would be supported by universal, ubiquitous, instantaneously reported feedback. So easy. So cheap. So effective. Yet so rarely seen on government websites.

For WOPR, we did have an exit questionnaire. Murphy/Fox projects in the future will have page-by-page feedback.

*Figure 11d: Influence diagram showing that transparency does increase government accountability, but there does not appear to be a great deal feeding into transparency.*



# III. Rethinking What it

*Culture Wars and*

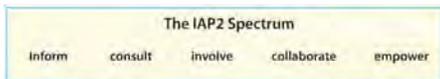


Figure IIIa: The IAP2 spectrum can be found at <http://www.iap2.org/displaycommon.cfm?an=5>

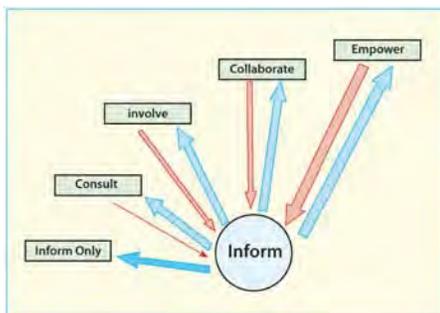


Figure IIIb: Inform at center of the IAP2 Spectrum. The red arrows indicates the flow of information from agency to stakeholder and back.

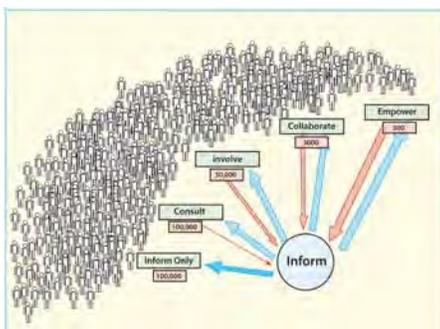


Fig. IIIc: People reached.

**Participation is Not One Answer**

When analyzing where a conflict falls in the IAP2 spectrum, it is important to unpack the issues. Even if the big picture fits in “consult,” sub-issues may be appropriate for collaboration, and vice-versa.

Our work sparked conflict with and within BLM. We were operating inside of an unspoken rift within the agency. Not “unspoken” as in “censored,” but unspoken because BLM is at the forefront of a new struggle that may not have had a vocabulary yet. Reflections on WOPR have helped suggested a vocabulary.

Disgruntlement particularly attached to one idea: that it was wrong to send a signal of a willingness to compromise when compromise was not possible given WOPR’s setting, and that the kind of outreach we were attempting did signal compromise.

There are good arguments for limiting outreach in a project like WOPR, and it is absolutely true that one should not signal compromise unless one means it. But the crux of our miscommunication lay around the idea of what does and does not signal compromise.

If I could go back and do one thing differently with BLM, it would be to discuss the graphs in this section with them and work them through collaboratively, then apply the results to WOPR and use the resulting model to surface and resolve our jostling assumptions.

If we could have that discussion, we would bring for examination four assumptions:

1. Inform is at the center of all types of public participation;
2. Inform can be “talking at” or “talking with” podium speaking or adult learning ;
3. “Talking at” is mostly appropriate when one does not intend to collaborate; but
4. “Talking with” is eligible for all types of public participation, even when you don’t intend to negotiate.

BLM liked the IAP2 spectrum Fig. IIIa . It helped anchor discussions about the kind of outreach they wanted, seeing public participation as a range of possibilities rather than just collaborate/don’t collaborate. We had a big poster of the whole page at many of their meetings. After looking at it so long, I found myself increasingly bothered by the placement of “inform.” Stakeholders usually need information from the agency *throughout* the spectrum of public participation. Fig. IIIb.

In retrospect, this was important, especially when combined with a distinction between podium speaking and adult learning.

Podium speaking happens when an expert stands above the audience, behind a wall, with a surface designed to hold up a tome or static speech. The podium speaker talks *at* the audience.

# Means for Agencies to “Inform”

## Transparency

The implication of the term “adult learning” is that kids can suck up information like sponges, but adults need to work with the information in order to get it into their brains. The emphasis is on adults’ need to acquire new knowledge by weaving it into their existing body of wisdom. Adult learning is a surprisingly personal act.

Self-selection is also important. This means that the learner can choose when, how, how much, and what to study, in what order. Does this help adults retain more information, and to integrate it into their own mental context? Yes. But of course self-selection also has implications for status. “Here’s the information made

available in lots of ways, why don’t you browse and see what interests you” suggests a peer-learning experience rather than downward delivery.

Figure IIIId is a mock-up of how people with a preference for podium speaking perceive the advantages of podium speaking and adult learning, contrasted with the way adult-learning types see the world. In the first two bars solid blue and hatched blue, you see an issue that could be discussed constructively, even without a proper framework or vocabulary—a discussion about how well a data dump serves the public. Adult learning types would liken that to “drinking water out of a fire hose” and score it lower than podium-

style folk. But this is a matter of degree—even without clarifying their mental model, people with different perspectives could muddle along.

A discussion about avoiding condescension the third set of bars would be very hard to navigate without this graph or something like it. Pro-podium and pro-adult-learning people see the world so differently. If they also lack a mental model for articulating the basis for their differences, the conversation will almost certainly be frustrating and inconclusive because it is simultaneously and unknowingly at odds about means, goals, and predictions.

When the solid and hatched bars are of equal height, that means people with differing perspectives would be likely to agree. Those instances are few.

A related, persistent miscommunication within BLM and among BLM and our team was the connection between approaches to

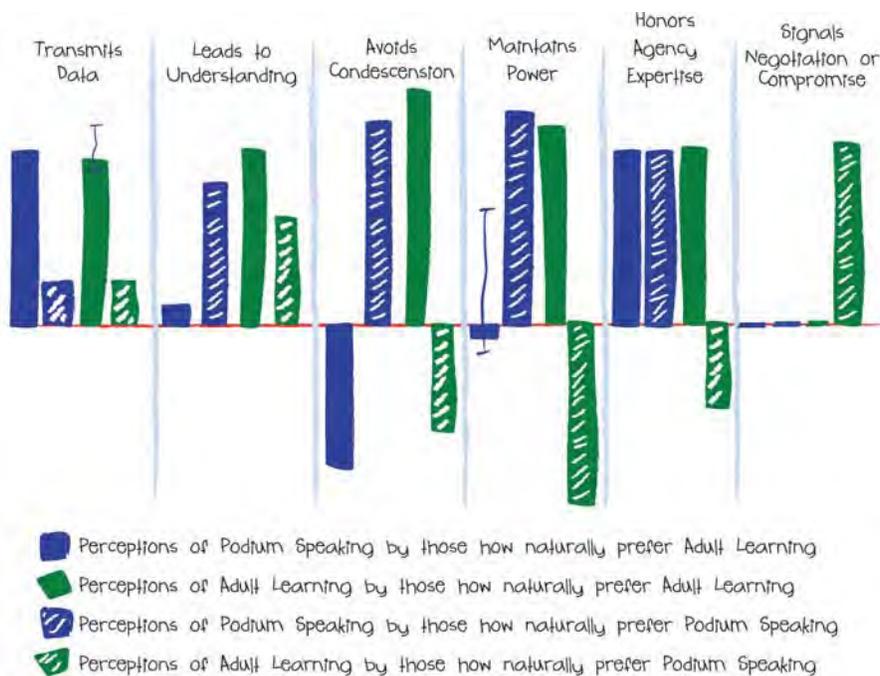


Fig IIIId: Perceptions of Podium Speaking and Adult Learning. Note how the graphical aesthetic emphasizes the “as I imagine it” nature of this graph. An excel output would have been easier, but it would have hinted at reams of non-existent data.

# Rethinking What it Means

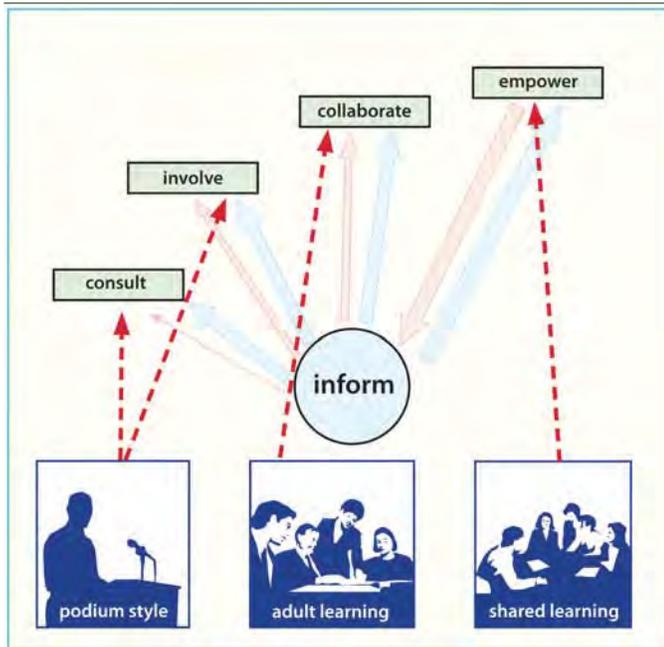


Figure IIIe: Perception that adult learning is appropriate for collaboration only. This figure shared learning, which is discussed in Gre Walker's book Working Through Environmental Conflict: The Collaborative Learning Approach (Greenwood/Praeger).

skills and perspectives, and it may be that the situation is less likely to require a neutral. At the same time, because this was our background, and because I had my share of hubris and naivete, I pushed ideas that were grandiose in this context.

The adult learning features of self selection and mental integration through interactive experiences find a natural home on the web. The problem is, to do this right is not a simple decision, affecting only outreach. If an agency wants to create a true adult learning experience on the web, this will require different thinking about outreach, different timing, and different relationships between the IDT and the web designers. It will require much more internal buy-in. To test the web with its intended audience, iterations will be required. If the interactivity of the web is analogous to tools actually used by the IDT, then careful thought will have to be given to comment analysis, reporting, and incorporation in the final EIS. This is a big undertaking. Especially since we have not we figured out the kinks, it does not make sense on every project.

What, then, are the considerations when deciding whether or not to take on the considerable financial and staff burden of adult learning for large groups of people?

- The more this approach is used as a long-term investment,

“inform” and collaboration. WOPR was not appropriate for collaboration. If one equates adult learning approaches with collaboration fig. IIIId, then our attempts to design in an adult learning mode were sending the wrong signal.

But if one sees adult learning as appropriate across the spectrum of public participation, then what we proposed at least passed the first hurdle fig. IIIe and the 6th set of bars on Fig. IIIId. From our perspective, adult learning approaches do not, of themselves, signal compromise. It is not that we were pro-adult-learning and BLM was pro-podium. First, podium speaking often is exactly the right tool. Good outreach based on podium speaking is an important and rare skill. Second, plenty of BLM folk are naturals at engaging in adult learning—hence the success of the science meetings described in Section V. However, as a general rule, if an agency wants podium speaking at the “inform only” end of the spectrum, they are less likely to need a person with mediation

## Transparency and “Inform”

In Section II, I talk about substantive transparency as transmission of data (podium speaking) or as fostering of understanding (adult learning). I also talk about meta-transparency: good processes where the rules are clearly understood and where the public can provide publicly-reported feedback.

I also reference the confusion about a 3rd-party neutral's role in this world. It is not as though we can apply some clear, and clearly accepted, measure of transparency and meta-transparency to a website. But really, the test is the audience.

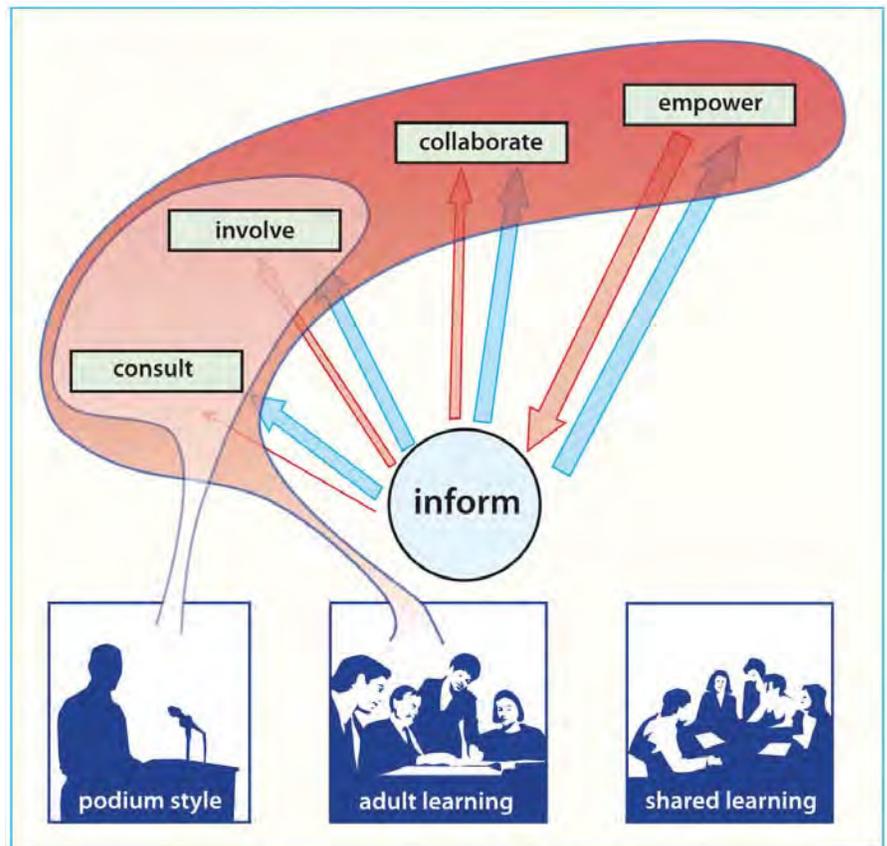
# for Agencies to “Inform” *cont’d*

rather than a single NEPA event or even a single planning process, the better;

- When issues are stark, one investment is in creating “good adversaries.” When there are shades of gray, the investment is in providing people with a way to deepen their understanding as they develop their opinion;
- The importance of building social capacity understanding of issues, trust, familiarity with the modes of communication ;
- Though it is an additional challenge, the need for deeper internal buy-in might actually benefit the agency in the long run;
- Supporting a “learning system” in comment analysis as discussed in Section VII may be a benefit or a detriment depending on the agency’s goals.

Resources are limited. For the general public, is classic NEPA outreach enough? If the answer to that question is a resounding “no,” then invest in large-scale adult learning.

If the answer is “yes, NEPA is enough” then ensure the “informing” is complete: everything from the goal through the science to the ultimate decision should be clear and, as importantly, so should the link from one to the other. For discussion of the decision logic articulated in the WOPR paper DEIS, see Appendix B, which can be found at [www.infoharvest/wopr/deisanalysis.pdf](http://www.infoharvest/wopr/deisanalysis.pdf).



*Figure IIIf: Adult learning is appropriate across the spectrum of participation, not just for collaboration and empowerment. With the web, an adult learning approach is now possible at larger scales (section II).*

**Keith Johnstone** says that every human conversation involves status. When people protest “but surely not in friendships!” he responds that in friendships, there is just as much status interplay, the difference is that with friends we are willing to share. In a conversation among good friends, the person who has been “up” for a while will actually look for a way to “down” himself or to up his partner’s status. The same may be said about “good adversaries.” Realizing that temporary shifts in status are not the same as losing power, good adversaries are secure enough, even across the chasm of intense disagreement, to allow some play in the status equation. (Several of the District Managers excelled at this.)

