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DEMOCRATIC ADMINISTRATION
IN THE UNITED STATES FOREST SERVICE

By

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Dissertation

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Democratic Administration in the United States Forest Service

Chairperson: Jonathan Tompkins

Abstract

Pluralism, the dominant theory in citizen involvement in the United States Forest Service since the 1950s, has prolonged the process of determining the public interest by promoting the use of appeals and lawsuits. The advent of more collaborative public involvement strategies in the past fifteen years offers the opportunity to assess whether participatory democracy offers a better paradigm for determining the public interest. This research focused on four cases of reported successful collaboration in Region One of the Forest Service and involved in-person interviews with 17 Forest Service officials and 24 citizen and interest group leaders. The researcher translated pluralist and participatory democracy paradigms into characteristic human actions and behavior in the setting of Forest Service public involvement, then analyzed reported actions and behaviors accordingly. Interviewees were asked to choose between two contrasting descriptions of group culture to characterize interactions with the Forest Service, one drawn from the rational choice model in the pluralist paradigm, the other from collaborative literature in the participatory democracy paradigm. Collaboration was rejected as a term for analysis because it lacked specific definition among both Forest Service and public interviewees. Instead, the researcher analyzed the cases using characteristics of participatory democracy drawn from civic republican theorists that also encompassed the characteristics contained in textbook descriptions of collaboration. Two of the cases had all characteristics and provided empirical examples of participatory democracy at work. Another of the cases used stakeholder negotiation that contained some of the aspects of participatory democracy, but lacked the characteristics of being voluntary and of fostering a sense of community. The last case used informed consent and was found to be a combination of participatory culture and synoptic administration. Based on these cases, the researcher concluded that public involvement that uses a participatory democracy paradigm has the potential to increase public trust in the Forest Service and to minimize appeals and lawsuits by creating strong diverse support for Forest Service decisions. The research also examined characteristics of the leadership in the cases and found trust and integrity to be essential to creating a participatory democracy paradigm.

To Terra,

And to all those in these cases and beyond
Who believe in our ability
To talk together,
Create solutions,
Build community,
And make it work.

If human nature is seen less as an immutable gift from God than as a consequence of the expectations we have for it, political institutions cannot take human nature as a given, but must accept responsibility for their involvement in its creation.

J. G. March and J.P. Olsen, *Democratic Governance*

PREFACE

This dissertation gave me the opportunity to test and confirm through research a life-long belief I have had about how people work together. I first experienced people's abilities and willingness to come together to solve community problems in the early 1970s, while working on public participation for a multi-agency study of the Flathead River basin in northwestern Montana. Most of my work since then involved elements of these same phenomena through varied content from water planning and local government charters to affordable housing and organic farming. Although people had a tendency to attribute the successes I've had in bringing people together to "my unique personality," I knew there were basic principles beneath what I was doing that others could do, and were doing. My research allowed me to plumb the literature of multi-disciplines to find what others have said about cooperative problem solving, and then go off into the world to talk with those who were a part of making it happen.

My research required identifying four success stories of non-agency people working with the U.S. Forest Service in Region One to solve contentious problems. The wonderful part about this research is that these are good news stories. In our culture, most of the attention goes to people who create conflict. In contrast, my research was focused on groups that eliminated conflict, and did so in ways that formulated elegant solutions far beyond the typical political solution. Every interview allowed me to meet and appreciate the best part of the person I was interviewing. I discovered courage, heroism, and experiences of deep personal change among my research participants. In these cases are people who had never met, let alone talked with someone from "the other side," yet who went away with new friendships and great respect for each other. In some cases, these initial successes have led groups to tackle other problems, implementing even more far-reaching solutions with broad-based support previously considered impossible.

Politics in the twentieth century was characterized by the phrase “who gets what, where, and when.” My research has convinced me that the most important dimension of political behavior is missing from that characterization, and that is how. As one of my interviewees put it, the “politics of polarization” no longer serve us well, if they ever did. As we move into the twenty-first century, we can’t afford the waste of time, talent, and resources that result from win-lose, adversarial political processes. There is an alternative that works, as my research and that of others has proven. I look forward to integrating the “how” into the practice of politics and public administration in the 21st century.

I’d like to acknowledge those who have helped me with this research. Dr. Jonathan Tompkins was my intellectual ally in believing there was a better way, and was always there with the right word or conceptual framing to help me move on to the next thought. Dean David Strobel demystified the process and provided wide horizons of inquiry. Special thanks to Roger Strobel and Marion Leifer who believed in me, and helped me come back when other things intervened, and Laura Kelly for her excellent proof reading. Finally, although she was far away physically, special thanks to Terra Leifer as the hope for the future that kept me going; may she and her peers view the ideas here and say, “but, of course!”

CONTENTS

PREFACE.....	vi
LIST OF TABLES	x
Chapter	
1. INTRODUCTION	1
The Predicament	
Literature Review	
Research Setting	
2. METHODOLOGY	47
Overview	
Research Design	
Data Quality and Analysis	
3. TWO WINTER RECREATIONS PLAN CASES	58
Introduction	
Case One: Seeley Lake Winter Recreation Plan	
Case Two: Big Snowies Winter Travel Plan	
Comparison of Seeley Lake and Big Snowies Winter Recreation Cases	
4. TWO FUEL REDUCTION STEWARDSHIP CASES	86
Introduction to Fuel Reduction Stewardship Cases	
Case Three: Lakeface-Lamb Project, Priest River, Idaho	

Case Four: Thompson Falls Game Range Fuel Reduction
Stewardship Project

Comparison of Lakeface-Lamb and Game Range
Stewardship Fuel Reduction Cases

5. ANALYSIS AND FINDINGS	119
Beyond Pluralism: Political Theory and the Public Interest	
Thompson Falls Game Range and Lakeface-Lamb Stewardship Fuel Reduction Cases	
Big Snowies and Seeley Lake Winter Recreation Cases	
Conclusions	
6. CONCLUSIONS	137
Implications for Public Administration in the United States Forest Service	
The Role of Leadership	
Suggestions for the United States Forest Service	
BIBLIOGRAPHY	168
Appendices	
1. A: Researcher Qualifications	176
2. B: Protocol for Interviews	177

TABLES

Table

1. Interviewee Distribution	51
2. Characteristics of Cases	134

CHAPTER ONE: INTRODUCTION

The Predicament

...(t)he Forest Service operates within a statutory, regulatory, and administrative framework that has kept the agency from effectively addressing rapid declines in forest health. This same framework impedes nearly every other aspect of multiple-use management as well. Three problem areas stand out:...excessive analysis...*ineffective public involvement*...and management inefficiencies.¹ (emphasis added)

The above statement is an excerpt from a report internal to the Forest Service entitled “The Process Predicament,” published in 2002. The report chronicled the increasing inability of the Forest Service to manage national forest lands effectively because of largely bureaucratic reasons: legal requirements that call for excessive documentation and analysis of planning and decisions; processes that require public involvement yet fail to generate public support; and management inefficiencies. According to the report, these factors combined have brought the agency to an impasse; the Forest Service can no longer assume that it will be able to respond to on-the-ground management issues in a timely and effective fashion. As a result, the health and resources of national forests are declining. The old remedies, such as chemical controls for insect infestations, or salvage log operations to reduce timber loss after wildfires, are frequently challenged by the public. Whether in routine timber sales, fire-fighting policy, upgrades of public facilities, or fifteen year forest plans, national forest managers can no longer assume that they will be able to make and implement their decisions. Procedural requirements and public involvement, appeals and lawsuits have forced the agency to invest in extensive documentation of the planning and decision-making process. The

¹USDA Forest Service, *The Process Predicament: How Statutory, Regulatory, and Administrative Factors Affect National Forest Management* (Washington, D.C: 2002), 5.

National Academy of Public Administration estimated that 40% of the total direct work at the national forest level was consumed in planning and assessment.² However, even investment in thorough planning and analysis cannot prevent delays from appeals and lawsuits; documentation only helps to ensure that Forest Service decisions hold up in court.

The magnitude of the management task before the Forest Service is enormous. The U.S. Forest Service is responsible for the management of 191 million acres of public land, which equals a land area the size of the original thirteen colonies, nearly one tenth of the land area of the entire United States.³ Delays in implementation of Forest Service decisions can mean severe economic dislocation for communities reliant upon timber sales to keep local lumber mill jobs intact. Delays in forest restoration after wildfires can similarly depress the economies of recreation and tourism towns, and allow streams to become degraded with mud and ash. Delays in the treatment of forests for insect infestations can mean the spread of blight over much larger areas of the forest. Delays in the preservation of habitat for key species can mean remaining populations are no longer viable. Delays in the preservation of roadless areas can mean permanent loss of potential wilderness. Delays in the approval of grazing permits can bankrupt ranching operations. Especially in the West, where national forests constitute one fifth of the land base, action or lack of action by the Forest Service affects the livelihood of local residents, the lifestyles of individuals who seek recreation on these public lands, and the health of the country's natural resource legacy.⁴

This research project addressed the public involvement component of the predicament. Public involvement is not unique to the Forest Service, but was created because of the evolution of governance in the United States. Representative democratic theory separates the functions of government into three distinctive functions: the legislative or law-making function; the executive or law implementing function; and the judicial or law interpretive function. Under this scheme of government, elected officials

² Ibid., 35.

³ Ibid., 34.

⁴ Charles Wilkinson, "The National Forest Management Act: The Twenty Years Behind, the Twenty Years Ahead" *University of Colorado Law Review* 68 (1997), 659-669.

make laws through direct negotiation of the public values they were elected to represent. Non-elected agency officials are assumed to have no role in making value decisions; they simply implement laws. However, the complexity and volume of issues facing elected representatives have blurred the legislative/implementation distinction for all federal agencies. It is well recognized today that agencies are required to make value decisions previously the purview of elected representatives.⁵ As a result, the modern public administration paradigm, which was founded on the Progressive ideal of eliminating political influence from the implementation of government policy, can no longer separate itself from the task of reconciling values. One of the first political theorists to address the question of participation in administrative decision making called this area of theory “democratic administration.”⁶

How can legislative decision-making by non-elected officials be reconciled with the democratic theory of representative government? This challenge calls into question the fundamental legitimacy of agency decisions that clearly involve value issues.⁷ One critic has characterized governance in the United States as constituting a “Second Republic” to reflect how far from the principles of representative democracy the federal government has gone in making substantive policy with little accountability. Given that agencies are making legislative decisions that require the balancing of public values, two questions arise in assessing the process of agency decision-making. One is the identification of public values in the absence of elected representation. If agencies are going to be making decisions that involve the balancing of public values, then the agencies need, at the very least, to have information about what these public values are. Secondly, in the absence of elected officials, on what grounds will these values be

⁵Richard Stewart, “Reformation of American Administrative Law” *Harvard Law Review* 1975: 1669-1813; Norman Wengert, “Citizen Participation in Search of a Theory” *Natural Resources Journal* 16 no. 1 (1976): 23-40; Marcus Ethridge, “Procedures for Citizen Involvement in Environmental Policy: an Assessment of Policy Effects,” in *Citizen Participation in Public Decision-Making*, eds. J. Desario and S. Langton (New York: Greenwood Press, 1987), 116-131; Jonathan Poisner, “A Civic Republican Perspective on the National Environmental Policy Act’s Process of Citizen Participation” *Environmental Law* 26, no. 1 (1996), 53-94.

