

Getting Federal Land Management Agencies to the Collaboration Table: *Barriers and Remedies to Cooperative Conservation*

INTRODUCTION: *A brief history of collaboration in public lands management*

An Agency of Experts

In Ivan Doig's classic novel *Dancing at the Rascal Fair*, the rapacious appetites of settlers along Montana's Front Range for grass and timber are curbed by Stanley Meixell, the newly arrived Forest Ranger. Tall and handsome in the saddle, Meixell is the agent of the newly organized U.S. Forest Service, whose job it is to save the forest from the abuses of the neighboring community. "It ain't just the trees I'm supposed to be the nursemaid of, it's the whole forest. The soil and water too. Yeah and the grass." (Doig 1987, p230)

Throughout the first half of the 20th century, the Forest Ranger was the outward face of the U.S. Forest Service—a much-romanticized icon who 'stood tall and straight like the trees he protected because of all the people leaning on him' and helped provide a focal point for agency policy at the community level. As time went on, agents of the National Park Service, Bureau of Land Management, and U.S. Fish and Wildlife Service stepped up along side the Forest Rangers to ensure proper use and management of public natural resources on the parklands, rangelands, and refuges of the Nation.

As growing waves of laws and authorities dictated how public resources were to be managed (e.g., the Taylor Grazing Act, Endangered Species Act), decisions and authority were increasingly removed from the local-level to the faceless ranks of agency bureaucrats, solicitors, procurement specialists, and auditors in regional and Washington DC offices. With the collective weight of these complex and confusing authorities, federal land management agencies began to operate under the basic premise that they were the sole "experts" capable of forging the difficult decisions of what lay in the "public interest."

At the same time, pressures for access to timber, grazing, and other public lands uses soared. Accompanying this increased demand was increased conflict. The interests and knowledge of local communities were increasingly absent from other public input and influence, particularly special interest groups, that crowded with the federal agencies around the public policy crucible.

A Return to Cooperation

In 1970, the "Bolle" Report issued a scathing indictment against existing timber harvest and management practices on the Bitterroot National Forest in Montana. Prepared for Congress by a commission comprised of University of Montana Forestry School faculty,

the report recommendations included an early call for a return to community: “The Forest Service...needs to be reconstructed so that substantial, responsible, local public participation in the processes of policy-formation and decision-making can *naturally* take place” (emphasis in original, Congressional Record November 18, 1970).

Conflict over the “proper” management of the Nation’s public lands continued to erupt across the landscape in the last third of the 20th Century. The lasting legacy of these skirmishes, unfortunately appears to be that of a stalemate—characterized by procedural battles, lawsuits and the zero-sum game of lobbying (Chrislip 2000, Snow 2001). And lost within this swirl of heat and smoke is the sense of community and associated principles of environmental stewardship.

In response to this stalemate, a growing number of efforts began to emerge across the country where citizens and local governments negotiated their way through competing interests and obligations. Instead of a “winner takes all approach,” communities began seeking to reconcile economic opportunity with natural resource conservation. Increasingly, warring parties discovered reasons to work together, if only from the simple exhaustion of traditional approaches. “The ranchers know that if they are to continue to use the public’s land, they need public support. The environmentalists recognize that if they want open space and habitat and a healthy watershed, the ranchers have to stay in business” (Marston 2001).

In the 1980’s, as natural resources budgets tightened, the concept of partnering became more and more popular. Efforts such as the *North American Waterfowl Management Plan*, *Partners in Flight*, and *Bring Back the Natives* demonstrated how the Bureau of Land Management, Forest Service, U.S. Fish and Wildlife Service and others could accomplish more when they began leveraging resources in partnership with state and private interests. But partnerships are largely formed among like-minded people who come together to freely share time, talent, and treasury to secure shared objectives. They are generally not formed among parties in conflict with one another.