A web interaction is a conversation, albeit an asynchronous one. The web’s interactivity allows for the more status-sharing adult learning, as well as learner-selection.

The one who constantly plays “down status” loses power. The one who constantly plays “high” has it, but in a fragile hold. The one who can play up or down is truly powerful, especially if one considers effectiveness as an aspect of power. Walking away from the podium... for a while... is not losing power. As well, using adult learning techniques is not of itself a signal that an agency is offering to put things on the table.

–Johnstone, Keith. 1979. *Impro.* (Methuen Publishing, London)

## IV. BLM & Culture Change

*“WOPR and Beyond”*

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### **WOPR’s “Decision Space”**

BLM knew its interpretation of the O&C Act (see Appendix A) left little room for policy debate, but when we first came on they thought there was nevertheless a small decision space. As discussions progressed, the decision space dwindled. The focus of the DEIS became: do the alternatives meet or “over meet” the requirements of environmental law?

Public participation around policy, mixed policy and science, and values is very different from an almost entirely fact-based discussion. It would have been interesting to start our design work with the latter premise.

### **Publicizing & BLM Word of Mouth**

Part of our goal—our contacts at BLM and the Institute’s and our team’s—was to reach more people in a more empowered way. That meant we wanted to reach beyond the usual circle of people—beyond the ones on BLM’s mailing list. For a web tool, internet publicization makes a lot of sense. Easy, engine-searchable urls, Google and Facebook ads, and YouTube: 21st century publicization.

Research also suggests an important element in jump-starting a website is word of mouth. If the design is off, the agency folk will know it. They need to be involved enough to tell the designer so. And if the design is good, the agency folk might be the first to sell it.

### **BLM and Beyond**

Both the Institute and our BLM connections talked about “WOPR and beyond.” Even if our work had been wiser and more effective, we would have needed a deeper level of internal buy-in for it to have a realistic “beyond.”

Our team had amazing support from our champions within the agency. But we certainly did not have buy-in from the agency as a whole, nor—fatally—from the public affairs office.

Neutrals have to be distant from the agency, and the Institute excels at protecting that distance. But where did our authority as neutrals come from if not provided by the combination of stakeholders? As I ask in Section II, what *was* our role and authority within the agency?

We did not work for our “champions” within BLM, we worked for the Institute. More complex yet, the functional connections we had within BLM were outside of the public affairs office. I felt then, and now, a great deal of sympathy for a public affairs office saddled with this oddly independent group of erstwhile 3rd party neutrals. We may not only have run counter to their view of WOPR, but to their goals for Oregon BLM outreach overall.

This must have been frustrating for them, but it was fatal for us. We needed the public affairs officers at the Oregon office. Even more, we needed the experience and counsel from the field offices. We tried to engage. I failed. Our designs and project were the poorer for it.

I believe that if the Institute is to work outside the boundaries of public policy mediation, these and

other types of organizational issues will need to be resolved.

In a future project, the graph in the previous section would be very useful in creating a constructive dialog about different approaches to outreach. It would be wonderful to recreate the graph collaboratively, and to use it as a way to explore the agency’s premises about outreach.

It is unwise to attempt to do even traditional outreach when one a does not have stakeholder involvement, and b does not have buy-in from the agency’s public affairs office. If one wishes to use an adult learning approach to public participation, full agency buy-in becomes even more important.

Another issue with BLM culture which will be important in future collaboration is stability of decisions. This is relevant to collaboration among the agencies and with the public. To partner in a collaboration, an agency must be able to find a balance between reevaluating decisions and moving forward consistently.

## V. Traditional Facilitation

### *Investing in relationships as “good adversaries”*

Our clearest successes lay in our traditional face-to-face facilitation.

**WOPR U** was an internal BLM meeting to help the field staff understand WOPR’s science. Our experience there provided a great deal of material for our thoughts on adult learning, thanks in large part to the BLMers we worked with.

One perspective on WOPR U design: there was a lot of information and no opening for compromise, therefore it made sense to pour the information out as efficiently as possible. Note the assumption that podium-style learning is necessary when compromise is not possible, which I argue against in Section III. Our perspective, and the perspective of the organizers within BLM: use adult learning to help people really wrap their heads around the information, take advantage of peers to generate ideas where there is discretion primarily outreach ideas, or so we thought and also create gentle opportunities for people to process emotionally.

We did this, and we did overdesign a tad, but based on feedback, people were able to incorporate the information better than in similar meetings performed podium style.

The **science meetings** were held late in the DEIS commenting period and were the shining light of our work on WOPR. There were three. One, hosted by an environmental organization, was an

invitation-only meeting between BLM and scientists working within the environmental community. In this meeting, superb communication happened, yet none of the parties had an expectation of persuading one another nor of coming to a compromise. The IDT wanted their work to be understood; the hosts to the meeting wanted to understand it. From BLM’s perspective, I believe it was a long-term investment in creating “good adversaries.” It was an exemplar of adult or even shared learning. And it probably would not have been possible without the District Officer’s high level of community relationship.

It busted the idea that one should only do shared learning when there is a goal of compromise or persuasion.

There were also two all-day public meetings focused on high-level science discussion. With so much information to convey, it was hard for the IDT to give up half of the agenda time to open-ended questions, but I believe they found this to be a worthwhile approach. The mark of success was that halfway through each of the days, the members of the public took their share of responsibility for maintaining a space for dialog, rather than relying entirely on the facilitator. If people got off track, threatening to squander meeting time, members of the public took responsibility for getting the dialog back on track.

The parties brought a remarkable generosity of spirit to the discussion. I watched the sheer stamina it took for stakeholders to dispassionately explore the challenging science of WOPR, with its controversies over the precautionary principle and profoundly different approach to riparian buffers. I witnessed the unflagging respect with which the IDT, which had labored over WOPR so long and with such personal dedication, listened to people’s confusion and concern about their work. These people—all of them—possess the secret of public dialog.

Somehow, we have to catch that spirit on the web, but I do not think we could, or should accomplish it without a blend of face-to-face meetings in combination with new web and other technologies.

#### **Traditional Facilitation**

Our team facilitated several WOPR face-to-face meetings:

- Two all day public meetings focusing on the WOPR decision framework (discussed in Section VI).
- Three Coast Provincial Advisory Committee meetings (Gregg Walker, Carie Fox, and Dana Lucero);
- Four NEPA Cooperator Meetings (Carie Fox)
- Five WOPR DEIS public meetings (Gregg Walker, Jon Lange, Carie Fox)
- “WOPR U” (Carie Fox, Gregg Walker)
- Hosted Science Meeting
- Two all-day public meetings re. WOPR Science

# VI: Cyber- Web Challenges, Online Publishing

### First Steps in Design Require:

Agreement on goals of outreach, including podium/adult learning and where on the IPA2 spectrum issues lie (there isn't a single answer for all aspects of a conflict);

If adult learning is chosen, then early on:

- Design a system for “early and often” feedback from the intended audience;
- Schedule for iterations with stakeholders;
- Figure out how to come as close as possible to having “a common platform for outreach and analysis;”
- Develop close working relationship between IDT and outreach folks.

### Hyperlinking and Table of Contents

Hyperlinking and other types of nonlinear access are wonderful, but they can be confusing if there is not some sort of predictable structure a reader can come back to. A good table of contents is helpful: for really big documents, it should run along with the document all of the time but without taking up excessive screen space. Thumbnails, collapsible tables of content, and other visual conventions are useful. The point is to balance freedom with a sense of where one is in an argument.

Together with BLM and the Institute, we developed several approaches to the cyberportion of our work:

- Online posting and commenting for the DEIS;
- Map-based learning and commenting; and
- Multi-criteria decision support online.

Our approach, even without having yet fully developed the mental model described in Section III, was solidly in the “adult learning” mode. Therefore, we were particularly interested in taking advantage of the **pyramid** style of the internet, in all its three-dimensional glory Fig. VIb and title page. We had visions of luring people from insights on the map to relevant document content, to other assets such as the beautiful fly-overs and elegant slide shows.

Imagine the pyramid where many gateways lead to one experience and then a dead end: that was our website.

### WEB PUBLISHING

A website is a wonderful place for impressions, scanning, and reconnaissance. But under current text-rendering technology, it is a poor place for serious reading. To study the material at the bottom of the pyramid a person is better off printing the material and reading it off paper.

**The web is best for recon, while paper is best for serious reading.**

Current government websites generally underutilize the advantages of the web: little deep linking, poor use of gateways such as tables of content, poor internal search functions, absence of pow-factor web copy, underutilization of headings, minimal interactivity and boring graphics. Meanwhile, they often *overutilize* the web as a place to read traditional paper-media copy.

If agencies want is to provide the equivalent of a paper copy without shipping and printing costs, they would be better off posting a series of PDFs with a good table of contents BLM did this well with their appendices . But to design the site as a place for people to actually read the second tier of information or-shudder-

With BLM in the lead, we made the beautiful fly-overs Fig. VIc and prepared accessible yet scientifically accurate text for the slides, but the linking was limited given the barriers.

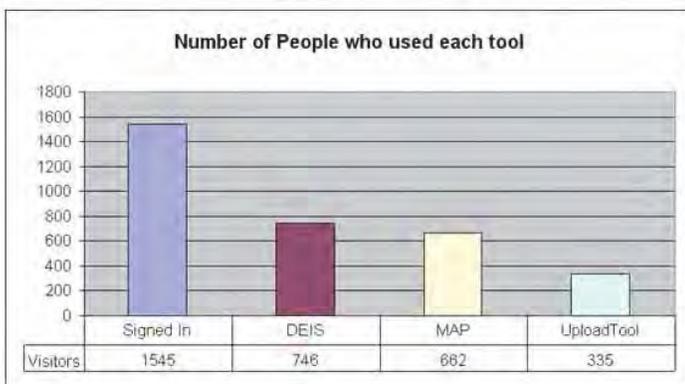
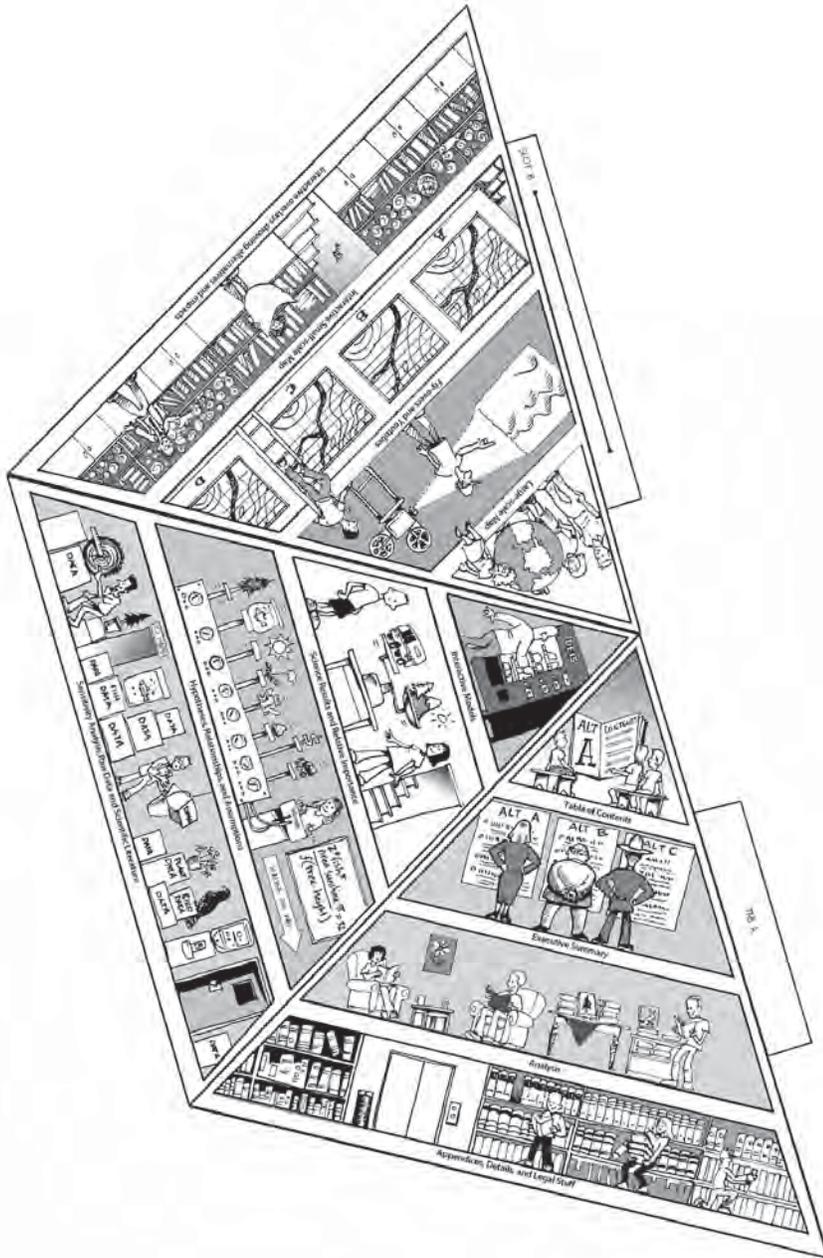


Fig. VIa: Website usage statistics. As a point of reference, about 1,300 paper copies were distributed (number of CDs unknown).

# Pioneering

*Multi Criteria Decision Support & Collaboration.*

*Carie Fox & Philip Murphy  
coauthored this section.*



*Figure VIb: The pyramid's layers go from 'table of contents' types of entrées, to 'heading'-style writing complete in and of itself (while simultaneously acting as a trail for self selecting adult learners to follow at their will), to lengthy discourse, and finally down in the lower reaches to data or legal analysis that is of interest to only a few (but of great interest to those few).*

*This pyramid also appears on the title page.*

the lowest tier actually decreases the quality of information exchange without offering any countervailing benefit.

This is the type of bad implementation we perpetrated when we published the WOPR DEIS online.

We dodged around many barriers thanks to the extraordinary help of our valiant champions at BLM, but each time something was lost:

- Deep linking fell by the wayside because we used different servers, we were plagued by ever-changing and occasionally bizarre security requirements, and we were slammed by the schedule;
- Another schedule and IT bench strength casualty—the document was not searchable!;
- The table of contents was clumsy, overly large, and buried the most salient tables and figures—not on purpose, but in the last scramble towards publication;
- Graphics were underutilized;
- Pagination differed from the paper version;
- There was no spritely introduction written specifically as web copy.

The pyramid is about access through diverse materials as well as the ability to find salient information quickly and enjoyably. This is doable, but we did not pull it off on the WOPR DEIS.

# Cyber-)

There are, of course, other access issues. We did badly there as well. In a positive vein, here are recommendations for future websites:

- Streamline or remove the login see discussion below ;
- Have a simple url, open it up to web search engines and design the site to catch the attention of the engines;
- Publicize the site for an expanded audience using tools such as Google and Facebook ads if people do not know the site exists, *there is no access* ;
- Be creative in reaching the needs of visually impaired people—complying with the Americans with Disabilities Act is only a start;
- Have an exciting, web-copy introduction;

- To the extent possible, provide paper and face-to-face analogs for the interactive web experiences see text box on the digital divide ;
- Send people directly to the action; do not make them follow multiple links.

**Login issues** are particularly challenging for the user and for the agency, deserving further discussion. Logins mean drop-offs. There are two wrinkles to the login: security around personal identifying information and establishing legal standing. Many agencies and WOPR was a wonderful and early example of this are publishing comments—including personal identifying information, Therefore, imposing odd design requirements to

protect the soon-to-be-published information makes little sense.