⁶Dwight Waldo, “Development of Theory of Democratic Administration” *The American Political Science Review* 46 (1952) 81:103.

⁷Theodore Lowi, *The End of Liberalism: The Second Republic of the United States*, Second Edition, (New York: W.W. Norton & Company, 1979).

balanced? These questions of values in agency decision-making are at the heart of democratic governance in the United States.⁸

Public involvement as a component of Forest Service decision-making attempts to address these questions. Currently, there are three models of democratic administrative decision-making that emerge from the literature on public involvement in the Forest Service, based on descriptions of what is happening in practice.⁹ The synoptic model, herein referred to as the expert model, is derived from Progressive-era beliefs that scientific rationality can produce the best answer to the balance of public values if given enough data and left to the analysis of agency professionals. The pluralist model argues that a legitimate balance of public values is achieved in agency decision making through the influence of interest groups through pre-decision input and post-decision oversight from appeals and lawsuits. The collaborative model focuses on the interactions through which people in agencies, interest groups, and the interested public come to understand the issues and values at stake and mutually negotiate solutions. In actuality, effects of the expert and pluralist models in accumulating conflict and generating appeals and lawsuits help explain the Forest Service's current process predicament. The potential effect of the collaborative model to address conflict more effectively is not certain; the Forest Service has not been using the collaborative model long enough and consistently enough to evaluate its effects. Although the agency has made a commitment on paper to pursue collaboration as its preferred mode of public participation, it remains to be seen whether this shift in policy will meet public expectations.

One of the major criticisms of collaborative problem solving lies in its expectations for human behavior. In order for collaboration to work, people must have the capacity to sit down with each other face-to-face, seek to understand each others' interests, and work together cooperatively to formulate solutions that address the interests of all involved.¹⁰ These expectations coincide with the view of human nature that

⁸Stewart, 1688.

⁹Poisner.

¹⁰Barbara Gray, *Collaborating: Finding Common Ground for Multi-party Problems*, (San Francisco: Jossey-Bass, 1989); David C. Crislip, *The Collaborative Leadership Handbook*, (San Francisco: Jossey-Bass, 2002).

characterizes various theories within the paradigm of participatory democracy, and directly challenge the attributes of political behavior posited by pluralism. The pluralist paradigm is based on the rational choice model of human behavior that assumes individual self-interest is the only human motivation, that all human behavior is rational, calculated, and instrumental to achieving maximization of that self-interest.¹¹ Human nature is fixed and one-dimensional.¹² The public interest, if one can be said to exist, is the resultant aggregation of individual self-interests produced by competition among interest groups.¹³ Engagement in this competition does not change the individual's understanding and definition of self-interest.¹⁴ Human nature and individual interests are static, predictable, and exogenous to the political process.¹⁵ In limiting individual behavior to the lowest common denominator of self-interest, pluralism endorses a vision of human nature that excludes the potential for other behaviors as invalid in a political process.

In contrast, the participatory democracy paradigm is built upon a model of human behavior that supports the capacities required for collaborative problem solving. Participatory democracy is built on a transcendent approach to politics that assumes human nature is complex, mutable, and capable of being transformed from self-interest to an appreciation of the larger whole through the process of political participation.¹⁶ Human nature includes the inborn capacity for reason, from which civic characteristics can be nurtured and developed through participation in governance, especially at the local

¹¹Anthony Downs, *An Economic Theory of Democracy*, (New York: Harper and Row, 1957).

¹²Robert A. Dahl, *A Preface to Democratic Theory*, (Chicago: University of Chicago Press, 1956).

¹³Ibid.; Carole Pateman, *Participation and Democratic Theory*, (Cambridge, Great Britain: Cambridge University Press, 1970).

¹⁴Daniel Yankelovich, *Coming to Public Judgement: Making Democracy Work in a Complex World*, (Syracuse, N.Y.: Syracuse University Press, 1991); J.G. March and J. P. Olsen, *Democratic Governance*, (New York: The Free Press, 1995).

¹⁵March and Olson.

¹⁶Pateman; John Dryzek, "Discursive Designs: Critical Theory and Political Institutions" *American Journal of Political Science* 31(3) (1987), 656-679; Poisner.

level.¹⁷ As human nature is mutable, so too the individual's definition of his/her own interests changes as the individual's understanding of the issues grows through public discourse and appreciation of the individual's relationship to the larger community.¹⁸ The public interest emerges from public discourse and transcends individual interests.¹⁹ Democratic participation theory focuses on the individual's development of civic character as the locus of democracy.²⁰

This research project focused on recent efforts of the Forest Service to use collaborative processes to determine the public interest in the context of forest management. A collaborative process for purposes of this study was defined as repeated face-to-face meetings of a core group of citizen participants in which the broad range of interests involved in the issue was present, and the intent of the group was to formulate recommendations for action. Research consisted of qualitative case studies of four contrasting examples identified as collaboration by Forest Service officials and outside observers of collaboration in Region One of the U.S. Forest Service. The researcher gathered data for each case from agency records and from semi-structured interviews with Forest Service officials and diverse non-Forest Service participants. The researcher corroborated the data through comparison of the four cases, diversity of interviewees, interviewee review of interview data, interviewee review of case descriptions, and comparison with agency written records.²¹ The researcher then analyzed the data using pattern matching with theoretical propositions in political and public administration theory to explore whether actual practice in the field confirmed or denied aspects of theory.²²

¹⁷Pateman; Yankelovich; Poisner.

¹⁸Poisner.

¹⁹Poisner; John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, and Contestations*, (New York, Oxford University Press, 2000).

²⁰Pateman; Poisner; Dryzek, 2000.

²¹Robert K. Yin, *Case Study Research Design and Methods*, (Thousand Oaks, CA: Sage Publications, 2003).

²²Yin.

At the level of political theory, this research examined and compared the expectations and behavior of the individuals involved in the collaborative process to the models of human nature that underlie pluralism and participatory democracy theory using theoretical propositions drawn from Poisner's descriptions of public participation models.²³ At the level of practical public administration, the research explored commonalities and differences of the four cases in achieving agreement and enabling the Forest Service to accomplish its mission. Theoretical propositions were drawn from several sources encompassing organization theory, the practice of collaboration, and use of citizen involvement in the context of public administration. Schein's propositions about organizational change and leadership were used to analyze the underlying views of participants and Forest Service officials about human behavior.²⁴ Crislip's descriptions of collaboration were used to define and further assess the presence of collaboration.²⁵ Poisner's characterizations of pluralism and civic republicanism were used to identify political behaviors.²⁶

As political theorists have noted, mainstream democratic theory in the United States is not so much a matter of coherent theory as it is a description of "what is."²⁷ On the one hand, the experience of the Forest Service can help define the next iteration of democratic participation theory. On the other hand, this research into current practice in democratic participation can help illuminate the public involvement predicament of the Forest Service. Recognition of the complexity and interconnectedness of human and natural world interactions is bringing a new humility to efforts to manage the natural world.²⁸ So too, efforts to manage public values entail the recognition that human

²³Poisner.

²⁴Edgar H. Schein, *Organizational Culture and Leadership*, (San Francisco: Jossey-Bass, 1992).

²⁵Crislip.

²⁶Poisner.

²⁷E.E. Schattschneider, *The Semisovereign People: A Realist's View of Democracy in America*, org. 1960 (United States: Wadsworth Thompson Learning, 1988); Pateman; Norman Wengert, "Citizen Participation: Practice in Search of a Theory." *Natural Resources Journal* 16(1) (1976): 23-40.

²⁸Michael Dombeck, Christopher Wood, and Jack E. Williams, *From Conquest to Conservation: Our Public Lands Legacy*, (New York: Island Press, 2003).

interactions with each other are an essential component of democratic governance. As an experiment in democratic administration, the Forest Service's pursuit of collaboration offers rich and fertile ground for defining the evolution of democratic participation theory as a description of "what is" in the twenty-first century.

Literature Review

The literature on democratic administration can be divided into two general categories: democratic administration as a matter of political rights; and democratic administration as a tool to achieve more effective administration. The political rights literature lies within the body of political science and public administration theory, while the bulk of the literature on democratic participation as a tool is found in business administration literature.

The modern view of public administration emerged in the late 1880s as part of the Progressive Movement's reaction against too much citizen involvement in governance. In comparison to what came before, professional administration brought about great improvements in governance by effectively addressing the excesses of the industrial revolution and the spoils system. The rise of professionalism in public administration eliminated democratic participation in public administration.²⁹ Initially, public administration operated by what has been called the expert "transmission belt" approach; agencies sought and implemented the most cost-effective means to achieve ends that were determined by Congress and the President in their duly sanctioned roles as elected officials.³⁰ Democracy was viewed as disruptive to the task of administration: "Autocracy during hours is the price of democracy after hours," was the maxim of the Progressive age.³¹ Public administration was a matter of means, not ends, and the selection and implementation of means was viewed as value-free. Democratic

²⁹Waldo.

³⁰Stewart.

³¹Waldo, 87.

participation had no place in the Progressive's positivist scientific paradigm of public administration.

As decision-making became more complex, and elected representatives were unable to handle the detail and speed with which decisions were needed, the transmission belt approach to public administration shifted to embrace the expert more fully.³² To the professionalism of administration, agencies added the mantle of substantive scientific expertise. Agency experts were likened to a "doctor," an expert who has the best interests of the patient (the public) in mind and who was non-political.³³ The objectivity of the expert was accepted as part of the trust people had in science and the progress of technology.³⁴ There was one reality that could be discovered objectively through the gathering and analysis of data by experts.³⁵ Cultural beliefs supported the expert approach by accepting the role of the expert as having special knowledge that qualified the expert to make decisions that the public knew little about and were largely unconcerned with.³⁶ Public values were largely united behind progress and technology and behind the utilitarianism and instrumental rationality necessary for advancement.³⁷ According to the expert approach to public administration, the expert represented the public interest by virtue of unbiased knowledge; there was no need for citizen involvement. The expert model, sometimes referred to as the synoptic model in the literature, became the dominant model of public involvement.