The Genesis of Community-Based Collaboration

Community-based collaboration is the process by which perceived adversaries enter into civil dialogue to collectively consider solutions to problems. During their brief history in public land management, community-based collaboratives have addressed a wide array of issues including: water allocations, timber management, wildlife conflicts, range improvement, and rural community development. As such, many of these collaborative efforts have not been born of inspiration, but rather have arisen from raw necessity (Tilt 2005).

Since the early 1990s, agency leaders have offered various initiatives and endorsements in support of the collaboration concept. Early in the 21st Century, the concept of community-based collaboration began to be codified into public policy and law. The Healthy Forest Restoration Act of 2003 (P.L. 108-148), for example, calls for the

development of Community Wildfire Protection Plans that must be collaboratively developed by local and state government representatives, in consultation with the Forest Service, Bureau of Land Management and other interested parties.

Purpose of this Paper

In response to the challenges and opportunities offered by those policies and laws dictating collaborative initiatives and approaches, this paper has been developed. Over the course of several years, land management agencies and their partners have reflected upon what has worked and what has not, in relation to collaboration within a mixed-ownership setting. Resulting from these cooperative exercises, a series of real and perceived barriers has arisen. This paper examines and summarizes the most commonly cited barriers to collaboration and also outlines reported potential remedies.

BARRIERS TO COLLABORATION

With growing interest in the benefits of collaboration, federal land management agencies continue to face a series of barriers to effective collaborative conservation. Drawing from a series of published and unpublished sources (all listed within the attached references), five general categories of barriers have emerged. These include:

1. Definition of Collaboration and its Appropriate Application
2. Agency Culture and Leadership
3. KSAs and Performance Measures
4. Laws, Policies, and Budgets
5. External Forces

Paradoxically, many of these barriers are set in place to safeguard other aspects of the agency's mission. For example, the traditional rotation of staff through field assignments was designed to avoid the dilution of agency decisions by local interests. While laudable on its cover, this concept has set up the "National vs. Local Interests" debate that suggests local community interests are different and subservient to national interests. This "us vs. them" mentality and the question of who is entitled to represent a given set of interests and concerns is the grist for many heated arguments across the nation.

Resolution of this and other barriers, real and/or perceived, is critical for the effective and productive engagement of federal agencies in collaboration. As noted by Rich Whitley, BLM (personal communication) and others, "*The hope of collaboration is the addition of a third dimension that meets the national interest through local and place-based actions.*"

Definition of Collaboration and its Appropriate Application

"We'd gotten awfully good at knowing what we were against, and decided it was time to figure out what we were for." Bill McDonald, Malpai Borderlands (Cash 2001)

The first collection of barriers to collaboration addresses understanding the concept—what it is, what it is not, and when to use it. Too often, the term “collaboration” is used interchangeably with “partnership,” “cooperation” and like terms. But collaboration represents a growing obligation to public participation that builds from the act of informing, the willingness to consult, and the invitation of involvement (IAP2 2004). Collaboration is stronger than cooperation and the over-used phrase of partnership because it implies a shared responsibility for achieving results and the consideration of shared power (Chrislip 2002).

Equally important is defining when collaboration is an appropriate tool to use, clear and realistic expectations, and associated timeframes. The lack of criteria for measuring the effectiveness of collaboration also lends itself to criticism from outside parties, who often rebuke the concept for being non-scientific and/or a masked devolution of authority (Leech 2004, Northern Arizona University 2003).

Lastly, a commitment to collaborate must recognize a commitment to a specific outcome. Though difficult to remedy, if agencies, stakeholders, and interested parties are able to successfully seek political resolution rather than accept the collaborative outcome, little effect is gained by collaborating.

Offered Remedies

- **Define Collaboration**
 - Provide a clear definition of what collaboration is and is not (e.g., it is more than a series of public meetings).
 - Create a database of information on collaboration, its application, and its measurement.
- **Identify When and How to Use Collaboration**
 - Develop concise, clear, and agency-specific parameters and ground rules for when collaboration is an appropriate process to consider.
 - Establish a clear set of metrics that allow measurement of collaborative goals and social and natural resource benefits.
 - Develop improved understanding of when to use conflict resolution tools.