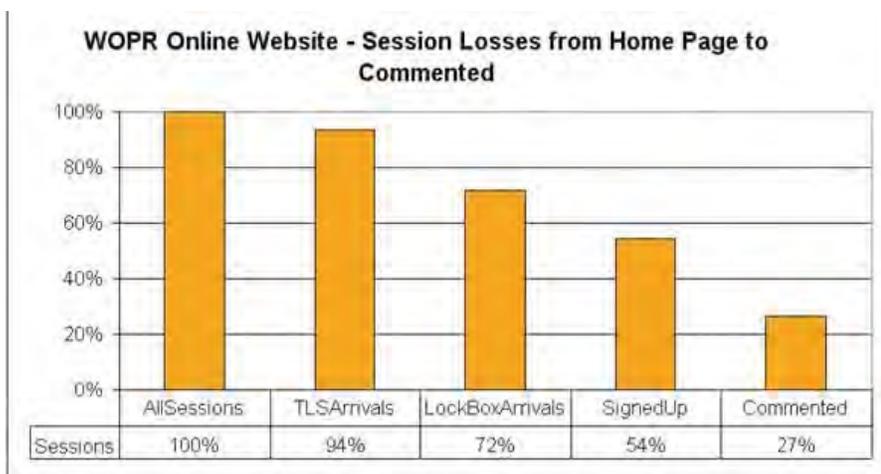
For programmatic plans, it is not clear one needs to establish one has commented on the DEIS to establish standing. For project-specific plans, we suggest people should be advised of the legal consequences of not logging in, and given a choice.

If they do choose to give information about themselves, people should have the option of providing name and address, as usual, and also of responding to an open-ended “tell us about yourself” question.

If login is necessary, trigger the login only when someone goes to make a comment. Let them romp all over the pyramid in the meantime. And if they must log in, consider recognizing 3rd party identity managers, allowing graduated identification, or using 3rd party PID escrow.

There are **management issues** for online publishing:

- Quality control for the website is as important as other factors in the DEIS publication;
- Even when contracting out, the agency will need bench strength within their IT department;
- Managing core team time as the DEIS approaches traditional paper release is a major juggling act: be ready to have another object thrown into the mix, one that will require time and skill to manage;



*Fig. VIc: Website usage statistics. TLS=arrived to the instructions for Internet Explorer people to change their browser security settings in order to be allowed in, Lock Box=People who had other browsers or succeeded in changing their settings. We consistently lost half the people who came to the website in this way. But of those who actually made it through, more than half left a comment.*

# Pioneering *cont'd*

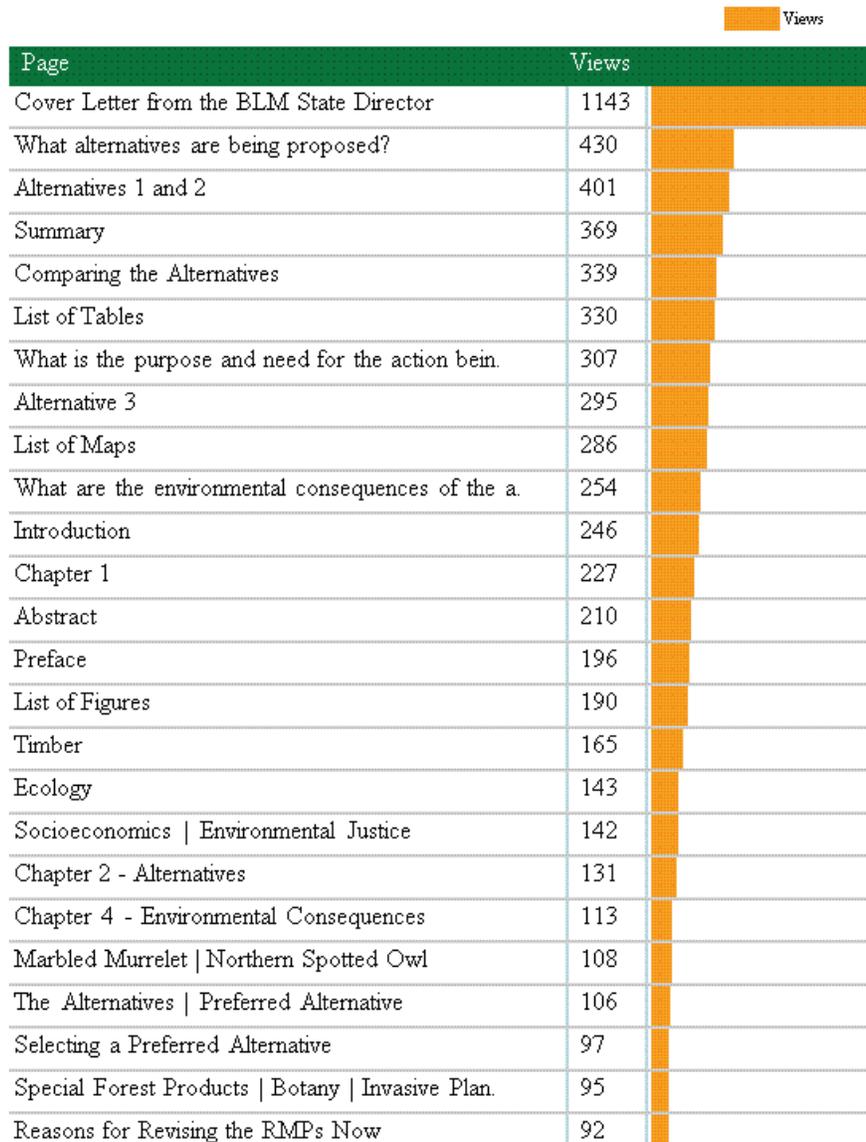


Figure VIId: Viewing statistic for WOPR's online DEIS. The member of the public was taken to the State Director's cover letter, which

- Rather than thinking of web development as consecutive get the DEIS off to the printer, then turn to the web materials, begin web development and testing at the very beginning.

Hyperlinking, which is the bare minimum for pyramidal reading, requires early collaboration between the IDT as well as early access to the electronic text.

It's not that the hep web design has to be a large sink of time and money. There are some modest design approaches that could be very effective. But even a modest interactive web design has to evolve *along with* the analysis and along with the writing of the document.

The crux: posting a print medium on the web reduces readability without providing many benefits. If one wants to justify the cost and loss of readability, it will have to be by using deep web design. This will send more profound reverberations through an institution than one might think.

Adult-learning outreach is built on a common platform with the analysis. It is not just something one drapes over the top once the real work is done. Likewise, interactive websites, websites designed to promote understanding rather than downward delivery of information, need to be built from the beginning and need to be owned by the entire extended team.

As well as requiring a deeper IDT-outreach interrelationship, web design opens up a radically different attitude that is more egalitarian, inherently more improvisational, and more risky. And that is at the web 1.2 level! When we are actually at the point of web 2.0 design, the computer monitor we are used to using as an advanced piece of slate will have turned into an open window.

MAP BASED INFORMATION

If publishing a DEIS online requires IDT/outreach integration early on, explaining the DEIS and eliciting comments on maps requires an even closer connection. For natural resource planning, maps *are* the platform. After all, the purpose of natural resource planning is to manage the landscape. The maps useful to the IDT should relate closely to the maps useful to the public. Likewise, if the site is to be interactive, the levers the public gets to pull should be similar to the ones the IDT finds useful. Thus, when comments are made, they are made in the same universe as the actual planning.

Paradoxically, a truly transparent process would also find ways for people to step out of the frame of the IDT, or at least invite them to recognize where the boundary lies. If the

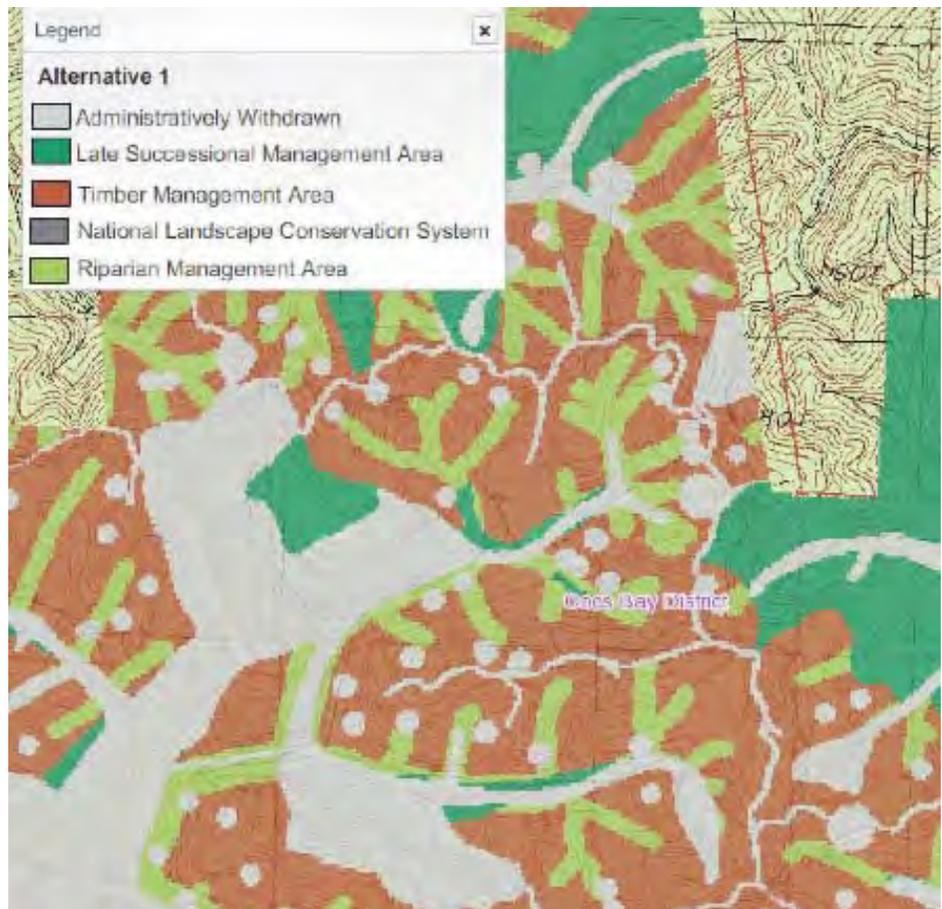


Figure VIe: Web users could compare alternatives on the landscape,. It also implicitly shows land ownership.

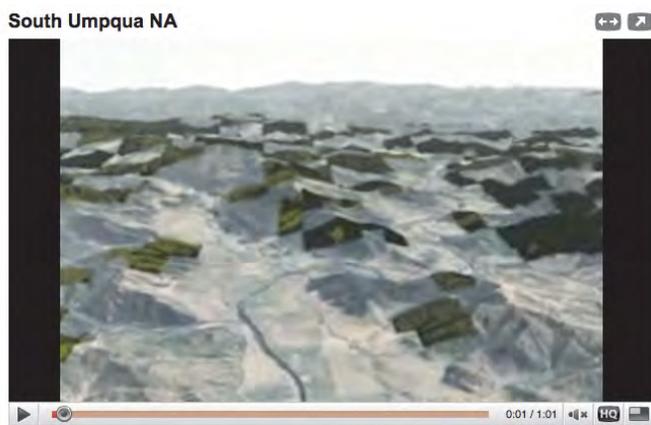


Figure VI f: Flyover of the South Umpqua Natural area. <http://www.youtube.com/watch?v=u2BMvHwXxmQ>

website were developed collaboratively or with sufficient stakeholder input, these types of issues would be surfaced.

For WOPR, our original intent was to create an

interactive map upon which people could comment. This would have made more sense for a project-specific plan, or if one intended to continue to use the programmatic maps in subsequent NEPA processes. As our design involved, we realized how this misfit affected the design and also became keenly aware that to provoke deep comments, one has to provide deep yet relatively easily accessed information. Our attention shifted.

# Pioneering *cont'd*

Map-based information was important for several reasons:

- The size of the landscape affected 2.7 million acres within a much larger mosaic ;
- People’s sense of place;
- The complexity of BLM’s land ownership patterns;
- The complexity of the proposal, and;
- Oregon BLM’s unique expertise and tradition of openness with geographic information.

People could zoom in on any landscape they chose, at any scale, and see overlays for each of the alternatives. They could play with various resource layers, highlighting or juxtaposing them. This was a very powerful way, for instance, to see the impact of differing riparian buffers on the landscape.

BLM also had amazing resources in building imaginary fly-overs: one could actually see a corridor with representative age classes shown in color and 3-D for different alternatives. But they were confusing as heck; one had to watch the film and read the narrative at the same time, so we added voice-overs. Fig VI.f.

Our experience on WOPR suggests:

- The map-based information is superb at helping people understand how the alternatives play out on their landscapes;
- Avoid GIS scope creep: start clarifying goals and tactics before the Notice of Intent;
- There’s a large cost to familiarizing the public with new tools the agency’s cost and the public’s : use familiar tools

such as Google Earth to reduce those costs;

- For the same reason, use the same tool throughout the planning process;
- A well-designed website should have a natural growth curve—but the less you start with, the flatter that curve looks. There has to be publicization, and it has to include shoulder-to-shoulder training of public leaders in order to prime the growth in attention.

The maps were amazing. But to get to them, you had to find your way to our site difficult and, towards the end, nearly impossible , brave the login and master a new web tool. When all was said and done, we may not have had enough people on the site to be relevant.

## Commenting Campaigns & Rival Websites

Occasionally an interest group will choose to campaign on a NEPA DEIS. This includes eliciting submissions for or against the proposal in the DEIS. Most identical submissions are generated through this sort of campaign, as are a large number of comments that would not be considered substantive under any test. The latter indicate a preference rather than offering an insight to aid the rational decision-maker. The writer is indifferent to the decision-maker’s often self-imposed decision space. These commenters are not concerned about standing, and they will rely on the interest group’s leaders to write the letter that will be used as part of the legal strategy. The short-hand for this is SPAM, but it is only SPAM in a NEPA frame. An effective web design has to take into consideration other motivations as well.

A group may set up an independent website where constituents can go to learn and make standard or independent submissions. The website may be geared to forward the comments electronically and “marry up” with the agency’s website so that submissions are seamlessly transferred, or they may gather the comments and transmit them manually on paper or (out of the kindness of their hearts) electronically. For our WOPR DEIS, we spoke with the coordinator for the environmental activist’s WOPR website. She eventually made a link to our site from hers. After some time for reflection, I am amazed she did. Overwhelming generosity? There is a hint of that, when one considers the login travails her constituents would experience. But, in spite of general pessimism about our value-added to WOPR, I take the linkage as an important testimonial to the (at least minimal) neutrality and relevance of our website.

The fact that she was willing to send her guests to our virtual living room spoke highly of the work BLM and we did as well as of her and her group. This is the most important point about neutral public policy website design: if it is to create a space for dialog, it needs to be a space diverse leaders would want to send their constituents to. Designers must get agreement: is it or is it not a goal to create that space?

There is a reflex to think those with rival websites are bad people. Not so. They have concerns about accessibility (and their flexibility in designing accessible websites is greater), voice (much more comfortable with relaxed english), feel of the room (they may want more action-oriented colors and graphics) and the substantive information. --And of course, they need to maintain their connection with their constituents--how not? These are legitimate, if sometimes extra-NEPA concerns that will need to be addressed. It’s not SPAM.