Faith in the expert approach to public administration began to erode as Congress and the Supreme Court legitimized broader and broader delegation of policy-making

³²Stewart.

³³Ibid.; J. Desario and Stuart Langton, "Citizen Participation and Technology" in *Citizen Participation in Public Decision Making*, eds. J. Desario and S. Langton, (New York: Greenwood Press, 1987), 158.

³⁴Desario and Langton.

³⁵Waldo; Desario and Langton; Wondolleck.

³⁶Yankelovitch.

³⁷Frank Fischer, "Citizen Participation and the Democratization of Policy Expertise: From Theoretical Inquiry to Practical Cases" *Policy Sciences* 26 (1993): 167-187; Poisner.

responsibility to federal agencies.³⁸ By 1946, Congress recognized that agencies were exercising enough discretionary authority that some guidelines were needed. The Administrative Procedures Act (APA) was passed to ensure that individual property rights would not be harmed by agency actions.³⁹ The procedures of the APA were modeled after the adjudication process wherein parties in disagreement present their cases to a third party who weighs the evidence and makes a determination.⁴⁰ The adjudicatory process is adversarial in nature and is designed for situations in which the facts of the case are known and specific.⁴¹ With the passage of the APA, individual citizens had a legal avenue to challenge decisions made by government agencies, but their standing in court was limited to decisions that had a direct impact upon the citizen's property rights. Public administration was no longer free from citizen challenges in executing its growing policy-making responsibilities.

In the 1950s, the public interest began to change. With the rise of the environmental and social justice movements, the utilitarian efficiency of Progressivism no longer served the interests of all citizens. As the government extended its power in defining the public interest to environmental and economic issues, agency decisions increasingly affected intricately related private and public interests.⁴² Interest groups across the broad array of social, economic and conservation values had no legal entry point from which to insert their values into the determination of the public interest except through the Congressional legislative process. At the same time, evidence was mounting that agencies had failed to perform their charge to protect the public interest. Rather than serving the public interest, agencies were serving the very interests they had been established to regulate.⁴³ Moreover, the public had shifted its understanding of its role in

³⁸Stewart; Ethridge; Robert D. Behn, *Rethinking Democratic Accountability*, (Washington, D.C.: Brookings Institution, 2001).

³⁹Stewart.

⁴⁰Ethridge.

⁴¹Stewart; Ethridge.

⁴²Stewart, 1670.

⁴³Stewart; Lowi.

democratic governance. By 1960 citizens had gained the belief that they should have power over the whole government, not just limited power over representatives through elections.⁴⁴

In the 1960s and 1970s, Congress and the Supreme Court institutionalized citizen involvement by requiring citizen participation in agency-decision making and by extending legal standing in the courts under the framework of the APA to a wide array of non-property-based interests. As government agencies extended power in defining the public interest to environmental and economic issues that intricately involved private and public interests, citizen access to agency decision-making was expanded as well to protect the range of citizen interests by extending the legal definition of standing under the APA.⁴⁵ The array of public values to which agencies had to respond widened considerably beyond the property interests that had been dominant up through the 1950s. Requirements for public involvement also established substantive agency responsibilities for the inclusion of public notice and comment provisions that then became subject to judicial review.⁴⁶ Public administration was no longer separate from the politics of value choices; agencies had to involve the broader public in determining the public interest. Direct citizen involvement in agency decision-making and implementation came to be viewed as a right.⁴⁷

In creating avenues for broader citizen involvement in agency decision-making, policy-makers broadly embraced the pluralist political theory of how the U.S. governing system worked.⁴⁸ In pluralist theory, the role of citizens is to protect their self-interests

⁴⁴Schattschneider.

⁴⁵Margaret A. Shannon, "Forest Planning: Learning with People," in *Social Science in Natural Resource Management Systems*, eds. M.A. Miller, R.P. Gale and P.J. Brown, (Boulder, Colorado: Westview Press), 1987, pp. 233-252; Henry H. Perritt, Jr., "Negotiated Rulemaking and Administrative Law," *Administrative Law Review* 1986: 482. The concept of standing defines who does and who does not have the legal right to be a plaintiff in a case. As noted in the text, the APA originally limited plaintiffs to those who had a vested personal property interest in the case. Expansion of standing to intangible rights gave citizen interest groups representing the environment and other values the right to file suit.

⁴⁶Stewart.

⁴⁷Wengert.

⁴⁸Ibid; Poisner.

through forming groups with other citizens of similar interest.⁴⁹ These interest groups then act on political institutions through various avenues of influence.⁵⁰ The public interest is the aggregation of individual self-interests that results through competition in which those with the most power and influence win.⁵¹ The pluralist model endorsed the strategic and adversarial use of political influence in pre-decision citizen involvement, in the appeals process, and in the courts, as legitimate ways to bring public values into agencies' effort to determine the public interest as part of the decision-making process. "(T)he public interest is most likely to emerge from the interplay and conflict between a multitude of interests actively pursuing their own ends at crucial points in policy development."⁵² The Supreme Court recognized the importance of having citizen involvement as a means of representing the public interest in agency decision-making, calling it "essential to a just determination of the public interest."⁵³ Congress intended to contain agency power by opening up the agency decision-making process to citizen involvement: "Many commentators favor public involvement because it can reduce administrative freedom to make decisions from narrowly professional bureaucratic or self-interested motivations; it will force broader public concerns on agency consciousness."⁵⁴ Politics and administration were no longer to be kept separate.

Two different models of citizen involvement emerged in the practice of natural resource agencies.⁵⁵ Agency officials for the most part incorporated citizen involvement into their existing expert model. In the expert model, citizen involvement served

⁴⁹Dahl.

⁵⁰Ibid.

⁵¹Ibid.; Pateman; Poisner.

⁵²Walter A. Rosenbaum, "Public Involvement as Reform and Ritual: the Development of Federal Participation Programs," in *Citizen Participation in America*, ed. S. Langton (Lexington, MA: D.C. Heath: 1978), 86.

⁵³*Pilots Ass'n. v. CAB, A.* (1973). *Airline Pilots Ass'n v. CAB*. District of Columbia Circuit Court, District of Columbia Circuit Court. 475 F 2nd 900, 905.

⁵⁴Rosenbaum, 87.

⁵⁵Julia M. Wondolleck, *Public Lands Conflict and Resolution: Managing National Forest Disputes*, (New York: Plenum Press, 1988); Poisner.

essentially one function, to provide agency officials with more information from which to define the public interest. The process of defining the public interest was based on the principles of scientific analysis and rationality, which discounted the non-scientific nature of most information garnered from citizen involvement and limited its usefulness.⁵⁶

The other model of citizen involvement in natural resource issues, embraced primarily by interest groups, assumed citizen involvement in agency decision-making was an extension of the pluralist interest group competition that influenced Congress.⁵⁷ However, pluralism in citizen involvement had one major difference from pluralism in the politics of Congress. Congress had the authority to determine the public interest by passing legislation because it was composed of elected officials, whereas agency officials were subject to the substantive and procedural structure of the APA in determining the public interest. Under the APA, interest groups not satisfied with an agency action had recourse to appeals and lawsuits as legitimate venues in which to pursue their claims. As agency decision makers continued to make decisions from the expert paradigm that discounted other interests, interest groups responded by using appeals and lawsuits as legitimate tools available under the APA.⁵⁸ As legal challenges became more commonplace, interest groups enhanced their bargaining positions at the pre-decision stage as well, via the threat of appeals and lawsuits at the post-decision stage.⁵⁹

Two seminal works foreshadowed the litigious conflicts that became all too common in public involvement, particularly in the field of natural resources and land use. The first of these was an article in Policy Sciences in 1973, in which two professors of planning and design, Horst Rittel and Melvin Webber, first coined the term “wicked problems.”⁶⁰ Rittel and Webber argued that the fundamental nature of problem solving in public policy had changed, becoming more social, complex, and value-driven. Because of

⁵⁶Fischer.

⁵⁷Rosenbaum; Poisner.

⁵⁸Wondolleck.

⁵⁹K. Mathews, "Hammering out the Cibola Plan" American Forests 94(7) (1988): 41-45.

⁶⁰Horst Rittel and Melvin Webber, "Dilemmas in a General Theory of Planning" Policy Sciences 4 (1973): 155-169.

the multiplicity of values embedded in complex problems, there were no objective criteria to determine the optimal solution, and therefore what was in the best public interest; many solutions were possible, each of which reflected a different mix of values. While science could handle “tame” problems in which the desired outcome was narrowly defined and agreed upon, it was incapable of solving “wicked” problems because science was not equipped to deal with the multiplicity of values embedded in complex problems for which there was no scientifically-based right answer. Where wicked problems were concerned, the objective application of science could no longer be used to justify any one solution as more correct than any other. Experts could no longer use science alone to determine the public interest. Subsequently, a number of other scholars noted the increasing inability of the scientific, rational approach to public policy and planning to deal effectively with public issues.⁶¹ It was not objective data analysis, but how to work legitimately with values that was missing from the expert policy analysis model.⁶² The expert model did not work with dynamic, complex and controversial problems.⁶³

The second seminal article appeared in 1975 in the Harvard Law Review, just as Congress was imposing public involvement requirements on the Forest Service. In an article about administrative law reform stemming from the APA and subsequent expansion of standing to a wide range of public interests, Richard Stewart noted that the role of the courts had shifted to that of oversight to obtain fair representation of values in agency decision-making.⁶⁴ The APA was intended to serve as a means to ensure that agency formulations of the public interest took into account private property rights

⁶¹Stewart; Kathryn A. Archibald, “The Pitfalls of Language, or Analysis through the Looking Glass” in *The Pitfalls of Analysis*, eds. G. Majone and E. S. Quade. (Bath, England: Pitman Press (1980), 179-199; G. Majone and E. S. Quade, “Introduction” in *Pitfalls of Analysis*, eds. G. Majone and E. S. Quade, (Bath, England: Pitman Press, (1980), 1-6; G.M. Allen and E.M. Gould, “Wicked Problems: Complexity, Wickedness, and Public Forests” *Journal of Forestry* 84, no. 4 (1986): 20-24; Dryzek, 1987; J. Friedman, *Planning in the Public Domain: From Knowledge to Action*, (Princeton, NJ: Princeton University Press, (1987); Wondolleck; Yankelovitch; Fischer.

⁶²Wondolleck; Yankelovitch.

⁶³John Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, and Contestations* (New York: Oxford University Press, 2000).