Agency Culture and Leadership

“To those of you from Washington [DC], you say you want to support collaboration and support local processes with dollars. But then you turn around and refuse to implement locally developed collaborative plans. You can’t have it both ways. It’s hypocritical.” Jim Riley, Intermountain Forest Industry Association (Red Lodge 2001)

A commonly cited barrier for federal agencies engaging in collaboration is the agency’s “corporate culture.” This culture manifests itself in many ways including: “*We have all the answers,*” “*We must control decision making,*” and “*Dealing with the public is such an uncertain and messy proposition.*” The ‘agency as expert,’ the growing distance of agency managers from community interactions, and the focus on crisis management (in

the face of mounting law suits and reduced budgets) are three potential sources for this mindset.

Another barrier to collaboration is the risk adverse nature of many land management agencies. A comfort with the status quo and a fear of taking risks are common attributes in organizations, be they governmental or private sector. In the federal government, however, the fear of making mistakes in procedure and fiscal areas is identified consistently as a major barrier for doing something different—like collaboration. With a wealth of regulations, OMB circulars, Solicitors and Inspector Generals, it is far easier to take the well-worn path than to look for ways to collaborate. Observers also note that agency leadership appears to find it easier to erect barriers or rely on legal answer rather than spend the capital to explore solutions (personal communications). Also absent are: consistent and strong commitments to collaboration from top leadership; a clear tie between performance measures and involvement in collaboration; and experience with collaborative success. With these shortfalls, the fear of taking risks may well remain part of the entrenched agency approach to decision making.

In the private sector, linking desired personnel behavior with incentives is an accepted business practice. In the government sector, such obvious self-interest is often forgotten. Under present conditions, there is little incentive for field managers to expend time and assume risk in the name of collaboration. Linked with the reluctance of agencies to let go of the existing federally-focused decision-making structure and the lack of trust between and among agencies, collaboration is likely to fall on barren ground since participants at the collaborative table need to be empowered to make commitments.

Interestingly the “culture” barriers have little physical reality as a structural or procedural impediment, but represent strong metaphysical barriers (BLM 2003b).

Offered Remedies

- **Recognize Cultural Barriers**
 - Address cultural barriers by making a clear commitment to collaborative decision-making in agency policy.
 - Develop an understanding and support among staff for the concept of collaboration.
- **Leadership**
 - Provide strong and continuous support from top leadership at the Agency, Department, and Executive Office level.
 - Establish a clear understanding of decision authority and how decisions will be made.
 - Develop and provide guidance to staff concerning formal participation in civic activities, including membership on local government boards and committees.

KSAs and Performance Measures

“We are (and have always been) human and rangeland relationship managers. We had better recognize this and become better at it.” (Kennedy et al 1995)

“Knowledge, skills and abilities” (KSAs) are a common term for people applying for positions within the federal government. Unfortunately for collaboration, those measures

generally used to assess the skill base of new field managers are not aligned with the KSAs necessary for successful community-based collaboration. Federal land management agencies have traditionally hired staff based on their technical skills, rather than their “people skills.” In turn, performance measures for these positions are also focused on completion of specific technical activities. This traditional output accounting is inadequate to account for collaborative products. Presently there are no measures for expanded goodwill, greater cooperation, and enhanced public participation—the very outputs that collaboration seeks to produce.

As previously stated, there is little incentive for field managers to expend time and assume risk in the name of collaboration. In fact, many in government service can relate stories of managers who actively engaged in community-based collaboration only to be penalized, rather than rewarded, for their efforts. With few, if any, incentives and standards for performance in collaboration, it is easier and more expedient for managers to maintain traditional decision making roles. In addition, in the absence of a proactive policy for federal agencies to collaborate, personal liability fears will likely continue to constrain field managers and field office staff from participating in community-based collaboration.