For more information about MCDS, see [www.infoharvest.com](http://www.infoharvest.com), or <http://decisionanalysis.society.informs.org>.

MULTI-CRITERIA  
DECISION SUPPORT

MCDS is an approach that supports and communicates but does not make decisions. We developed MCDS for WOPR over the first five months of our tenure with WOPR, working with BLM to create a draft decision map, conducting two all-day public meetings designed for MCDS, and posting a beta-test of interactive online MCDS with the public.

And then we pulled it, in large part because we had started MCDS much too late in the process.

MCDS consists of a decision map, which organizes alternatives

positions and criteria interests; it is very useful in fostering interest-based dialog. It helps people to almost effortlessly distinguish between what they want and why they want it, as well as keeping clear about science debates and policy debates. This worked very well in the public meetings.

However, MCDS includes not only the decision map, but also the scientific ratings for each alternative, including uncertainty as appropriate. MCDS connects the positions and interests by asking “how well will each alternative actually do for each of the things that will matter to me?” It seems a natural for NEPA: the

decision map articulates the purpose and need, criteria, and alternatives, while the NEPA analysis provides the ratings. However, to do this easily you must start with the decision map early in the process, and the IDT has to have reason to believe in it if they are to provide the necessary analysis.

Finally, to be complete the decision framework has to articulate *how much* each criterion matters relative to the others. With all those pieces in place, MCDS can be run as a computer model to support good decision-making and decision communication by:



What Matters to you?

Based on conversations within BLM, with input from the Cooperating agencies , and with the public Tools Workshops , we propose these as the core values a person might use in making a decision among alternatives.

Some of the values seemed like they needed more definition than the labels you see below; that's why they have the clickable i-button next to them. Another way to understand what we mean by the values is to look at the [big picture](#) of all the values and interests.

In the context of BLM's Western Oregon plan revisions, think of what matters to you and rate it accordingly.



Fig. VIg: The Beta Test of MCDS for WOPR. In this screen shot, if a person chose “all that matters” for “supports ecosystem health”, she would be informed (in somewhat turgid prose) that that choice lay outside BLM’s decision space.

# Pioneering *cont'd*

- Identifying where additional research or analysis is most likely to clarify the decision;
- Helping people make decisions based on the totality of information, rather than by relying on heuristics short-cuts used when information is overwhelming ; and
- Making the building blocks and logic chain for the eventual decision utterly transparent and traceable.

When we started, we and our BLM contacts believed there was a “decision space”—albeit a small one—within which BLM could negotiate. Thus we designed MCDS to map that decision space. The struggle to reconcile the decision map with WOPR reality helped us and BLM to understand how small the decision space was.

Within its O&C context Appendix A , WOPR became a

factual question: how much logging is legal under environmental law? We could have designed a decision framework for *that* question, but by then it was too late.

But then why bother, one might reasonably ask?

Whatever else they might have criticized about WOPR, few people felt confused about its intent. Therefore, MCDS’s transparent, traceable virtues were of appreciably less value.

And yet... when one reads WOPR, the actual logic chain between the analysis and the eventual decision is not crisply articulated nor easy to find. Imagine a member of the public finding an attractive website quickly and easily, doing an efficient and enjoyable recon, deciding he wanted to play with the decision framework, and in a matter of minutes not only exploring his own values but

### Digital Divide?

One of the critiques of online commenting is that it shuts out those who have poor internet access. This is an important issue, but it is a frustrating critique when one looks at how utterly daunting it can be to participate offline. Online material can reach a wider audience, and well-designed interactive sites can appeal to a more diverse group of people because of the web’s inherent design opportunities. Should we be concerned about the type of bias the web could introduce? Absolutely. But let’s also think about the cumulative bias of different methods, and do the best we can in an informed way.

being able to clearly see the connection between criteria, alternatives, scientific analysis and eventual decision. If he then decided he wanted to learn more about one particular rating, the decision map would work as a table of contents, taking him directly to a voice-over powerpoint, text in the DEIS, or other material of his choice.

If it passed the cost/benefit test, it would be lovely.

### A Dream for Accelerating Development of Good Web Design

Introspection about our own experience as well as observation of other websites, such as OpenGov and Limehouse, have reinforced our interest in creating a “crucible” for web design. These websites shine with good intentions, but they appear to be developed, as ours have been, within one kind of choir or another. In our case, we missed the central idea that the website was like a meeting place. It should be a place most stakeholders would invite their friends to come to.

Our intentions were neutral, but neutrality requires more than good intentions: it requires wisdom about the particular situation, and that can only come from diverse stakeholders. In Section II, we struggled to find mitigation for the reduction of diverse perspectives outside the mediation context, suggesting feedback, focus groups, more feedback and public meetings as a way to reclaim neutrality and effectiveness. Over time, this probably would work. (If not, private websites will be the true pioneers, and eventually government would have to catch up.)

But what would really accelerate the design of effective, transparent and meta-transparent websites is collaboration about design. What if stakeholders used the tools we suggested in Section II *and* worked collaboratively to develop a website? What if the goal were to develop a website that other federal agencies, state and local government, the timber industry, the environmental community, the American Disabilities Advocates, and the League of Democracy Transformers all supported and campaigned for among their constituents?

I suppose we are still naive, tenacious and hubristic, because this sounds like paradise.

## VII. Comments

*Treasures in the Chaff* &

When an agency analyzes comments made on a DEIS, they first sort the submissions and identify the unique ones (a submission is a letter, postcard, etc.). They then parse the unique submissions into comments. For example, an individual letter could contain: a comment about wetlands, another about riparian buffers, and yet another about the BLM's interpretation of the O&C Act three comments in one submission. Finally, the agency determines whether an individual comment is substantive under the

Council on Environmental Quality's guidelines Part 1503.40).

The schematic below is roughly proportional: as is typical for large projects, about half the submissions are unique. That means that for WOPR, about 5,000 people took the time to write an original submission. If one assumes five comments per submission, that is 25,000 comments.

In examining public comments on WOPR, we had three objectives:

- To determine whether the non-substantive comments ("the chaff") might actually contain valuable information;
- To see whether we could increase the proportion of substantive comments through our innovative elicitation of comments on the web, and mayhap to increase the amount of 'valuable information;'
- To report on the comments in such a way that the public would know they had been heard.

became more strict than we had anticipated, as illustrated in the bottom set of bars in the schematic: fewer than 100 comments were deemed substantive.

Dr. Brian Muller, of the University of Colorado's Land Use Futures, performed the analysis. He hypothesized the "chaff" would actually hold important information about the way the public:

- Relates to the agency;
- Uses the land now and expects to use it in the future;
- Applies values to resource decisions;
- Has/develops/fosters an attachment to place;
- Understands the agency for instance its land ownership patterns);
- Understands the science; and,
- Relates to outreach.

In addition, the programmatic information could help in project-specific planning, and an analysis of the patterns of commenting could provide insight in designing future outreach.

Dr. Muller's Insight Report can be found at [www.ecr.gov/pdf/LearningFromPublicComments.pdf](http://www.ecr.gov/pdf/LearningFromPublicComments.pdf)

Interestingly, when sifting through the totality of comments rather than focusing on "substantiveness," the team still had difficulty, at first, in giving weight to procedural and relationship issues.

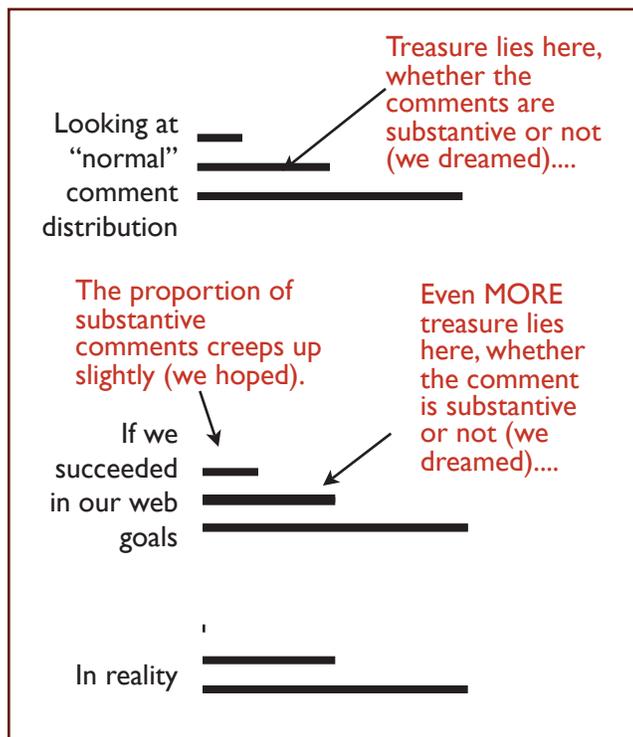


Fig. VIIa: In each of these sets of bars, the top bar represents the proportion of substantive comments, the middle bar is unique comments, and the bottom bar is total comments. The bars are proportional.

# Richly Understood

## *Thoughts for the Future*

The document did a much better job of reflecting what was heard than the FEIS, with its legally appropriate emphasis on substantive comments, though more could have been done to synthesize the information visually and spatially a good exception is Fig. VIIb).

Our learning went way beyond the comment report, however. The abyss between comments and substantive comments shocked us, and the interplay between commenting and outreach was a revelation something I knew intellectually, but to which I had never paid proper attention.

Key biases coming out of this experience were:

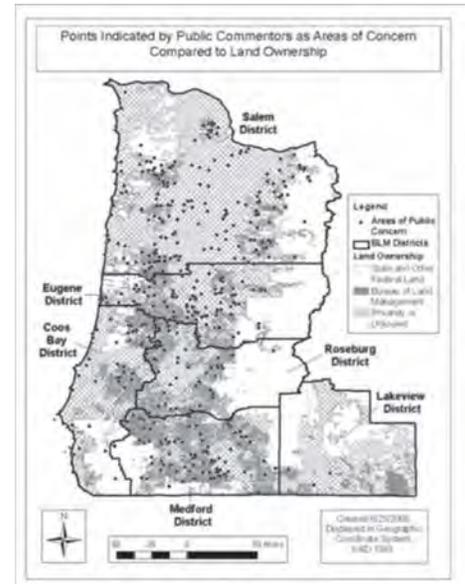
- The commenting system in NEPA is not a “learning system,” but rather teaches and reinforces an ever-degrading dialog between agency and public and this is not peculiar to WOPR;
- Comment analysis and reporting have a legal aspect but also an influence on civility in its most basic form would it be beneficial to analyze this system in terms of communication principles and governance goals?
- If one wants to use outreach to elicit deeper comments, then the outreach has to be about promoting understanding. Podium speaking is insufficient.
- If one succeeds in eliciting deeper comments, the agency had better

be poised to provide responses beyond those legally required;

- Reporting repeat comments as opposed to duplicates), such as variants on “Don’t cut old growth,” creates a challenge when preparing a vital, resonant summary. This is analogous to some of the problems with blogging and so-called “flame wars.” It may be that “mapping comment space” provides a solution; and
- Improving commenting dynamics requires a long-term investment. It is nothing less than increasing social capacity.

Our experience with comment analysis also provided much of the fodder for the ruminations on neutrality presented in Section II. Agencies talk about “forms;” activists use the term “member comments-”. Agency folk use NEPA as the frame. “Voting” style comments such as “don’t choose alternative A” run afoul of the agency’s constitutional role and self-image as the rational decision-maker. At one level, there is nothing they can do with those comments.

Yet outside of that frame, there are many reasons to generate non-substantive comments. As a neutral, I was blind to that perspective. A neutral website designer needs to understand and appreciate all stakeholders’ motivations for commenting.



*Figure VIIb: Land Ownership and Areas of Public Concern in BLM Commenting. This map suggests that the public has little understanding of BLM’s land ownership and area of influence. The shaded areas denote BLM ownership. Dots represent place-based comments for BLM’s WOPR.*

**From the Insight Report:**

... there may be an opportunity to actively talk to or cultivate a broader constituency among people in the large and mid-size cities that represent a large majority of the comments. Second, there may be an opportunity to expand communications with both traditional and underserved BLM constituencies by focusing on the concerns of people in the 20 or so zip codes which generated the most comments. [p. 42]

Commenters... are confused about BLM’s goals, mandates, and legal requirements and lack confidence in the science. [page 31.]

There is still much work to be done in encouraging people to make comments that are thoughtful and expressive of a genuine personal opinion. [page 45]

## VIII. Personal Conclusions

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One thing is clear: BLM took a big step when they hired us and invested in our web work. The Team Lead for WOPR has spoken many times of the decision to hire our team because it looked like we would present something different. “If you just keep doing things the same way, you can’t expect to get a different result” was one oft heard phrase. “Scary Carrie” was another.

There are two types of evaluations one must ask when beginning or ending a project. Too often, we skip to the second: was the hammer the right size? Was the screwdriver properly used? Did the house leak? In answer to those types of questions, our work was a bit of a flop but not a hideous failure, especially given the challenges.

Let’s review the goals from the introduction:

- *To improve accessibility of WOPR information.*

Yes, we did, though both the accessibility to the site and *within* the site were riddled with problems.

- *Push technological frontiers to reach more people in a more empowering manner.*

Yes, we did, and sometimes we felt it push back. Was the result more empowering? In some sense, for the few we reached, yes.

- *Glean additional information from DEIS comments*

I think here our naiveté was most evident. It is true that providing more engaging presentation does increase the information value of the comments, as we have found in other projects using MCDS. But generally speaking, the information value of comments is low. Sometimes that is because the writer has different objectives than providing high information value—we need to understand and design for those objectives more intelligently. Other times the paucity of information value is a sign of something seriously awry in the public government dialog.

The proportion of comments deemed substantive in WOPR is striking, but it is also a red herring. Whether there were 82 or 820 comments deemed substantive, the fact remains that the comment system seems inadvertently designed to develop a “reservoir of rage” between public and agency. It is an *unlearning* system, a wound much bigger than WOPR or BLM. It was beyond our ken and beyond our influence.

- *Explore what it means to “push the boundaries of mediation,”*

Here I think we did well, for we did in fact explore very thoroughly. The one thing I learned in my past as a workplace mediator is how essential role clarity is to relationships. In a mediation, the role of the mediator is well understood, albeit odd. But in this world of non mediation, erstwhile

neutral 3rd party, there is no role clarity, and little authority or grounding for our involvement. I think this will inevitably lead to confusion and strife.

In section II, I talk about “counterpoise” in mediation (the environmental activists and industry are counterpoise for one another, and sometimes to the agency). I talk about neutrality as requiring good intentions, backup, and wisdom (in context). Because of WOPR, I have developed the hypothesis that neutrality without some version of counterpoise is probably not sustainable. Again because of WOPR, we have developed some ideas about how one might start to create a different kind of counterpoise outside of mediation. This is the single most important point of this report, the need for **ubiquitous, instantaneous, and instantaneously reported feedback** on websites or in other technologies in conjunction with traditional face to face outreach.