⁶⁴Stewart.

affected by agency decisions.⁶⁵ The adjudicatory procedures of the APA were designed to deal with concrete situations of limited complexity, not to ensure a process of decision-making which reflected the broad range of public values. The function of administrative law shifted with the inclusion of non-property-based interests in the 1960s and early 1970s: "...Increasingly, the function of administrative law is not the protection of private autonomy but provision of a surrogate political process to ensure the fair representation of a wide range of affected interests in the process of administrative decision."⁶⁶

With the shift to "a surrogate political process," Stewart predicted that interest groups would use the courts extensively as a legitimate strategy in pursuing their interests. Stewart cautioned that agencies could be rendered ineffective: "The resource and delay costs of formal proceedings are incurred by the agency as well as private parties and may seriously undermine the effective discharge of agency responsibilities."⁶⁷ The public interest isn't determined until the last appeal and lawsuit have been filed and completed. The logical outcome of coupling the pluralist approach to public involvement with the court system, warned Stewart, is increased litigation to the point that agencies can no longer function effectively in achieving their missions.

Stewart's prediction of agency incapacitation is the logical outcome of blending the pluralistic paradigm with an adversarial adjudicatory process to solve complex value-driven problems. Pluralism expects people to pursue their self-interests in a rational manner by using the avenues of citizen involvement as part of an interest group's strategy for achieving a desired outcome.⁶⁸ If involvement in the pre-decision stage isn't likely to yield the desired result, involvement at the post-decision stage through appeals and lawsuits offer strategic alternatives. The rules of competition under a pluralist paradigm call for continuation of the conflict until all cost-effective avenues have been exhausted. Moreover, the rise of wicked problems further ensures that agencies invest significant

⁶⁵Ibid.

⁶⁶Ibid., 1670.

⁶⁷Ibid., 1772.

⁶⁸Stephen E. Daniels and George B. Walker, *Working through Environmental Conflict: The Collaborative Learning Approach*, (Westport, Conn: Praeger, 2001).

resources in developing scientific data and analysis to back up decisions that in the end do not rest on science.⁶⁹ Taken together, the rise of wicked problems intractable to scientific solution, and the pluralist logic pushing for strategic litigation, effectively limits the likelihood that either the expert or the pluralist paradigms of citizen involvement will effectively integrate the public's changing diverse values into a version of the public interest that fits with the needs of the agency for effective decision-making.

The expert and the pluralist models have dominated citizen involvement since its inception.⁷⁰ Both share a common belief in the rational choice model of human behavior and self-interest. Both assume human behavior to be essentially self-interested and unprincipled, and both assume that individual interests are static, unaffected by the process of public involvement.⁷¹ Both the expert and the pluralist models assume that the goal of government decision making is to reflect the public interest, and that the public interest is composed of predetermined, static individual interests.⁷²

Expert and pluralist models differ primarily in what constitutes a legitimate determination of the public interest. For the agency expert, interests are aggregated by objective, scientific analysis of citizen input, discounted by the fact that those who chose to participate do not necessarily represent the silent majority.⁷³ The pluralist model aggregates interests through the competition and bargaining of political interest groups. In practice, the expert and the pluralist models are incompatible. The expert determines legitimacy of the public interest through the application of scientific rigor and objective rationality, and views pluralist politics as tainting the decision-making process of pure

⁶⁹Richard Behan, "RPA/NFMA: Time to Punt" *Journal of Forestry* 79 (1981): 802-805; USDA 2002; Bruce Shindler, Mark Bruson, and George Stankey, *Social Acceptability of Forest Conditions and Management Practices: A Problem Analysis*, (Portland, Oregon: Pacific Northwest Research Station, Forest Service, 2002); A.W. McGill, "Barriers to Effective Public Interaction" *Journal of Forestry* 89(10) (1991), 16-18.

⁷⁰Poisner; Wondolleck, 1988.

⁷¹Ibid.

⁷²Ibid.

⁷³Richard Behan, "A Plea for Constituency-based Management" *American Forests* 94(7) (1988): 46048.

professional objectivity.⁷⁴ Pluralist interest groups question the legitimacy of unelected experts when the experts impose professionally and scientifically justified decisions in disregard of political will.⁷⁵

The two models work together to set agencies and interest groups up to compete against each other. Agency experts have the upper hand through the public involvement data collection and appeals stages because they largely control the way issues are framed through formulating alternatives and making decisions.⁷⁶ Pluralist interest groups then challenge unfavorable decisions through the courts. The underlying adversarial process introduced in the APA guarantees that conflict will continue.⁷⁷ The courts decide individual cases while the major source of conflict remains unresolved.⁷⁸ The combination of expert and pluralist models produce “an uneasy marriage of science, economics, history, public administration, abstract values, and the rule of law.”⁷⁹

Frustration with the inability of agencies to take effective action created the conditions for the emergence of a new form of citizen involvement. De Tocqueville observed in the mid 1800s that Americans were quick to form associations when they encountered problems that required joint action. Perhaps this strong inclination for people to take matters into their own hands helps explain the rise of a third model for citizen involvement in agency decision-making. Collaborative problem solving efforts to achieve effective action in dealing with wicked problems began to spring up among citizens in various ways, initially at the grassroots level as people of opposing interests took it upon themselves to come together and solve problems for themselves, rather than rely on agency processes of citizen participation.

⁷⁴McGill.

⁷⁵Lowi.; U.S. Congress, Office of Technology Assessment, *Forest Service Planning: Accommodating Uses, Producing Outputs, and Sustaining Ecosystems*, (Washington, D.C.: U.S. Government Printing Office, 1992).

⁷⁶Schattschneider.

⁷⁷Wondolleck.

⁷⁸Ibid.

⁷⁹Frederick W. Cubbage, Jay O’Laughlin, and Charles S. Bullock, III, *Forest Resource Policy*, (New York: John Wiley and Sons, 1993), 336.

One of the first collaborative efforts in land use planning occurred in 1974 in Washington state over siting of a flood control dam.⁸⁰ By the early 1980s, local land use issues were using collaborative dispute negotiation all across the country.⁸¹ As agencies became increasingly hamstrung by appeals and lawsuits, people came together across interest group divisions at the local level to formulate solutions together.⁸² For example, watershed groups began to form in the early 1990s and grew quickly to total over 400 in the western United States by the year 2000.⁸³ The rapid rise of watershed initiatives has been attributed to several factors including the increasing frequency of “gridlock” in making decisions, lack of progress in effectively addressing resource concerns on the ground, and agencies’ inability to engage the public meaningfully.⁸⁴

While natural resource issues provided the impetus in many rural areas, practitioners of public administration in urban settings also developed collaborative problem solving strategies, using the term “network” to describe these efforts.⁸⁵ Generally, participation in networks is voluntary. There is no central authority; networks rely on social capital to function well.⁸⁶ Empowerment is based on information and the ability to get things done.⁸⁷ Networks are now becoming the preferred tool for policy

⁸⁰Lawrence Susskind et al., *Mediating Land Disputes: Pros and Cons*, (Cambridge, MA: Lincoln Institute of Land Policy, 2000).

⁸¹Ibid.

⁸²Wondolleck and Yaffee; Donald Snow, “Coming Home: an Introduction to Collaborative Conservation” in *Across the Great Divide: Explorations in Collaborative Conservation and the American West*, eds. P. Brick, D. Snow and S. Van De Wetering, (Washington, D.C., Island Press, 2001).

⁸³Douglass Kenney et al. (2000), *The New Watershed Source Book*, (Boulder, CO: Natural Resource Law Center, 2000).

⁸⁴Ibid.

⁸⁵Margaret Mandell, “The Impact of Network Structures on Community-building Efforts: the Los Angeles Roundtable for Children Community Studies” in *Getting Results through Collaboration*, ed. M. Mandell. (Westport, Conn.: Quorum Books: 2001), 129-153.

⁸⁶R. Agranoff and M. McGuire, “After the Network is Formed: Process, Power, and Performance” in *Getting Results Through Collaboration*, ed. M. Mandell. (Westport, Conn., Quorum Books 2001), 11-29.

⁸⁷Ibid.

formulation among these practitioners because networks are better adapted to respond to the rapid pace of social change and the complexities of wicked problems.⁸⁸

As with any emerging, widespread phenomenon, collaborative problem solving evolved initially without a common set of definitions and understandings. Gray's 1989 book *Collaboration: Finding Common Ground for Multi-party Problems* is generally recognized as the first definitive text to describe the essential elements of collaborative problem solving.⁸⁹ According to Grey, collaboration assumes that people are capable of dealing with conflict in principled ways that require envisioning problems from multiple perspectives. Collaboration is "a process through which parties who see different aspects of a problem can constructively explore their differences and search for solutions that go beyond their own limited vision of what is possible."⁹⁰ Collaboration "transforms adversarial interaction into a mutual search for information and for solutions that allow those participating to ensure that their interests are represented."⁹¹ Gray identifies five components that characterize collaborative interactions: independent stakeholders; solutions that emerge from constructive conflict; joint ownership of decisions; collective responsibility for the future; and a process that is emergent.

In contrast to the adversarial nature of the expert and pluralist models, a collaborative model for citizen involvement offers the opportunity for integration of scientific expertise and public values in determining the public interest. Collaborative forms of public involvement bring agency personnel and members of the public together on an equal footing.⁹² In order to bring to the table the knowledge, values, and experience necessary to the situation, agencies decentralize decisions to the level that

⁸⁸Ibid.; Rosswurm, "Manage Change with Confidence, Courage and Collaboration" *Nation's Cities Weekly* 25(4) (2002), 5.

⁸⁹Margaret Mandell, Preface. *Getting Results through Collaboration*. M. Mandell (Westport, Conn., Quorum Books, 2001).

⁹⁰Ibid., 5.

⁹¹Ibid., 7.

⁹²Crislip.

minimizes abstraction.⁹³ Dialogue takes place through discussion in small groups whose members are chosen to reflect the diversity of interests in the community. Pre-determined positions are discarded and underlying interests form the basis of discussion.⁹⁴ Potential conflicts, as well as resource and legal constraints, are recast as dimensions of problems to be solved together.⁹⁵ People meet face-to-face, and in the process, gain an understanding of each other's interests and needs. From these shared perspectives, people construct a solution that integrates social concerns with resource and policy constraints. The solution evolves as all group members express their concerns and strive to understand and accommodate others, and goes beyond simple trade-offs because of the innovation that comes from creative group interaction.⁹⁶

When collaboration works well, group members are supportive and committed to the final decision.⁹⁷ Agency officials are responsible for representing the legal and scientific constraints within which the decision must fall and obtaining representation of the full diversity of interests involved in the issue to ensure that no interest goes unrepresented.⁹⁸ Decisions are taken to the lowest level necessary to ensure that potential solutions are understood in terms of the concrete context in which they would operate. The process of dialogue, facilitated to focus on interests and allow all participants to be heard and to hear each other in a close environment of face-to-face contact and cooperation, insures that the final solution is one that all will support. As a result, the agency and the constituent groups recognize the final decision as the best solution to the problem that can be achieved.⁹⁹ The incentive for appeals and lawsuits is minimized.