This lack of incentive extends beyond straight-forward compensation, as well. Federal employees may or may not expect to be paid for attending collaborative meetings on their “off-hours.” In addition, citizen stakeholders may resent the fact that governmental representatives are paid to attend these meetings, while they participate on a purely voluntary basis with all expenses coming out of their own pocket (personal communications).

As highlighted above (page 3), the rotation of field staff, with its presumption against becoming involved at the community level, can result in an insufficient involvement in local civic affairs and a general lack of understanding community interests and dynamics. While the Forest Service and other agency policies surrounding personnel rotation were initially designed to guard against agency professionals “going native,” it also has had the effect of reinforcing the “national” interest as more important than “local” interests (Kaufman 1960). Staff rotations also result in a change in management style that may signal a change in commitment to collaboration.

Offered Remedies

- **Knowledge, Skills, and Abilities**
 - Add collaborative skills to required KSAs for those positions intended to interact with communities.
 - Support development of cultural awareness training as part of community outreach and collaborative skill building.
 - Provide, or make available, training in community outreach, collaborative skills, and other civic processes.
- **Reward rather than penalize.**
 - Make collaboration part of specific and concrete outputs.
 - Include community-outreach, collaboration, and shared partnering activities and successes in performance measures and evaluations of line officers.
 - Permit appropriate compensation for managers to participate in CBCs.
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 - Formally encourage and acknowledge volunteer community work by agency personnel.

➤ **Rotation of staff**

- Mitigate impacts of staff rotation by ensuring transitional/change of command activities.
- Consider the advantages of longer rotation periods for field managers to allow time to correctly forge collaborative relationships.

Laws, Policies, and Budgets

“The fastest way to move a cow is slow.” Klamath Basin Ecosystem Foundation (Tilt 2005)

An ever increasing and complex tangle of authorities (laws, executive orders, court decisions), contract and procurement procedures, and inflexible budgets combine to form a series of real and perceived barriers to collaboration with and among land management agencies.

In a world where everything is meant to be faster and more efficient, collaboration takes time—to explore areas of potential common ground, to develop the necessary trust, to experiment with ways to address shared problems, to build the coalitions necessary for affecting policy changes, and to conduct the necessary project work, monitoring and evaluation. Many of the authorities that guide federal land management (e.g., National Environmental Policy Act, Federal Land Policy and Management Act, and Endangered Species Act) dictate specific procedures and timeframes for decision-making processes within the public realm. NEPA analysis, ESA consultations, appeals, and lawsuits can delay projects for years bringing any sense of community cooperation to a standstill (NAU 2003). Federal agency managers are often given the mixed message of *“Be collaborative, but do it quickly”* yet the timeliness dictated under law and regulations may not match the time and budget needed to conduct a successful collaboration.

Taken collectively, the authorities governing federal agency behavior have worked, intentionally or not, to limit public participation in planning and management of public lands. The Federal Advisory Committee Act (FACA) is one of the most commonly cited legislative barriers. FACA recognizes the benefits of seeking advice rendered to the Executive Branch. With limited exceptions, advisory groups established or utilized by Federal agencies that have at least one member who is not a Federal employee, must comply with FACA. The Act further requires that any group convened by a federal agency to provide group advice or recommendations to that agency be chartered in accordance with procedures set out in the Act, and that the committee’s activities follow certain requirements.¹

Although the basic purpose of FACA is to support the kind of open discussion and decision-making processes that occur within a collaborative environment, FACA has sometimes been seen as a barrier to collaboration. This is because many people feel that no groups or discussions can be convened to discuss land management issues unless a

¹ FACA guidelines for US Fish and Wildlife Service, published at www.fws.gov.

formal federal advisory committee is established. This does not have to be the case if the members of the group have a basic understanding of the law and agency guidelines (National Forest Foundation, 2005).

To many stakeholders interested in working with federal agencies, agency representatives appear more concerned with process than eventual outcome. In addition, many managers polled in various internal studies believe that collaboration violates one or more rules of law regarding their decision-making responsibilities. Unfortunately, in some instances, it appears that it is easier for managers to find rules and policies that obstruct their ability to participate, than to collaborate openly and earnestly.