Finally, it was our goal to

- *perform our work ethically.*

Did we? Yes, in a way. Certainly, looking back at my notes, I see a repeated theme. I get “pulled under,” nearly drowning in the confusion and pressures of WOPR—and the confusion and pressures of my own hubris—and every time it is the rediscovery of ethics (and, occasionally, humility) that saves me. What I learned is

# & Invitation to Collaborate

In preparing this document, I have done my best to integrate all the information from the WOPR experience and to honor the various points of view about our experiment. What WOPR did, more than anything else, was to show us the questions that come up when one tries to empower more participation. It gave some hypotheses about perspectives on public participation. They're a good start, we think, but only a start. Tell us what we missed, got wrong, got right... Tell us what ideas popped into your head as you read this. Let us know whether you would like to be part of an ongoing conversation! Contact Carie Fox, [carie@daylightdecisions.com](mailto:carie@daylightdecisions.com) or Philip Murphy, [philip@daylightdecisions.com](mailto:philip@daylightdecisions.com), to set us straight. Thank you.

## Set Us Straight

that one does have to repurpose ethics when one goes into new territory. The first time around that is difficult. But once done, incredibly useful.

The ethics of my teammates are rock solid. They were my touchstone when things got wobbly. As “scary Carie,” I was the one who occasionally felt a loss of balance. I hope this document spares the next pioneers some of that.

The way my ethics stuttered a bit is that ethics are thoroughly practical. When one is ignorant of the landscape, good intentions are not enough. In the past, I have unconsciously relied on the counterpoise of diverse advocates to teach me the practical landscape—the context for neutrality. In WOPR, I discovered how isolating it is to be an oddball not quite embedded in an agency, who is at the same time of reasonable irrelevance to the advocates. I discovered how much on the job training is involved in neutrality, and how much I missed it. With Philip Murphy, I am now

dedicated to designing systems in which that training can occur outside the mediation context.

And now for the first question: *Why are you doing this at a ?* Ideally, that was a BLM decision, but it had some characteristics of a BLM tug of war. Again, this was new territory for me. I have often been called upon to help an agency in a mediation resolve their inner decisions so that they can operate successfully in a mediation. If the agency cannot prepare in this way, the other parties will run circles around them. Thus as a mediator it is not necessary for me to plead or scold, I just let the system create the pressure for resolution.

But who was I in relation to BLM’s internal stresses about WOPR and outreach? An outsider. I respected those who thought we were misguided as much as those who championed us, but I had no basis for holding them in a room together until they came to agreement.

Today, I think I have some better tools for helping an agency think

and talk through the differing perspectives on outreach, as discussed in Section III. But at that time, I was not able, and perhaps never would have been able, to help BLM answer the key question: *Why do this at all?* Perhaps monitoring this kind of ruffling of purpose would be a goal for the Institute in future projects.

I would like to conclude with a quotation from John Berger, which itself is a fitting segue to a plea for your input on this report. It was my hope to speak truth in this document: not just mine but whatever shared truth people were generous enough to struggle towards.

I thank them.

*Contrary to what is usually assumed, a true writer’s voice is seldom (perhaps never) her or his own; it’s a voice born of the writer’s intimacy and identification with others, who know their own way blindfolded and who wordlessly guide the writer. It comes ... from trust.*

John Berger in *Portrait of a Masked Man* from *The Best American Essays 2009*, edited by Mary Oliver



# WOPR Background from the Website

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Meanwhile, a couple of other significant documents were published: The Analysis of Management Situation, which describes the BLM's ability to respond to the issues raised in the Scoping Report and to formulate reasonable alternatives; and The Proposed Planning Criteria, which explains the planning process and the goals for the RMP.

Out of the process to date, three management alternatives were developed. We realize that you might not like any of them, and want to know how they were chosen, so here's the lay of the land:

There is a defined decision space, which led BLM to the "Purpose and Need". This space is bordered by laws like the Endangered Species Act, the Clean Water Act and the O & C Land Use Act.

So, while each alternative represents differing approaches to new management of the land, what they have in common is that each was designed to meet the stated Purpose and Need of the plan revision process. The BLM can't choose which laws they want to comply with and which they'd rather ignore. If you don't care for the Purpose and Need, then perhaps the agency has interpreted the law differently than you would, or the law itself is not your cup of tea.

## **What does all of this have to do with you?**

Well, hang on a bit longer. Now we come to the present and the preparation of the draft Resource Management Plan (RMP) and draft Environment Impact Statement (EIS). This is probably what you're most concerned about—what are the consequences of each alternative if put into practice? The draft EIS is what you'll want to look at, as it will show you how the three alternatives will make a difference to your landscape.

Then, whatever your feelings, you can now share them in the public comment period following the release of the DEIS. Maybe you accept the boundaries within which the BLM must base their decisions. Still, you might have ideas for modifying the alternatives. You may see ways to add to, improve, or modify the information the BLM accumulated. Or do you even see some other alternatives that fit the Purpose and Need? Tell us.

## **If you submit comments, what will be done with them?**

Well, if your comments are substantive, BLM will summarize and respond to them in the final EIS. Then, following the comment period, the proposed RMP and final EIS will be prepared. These documents will build on the draft RMP/EIS and your comments to make a better plan. Meanwhile, an Independent Report will be prepared for all the comments.

So who makes the final decision, you ask? That would be the Oregon State Director based on advice from the six BLM District Managers.

This background to the WOPR DEIS, which included numerous hyperlinks, can be found at [http://www.daylightdecisions.com/content/PrincipalFramedPage.aspx?PAGECODE=WHATS\\_ABOUT](http://www.daylightdecisions.com/content/PrincipalFramedPage.aspx?PAGECODE=WHATS_ABOUT).

This report is available online at:  
[http://www.daylightdecisions.com/ddweb/WOPR\\_Report.pdf](http://www.daylightdecisions.com/ddweb/WOPR_Report.pdf)

# The End Page

WOPR Outreach: Lessons Learned

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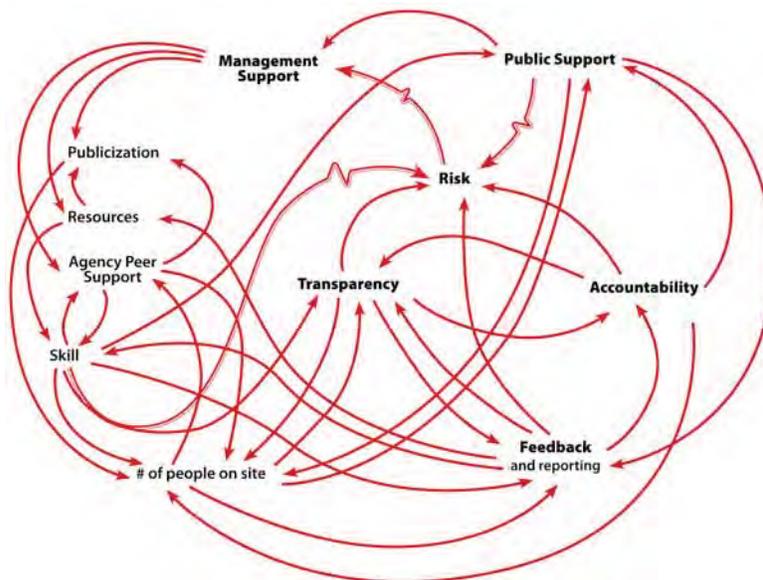


Fig II: Influence Diagram for Transparency when Feedback is Included. The smooth arrows indicate x increases y. The squiggly arrows indicate x decreases y.

## Useful Links

<http://www.ihdocs.com/explorers/DocExplorerFrame.aspx> The online DEIS Text. Note the dominant (but not particularly useful Table of Contents.

[http://www.daylightdecisions.com/content/PrincipalFramedPage.aspx?PAGECODE=WHATS\\_ABOUT](http://www.daylightdecisions.com/content/PrincipalFramedPage.aspx?PAGECODE=WHATS_ABOUT) This is where some of the best (and absolutely cheapest nuggets were tucked away: the narrative contained in Appendix A of this document and the powerpoints explaining the core science issues.

[http://www.decisioncafe.com/dhroot/dhowners/wopro/mro/wp\\_Slideshow.asp?QSHT=DH\\_NOBODY&QSMID=298&QSDBT=MSSQL](http://www.decisioncafe.com/dhroot/dhowners/wopro/mro/wp_Slideshow.asp?QSHT=DH_NOBODY&QSMID=298&QSDBT=MSSQL) This was part of the ‘Spring Forum’ as we beta-tested the use

of MCDS for WOPR. (Log in your values on the first such screen to see how we helped people understand the decision space.

<http://www.youtube.com/watch?v=u2BMvHwXxmQ> Fly-over of the South Umpqua Natural area under WOPR.

[www.ecr.gov/pdf/LearningFromPublicComments.pdf](http://www.ecr.gov/pdf/LearningFromPublicComments.pdf) The independent analysis of comments without using a “substantive” filter.

<http://www.infoharvest.com/wopr/deisanalysis.pdf> Philip Murphy’s decision analysis of the WOPR DEIS.

<http://gsnm.ecr.gov/> is an illustration of what Murphy and Fox

learned on WOPR: the graphics are better, and the Table of Contents, which appear on the x and y axes, is appropriate to the objective of the interaction. Also note the ubiquitous feedback options.

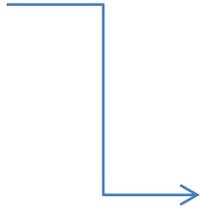
<http://gsnmvibe.ecr.gov/hike/> Interactive modeling (multi-criteria decision support). If user goes to the right, can input values as part of general scoping; if goes to the left, gets a preview of the interactive modeling to be used with the DEIS (important for meta-transparency).

<http://www.iap2.org/displaycommon.cfm?an=5> houses the IAP2 spectrum: the single most useful 8 1/2 x 11 in public participation.

# BLM Forested Lands in Oregon Collaboration Inquiry

Prepared by  
U.S. Institute for Environmental Conflict Resolution  
and  
Oregon Consensus

September 2011



# Presentation Overview

- Background and Approach
- Responses to Collaborative Inquiry
- Congressional Staff Perspective
- Collaborative Process

❖ These slides reflect a wide range of comments the neutrals heard from interviewees; however, no one comment is intended to be representative of a collective perspective.

❖ This presentation is the independent work product of the U.S. Institute for Environmental Conflict Resolution and Oregon Consensus. The report has not been endorsed by any project participant or other organization.

# Background

- BLM engaged the U.S. Institute for Environmental Conflict Resolution to assist in addressing issues related to Western Oregon forests
- The U.S. Institute is a program of the Udall Foundation, an impartial, independent federal agency
- The U.S. Institute partnered with Oregon Consensus to co-conduct the collaborative inquiry
- Oregon Consensus is Oregon's legislatively created public policy conflict resolution and collaborative governance program

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# Approach

- Created interview questions
- Created list of stakeholder representatives
- Interviewed stakeholder representatives from 34 organizations
- Asked 16 questions in three general categories
  - Lessons Learned and Innovative Approaches Going Forward
  - Designing a Successful Collaborative Process
  - Land Management Objectives

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# What the neutrals heard from stakeholder interviewees

## Stakeholder Interviewees

- **Tribal**
  - Coquille Indian Tribe
- **Federal Government**
  - U.S. Forest Service
  - U.S. Fish & Wildlife Service (including LCC)
  - National Oceanic and Atmospheric Administration
  - Environmental Protection Agency
- **State and Local Government**
  - Oregon Department of Forestry
  - Benton County Commission
  - Lane County Commission
  - Jackson County Commission
- **Environmental Interests**
  - The Nature Conservancy
  - The Larch Company
  - Klamath Siskiyou Wildlands Center
  - Oregon Wild
  - Pacific Rivers Council
  - Umpqua Watersheds
  - Geos Institute
  - Western Environmental Law Center

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What the neutrals heard from stakeholder interviewees

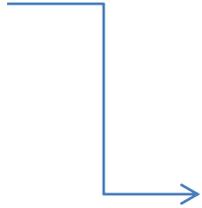
# Stakeholder Interviewees

- **Forest Product Industry**
  - American Forest Resources Council
  - Herbert Lumber Company
  - Rosenberg Forest Products Company
  - Rough and Ready Lumber Company
- **Fishing Interests**
  - Northwest Steelheaders
- **Tourism and Recreation Interests**
  - International Mountain Biking Association
  - Trout Unlimited
- **Academic Interests**
  - Oregon State University, College of Forestry
  - Portland State University, Department of Anthropology
- **Others**
  - Southern Oregon Small Diameter Collaborative
  - Applegate Partnership Board of Directors
  - Communities for Healthy Forests

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What the neutrals heard from stakeholder interviewees



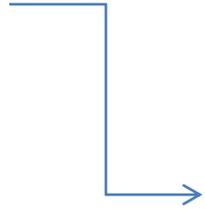
# Collaborative Inquiry Interview Results

Note: These slides present a range of interviewee responses, not necessarily recommendations endorsed by the interviewers/neutrals.

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What the neutrals heard from stakeholder interviewees



# Lessons Learned and Innovative Approaches Going Forward

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# What Has Worked Well?

- BLM is increasingly using collaborative processes
- BLM has made some progress with pilot projects
- BLM is a “can do” agency
- BLM structure is decentralized; BLM district managers work well in local communities
- USFS, BLM, USFWS, and NOAA are communicating and resolving disputes better
- Thinning stands of trees 80 years or less

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# Suggestions for BLM

- Decision making works best when BLM approaches the community early in the process. Works less well when decisions are handed down from the top.
- Stakeholders desire a strong BLM leader in the process
- Consistency is important
- One source of inconsistency is political change
- BLM needs to have a clear idea of what they want

“Engage early on with stakeholders.”

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# What Could be Done Differently?

- BLM needs to adhere to the O&C Act
- BLM needs to interpret the O&C Act less stringently
- Revisit mandates of O&C lands; make O&C Act more compatible with what majority of public would like to see
- Stands over 80 years and salvage areas from insect and fire destruction are not managed as well
- BLM needs to work with other parties to meet all needs, not just timber interests; BLM needs to be more sensitive to old growth and species conservation issues

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What the neutrals heard from stakeholder interviewees

# Innovative Approaches to Management

- Landscape scale assessment followed by a restoration-based plan with resiliency for climate change
- Sustainable and adaptive management plans, allow for experimentation
- Sell "Carbon Credits" for polluters
- If you want a plan with environmental certainties, you also need commodity certainties

*"A new look at these lands may not appear any different. We need a plan that is scientifically sound, ecologically responsible, and within the laws. We cannot forget human, economic, and social dimensions."*

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What the neutrals heard from stakeholder interviewees

# Specific Activities Needing Improvement

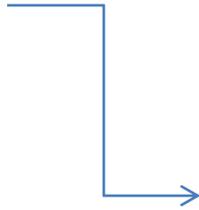
- Work toward consistency and continuity in management policies and directives thereby reducing variables
- Reduce scale to site-specific regions (i.e., watersheds) for the ideal geographic size to divide lands
- Ensure commitment of resources to insure completion and implementation
- Continue to implement the Western Oregon Plan Revisions

*"Improve Washington DC BLM interactions with Oregon BLM; and, Oregon senior management working relationship with the Oregon field staff."*

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What the neutrals heard from stakeholder interviewees



# Designing a Successful Collaboration

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What the neutrals heard from stakeholder interviewees

# Definition of Collaboration

- Discover common interests; define goals; involve a manageable number of participants; foster respect for others; agree to work in good faith
  - Not the lowest common denominator
- “You have to come into the process with the idea that you will work together to create a management plan that will address the needs of all stakeholders—not just yours.”*

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# Would a Collaborative Process be Helpful?