⁹³Fischer.

⁹⁴Crislip.

⁹⁵Ibid.

⁹⁶Ibid.

⁹⁷Ibid.

⁹⁸Ibid.

⁹⁹Ibid.

The fundamental difference between this emerging collaborative problem solving approach to citizen involvement and the expert and pluralist models is the theory of human nature upon which each is based. As discussed earlier, both expert and pluralism models are based on the rational choice model of human nature in which the calculated, instrumental pursuit of self-interest is the only motivation.¹⁰⁰ The role of citizens is to protect their self-interests through forming groups with other citizens with similar interest.¹⁰¹ These interest groups then act on political institutions through various avenues of influence¹⁰² Both interests and human nature are exogenous to the political system¹⁰³ Engagement in the process of political influence has no effect upon the interests each individual holds.¹⁰⁴ As a result, interests are static and predictable. The pluralist paradigm presents a mechanical theory of political interaction that focuses on institutions as indicators of democracy, such as free, multi-party elections, a free press, and an independent judicial system.¹⁰⁵

As outlined above, collaborative problem solving assumes humans can act in non-competitive ways that respect different values as part of the problem solving process. As such, collaborative problem solving falls into the participatory democracy paradigm of political theory. Participatory democracy is built on a transcendent approach to politics that assumes human nature is mutable, capable of being transformed from self-interest to an appreciation of the larger community through the process of participation.¹⁰⁶ Human nature has many dimensions, chief of which is the inborn capacity for reason, from which civic characteristics can be nurtured and developed through participation in governance, especially at the local level.¹⁰⁷ The role of the citizen is to develop the characteristics

¹⁰⁰Downs; March and Olsen.

¹⁰¹Dahl.

¹⁰²Ibid.

¹⁰³March and Olsen.

¹⁰⁴Yankelovitch; March and Olsen.

¹⁰⁵Pateman.

¹⁰⁶Pateman; Poisner; Dryzek, 2000.

¹⁰⁷Pateman; Yankelovitch; Poisner.

necessary for participation in democratic society, including the ability to respect others' points of view, engage in civil discourse, and reason together.¹⁰⁸ Participation, beyond the act of voting, in the process of decision-making is essential to developing the character traits necessary to be a responsible citizen in a democracy.¹⁰⁹ Individual interests are not static, but evolve as the individual's understanding of the issues grows through public discourse. If pluralism is thought of as somewhat mechanical, participatory democracy in contrast can be thought of as organic, grounded in the individual's development of civic character as the source of democracy.¹¹⁰

Contemporary expressions of participative democracy can be found in the revitalization of civic republicanism and the writings of some post modern theorists. Civic republicanism centers on three basic concepts, the process of deliberation, civic virtue, and the common good.¹¹¹ According to civic republicanism, public values develop through the process of dialogue; they are not static and unchanging. The process of public deliberation allows citizens to exhibit civic virtue, i.e., the desire to understand each other's interests and the interests of the community as a whole. Through the process of public deliberation among citizens with civic virtue, citizens create a vision of the common good, a concept of community interests that differs from the simple aggregation of individual interests. Moreover, the process of participation has the power to teach civic virtue to those citizens who have not experienced it before.

Similarly, discursive democracy uses the theories of Habermas to propose a theory of participative democracy that focuses on equality.¹¹² Public deliberation requires two types of equality, equality in the capacity to be represented, and equality in the capacity to be listened to. There can be no differentiation in power inherent to the expert, the powerful interest group leader, and the common citizen. No power derives

¹⁰⁸Ibid.

¹⁰⁹Pateman.

¹¹⁰Pateman; Poisner.

¹¹¹Poisner, 53-63.

¹¹²Dryzek, 2000.

from having multiple numbers of people to represent the same interest. There is no distortion from “domination via the exercise of power, manipulation, indoctrination, propaganda, deception, expressions of mere self-interest, threats, imposition of ideological conformity” because power lies in the strength of the argument itself.¹¹³ In deliberative theory, people strive to create consensus through the integration and learning that takes place when individuals meet face-to-face with the intent of arriving at a shared understanding of a common problem and striving to find solutions together. The task-orientation of rational choice is replaced by communicative rationality, a social commitment to understand all aspects of the situation and the larger context, free of coercion and deception. Social forces of trust and authenticity, over time, identify and prevent abuses such as manipulation and deceit. These social forces are endogenous to the deliberative process and act to limit the domain of discussion without the need for arbitrary rules and coercion. Decisions are made using consensus, but a form of consensus that allows agreement on the action to be taken without requiring agreement on the reasons for the action. As with civic republicanism, discursive democracy posits that people can be transformed through participation to become more public-spirited.

The pluralist paradigm assumes that competition between fixed interests generates the public interest based on the strength, resources, influence, and power people bring into the fray to defend their interests. The public interest is defined through the competitive process between these fixed interests. The participatory democracy paradigm assumes that people are reasonable and develop a sense of their own interest in dialogue with each other, through which they also transcend their own interests and support the good of the whole. The public interest is defined as the outcome that emerges from this dialogue.

Practical application of the participatory democracy paradigm in modern public administration actually dates back to the writings of Mary Parker Follett in the 1920s.¹¹⁴ Follett viewed the rise of the expert in public administration as an abdication of citizen responsibility and encouraged citizen involvement in local affairs as essential to

¹¹³Ibid.

¹¹⁴Mary Parker Follet, *The New State*, (New York: Longmans, Green, 1920).

democratic governance. When her views on participatory democracy were ignored by her Populist-influenced political science and public administration peers, she translated her observations on political theory to the work place in her writings in the 1920s and 1930s.¹¹⁵ Follett argued that the “logic of the situation” should determine who should be involved in decision-making, rather than hierarchy or power.¹¹⁶ Problems should be taken to the lowest level where they are concrete, not abstract. Those closest to the situation, although they will likely be at the bottom of the organization, also are likely to have the most intimate and practical understanding of the situation and therefore must be integrally involved in formulating solutions. Power to solve the problem emerges from the discussion, rather than from hierarchy. Employees and management can work together in this fashion because they share a commitment to making things work, and because the process of integrating their interests produces an experience that is both concrete and genuine.¹¹⁷¹¹⁸ Follett’s thoughts on democratic administration formed the foundation for ongoing theory and practice in the field of business administration that focused on effectiveness in solving problems.

Follett’s concepts of genuineness and democratic participation resurfaced in business literature in the writing of Rensis Likert in the early 1960s.¹¹⁹ According to Likert, no one person had enough information to make an informed decision; therefore leaders must encourage cooperative decision-making by genuinely valuing others in contributing to the decision-making process. Likert argued that authenticity in the form of supportive relationships was crucial in organizations, especially as a characteristic of leadership. Creating an environment in which all were able to learn from each other requires leadership that reinforces authentic respect through being consistent in what one

¹¹⁵Herbert S. Kariel, "The New Order of Mary Parker Follett." The Western Political Quarterly 8(3) (1955): 425-440.

¹¹⁶Mary Parker Follett, *The Creative Experience*, (New York: Longmans, Green, 1924).

¹¹⁷Ibid.

¹¹⁹Rensis Likert, *New Patterns of Management*, (New York: McGraw-Hill, 1961).

says and does. Such consistency cannot come from external rules, but must come from internalized values that allow leaders to be authentic.¹²⁰

Similarly, Chris Argyris argued for authentic organizations that recognized the intuitive, feeling component of human behavior as a critical part of what makes organizations function effectively.¹²¹ Both Likert and Argyris noted that authenticity cannot be created overnight by reading a book or participating in a training session. Authenticity comes from looking within, examining one's values and beliefs, and working over time to realign both one's values and beliefs and one's actions and reactions to be consistent with the espoused values one is trying to create. Such personal change requires emotional insight, new cognitive maps, practice in behaving differently, in short, a lot of commitment and work. Leadership that lacks authenticity exhibits uncertain and inconsistent behavior that undermines others' trust in the leader's sincerity and commitment to change.¹²²

Through the 1970s and 1980s, management theorists produced technique after technique intended to help employees become more committed and creative in working toward the organization's mission, including such things as Management by Objective, Total Quality Management, and Quality Circles. In most cases these techniques failed to achieve permanent change in the organization.¹²³ These techniques share the assumption that people want to succeed and contribute to something larger than themselves. They also espouse elements of empowerment theory, a generic term that evolved from participatory democracy in the workplace. One factor that contributed to the lack of success was management; when managers who paid lip service to these beliefs about human nature failed to change their own convictions in implementing these techniques,

¹²⁰ Ibid.

¹²¹Chris Argyris, *Organization and Innovation*, (Homewood, IL: Richard D. Irwin, Inc. and the Dorsey Press, 1965).

¹²²Chris Argyris, *Personality and Organization: The Conflict Between System and the Individual*, (New York: Harper and Roe, 1957).

¹²³Rob LeBow, and Randy Spitzer, *Accountability: Freedom and Responsibility without Control*, (San Francisco: Berrett-Koehler, 2002).

the techniques failed to achieve benefits of improved performance.¹²⁴ The role of leaders in presenting consistent and coherent examples of the values inherent in the techniques they are trying to implement is essential to success.

In his book *Organizational Culture and Leadership*, Edger Schein describes the relationship between beliefs about human nature and how organizations function.¹²⁵ Organizational culture sets the framework within which people in that organization ground their behavior. Organizational culture rests on basic assumptions about reality, truth, time and space, and the nature of human nature.¹²⁶ Beliefs about human nature, whether people are inherently good or bad, cooperative or competitive, provide a foundation from which other aspects of culture develop. Cultures seek to develop coherently, such that the underlying beliefs about human nature are reflected in all other relevant aspects of the culture.

An organization's founding leaders are the most critical component of organizational culture, because they provide the initial ideals, models and assumptions that form the foundation of the culture.¹²⁷ Leaders embed their own beliefs and assumptions into organizations through six primary mechanisms, including: what they pay attention to; how they react to critical events and crises; how they allocate scarce resources; what they express through role-modeling; how they allocate rewards and status; and how they recruit and retire members.¹²⁸ People gain their understanding of the culture through these behavioral teachings of the leader. The key in building or changing organizational culture is that leadership be consistent in embodying the desired values and assumptions through all six of these mechanisms. Secondary mechanisms such as the design and structure of the organization, its rituals, stories, and formal statements, can serve to reinforce a culture, but cannot create it. Research on organization cultural change has found that consistent leadership is essential to establish

¹²⁴ Ibid.