A tradition of caution and fear of innovation is also strongly embedded in the culture of agency contracting and procurement departments. In recent years, when one federal agency director encouraged his staff “to seek forgiveness rather than ask permission,” procurement staff have replied, “That doesn’t apply here.” Not surprisingly, contracting and procurement departments are often unprepared to respond innovatively and positively to partnership arrangements and requirements that may otherwise clash with how business has been done in the past. Moreover, the traditional procedures used by contracting and procurements staff are often ill-suited towards special circumstances surrounding citizen-based partnerships and collaborations. Ultimately, inflexible procurement and property laws sap the energy of local initiatives, while innovative managers fall upon administrative brick walls within their own departments.

For the vast majority of community-based collaboratives, core operational funding is extremely difficult to secure. While parsimonious in terms of need, collaborative efforts note a general lack of funders that support community-based collaboration and recognize that durable collaboration depends upon local capacities to sustain healthy civic communities and their natural environment (Tilt 2005). On the agency side, access to resources, particularly funding, is frequently mentioned as an internal barrier to collaboration. Agency managers regularly comment on the lack of available funding to implement collaborative approaches, specifically alluding to the fact that collaboration is not a defined program, and thus has no cost codes for allocated funding (BLM 2003b). On the other hand, many agency managers note that the issue of funding has also been used as an excuse to justify more conventional approaches. These individuals viewed funding decisions as highly discretionary and believe that managers possess the authority to allocate their budgets in ways that encourage more collaborative approaches.

Three additional budget-related barriers have also been commonly cited. Congressional appropriations often provide funding direction to sub-activity levels, which further restrict the discretion of field offices and funding flexibility. A lack of multi-year funding authority has also had short- and long-term impacts on cooperative projects, as partners and the agencies themselves cannot count on Federal funding beyond the current fiscal year. Lastly, regulations that govern cost-accounting and require receipts to be returned to the U.S. Treasury often result in agencies over-looking for ways to save money (because they need to use or lose it, and any saved funds cannot be re-programmed for other needed expenses). Consequently, those revenues that might arise

from collaborative ventures are not able to be reinvested in the community and cooperative projects.

Offered Remedies

- **Policies and Procedures**
 - Examine procurement requirements for allowable flexibility that permits greater discretion by field managers.
 - Recognize the time needed for collaboration.
- **Legislation.**
 - Provide clear policy guidance concerning FACA and its application to collaboration.
 - Provide similar policy guidance for NEPA and other applicable laws.
- **Constrained resources and rigid budgets**
 - Recognize the need to budget for collaboration.
 - Allow certain receipts to be retained by agencies for use in collaborative processes.
 - Waive surcharges on outside contributions to cooperative projects and activities.

External Forces

“We will send one representative to your first meeting. If he’s comfortable with the process, he will attend the second meeting. If he’s not, we will send 50 to the next meeting.” Northern Forest Pulpworkers (Tilt 2005)

The list of potential external barriers to collaboration is long, but a handful stand out as representative. The collaborative foundation is built on a series of common elements, among them vision, vocabulary, basis of scientific information, transparent and open, and the building of trust (Tilt 2005). Given years of stereotyping and finger pointing, one of the greatest barriers towards collaboration has been trust—both on the part of agencies and those of external stakeholders.

From the start, stakeholders around the collaborative table must understand the role of affected federal and state land management agencies in the process. Will the agency directly participate in the process as an equal stakeholder or will they hold themselves as an outside resource? Similar to other stakeholders, the federal land manager must be able to demonstrate that his/her agency is committed to participating, while also making clear what the agency can and cannot delegate as far as decision-making authority. Lastly, everyone in the collaborative must recognize that field decisions may be overturned at the regional or Washington DC level. That is a reflection of the reality of politics, not bad faith by agency personnel in the field.