- Yes: If the right people are willing to come together and have serious conversations and try something new; if legislators set goals first; start by defining values and needs of parties
- No: WOPR took five years, can't do better; will be more difficult than east side; not sure people are ready to compromise

*“The focus should be on values rather than positions with clarity on decision space.”*

What the neutrals heard from stakeholder interviewees

# Recommended Primary Objectives of a Collaborative Process

- Figure out “how” after legislators define “what”; collaborative should not be undertaken at same time competing federal legislation is being negotiated and written
- Provide a sustainable, predictable supply of BLM timber; pursue a lasting outcome that cuts through all the litigation; define goals in all areas: e.g., recreation, harvest, fish and wildlife, and the economy

*“The collaborative effort should start with senior officials working together to find common ground and define sideboards.”*

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# What Scale?

- All western Oregon; all types of forested land
- Start small; localized as much as possible; focus on individual timber sales

*“The scale is dependent upon the level of consistency required to manage lands effectively.”*

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# Who Should be Engaged?

- All interested parties; people directly impacted; the beneficiaries of O&C lands; representatives of local communities
- A broad spectrum, but not the extremes
- O&C lands are trust lands; engage beneficiaries of the trust
- Bring together entities willing to attempt to meet others' needs

*“Remember, successful collaboration usually grows organically—from the ground up.”*

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# Key Considerations in Ensuring a Successful Process

- Ground rules; a code of conduct; strong political commitment of true collaboration; the right parties at the table; good, neutral facilitation
- Pursue a product that addresses deliverables
- Steer clear of controversial science issues

*“We need to engage a representative sample of a broad range of interests.”*

What the neutrals heard from stakeholder interviewees

# You or Your Organization Interested in Participating?

- Yes, if it is a legitimate process not driven by agency or political needs; yes, if the right people are participating
- Our agency is committed to a collaborative process, but we're not interested in being the "whipping boy"  
*"I have no desire, but I will because I need to stay at the table.  
With a new framework, I would participate enthusiastically."*

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What the neutrals heard from stakeholder interviewees

# Factors Limiting Participation

- Limited staff
- Budget cuts
- Time—it takes time to build relationships
- Lack of advance notice

*“I don’t have time to spare. This is not a hobby for me. People with valuable opinions are professionals.”*

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# Lessons Learned From Other Collaborative Activities

- Must be time sensitive
- Must have a common goal; enter the process with a goal of reaching a common solution; must have outcomes that people agree to reach
- Start, finalize decision, move forward, keep promises

*“Collaboration doesn’t happen unless there is a critical moment in time when it needs to happen.”*

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What the neutrals heard from stakeholder interviewees

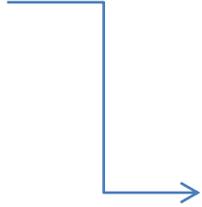
# Who Should Convene Collaborative Process?

- Political convener—a governor or senator or congressman
- Governor Kitzhaber
- Secretary Salazar

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What the neutrals heard from stakeholder interviewees



# Land Management Objectives

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What the neutrals heard from stakeholder interviewees

# Priority Objectives for Managing BLM Lands

- Generate revenue for counties
- Split between: all multiple uses evenly balanced; environment primary; timber primary
- Recognize that management strategy must be in compliance with current laws

*“Even though there are economic objectives, need to include all economic factors, including fish, drinking water, tourism, etc.”*

*“Given unique role of federal lands in Oregon, the priority for objectives should be ecological, recreational, multiple-use, and economic.”*

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What the neutrals heard from stakeholder interviewees

# Are Current Management Objectives Being Met?

- There is a range of beliefs about whether BLM is managing in accordance with O&C Act and meeting objectives of this act
- Desire from many that in addition to the mandates of the O&C Act, BLM's management objectives take into account other laws and other objectives

*“BLM is struggling to meet current management objectives, but, the objectives of 1999 Forest Plan Revision and WOPR are different.”*

*“O&C Act is dominant use act requiring timber production as its highest priority. BLM is supposed to be a multiple use agency, but O&C is law.”*

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What the neutrals heard from stakeholder interviewees

# What Should be Done to Pursue Management Objectives?

- Tackle western forest issues regionally and incrementally
- Develop small-scale, site-specific plans

*“Eliminate the legal quagmire that clogs the system and requires Congress to act to remove unnecessary roadblocks.”*

*“Increase revenue that will benefit local economy based on site specific plans. Can do thinning without harming recovery process for clean water, habitat for ESA fish, wildlife, wetlands, and recreation.”*

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# Measuring Successful Management

Examples of suggested measures include:

- Healthy stands, consistent flow of timber, clean water, protection of species, conservation
- Public satisfaction, lack of litigation, achievement of desired conditions
- An easily understandable goal (like half a billion board feet a year)

*“A forest strategy must be created.”*

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# What Agencies or Entities Are in the Best Position to Manage BLM Lands?

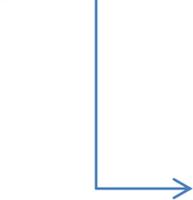
- BLM is in the best position to manage these lands—Forest Service does not want to manage them
- Forest Service
- Give the land back to the counties
- Create an Oregon Natural Resources Department and give it responsibility for managing the lands

*“I have a high degree of respect for BLM and their people. They must operate under restrictions that make it difficult.”*

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Neutrals' analysis



# Collaboration Process Overview

The collaboration process should be:

- Clear
- Well informed
- Transparent
- Attuned to next steps

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# Clear Process

## Clearly define:

- Issues, options, and timeline; i.e., the sideboards for the larger collaborative process
- Roles of the Governor, the Secretary of the Interior or his designee, and the Congressional Delegation in defining the sideboards (“the senior leaders”)

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# Well Informed Process

Create a well-informed process through:

- Joint direction from the senior leaders
- Discussions among staff designees of the senior leaders
- Availability of neutral third-party facilitation for staff-level discussions
- Access to results of the collaboration inquiry for all senior leaders and their staff

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# Transparent Process

Create a transparent process through:

- Access to results of the collaboration inquiry for those who participated in it
- Ongoing access to information about the progress of the collaboration for stakeholders

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# Examples of Issues and Assumptions for Defining the Sideboards (I)

Senior leaders might address the following types of questions to define collaboration sideboards:

- Is the collaboration taking place in the context of the existing O&C Act or in the context of potential changes to the O&C Act, including fundamentally different approaches to managing western Oregon forests?
- If the collaboration is in the context of the existing O&C Act, do the senior leaders wish to provide guidance on fundamental interpretation of the Act (e.g., balancing timber harvest with other uses and values)?

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# Examples of Issues and Assumptions for Defining the Sideboards (II)

## Types of questions:

- How should the provisions of the O&C Act be interpreted in light of other major legislative mandates (NEPA, ESA, National Indian Resources Management Act: Tribal Timber Law, FLPMA, etc.)?
- Should it be assumed that there will be no changes in management responsibility for O&C lands (or do the senior leaders wish to invite discussion of alternatives to present management responsibility)?
- How can senior leaders ensure appropriate resources for a sustainable outcome?

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# Examples of Issues and Assumptions for Defining the Sideboards (III)

## Types of questions:

- Should the collaboration assume the scope of the discussion is solely O&C lands or western Oregon forested lands more broadly (and if it is broader than O&C lands, what should be included)?
- Can the senior leaders convey an ongoing message about the importance of resolving issues within the collaboration and not undermining the process through other avenues, including litigation?

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# Examples of Issues and Assumptions for Defining the Sideboards (IV)

Types of questions:

- Beyond the collaboration process, will BLM undertake a NEPA process related to the Western Oregon Plan Revision (WOPR)?
- Should the management of O&C lands be guided by the principles underlying the NW Forest Plan? If so, to what degree?
- Should the management of O&C lands be consistent with the “Framework to Guide Forest Service & Bureau of Land Management Land Use Plan Revisions and Amendments?”

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Neutrals' analysis

# Next Steps

Once sideboards are provided by the senior leaders, the next steps could be:

- Neutrals would conduct a full situation/needs assessment
- Based on the outcome of that assessment, the neutrals would work with key stakeholders to design and implement the collaboration

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# Information Sharing

1. How do we report back the results of the collaboration inquiry to:
  - a. Collaboration Inquiry interviewees
  - b. Stakeholders/public in general
  
2. How do we report on the progress of collaboration next steps to the above groups?

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# Timeline

- What is the timeline for a decision by the Interior/BLM and Governor's office to proceed?
- If Interior/BLM and Governor's office decide to move forward with asking the senior leaders (Governor, the Secretary of the Interior or his designee, and the Congressional Delegation) to set the sideboards, what is the desired timeframe for:
  - Receiving sideboards from senior leaders
  - Initiating a situation/needs assessment conducted
  - Beginning the collaboration

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## Western Oregon Plan Revision – Team Member After Action Comments

A “lessons learned” exercise is a worthwhile exercise depending on a couple of factors.

One factor is defining the focus. What can we do better, do differently; what must the steering committee understand? Then listed a number of topics to which these questions should be applied. As a veteran planner, I would opine that two major issues in planning efforts are timeliness and quality. A few thoughts to consider as one reflects on lessons learned: Did the planning effort miss deadlines; did it adhere to its schedule? If not, was the schedule realistic or were missed deadlines the result of inefficiencies? Was quality sacrificed to make up time that had been lost through inefficiencies or unrealistic schedules? Was staff required to consistently work stressful overtime to make up for inefficiencies? Was the level of quality envisioned at the beginning actually achieved? What specific quality issues in WOPR, if any, need to be corrected?

Another factor in the utility and value of a “lessons learned” exercise depends on the willingness and commitment of both managers and staff to do what is necessary to produce the desired result. I don’t mean to be harsh when I offer the observation that from my perspective there were few if any new lessons learned in WOPR. Individual BLM and Forest Service planning efforts have a tendency to repeat behavior that so many previous planning efforts have engaged in that get in the way of efficiency, timeliness and quality. There may be lessons to be learned but few of them are new or unique to WOPR. I think it takes a strong commitment by all involved to avoid the usual behavior that ends in the usual results. I think a “lessons learned” exercise resulting in a behavior contract between all involved at the beginning of the process is important but I also think regular behavior checks throughout the process are necessary. Commitment is necessary from the beginning to the

end. Here are a few specific observations regarding the WOPR effort:

### Regarding timeliness:

Because large land use planning efforts extend over years, there tends to be a lack of urgency until the precipice of the final, drop dead schedule looms immediately, directly and urgently ahead. Time, be it days, weeks or even months whether lost early on or towards the end have the same value, although they are rarely valued the same. It is hard for some to be frugal until finally faced with the reality of bankruptcy; however, there is always a long road to bankruptcy in which lack of frugality early on was not seen as quite so important. Do not lose time at any stage of the planning process. It is most unusual, almost unheard of that lost time can be made up.

For staff responsible to turn in drafts, reports, analysis, what-have-you by certain deadlines, there needs to be a break with organizational culture. Once a deadline is established, be it by negotiation or edict, there can be no variation excepting extraordinary unanticipated circumstances. The organizational culture is one in which individuals can call in just before the due date with a “when do you really need it?” question or an excuse that it will be late, or worse just missing the deadline without comment. There tends to be no consequences to the individual involved except listening to a harangue by the team leader. Large land use planning efforts tend to have many people involved, large teams. Consider this scenario: a large team of say twenty individuals share deadlines for submitting a series of reports or assignments, and that there are consistently three, four or more individuals that miss the deadlines. This puts team leads, writer-editors, and reviewers in an overtime mode in an attempt to keep the overall planning schedule, which in the face of continued behavior of this kind is usually futile. No

planning schedule should be so fragile that it cannot survive an occasional missed deadline by a few team members, however if such behavior is consistent (and it was in WOPR) holding onto the schedule becomes difficult, indeed.

For managers responsible for decision making, there needs to be a break in organizational culture. Once decisions are made or direction given, it should stick excepting extraordinary unanticipated circumstances. In WOPR, changing decisions that required the rework or major revision of staff work were not uncommon. Sometimes such changes were the result of further interagency discussions; sometime such changes were the result of further reflection on the part of a decision maker; sometimes such changes were the result of the absence of certain managers during steering committee meetings; sometimes such changes were the result of subsequent circular discussions and circular decision making with no new information. I would suggest that careful consideration be given at the time of decisions or the giving of direction whether the time for such is ripe. If the time is ripe, or if the time for decision or direction is schedule driven, then take responsibility for a quality decision and stick to it. If managers need to go home and reflect or informally discuss outside of meetings, then that should be built into the system rather than have the inefficiency that later changes in decisions or direction causes. No planning schedule should be so fragile that it cannot survive an occasional changed decision or change in direction, however if such behavior is consistent (and it was in WOPR) holding onto the schedule becomes difficult, indeed.

#### Regarding quality:

Most of the interdisciplinary contributors to a planning effort are not used to having their analysis and writing subjected to close scrutiny and critique. They usually just turn in their work with few questions. A good planning effort (and WOPR was a good planning effort) will set standards and expectations for contributors regarding analysis and writing in advance and then hold folks to those standards and expectations. The key of any good writing is rewriting. The planning process requires the submission of drafts, critique, rewrite and rewrite and rewrite (depending on the individuals involved). Certain contributors welcome a close critique of their work, others just put up with it, while still others either actively or passively resist such critiques either because of pride or because they view such critique as undue interference with their professional work. Such critique is essential to creating a legally defensible planning document, and to present to the managers and public rigorously explored, objectively evaluated alternatives in comparative form, sharply defining the issues, and providing a clear basis for a reasoned choice among the alternatives. A pyramid of evidence is required for every conclusion a contributor makes. In WOPR as with other planning efforts, there were some contributors who were "high maintenance" regarding the critique and revision process. I am not sure of the key to making this process less time consuming, more efficient, and less painful. Having multiple, competent reviewers as we had in WOPR is important. In hindsight, I think because such work might not be a good fit for otherwise good professionals, or because of personality issues, there should be the upfront expectation that some team members will be replaced during the planning process. Just because such work is not a good fit for an individual does not necessarily mean getting replaced on the team should be seen as a disgrace or a demerit, although in some instances this, in fact, will be the case.

#### Regarding reviews by district personnel not on the planning team:

Our experience in WOPR was that an enormous amount of time was spent inefficiently by district personnel in reviewing and commenting on WOPR because of the large scale ignoring of directions for the reviews and ignoring given management decisions and assumptions.

#### Regarding public involvement:

The public has been actively and continually engaged regarding forest and natural resource management in western Oregon for over twenty years. Public involvement in western Oregon during these years has ranged from the traditional NEPA-planning format, to innovative and different approaches, to minimums. WOPR held a management seminar regarding public involvement in which experts and experienced personnel were invited from around the country. I would characterize WOPR's efforts as proactive, intense and wide-ranging. My recommendation here is to consider carefully before launching an effort with the goal of covering new ground and accomplishing never before attained goals. I think public involvement on this latest round of planning should reflect the context and various efforts of the last twenty

#### years. Data and Modeling:

I think WOPR had the best data and best modeling of any forest and natural resource planning effort ever in western Oregon and perhaps the country. Besides the excellent overall and large scale effort, I think the innovative challenge to bring algorithms and analytical models to every resource bore excellent results. The ground work for this was laid in the State Director's Planning Guidance.