¹²⁵ Schein.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Ibid., 231.

and maintain group culture, particularly when the desired culture requires changes in expectations the group has experienced in the past.¹²⁹

Peter Senge also reinforced the importance of leadership in his 1990 landmark work on creating effective learning organizations.¹³⁰ In order to be an effective leader in a learning environment, managers must become aware of the effects of their own actions, how their responses affect the system, and where their beliefs come from. They must align their own understanding of human nature to embrace the belief that people have a natural need to expand their capabilities and live life as an act of creative work, rather than live as a passive reactor. In 1992, John Kotter and James Haskett investigated the organizational cultures of those corporations that were able to become and remain economically successful to see what role organizational culture played in their success.¹³¹ They found that the most successful corporations were characterized by strong adaptive cultures that depended upon leadership that moved beyond management, and practiced leadership that was not arrogant but rather “in the service of others,” focused not on their own self-interest, but on the good of the whole.¹³²

Other writers in the field of management have echoed the need for leaders/managers of organizations to internalize basic beliefs about human nature that are very different from those espoused in the rational choice model. James Belasco and Ralph Stayer urged managers to move from the command and control paradigm to the empowerment paradigm, again stressing the need for managers to change their own assumptions about trusting people.¹³³ James Autry and Stephen Mitchell suggest that leaders adopt values from the *Tao Te Ching*, including the practice of approaching all people as trustworthy, recognizing that only a very small percentage will reveal

¹²⁹John P. Kotter, and James L. Haskett, *Corporate Culture and Performance*, (New York: The Free Press, Macmillan, 1992).

¹³⁰Peter M. Senge, *The Fifth Discipline: The Art and Practice of the Learning Organization*. (New York: Currency Doubleday, 1990).

¹³¹Kotter and Haskett.

¹³²*Ibid.*, 150.

¹³³James Belasco and Ralph C. Stayer, *Flight of the Buffalo*, (New York, Warner Books, 1993).

themselves to be otherwise.¹³⁴ Rob LeBow and Randy Spitzer specifically pinpoint managers' ability to let go of control and trust people as the key to creating productive organizations.¹³⁵ If a leader wants the organization to do well, the major task of the leader is to change his/her beliefs and have faith in people. Only when the leader has fully embraced faith in people will he/she be able to be an effective agent for organizational cultural change.¹³⁶ Robert Quinn similarly identified eight characteristics of transformative leadership, including looking within to examine one's own beliefs and aligning these beliefs with one's actions, embracing a vision of the common good, and leading through moral power.¹³⁷

One of the reasons Follett abandoned political science for business administration was the ability in business to assess the effectiveness of one's actions by looking at the bottom line. Some of the more recent writers have provided examples and data that show stronger performance in the marketplace after leadership integrated aspects of the participatory democracy paradigm into their daily business operations.¹³⁸ All of these writers share a vision of human nature that expects people to be trustworthy, willing to learn from each other and to make things work. All recognize that leadership is essential to creating an organizational culture that expects and reinforces this vision of human behavior. All agree that to be effective, leadership must align their own beliefs and actions with faith in people and in a transcendent common good.

This vision of human nature contradicts the rational choice model. Other researchers also began to research human nature and uncovered aspects of cooperation that could not be accounted for in competitive rational choice theory.¹³⁹ Research using

¹³⁴James A. Autry and Stephen Mitchell, *Real Power Lessons from the Tao Te Ching*, (New York: Riverhead Books, Penguin Putnum Inc., 1998)

¹³⁵LeBow and Spitzer.

¹³⁶ Ibid.

¹³⁷Robert E. Quinn, *Change the World: How Ordinary People Can Achieve Extraordinary Results*, (San Francisco, CA, Jossey-Bass, 2000).

¹³⁸Argyris; Senge; Kotter and Haskett.

¹³⁹Elinor Ostrom, "A Behavioral approach to the Rational Choice Theory of Collective Action" *American Political Science Review*, 92(1) (1998): 1-22.

The Prisoner's Dilemma to model rational choice assumptions of human behavior found that people constructed relationships of cooperation and trust beyond those predicted by the rational choice model.¹⁴⁰ People opted for cooperation in situations where calculated rational choice allowed none. It appeared that rational choice theory was an insufficient base from which to explain human behavior. Cooperation and trust involve social behavior and motivations that are more complex than rational choice theory allows. Research into people's willingness to accept decisions made by authorities confirmed that concerns about social identity, the sense of self derived from interactions with others, outweighed rational choice calculations as the basis of trust.¹⁴¹ The researchers concluded that trust is a social, not an instrumental, construct that is based on the ability to demonstrate that one will treat others with dignity and respect. Research into the social construction of identity has shown that neither human nature nor individual self-interest are static, but rather evolve in interaction with others.¹⁴² Moreover, social expectations play a powerful role in changing human behavior.¹⁴³ Although research into the positive emotional aspects of trust is very limited, the experience of having one's trust reciprocated generates pleasure.¹⁴⁴

As behavioral science shifts to a more social process orientation in explaining human behavior, so too pluralism as the dominant theory in political science must be revisited based on its assumption of the rational choice model of human nature. As Waldo noted:

Any political theory rests upon a metaphysic, a concept of the ultimate nature of reality. Students of public administration, following a line of precedent which

¹⁴⁰Robert Axelrod, *The Complexity of Cooperation: Agent-Based Models of Competition and Collaboration*, (Princeton, N.J: Princeton University Press, 1997); Ostrom.

¹⁴¹Tom R. Tyler and Peter Degoey, "Trust in Organizational Authorities: the Influence of Motive Attributions on Willingness to Accept Decisions" in *Trust in Organizations: Frontiers of Theory and Research*, eds. R. M. Kramer and T.R. Tyler, (Thousand Oaks, CA: Sage, 1996), 331-356.

¹⁴²K.E. Weick, *Sensemaking in Organizations*, (Thousand Oaks, CA,: Sage, 1995).

¹⁴³Ibid.

¹⁴⁴R.M. Kramer et al., "Collective Trust and Collective Action: the Decision to Trust as a Social Decision" in *Trust in Organizations: Frontiers of Theory and Research*, eds. R. M. Kramer and T. R. Tyler, (Thousand Oaks, CA: Sage, 1996), 357-389.

begins in the modern period with Hobbes, have simply been willing to accept the verdict of science...as to the nature of reality.¹⁴⁵

If assumptions about human nature are not static and exogenous to political systems, then expectations of human nature in political institutions play a direct role in shaping what aspects of human nature are created and expressed:

If human nature is seen less as an immutable gift from God than as a consequence of the expectations we have for it, political institutions cannot take human nature as a given, but must accept responsibility for their involvement in its creation.¹⁴⁶

The pluralist paradigm does not recognize human nature as mutable. The participatory democracy paradigm provides a better theoretical framework in which to integrate a social process approach to understanding human political behavior.

Collaborative problem solving in agency decision-making provides a practical application of the participatory democracy paradigm; it incorporates a paradigm shift in terms of expected human behavior away from the assumptions of the rational choice model.¹⁴⁷ Collaboration's success rests upon its belief that a collaborative approach can elicit behavior in which people are reasonable, can see both sides of an issue, and can reach agreement. The core of the criticisms of collaboration's social gains rests upon the disbelief that a collaborative approach can elicit behavior in which people are reasonable, can see both sides of an issue, and can reach agreement. As with other shifts in paradigms, critics who are firmly rooted in the old rational choice paradigm are unable to envision how a different paradigm could work.¹⁴⁸ If collaborative problem solving works as it claims to work, then the assumptions of the rational choice model of human nature must be false. Whereas rational choice assumes that people are only capable of interacting through competitive win-lose dynamics in which people are expected to be greedy, selfish and unprincipled, collaboration functions in a win-win environment that

¹⁴⁵Waldo, 21.

¹⁴⁶March and Olsen, 26.

¹⁴⁷Mandell.

¹⁴⁸Thomas Kuhn, *The Structure of Scientific Revolutions*, (Chicago: University of Chicago Press, 1962).

encourages mutual respect, trust, and the capacity to understand an opposing viewpoint. As the expectations for human behavior differ, so too does the nature and quality of interactions, shifting from adversarial and antagonistic to trusting and cooperative.¹⁴⁹ This shift in behaviors makes equitable, mutual, innovative problem-solving possible.

There are a number of questions that have been raised by the critics of collaborative problem solving. Some critics voice skepticism that collaboration achieves the social gains of increased understanding and respect attributed to it. According to these critics, collaborative negotiations cannot alter the basic conflicts that exist in public issues, conflicts that ultimately can only be resolved through court action.¹⁵⁰ Agreements reached can easily become solutions in which parties give up the potential for substantial gain under traditional public involvement practices and agree to a “least common denominator” in making decisions.¹⁵¹ Fairness of the process relies heavily upon the mediator, and there are no standards or ethics for behavior of mediators to ensure that they function in a neutral fashion that allows all interests to be treated equally in the discussion.¹⁵² One noted critic questioned the paradigm’s assumptions about human behavior directly and questioned whether people “are reasonable,” “will see both sides of the issue,” and whether “agreement or consensus is possible.”¹⁵³

Other criticisms are more logistical in nature. Collaborative processes have been found to take as long or longer than traditional processes of public involvement and therefore do not save money.¹⁵⁴ The costs of participation in collaborative processes are

¹⁴⁹Aragoff and McGuire; Crislip.

¹⁵⁰Susskind et al.

¹⁵¹Ibid.; Douglas Kenney, *Arguing about Consensus: Examining the Case Against Western Watershe Initiatives and Other Collaborative Groups Active in Natural Resources*, (Boulder, CO: Natural Resources Law Center, University of Colorado School of Law, 2000).

¹⁵²Lynn Sanders, "Against Deliberation" *Political Theory* 25(3) (1997): 347-377; Kenney; Susskind et al.

¹⁵³George C. Coggins, “Of Californicators, Quislings, and Crazies: Some Perils of Devolved Collaboration” in *Across the Great Divide: Explorations in Collaborative Conservation and the American West*, eds. P. Brick, D. Snow and S. Van De Wetering (Washington, D.C.: Island Press, 2001), 163-171: 166-167.

¹⁵⁴Kenny; Susskind, et al.

great in terms of time and commitment, which can also discourage participation by certain groups.¹⁵⁵ Critics argue that collaboration limits the number of people who are directly involved in determining the public interest.¹⁵⁶ Although real change takes years and is difficult to attribute to any one cause, critics argue that the usefulness of collaboration should not be measured in terms of social gains, but rather must improve the situation on the ground.¹⁵⁷ However, given the complexity of factors typically at work on the ground, it is difficult to measure the effects of any agency decisions, whether arrived at collaboratively or not.