For many agency managers, the “rules” of collaboration are unsettling. While agencies are bound by countless rules and policies, other participants have no such baggage. Some parties may refuse to “play,” while others agree to engage and seek legal redress outside

the collaborative. There may or may not be extremist elements with other agendas, whose sole task is to prevent any building of social capital and prevent successful collaboration. It can also be common for members of the public to feel that federal agencies just "go through the motions" but do not listen, as they have already made up their minds.

While concerns over natural resource disputes may have brought people to the table, participants engaged in collaboration may spend more time on "people issues" than natural resource issues. The personality factor is distracting, and there is a continuing need to focus on the areas of mutual interest and not give in to the tendency of focusing on who to blame. As noted by the San Juan Citizen's Alliance in Colorado, "*Don't ascribe motives to others, deal with facts.*" The field experience of the Sonoran Institute and others offers additional insights concerning external forces:

- Do not confuse constituents or partners with stakeholders (it is akin to the difference between eggs and ham—the chicken is interested but the pig is committed);
- Learn and appreciate the various missions of fellow collaborators, even as you work to have them represent their learnings rather than their organizational interests;
- Protect ALL stakeholders' interests and avoid alienating a party and turning them into a spoiler; and
- Encourage agency participants to work on connecting with, rather than directing, collaborative efforts (Tilt 2005).

Case studies of collaborative efforts involving the USDA-Forest Service or the Bureau of Land Management consistently point out the challenge of agency participants interacting with other participants as fellow community members rather than authorities with command and control responsibilities (Dukes 2001, Wondolleck and Yaffee 2000).

As with many processes, success lies in the simplest things. For example, meetings need to be held at the convenience of all participants, not just a few. If a single set of convenient times proves illusive, then meeting schedules should rotate to accommodate different schedules. There is also the need to recognize that while many agency personnel and advocacy organization staff are paid to attend meetings and participate in a process, many citizens are committing their time and involvement without monetary compensation. Lastly, while agency and special interest groups are often veterans at "attending meetings," many citizen stakeholders may not be comfortable with this particular form of social discourse.

Offered Remedies

- **Community Engagement**
 - Recognize that the rules of collaboration are different.
 - Adapt, to the extent possible, operations and processes to conform to the more informal ways that communities do business with clear direction and guidance

- provided by leadership.
- Avoid false choice of “national” versus “local” interests.
 - Encourage opportunities for developing shared capacity between agency staff and community leaders.
 - Invite communities to participate in promulgation of field office annual work plans, enabling better coordination of respective activities and the building of trust.

CONCLUSION

“We have a lot of technically competent people but they would have done something else for a career if they were interested in people. They are not the best communicators in many instances.”
 Unnamed Forest Service Employee (Wondolleck and Yaffee 2000)

‘Nothing succeeds like success’ is a common message from the field of collaboration. Obviously all participants in a collaborative effort, including those outside the process, expect results in return for their time, effort, and patience. This sense of success can be found in working on small doable projects to gain skills and trust while tackling more controversial work at a later time. It can also be found in acknowledging the work of others and celebrating each significant success story with the community and within the agencies.

Community-based collaboratives are capable of addressing issues where the problems and solutions are poorly understood, where there is a paucity of data, and where personnel and financial resources are small or non-existent. This is not an arena that federal bureaucracies are traditionally willing to invest short-term costs and risks even when potential long-term savings appear obvious. However, the power of collaborative conservation is in its recognition that humans are part of the environment and a mandatory part of the solution.

Growing experience confirms that community-based collaboration can be a fruitful road to long-term solutions, but it takes time, determination, and strong interpersonal skills. On-going collaboratives have learned first-hand that good will, or at least a desire for its growth, is a fundamental outcome of a commitment to community-based collaboration. While difficult to measure in concrete terms, the social and biological benefits of collaboration beckon.

Certainly when gauged against the social and biological “success” of the status quo in natural resource management decision-making, the thoughtful foray into collaboration appears extremely attractive.

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