#### The use of scientists:

The use of scientists in the WOPR effort was both good and not so good. Many members of the ID team had good, productive working relationships with individual scientists. WOPR analysis was definitely benefited on an overall basis from this interaction. Although we tried to set clear expectations and at least some ground rules in the beginning, the actual management or steering of the process was difficult. I think the scientists clearly understood that no matter how they couched their involvement and interaction, that an endorsement or non-endorsement of public policy in terms of the WOPR decision would inevitably be attached to them. From my view, this made what would inevitably be a complicated relationship, even more complicated and in some cases difficult. If the involvement of scientists could move more from an almost peer review mode to one of advice and comment on what we were ultimately trying to do in WOPR, as in all NEPA-planning efforts; that is, are our models and assumptions sufficient to present environmental consequences of the alternatives in comparative form, sharply define the issues, provide a clear basis for choice among alternatives? In some instances, our analysis may predict certain actual levels of economic activity or the actual amounts and arrangement of habitat, in other instances the analysis may be intended to produce numbers useful in providing a relative ranking of alternatives rather than predict precise future outcomes. I think the fact that WOPR analysis was not peer-reviewed science and therefore did not incorporate all of the comments and advice of the scientists was more problematic than it should have been. Before launching into a similar involvement with scientists in the current planning effort, a thorough up-front discussion with all involved in which expectations are set forth and agreed upon would be helpful. Although this was done for WOPR, I would hope that it would be more productive this time because both the scientists and the BLM have the context of WOPR experience. This would be a separate "lessons learned" exercise with the scientists.

I am on my fourth page of comments, and although I could write much more, I think this is more than enough for folks to read for now. Thank you for asking for my comments.

- *I highly recommend following the recent FS process and developing a Western Oregon-wide RMA Strategy with NMFS, FWS, and DEQ – outside the planning process. If I were to do it again, I would do a joint contract with NMFS, DEQ and possible FWS as our partners.*
- *Even with a new planning effort, BLM should be realistic about the totally predictable outcome – that NMFS and DEQ will still want the RMA to be somewhere between 1SPTH and full RR – regardless of the science (even if they develop it with us, it is still very possible they will think of other non-scientific reasons for a wider buffer). The BLM needs to decide up front – are we going to stick to the science 100% or are we going to concede to get the plan through. Also, it is a slightly different ecosystem, but if FS and NMFS have a RMA strategy in OR it should be considered as a starting point for consistency.*
- *The Science Advisory Team has to be comprised of the right people.*
- *Issues like peak flows need to be addressed right up front. If I had to do it again I would tackle these predictable and challenging issues right up front – they are the*

*showstoppers so any amount of planning for additional harvest won't work if you haven't addressed spotted owls, RMA's, and peak flows up front before you even begin the analysis.*

Subject: Lessons Learned - 1995 RMP and 2008 WOPR

- WOPR: Used Relative Density threshold limits; upper and lower. Not many folks understand the concept of Relative Density and cannot picture it very well when they look at different stands. However, most specialists have a better understanding of basal area. So.....why not use basal area in lieu of Relative Density? Also, Madeline is starting to build a database that correlates basal area with canopy closure which should help developing and monitoring prescription objectives. Do we want to use a combination of Canopy Closure and Basal Area?
- Patch Cuts: (WOPR and 1995 RMP): Patch Cuts were hard to model in both processes and I had to work with Bob Pierle and Dave DeMoss closely to explain the objectives of them. In the 1995 RMP we made the mistake of assuming that we would implement patch cuts on 1/3 of all density management sales and thus it was modeled as such. When we started thinning the stands south of hwy 66, patch cuts were not necessary for multiple reasons; there was lots of desirable understory already planted and desirable species were well represented. Bottom line for modeling Patch Cuts: need to agree on size, what forest types, distribution (up to 15%+ of a density management unit?), annual acres, leave trees tree retention in Patch Cuts, etc...
- Snags and CWD Requirements: 1995 and NFP has different standards for thinning versus regeneration harvest. The regeneration harvest standard was measurable, the thinning standard was never determined so did not know if a measurable objective was ever met. IDT often tried to apply the Regeneration Harvest standard to Thinnings but the NFP was clear that the standard applied only to RH. Anyway, just need to have clear and measurable standards for snags and cwd depending upon prescription. Timing on when the standard has to be met is an issue; immediately after harvest or within 5 years? Obviously with thinnings, there is a lot more recruitment potential from residual trees than RH.
- Retention of Large Trees: Under NFP and 1995 RMP, there was a retention requirement for RH's (16-25 lg trees/acre). Under the WOPR, large tree retention requirement was not an issue as it was clear we would implement uneven-age management and we could thin across all diameter classes. Since the interest in retaining large trees of certain species is a much bigger issue now,

this will likely have to be modeled at least in one alternative. Obviously a hands off prescription of large trees will impact growing capacity of the ground. Also, what is the long term sustained yield capacity of the site once all the trees reach the retention diameter limit. This actually came up at my meeting last week in Denver. Region 5 (California) does not have an ASQ in the Sierras under the Sierra Mountain Framework Plan. The plan calls for a 30" DBH cutting limit. The statement was made that if we are not growing an understory and/or removing the understory, then what happens when all the trees reach 30" plus?

- Riparian Reserve Harvest: It would be helpful to all to provide clear direction what is allowed in RR's (mechanical, manual, commercial harvesting, noncommercial harvesting). Sometimes we were allowed to harvest the outer ½ and sometimes no harvest without clear understanding why. So.....clearer understanding would be helpful.
- Soil Impacts: The NFP and 1995 RMP BMP threshold limit (10% in skid trails) is relatively easy to measure with new plot design or by GPS. The 20% detrimental soil compaction is a lot harder to measure. With the expectation that mechanical ground based yarding is the standard for the future, I think the 10% will be hard to meet when you throw in the mechanical harvester impacts. Past soil monitoring and recent measurements indicate that our disturbance level was somewhere between 15-20% which seems more realistic than 10%. The key is distinguishing what is detrimental or not. I liked the 1995 RMP because the BMP directed us to mitigate the detrimental impact in lieu of suspending all operations. New plot design is quick and something that might be incorporated into the new RMP.
- We now have had two RMPs that generated an ASQ of about 5.5-5.9MMBF. That seems to be a slight validation of what the ground can sustained. Great rule of thumb once you start to get the numbers: Take the annual ASQ volume: 5,500,000 bd ft / Divide by Land Base 30,000 = Bd ft/ac/year.
- It would be nice to validate whether the growth model that you use accurately predicts growth in our high elevation Shasta Red Fir zone. That zone grows trees very slowly it seems so to somehow validate growth rates would be reassuring.
- Salvage: Don't forget to discuss salvage and insert as much flexibility as allowed to expedite capturing salvage when and where feasible. The key is capturing the economic value before it starts to lose value. As I heard at the recent Federal Timber Purchaser Meeting, the salvage argument should focus on economic value and not necessarily on ecological benefits. The scientists don't necessarily agree on ecological benefits of salvage eg...Biscuit Fire.....
- Road Density: The 1.5 mile/mile road density threshold was almost impossible to meet. We had to respond why multiple times. The threshold needs to be achievable and within the O&C RROW agreements.
- Eastside PD Lands: We went back and forth on whether to declare or not declare an ASQ on our PD eastside lands. Pierle did not have a lot of time to run the numbers for us. I prepared a one page summary on what our eastside lands could produce based upon the 1995 RMP. However, under the 2008 WOPR, I believe Klamath Falls Resource Area went with no ASQ but focused on forest health treatments. I feel the Resource Area would benefit to really look at our 15,000+ acres on the

eastside. I have observed a number of eastside lands that would benefit from immediate thinning treatment yet we were constrained by a low ASQ limit (440MBF), by dollars, time, and other higher priorities.

- Under the 1995 RMP we used the same RR standards on both the westside and eastside. Under the WOPR, we did not.
- We seemed to have a lot of “de facto” withdrawals from the forest matrix land base we did not model; cultural sites, S&M, raptor nests, etc.... Not sure it amounts to much, but it does impact the operable land base.
- Thermal Clumps / Skips.....how do you model these? Are they going to be permanently out of the land base and if so, for how long.

My comments are confined almost exclusively to BLM relations with the U.S. Fish and Wildlife Service and ESA sec. 7 processes. I have worked with representatives of the Service for more than 30 years, including as a biologist on five RMP-level planning efforts. Some lessons learned:

*The Service will remain true to its core mission.*

- The overriding interest of the Service in BLM land use planning is the potential effect of BLM actions on federally-listed species and critical habitats.
- The Service does not engage in proactive management or land use planning in the same manner as does the BLM. During BLM land use planning, Service representatives will embrace multiple-use management only to the extent consistent with the Service’s core interests.
  - During planning, if invited, the Service will provide high-quality assistance to the BLM at multiple levels.

BLM managers need to fully understand the Service’s role in BLM land use planning *as the Service sees it*. The Service will not deviate from that role, regardless of BLM desire or advocacy.

Obviously (after WOPR), the BLM will initiate plan-wide ESA sec. 7 consultation on the proposed alternative. However, for a variety of reasons, the BLM and Service cannot follow the formula used to consult on the NFP. Very early in the planning process, the BLM and Service need to discuss and agree *in writing* on how the BLM will comply with its sec. 7(a)(1) and 7(a)(2) mandates.

A major reason why the Service felt disenfranchised by the WOPR planning process was because it felt the BLM disregarded, without evaluation, most of its specific ideas and requests. One of the principal reasons: No one in the BLM “coached” the Service in how to format comments so they would mesh with BLM evaluation and decision-making processes. As a result, the Service felt that the BLM disregarded its input. The Service was so upset by this that, after the ROD was signed, they compiled copies of all documents they had sent to the BLM over three years and insisted that the BLM include them in its administrative record (even though they already were part of the record). If the BLM hopes to avoid a repeat of this situation, the BLM needs to effectively coach the Service in BLM decision-making processes and continually help the Service craft its comments to mesh with those processes.

The ESA, as federal law, is equal in standing to NEPA. Yet, during the WOPR process, whereas the BLM allotted three years to preparing the EIS, it devoted all of *four days* to the associated biological assessment. Fortunately, (1) the planning process generated most of the information needed for the BA (even though EIS language cannot simply be dumped into a BA) and, (2) even though the WOPR planning

leader specifically told those of us who would write the BA to devote ourselves exclusively to the EIS, each of us knew enough to ignore him. When the BLM finally awoke to the fact that it needed a comprehensive BA written and approved by solicitors in *one week* to meet its ROD deadline, we were able to generate the draft within the four days allotted to us. But this was in spite of BLM leadership, not because of it. Plan leaders need to be aware that ESA consultation must meet rigorous legal standards. Consultation documents cannot be left to the last minute.

Early in the WOPR planning process, the BLM determined that special status species management was inconsistent with the dominant use interpretation of the O&C Act and, therefore, would not be evaluated. However, as public comments showed, the BLM made this decision without the benefit of analysis or credible data. Special status species management might be difficult, or expensive, but those does not equate to all aspects being inconsistent with the O&C Act. As a result, the BLM decided to evaluate special status species between draft and final, but then failed to do so because of time constraints. If the BLM hopes to modify its survey and manage program, it needs to fully evaluate special status species.

Although the WOPR process contributed to significantly worsened relations between the BLM and the Service, relations remained quite good at the counterpart-level; the BLM greatly benefitted from Service biologist input. One process that was especially helpful was the development of parallel datasets for both NEPA and ESA processes, even when some datasets were to be used only for ESA compliance. This required BLM and Service biologists to consider not only the NEPA analysis, but to characterize information in the EIS so it would mesh seamlessly with ESA consultation. The BLM initially refused to spend time processing data that would be used exclusively for ESA compliance, but eventually saw reason and relented. The fact that Interior decided at the last minute to forego ESA consultation is beside the fact. Interior won't make that mistake again, and the WOPR datasets we developed for ESA consultation would have worked well had they been given the chance.

These comments reflect employees personal opinions, which are the views of those employees alone, do not represent the views of the Department of the Interior or the Bureau of Land Management, and do not constitute nor should be construed as a final or official DOI or BLM position, finding, or decision on interpretation of, or consistency or compliance with any statute, regulation, or policy.

- Develop a section 7 consultation strategy early in the planning process with the SOLs office and stick to it; make sure it will pass muster with either political party that is in, or will be in, office.
- If the new plan revision strategy does not follow the “section 7(a)(1)” process or the “no consultation needed” process that other BLM plan revisions have successfully followed (geothermal EIS, Oil Shale Tar Sands EIS, etc.), then develop and sign a consultation agreement with clear contacts, products and deadlines. Make sure there is political will to elevate issues the minute they arise -- by any agency.
- This consultation agreement should reflect a single consultation process with a single BA for both regulatory agencies. That is, a combined terrestrial and aquatic BA, so that FWS and NMFS are forced to be on the same page in terms of level of analysis, timelines, and products. Under the current administration, this should be attractive as it can serve as a model of the President's vision to consolidate agencies and reduce unnecessary process.
- Consider recruiting and paying for a NMFS and FWS person to be an IDTeam member. Make sure they are fully delegated to speak for their agency, otherwise, don't waste the time or money.
- Review the ongoing plan-level consultation occurring in Prineville (?) as this may have already set section 7 consultation process precedent for plan revisions in Oregon.

The land management agencies have a number of failed plan-level consultations that can be reviewed to identify what didn't work. Conversely in other parts of the country, we can point to successfully completed plan consultations. I would advise you to seek an independent review and assessment of

these consultations to help determine what makes for a successful plan-level consultation (perhaps a review by the WO). As I recall, the taxpayers spent close to \$65 million dollars on the Interior Columbia River Basin Ecosystem Management Project (ICBEMP) only to see the consultation fail due to regulatory agency staff personalities and the land management agencies' inability to respond to regulatory agency (staff) demands prior to impending deadlines. Bill Hudson and Scott Woltering carry the scars from the ICBEMP process and I'm sure could provide an entertaining description of how and why things went wrong.

### **After Action Review/Lessons Learned**

#### **Internal Communications**

I think the key for internal communications starts with the DMs and them taking direct ownership in the plan development. It needs to extend to the Field Managers because we should be developing a plan that enables them to implement. Building a sense of ownership and it matters starts with the leadership within the districts and they need to have more of a stake in the outcome.

- We have started out with our employees this time raising expectations of what individuals think the plan should be. If we are not going to lose them again it needs a continued dialog to bring folks around to more of a collective thinking that these are BLM's plans and we have multiple objectives. A stronger field manager involvement periodically could be a roll for them with the employees.
- Seek opportunities to bring in individuals (outside of ID team) to help in aspects of the plan to help with building ownership.

#### **External Communications**

- External communications needs to be given much higher strategic consideration.
  - o Governor's office
  - o WO BLM and the Department
  - o Congressionals
  - o Key stake holders that can talk in positive terms of what the plan can do for them.
  - o Reaching out to the general public that is not associated with the interest groups.
  - o Challenging allegations that are without foundation.
  - o Strong early messaging to paint our own picture.

We are always judged on bigger is better on a single resource basis.... We need to work on shifting the conversation for effectiveness for achieving all of our responsibilities.

### **Public / Cooperator Involvement.**

For making meaningful decisions we have allot more work to with the FWS and NMFS to reach a decision as the Federal government than focusing so much on the public. This ties to the internal communications in DC to fulfill the words in the MOU – supporting each other in our respective agency missions. We should jointly be tasked to reach a solution via this process.

- The public is important social component but if it is only expressed through single dimension solutions from the interest groups it is nothing new or helpful.
- We need to clearly define the role of the cooperators and how we will interact. John Sessions experience - single interest special access that did nothing but cost time and did not contribute to the discussion as a whole.

### **Data and Modeling**

The single most thing that can save time in the deciding what data is meaningful and what are we trying to get from modeling will be found in clear and early direction on the decisions that are to be made in this plan. Alternatives will flow from that.