For public administrators, collaboration immediately raises the issue of accountability. If collaboration is to function, agency officials must be empowered to work collaboratively with local interests directly, with the potential of adopting the group's solution as the agency's decision. This entails agency officials using their own discretion, but the public is distrustful of granting agency officials discretion.¹⁵⁸ Accountability for public officials in the past has focused on money and equity, with the intent of finding and punishing errors.¹⁵⁹ Accountability in producing results is much harder to define and is rarely rewarded with public acclaim. As a result, agency officials function in an environment of public mistrust in which exercising discretion is risky.¹⁶⁰ Collaboration requires agency officials to reach beyond their traditional bureaucratic role of being rule-bound and risk-averse.

In reality, agency officials cannot avoid exercising discretion whether they use collaborative problem solving or not; they have to make decisions, and as was discussed before, these decisions include significant policy making.¹⁶¹ Moreover, traditional

¹⁵⁵Kenney.

¹⁵⁶Susskind et al.

¹⁵⁷Kenney.

¹⁵⁸Behn.

¹⁵⁹Ibid.

¹⁶⁰Ibid.

¹⁶¹Lowi; Behn.

bureaucracies can no longer operate on the basis of rule-bound accountability and meet the challenge of being responsive to changing conditions.¹⁶² Decentralization of decision-making and empowerment of agency officials at the local level to be more responsive to local conditions are both essential to allowing large bureaucracies to function effectively in the value-laden, fast-paced environment of public service today.¹⁶³ Collaboration promises to be an effective way for agencies to respond to community values and needs in formulating the public interest.

Collaboration also raises questions of governance. Shouldn't decisions involving national interests be made at the national level where national interests can be given equal weight, not at the local level?¹⁶⁴ Traditional public administration argues that local public groups do not have the authority to make decisions that have been properly delegated by Congress to agency officials.¹⁶⁵ Collaborative problem solving requires a fresh look at this issue of governance. In the domain of land use agencies, there are numerous federal laws and regulations to ensure that national interests are met, such as the Environmental Protection Act and the Endangered Species Act. Local decisions are subject to these laws and regulations through a process of interagency oversight. The challenge is to ensure that public officials at the local level are flexible, responsive, fair, and acting within the scope of their authority while responding to the fast-paced, value-laden environment in which the public interest must be found.¹⁶⁶ Collaboration has the potential to create solutions that both meet national concerns and integrate local values for local agency officials.

¹⁶²Behn.

¹⁶³M. McCloskey, "Local Communities and the Management of Public Forests" *Ecology Law Quarterly* 25(4) (1999), 624-629; Kenny; Behn.

¹⁶⁴McCloskey; Kenney; Coggins.

¹⁶⁵Coggins.

¹⁶⁶C. Scott, "Accountability in the Regulatory State" *Journal of Law and Society* 27(1) (2000), 38-61; Behn.

There has been little agreement on methodology and the definition of success in the research that has been done on collaboration.¹⁶⁷ Collaboration by nature is specific to the actors and context in which it takes place, making comparisons difficult.¹⁶⁸ What does seem clear is that forms of collaborative problem solving can build social capital and facilitate agreement among opposing groups.¹⁶⁹ As a result, use of collaboration is growing and appears to be here to stay.¹⁷⁰ It behooves practitioners to understand how collaboration and the participatory democracy paradigm fit into the practice of public administration, and theorists to understand how they fit into democratic administration and governance.

Research Setting

The United States Forest Service is a geographically decentralized federal agency in the United States Department of Agriculture that is responsible for the management of 155 diverse national forests and 20 national grasslands that cover 190 million acres in 44 states, Puerto Rico and the Virgin Islands.¹⁷¹ The Forest Service is organized into four levels, beginning at the bottom with Ranger Districts where forest management activities occur. Ranger Districts are grouped together to form a specific National Forest. The National Forests are grouped into nine Regional Offices that in turn report to Forest Service Headquarters in Washington, D.C. The Organic Act that established the authority of the Forest Service was passed in 1897, buttressed by the Progressive Movement of reform that was sweeping through the United States. The Act charged those managing the public's forest lands to provide leadership, technical and

¹⁶⁷A. Moote et al., *Assessing Research Needs: A Summary of a Workshop on Community-based Collaborations*, (Tucson, AZ: Udall Center for Studies in Public Policy, University of Arizona, 2000).

¹⁶⁸*Ibid.*

¹⁶⁹Susskind et al.

¹⁷⁰*Ibid.*; Kenney, McAlister et al; Mandell.

¹⁷¹ www.fs.fed.us/aboutus/meetfs.shtml December 3, 2006.

financial assistance for two broadly stated purposes: "...to protect the quality of air, water, soil, open space, and the environment..." and "...to encourage natural resource uses that will best meet the needs of the Nation."¹⁷²

The Forest Service itself was created by Congress in 1907. The first chief of the Forest Service, Gifford Pinchot, embodied the ideals of progressive public administration by combining professional administration and scientific professionalism in the pursuit of professional forestry. One commentator noted that one could hardly find a better embodiment of the Progressive ideal for public administration than Gifford Pinchot and the Forest Service.¹⁷³ Like others in the Progressive movement, Pinchot shared a strong utilitarian perspective.¹⁷⁴ According to Pinchot, the purpose of the Forest Service was to serve the needs of the human population, to bring the greatest good to the greatest number. However, Pinchot broke ranks with the Progressives by decentralizing administration of the Forest Service and encouraging consultation with local interest groups. Pinchot recognized that national forest lands were too diverse to lend themselves to centralized management, so he placed responsibility for management decisions with local Forest Service officials. Moreover, Pinchot believed national forests had to be responsive to local communities.

The greatest good for the greatest number was expressed in the early days of the Forest Service by the needs of the local populations adjacent to national forests for lumber, firewood, and grazing lands. Early on, local Forest Service officials were expected to become active participants in the local community by joining local organizations of community leaders and getting to know those who relied on the forest for their livelihood.¹⁷⁵ As a result, local Forest Service officers had extensive informal knowledge of local issues and concerns, much more so than other federal agency

¹⁷² Organic Act, U.S. Congress 1897, Section 3020.

¹⁷³Jeanne Nienaber Clarke and Daniel McCool, *Staking Out the Terrain: Power Differentials Among Natural Resource Agencies*, (Albany, N.Y.: State University of New York Press, 1985).

¹⁷⁴Paul W. Hirt, *The Conspiracy of Optimism*, (Lincoln, Nebraska: University of Nebraska Press, 1994).

¹⁷⁵ Herbert Kaufman, *The Forest Ranger*, (Baltimore, MD: The John Hopkins Press, 1960).

personnel.¹⁷⁶ The public interest was defined locally by Forest Service experts, in consultation with local interested publics.

Pinchot's reliance upon local forestry professionals using informal consultation with local interest groups established the model of expert/consultation for defining the public interest.¹⁷⁷ The expert model served the agency well from 1907 to the end of the Second World War.¹⁷⁸ The interest groups with whom the Forest Service informally consulted were themselves largely utilitarian in their orientation to the forests. Public controversy over management issues was largely a matter of means, rather than ends, in which the professionalism of the forester had final say. Management decisions generally did not pit one use of the forest against another; there were sufficient land and resources in the forests to meet all interests without undo conflict.¹⁷⁹ Management focused on determining the most efficient means to manage the forests, not on determining the goals for which they were to be managed. Local public interest and national agency goals were in concert.

After the Second World War, the role of the Forest Service began to change from regulatory enforcement to commodity production. Congress called upon the Forest Service to provide a three-fold increase in timber production to meet the building needs of the post-war economy.¹⁸⁰ As the Forest Service moved from a regulatory role in monitoring grazing to a predominantly producer role in supplying timber to the nation, political concerns began to override the expert professionalism of the Forest Service as demand for timber production brought political pressure at the local and national level. At the same time, new interest groups concerned with recreation and conservation arose in the 1950s and demanded that these values be included in agency decision making.¹⁸¹

¹⁷⁶Glen O. Robinson, *The Forest Service* (Baltimore: The Johns Hopkins Press, 1975), 272-273.

¹⁷⁷Sally Fairfax, "Public Involvement and the Forest Service" *Journal of Forestry* 73, no. 10 (1975): 657-659; Hirt; Clarke and McCool; Wondolleck.

¹⁷⁸Kaufman.

¹⁷⁹Charles Wilkinson and H. Michael Anderson, "Land and Resource Planning in the National Forests" *Oregon Law Review* 64 (1985) no. 1 and 2: 1-373.

¹⁸⁰Hirt, 131.

Informal consultation at the local level with traditional commodity interest groups no longer reflected the full range of public values. Moreover, the values represented by the new interest groups were not within the scope of the Forest Service's utilitarian purpose of producing commodities including timber and grazing. The Forest Service responded by obtaining new legislation from Congress to include these non-utilitarian uses of the forests through the passage of the Multiple-Use, Sustainable Yield Act (MUSY) in 1960.

While MUSY put responsibility squarely on the Forest Service to incorporate broader values in formulating the public interest for management of the national forests, the agency's expert/consultative model was not designed to deal with values. The Forest Service's approach to formulating the public interest was based on scientific expertise and utilitarianism; it functioned to provide objective and efficient means to accomplish ends, not to reexamine values that define those ends. Moreover, the expert/consultative model included a strong belief in its own objectivity that served to blind Forest Service professionals to the values inherent in scientific rationality and utilitarianism.¹⁸² By the mid-1960s, problems with values and the perception of objectivity began to surface within the ranks of professional foresters.¹⁸³ Best captured by the phrase, "the myth of the omnipotent forester," one critic phrased the problem as one of distinguishing between ends and means in a democratic society:

It is when the professional forester arbitrarily determines those ends (or even clumsily tries to do so) that he most seriously violates our classless society and our democratic politics...For the "various ends of society," in our unique society, are and will be set only by that society, and not by a professional class of foresters...It is when we attempt to determine ends that "pressure groups" become the most hostile, challenging our leadership in resource conservation...¹⁸⁴

¹⁸¹Hirt, 156.

¹⁸²Poisner; Wondolleck; Margaret A. Shannon, "Building Trust: The Formation of the Social Contract" in *Community and Forestry*, eds. R.G. Lee, D.R. Field, and W.R. Burch, Jr. (Boulder, CO: Westview Press, 1990).

¹⁸³Richard Behan. 1966. "The Myth of the Omnipotent Forester" *Journal of Forestry* 64(6): 399-407.

¹⁸⁴ Ibid., 400.

Recognition was growing that agency professionals had overstepped the role of the Forest Service in determining the public interest.