Stability and clarity in the composition of the alternatives is the next most important thing.

- Our Inventory and Growth and Yield modeling expertise at the senior specialist level is aging, will soon be further reduced through retirements, and very little employee development to replace these skills is occurring. The DMs need help recognizing this.
- Resist supporting parallel modeling efforts. Time is much more effectively spent in being transparent, and open to input on our modeling than branching out to do redundant modeling with other parties with special interest.

### **Work Flow Core Team and Steering Committee**

Schedule - Schedules constructed by working from the end point backwards to fit it in for what you are given add up to employee stress and unreasonable expectations. Leading the team that rode the limiting path for much of the last plan I cannot express strong enough how damaging that approach to scheduling is to physical and mental health.

- Core Team Interaction with Steering Committee – Setting Tone by Example:
  - Agenda for issues to be resolved, with supporting staff work done in time, so when meetings are held decisions are made.
  - Demonstrate that the SC is taking the needed time to reach decisions that is timely to keeping the process moving.
  - Documenting the decisions – not a running tally of notes that are disconnected but in an organized framework around the plan decisions and the alternatives.

- Be at the meetings...
    - SC commits to the process and only sends an acting as the last resort.
    - Turn the blackberries off and be at the meeting.
    - Start on time.
  - State the decisions to be made at the beginning of meetings and close with a recap and see if you achieved that.
  - Don't go circular on decisions.
  - Be clear in distinguishing when a decision is grounded in what the analysis is telling you versus when choices are made for political or social values.
  - Be real in your decisions – will you go execute the selected approach and implement with full commitment?
- Steering Committee and Project Manager Roles – I have worked under a range of project managers with management team oversight. There are different models that empowered the Project Manager and Core Team to make decisions that followed principles set forth by the leadership than the degree that was done under the WOPR. There is a direct tie to efficiency and timeliness to which model is used.

### **What Went Well**

Working with a group of people on the ID Team and Core Team that were dedicated and committed to our task. It was a horrible at times with the pressure and frustration but that was overcome by the comradely of the group of folks working through the same stuff with you. Working with a group of folks that were the best in their field also made it great. The focus of a single job was also liberating.

### **Looking forward**

- Who is the SC? – So far it was hard to see the identity of the SC from the meeting held to date. There are more non SC members at the table than actual members. There also seems to be an OSO and District tribal subsets. I know this will evolve but becoming an entity is as important as the team identity that formed with the Core and ID team last time.

I have some ideas on developing this spectrum of possibilities for these lands based on past range of alternatives that have been evaluated. I think we should develop something like this so we can help folks understand things we know to perhaps frame what else needs to be considered with new alternatives. Our SC and Project Lead will be new to this and could benefit with some background on the range of know possibilities and things that have been tried before. It may have applicability if and when we go into third party discussion forums.

### **Planning Team Thoughts**

#### **Communications**

##### **Internal**

Employees need to have ownership in the plans. Employees need information if they are going to have ownership. If employees have ownership the District will have ownership. I am not sure the best way to do this; Have contact on the District that can get answers.? Website? SharePoint?

##### **External**

Need to meet NEPA and BLM Regs.

Newsletter were effective at providing information.

Website should be simple and clean.

Having someone to answer get answers to questions was good for relations with the public, Social media could be used for this but could be a time sink.

Public Involvement

We already know the issues and positions.

Very unlikely to get new information.

We will not sway public opinion.

It is not cost effective to more then is required.

Steering Committee

They need to own the process including the schedule. Need to know that they are the decision maker for the plans and then act like decision makers.

Need to be 100 % committed and commit need employees 100%.

Need a strong facilitator to keep them focused on the task

The Secretary's Task Force recommends the establishment of an "Interagency Executive Steering Committee chartered by the Secretaries of the Interior, Agriculture, and Commerce to establish a common vision for the management of the NW forests and requirements of all government agencies in the regulation and management of the federal lands in the Pacific Northwest. The Interagency Executive Steering Committee should address the implementation of the

Endangered Species Act, Clean Water Act, FLPMA, NWFP, O&C Act etc, thus allowing a common government vision for the management of the federal forests in the Pacific Northwest."

It nice to think this would work but it misses a discussion off he laws that each agency must follow and how they interact. I do not think senior level bureaucrats can make these kind of agreements and have them be binding on everyone.

Cooperator Involvement

I thought it was good to have them in the process

Not sure you can keep them out now that were involved last time

Consultation

Task Force for WOPR found "Consultation at the plan level in the Pacific Northwest remains problematic due to a lack of specificity in RMPs that would enable the NMFS and FWS to write a legally defensible biological opinion. Absent a new, innovative approach to consultation at the plan level, the Task Force finds the current lack of specificity in land use plans precludes the Services from writing a legally defensible biological opinion."

Judge says you must consult. Seems like a no win situation.

I think this will be the biggest challenge for the new plans.

Workload, Contracting, etc.

Use contracts where appropriate and efficient. I thought the contract for Economic Modeling was very effective. The contract for comment analysis was not so good as we spent a lot of time reviewing and correcting their work. I think we would have done better with a BLM Writer Editor.

Alternatives and Analysis

Not sure what to say here. Very few liked the range of alternatives last time. You could have a wider range but I think you need to very clear which alternatives would meet current laws and regulations.

Purpose and Need should drive the alternatives. I am not sure what the Purpose and Need is this time. From what I read it seems to include new information and

critical habitat for listed species. This could make for a very narrow range of alternatives.

Data & Modeling

We set a high bar last time I you can meet it again because it really lead to creditable analysis.

Our use of State Director Guidance was a super idea but I don't think that the public or other Agencies understood what it would be used for. I think this is the place to involve scientist and try to get agreement on how science will be used to model effects. This need to be a open process and well documented. Comments on inappropriate model and missing data should happen here on as comments on the draft.

Team Composition, Work Flow within Core Team and with ID Team/Districts,

General Concerns

What worked well last time

# District Lessons Learned 2012

## Summary

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June 2012

In March and April 2012 employees were given an opportunity to provide feedback to management on the 2005-2008 planning effort for consideration as we move into our new planning effort for Resource Management Plans for western Oregon. The following notes are a summary of employee comments. These comments reflect employees' personal opinions, which are the views of those employees alone, do not represent the views of the Department of the Interior or Bureau of Land Management, and do not constitute nor should be construed as a final or official DOI or BLM position, finding or decision on interpretation of, or consistency or compliance with any statute, regulation, or policy.

### Communication (Internal)

#### Positives

- Good IDT Leadership, composition, and interaction.
- Weekly conference calls with core team and extended IDT members.
- Meeting in Eugene was good as it was centrally located
- Good communication from DM to employees with updates on the planning process.
- The all-employee questionnaire was a good tool.
- IDT members felt their input was heard and considered.
- IDT was made up predominately of District staff
- Interaction between the IDT and the managers provided real-time feedback between and the analysis. An example would be the riparian reserves work between the draft EIS and final EIS.
- The after-ROD presentations to wildlife biologists and planners did a lot to explain the analyses and dispel distrust of the outcomes

#### Negatives

- The communication between the steering committee and core/ID team was not always effective. For example, sudden decisions by the steering committee regarding alternatives caused the IDT to rush through new analyses.
- The communication between ID Team members and District contacts did not work well in all cases— e.g. soils, fire, realty, hydrology.
- There was a lack of employee buy-in to the plan due to the feeling that this was a political/court ordered process.
- There was a lack of feedback on how District input was used, and when feedback was provided they were informed their input wasn't considered because it was "outside the scope" of the plan. This left some District employees feeling ignored and not valued for their knowledge, experience and expertise.
- General apathy and low morale.
- There was a "steel wall" between management and employees in terms of expectations and it felt like management continually pushed an alternative view of reality.
- Not enough meetings at District level or planning updates from the DM. Information sharing was a lecture rather than a two-way discussion.
- Not very transparent. For example, notes from WOPR steering committee were not open to all employees.

## Communication (Public)

### Positives

- Good materials were developed.
- 180+ meetings held.

### Negatives

- Public Scoping was an afterthought.
- Public meetings were unsuccessful.
- Public comments were not well acknowledged.
- Failure to get public support on science.
- No follow-through after the plan went out. There was a failure to effectively summarize and communicate what was in the plan.
- Complicated comment system on the web.
- Purpose of Scoping and the Purpose and Need were not well explained.
- Specialists did not feel comfortable talking to the public about the analysis. Employees didn't feel like they had the information to be ambassadors to the public on the planning effort.
- Messaging was not clear.
- Be more transparent by placing everything on the web (example: Middle Applegate Pilot website)
- BLM did not correct misstatements in the press.
- Collaboration was talked up, but no one understood throughout the process what that actually meant.
- More than misinformation, the public simply had a lot of "words" thrown at them in a way that didn't resonate with the larger public in a way that fostered their entry into the discussion of future land management. Often those words were mean-spirited and a turn off to so many. The contentious nature of the media editorials and their sculpted scope (cut timber and save the economy or cut timber and kill the earth) were just too big for most people.
- WOPR passion was seemingly confined to polar opposites of the public spectrum. The BLM clearly missed the mark in garnering public interest/buy-in/involvement where the majority of the affected public lies, between the polar opposites.

## Inter-Agency Interaction

### Positives

- Early engagement with USFWS.
- BLM did a good job of inviting owl scientists and FWS biologists into the analytical process, which resulted in a greatly-improved analysis.
- Utilize WOPR comments from the regulatory agencies to inform the new planning process.
- The Coquille Indian Tribe involvement in the planning process

### Negatives

- State agencies could have been more productive partners if their representatives had the authority to speak for their agency. Having them speak with one voice to represent the State of Oregon would have been more helpful.
- Cooperator roles need to be better defined. For example, there was inconsistency between EPA and NMFS regarding who regulates water quality.

- We need to get early buy-in from agencies, especially NOAA Fisheries Service so we can complete consultation on the new plan.
- Decision to not consult was a major flaw.
- BLM did not fully appreciate the different “corporate culture” and mission of the FWS and other regulative agencies, which hindered communications and understanding between the agencies
- BLM did a poor job of coaching the cooperating agencies how to provide meaningful feedback to the BLM and influence BLM decision-making processes. As a result, they felt disenfranchised by the WOPR experience and refused to support the RMPs.

## Workload

### Positives

- Workload was managed well within the ID Team.
- Good decision to ask for *volunteers* from District to serve on the core and extended ID Team.
- Good use of key Oregon State Office ESA specialists when needed (e.g. Joe Lint and Karl Stein). However, these positions are now vacant.

### Negatives

- There was a trickledown effect of increased workload on staff not engaged directly in the planning effort. We now have a smaller staff than when we worked on WOPR so capacity will be an issue.
- Court Ordered Deadlines that forced process. There was also the expression that time was wasted earlier in the planning process which increased stress at the end when time was running out.
- Process was too long. Public, Media, Employees were exhausted with process after so many years. Loss of energy and forward momentum.
- A large number of people are close to retirement and may not be around for the entire planning effort – need a strategy to address corporate knowledge transfer/succession planning.
- ESA and NEPA have equal standing, yet we spent three years on the EIS but only four days on the BA

## Technical Analysis/Data

### Positives

- Purpose and need clearly defined
- The BLM baseline data resources, technical capabilities and technical staff were excellent
- The modeling tools used and modelers that used them were excellent. Large-scale modeling done by core team was good.
- The process resulted in a well-organized and technically sound document.
- The science team was a positive asset.
- The management direction in the final document was backed by science.
- The amount and consistency of BMPs was good—better than in the Northwest Forest Plan.
- There was good involvement and use of corporate data.
- There was good use of updated literature and current science.
- Good: Uneven Age Stand Management, ACEC analysis, RNA analysis, range allotments, climate change/global warming, riparian objectives, special status species, Oil and Gas, and travel management.
- Despite the challenges, the analysis and decision making process seemed to go well.
- NSO analysis was good, maybe even groundbreaking in scope and complexity

- The process of coordinating the analysis through GIS was good and forced the group to articulate questions.
- Good that the ASQ for the Gerber block disappeared
- Adhered to the overall schedule—we completed the RMP by the deadline

## Negatives

- Dueling scientific views were not resolved—especially between the BLM and other agencies—e.g. regarding the width of riparian buffers.
- GIS products never became part of the corporate database.
- The fuel data used in the analysis was not well verified.
- Used incomplete or bad data due to insufficient time and staffing.
- Given narrow sideboards, not all issues were vetted and addressed (e.g., Recreation, ACEC, OHV, and VRM).
- The purpose of certain teams and the direction given to them was sometimes unclear or conflicting. For example, the ACEC team was tasked with evaluating ACEC nominations and suitability for designation, while also being given informal direction to minimize the number of ACECs on O&C lands.
- WOPR alternatives were not developed clearly prior to starting the analysis. The analysis was performed in segments rather than as a whole, which made the analysis difficult.
- The input needed/question to answer was not vetted before starting the analysis. During WOPR, analysis started and found out later that we were asking the wrong questions. For example, the public access questions were not clearly defined, so the analysis was not used.
- The rules were not clearly defined which made the analysis difficult (e.g., logging systems, roads).
- Plan assumed PD would be managed the same as O&C with little explanation as to why the decision was made.
- Last minute changes seemed to be made with no supporting analysis.
- WOPR greatly underestimated the effects of MAMU habitat on the timber base, especially in Coos Bay (i.e. 300' no disturbance buffer).
- Vegetation data, hydrology layers and fish models did not fit for Klamath Falls RA
- NLCS data not accurate for one District
- WOPR was a top-down planning effort while the 1995 planning effort seemed bottom-up allowing for more District input/control
- District-specific data and review processes were not front-loaded (e.g. ACEC reviews)
- The plan was too timber-driven.
- Economic analysis was speculative...created a lot of publicity.
- Too much emphasis on vegetative modeling. The perception was that it was inaccurate, no connection with model and timber cruise information.
- Plan was driven by time constraints.

## Final Management Direction Provided by the Plan

### Positives

- Provided discrete direction. The rules were clear and contradicting direction was eliminated (in contrast to the Northwest Forest Plan).
- The document was well organized, and, therefore, management direction was easy to find.
- The plan reduced processes, such as Watershed and Late Successional Reserve Analyses, which are required by the Northwest Forest Plan.

- The plan actually provided guidance for thinning, unlike the Northwest Forest Plan.
- The Pacific Connector Pipeline was specifically mentioned.
- The plan allowed flexibility for unique areas, such as the West Eugene Wetlands
- Management direction based on intent and objectives, rather than overly prescriptive.
- ASQ declared

## Negatives

- The name was not helpful.
- There was a lack of flexibility in some of the guidance—e.g. stream buffers.
- There were no BMPs for soils
- One EIS for all of western Oregon was too broad. For instance, southern Oregon has dry forests and different fire regime than the northern districts.
- While WOPR may have had sideboards that were too narrow, the NOI suggests the current planning effort may have sideboards that are too broad. Concern with spending time and energy looking at proposals and alternatives that have little chance of implementation.
- Did not consistently use clear, plain and direct language. For instance, if we mean “don’t do it,” say that and do not say “avoid.”
- Inflexible land use allocations. For example, DTMA lines were identified on a map without validation and when units did not meet the designation criteria there was no option but to treat them as DTMA.
- Unresolved conflict between ESA and O&C Act
- Did not get relief from Survey and Manage
- There was push back from within BLM that a District was implementing the plan too soon.