Clearcutting, the practice of removing all of the timber from the area to be harvested, exemplified the inability of the Forest Service to alter decisions in response to changing public values. As pressure to produce timber harvests mounted, the Forest Service used clearcutting more extensively. In 1970, public displeasure with the practice drew national attention in the form of a critique of clearcutting in the Bitterroot National Forest in southwestern Montana that postulated the concept that the public had a right to have its aesthetic values affect Forest Service practices.¹⁸⁵ Public displeasure continued to mount, culminating in a 1975 court decision concerning the use of clearcutting in the Monongahela National Forest in West Virginia that threatened to shut down all timber operations of the Forest Service nationwide.¹⁸⁶ Rather than allow timber production to cease, Congress stepped in and passed the National Forest Management Act (NFMA) in 1976 that put some restrictions on the use of clearcutting and instituted new regulations concerning the involvement of the public in agency decision making.

NFMA introduced an alternative model for determining the public interest by embodying the intent of Congress to adopt pluralist democratic theory and extend the model of interest group bargaining from the halls of Congress to the Forest Service.¹⁸⁷ Opening the process of agency decision-making to public involvement was intended to guarantee that agency decisions would reflect the wider public interest.¹⁸⁸ To ensure that it did so, the Forest Service promulgated regulations for both pre-decision public involvement and post-decision public oversight of Forest Service decisions. In the event that the Forest Service failed to incorporate the full range of public values in its decisions, the public gained legal standing to challenge these decisions through agency appeals and lawsuits.

¹⁸⁵*A Select Committee of the University of Montana Presents its Report on the Bitterroot National Forest*, Arnold Bolle, Chairman, (Missoula, Montana: University of Montana, 1970).

¹⁸⁶Robinson.

¹⁸⁷*Ibid.*

¹⁸⁸Rosenbaum.

Implementing regulations for NFMA created a post-decision appeals process for national forest plans built upon the adversarial framework of rights adjudication already contained in Forest Service regulations for the settling of property concerns.¹⁸⁹ NFMA regulations also established procedural requirements for forest planning that were subject to judicial review and required all national forests to have authorized forest plans within ten years, plans against which individual project decisions could be challenged in court. The appeals process and the increased opportunity for judicial review opened up forest planning and implementation decisions to public challenge, giving the public a direct role in oversight should the public view the agency's initial decision as arbitrary.

At the time NFMA was passed, there was no definitive proof of what effect public involvement would have on the process of determining the public interest.¹⁹⁰ In the mid-1970s, public involvement was hailed as the pluralist solution to agency abuses across the board, not just for the Forest Service.¹⁹¹ One scholar wrote at the time that no one dared to question the efficacy of public involvement for fear of appearing to be anti-democratic.¹⁹² As a result, public involvement was not closely evaluated, nor even defined.

One observer characterized public involvement as the object of hope to the environmental community in addressing the over-cutting that was taking place:

...(C)urrent thinking about participatory democracy attaches enormous significance to public participation in governmental processes. This is particularly so in the area of environmental concerns where expanded public involvement has been increasingly looked to as the "great white hope" (more appropriately perhaps the "great green hope") for saving the environment. The law has pushed strongly in this direction in recent years. Through judicial decision, legislative action, and administrative prescription, public participation has become an accepted norm of the planning and decision-making processes of administrative government.¹⁹³

¹⁸⁹Ethridge; Testimony of the Committee of Scientists, Federal Register, 1979, pp. 53946-53952

¹⁹⁰Rosenbaum.

¹⁹¹Poisner.

¹⁹²Wengert.

¹⁹³Robinson, 273.

The lack of agreement as to what public involvement could and could not accomplish allowed it to be looked upon as the “great green hope” from several perspectives. Congress intended the public involvement portions of the act to provide guidance to the Forest Service on public values at the level of the national forest, recreating the political bargaining that occurred in the halls of Congress at the level of national forest planning as the method of defining the public interest.¹⁹⁴ Interest groups viewed public involvement as a decentralization of decision-making and a widening of the interests to be included in the pluralist bargaining process.¹⁹⁵ The public in general viewed public involvement as giving local people and communities an opportunity to come to the table and be heard. The Forest Service viewed public involvement as the opportunity to inform the public about its plans and reach out to the silent majority to gain support for their expert “multiple use” management of the national forests.¹⁹⁶ Formal citizen involvement started out with a lack of consensus about its purpose.¹⁹⁷

While the pluralist model for public involvement offered the opportunity for integration of broader public values with agency expertise at the pre-decision stage of decision-making, this opportunity went largely unrealized as the Forest Service continued to use the expert/consultative model as its paradigm for public input. The agency put great effort and resources into mechanisms to analyze and summarize public input; however, use of the input in final decisions was left to the discretion of agency officials.¹⁹⁸ Viewing public input as a statutory requirement rather than a substantive component of good decision-making delayed the Forest Service from acknowledging the inherently value-laden, and therefore political, nature of the public involvement

¹⁹⁴Wilkinson.

¹⁹⁵Robinson.

¹⁹⁶Richard W. Behan, “Why the Majority is Silent: Some Thoughts to Ponder, About Public Involvement, While Waiting for the Sierra Club to Arrive” in *Proceedings of the Joint Convention of the Society of American Foresters and the Canadian Institute of Forestry, 1978*. Society of American Foresters.

¹⁹⁷ U.S. Congress, O. T. A. (1992). *Forest Service Planning: Accommodating Uses, Producing Outputs, and Sustaining Ecosystems*. Washington, D.C., U.S. Government Printing Office.

¹⁹⁸ Roger N. Clark and George H. Stankey, “Analyzing Public Input to Resource Decisions: Criteria, Principles, and Case Examples of the Codinvolve System” *Natural Resources Journal* 1 (1976).

process.¹⁹⁹ The Forest Service missed the significance of NFMA in capturing the public's growing discontent with having public values left out of the decision-making process.²⁰⁰ As a result, the Forest Service earned a reputation for not listening to the public.²⁰¹ An assessment done in 1992 noted, "Most national forest managers still fail to recognize the purpose of public involvement, believing public participation is primarily an exercise in gathering information."²⁰² The expert/consultative model of the Forest Service emphasized scientific expertise as the rationale for determining the public interest, failing to recognize the values inherent in this rationale.²⁰³

Increasingly centralized decision making also played a role in the public's displeasure with the Forest Service. NFMA required that forest plans be completed for all the national forests from 1976 to 1986, the very years that timber-harvesting pressure was greatest and the discrepancy between centralized planning, and the reality of what was happening in the forests, reached its peak.²⁰⁴ As forest plans emerged from the planning process, it became apparent that the planning process had not resulted in outcomes that satisfied the public's expectations. Both professional foresters within the agency concerned with timber sustainability and public interest groups concerned with environmental protection were overridden by national politics as unrealistically high timber harvest levels continued to be set in Washington and imposed upon local forests.²⁰⁵ The pre-decision phase was essentially useless in incorporating the wider range of public values. Public involvement post-decision, through NFMA's widening of the appeals process and judicial review, became the logical alternative.

¹⁹⁹H.A. Cortner and M.A. Shannon. "Embedding Public Participation in Political Context." *Journal of Forestry* 91 (1993) no. 7.

²⁰⁰Dombeck et al., 42.

²⁰¹U.S. Congress, Office of Technology Assessment.

²⁰²U.S. Congress, Office of Technology Assessment, 5.

²⁰³Poisner.

²⁰⁴Hirt, 272.

²⁰⁵*Ibid.*, 269.

When NFMA was passed, no one in the Forest Service foresaw that setting scientific rationality as the legal standard for planning set up a situation in which no plan could meet the scientific standard of perfection.²⁰⁶ Essentially any plan could be challenged on the scientific technicalities of legal compliance.²⁰⁷ The pluralist model gave interest groups at both ends of the political spectrum the opportunity to challenge the Forest Service's plans and decisions, and so they did. From 1983 to 1989 the number of appeals more than doubled from 584 to 1298.²⁰⁸ Once forest plans had been put into place, timber sales and other specific actions began to be questioned on the basis of compliance with these forest plans. The number of appeals peaked at 2902 in 1993, and then averaged 1200 a year from 1995 to 1999.²⁰⁹ The incidence of lawsuits also increased with the implementation of NFMA. From 1907 to 1972, the Forest Service was involved in two lawsuits under judicial review through the APA.²¹⁰ However, by 1990 that number had jumped significantly, and the Forest Service found itself facing 65 lawsuits over timber sales.²¹¹ The period enforced timber cuts from the top down left a heritage of mistrust of the Forest Service among the public that was already distrustful of the agency's ability to respond to public values.

From the perspective of the pluralist paradigm, the prevalence of appeals and lawsuits was evidence that the oversight aspect of the pluralist model was working just as it was designed to work. As pre-decision input failed to result in decisions that reflected citizen interests, interest groups used appeals and lawsuits as the vehicle for the expression and inclusion of public values in forest management decisions.²¹² The problem was that appeals and litigation put decisions into the hands of lawyers and

²⁰⁶Behan, 1981.

²⁰⁷Behan, 1981.

²⁰⁸U.S. Congress, Office of Technology Assessment, 96.

²⁰⁹Rene H.Germain, Donald W. Floyd, and Stephen V. Stehman, "Public Perceptions of the USDA Forest Service 'Public Participation' Process" *Forest Policy and Economics*, 3 (2001) 3-4: 113-124.

²¹⁰Wilkinson and Anderson.

²¹¹U.S. Congress, Office of Technology Assessment, 100.

²¹²U.S. Congress, Office of Technology Assessment, 1992.

judges unfamiliar with forest management; the process takes time and money while effective management of forests requires timely and effective action. The appeals and litigation process and effective forest management were incompatible. As predicted administrative theorist Richard Stewart in 1975, the appeals process and the courts increasingly became the arbiter of the public values in agency decisions, adding costs and delays to the process of determining the public interest to the point that the agency's ability to achieve its mission was threatened.²¹³ In 2002, Forest Service issued a report acknowledging that time delays and costs stemming from appeals and lawsuits had significantly impacted the ability of the agency to effectively manage the national forests.²¹⁴ As a process to determine the public interest, the combination of expert/consultation and pluralist citizen involvement practiced by the Forest Service was impractical, eroding the ability of the agency to function.

Against this backdrop of mistrust, procedural costs and delays, people inside and outside of the Forest Service searched for alternatives. Forest Service officials faced with strong opposition to forest plans found that inviting interest groups to meet and negotiate could result in revised plans that didn't trigger appeals and lawsuits.²¹⁵ Local logging communities concerned with both economic viability and environmental health began to work out their own solutions, proposing management plans for surrounding forest that integrated their interests rather than competing with each other in the courts.²¹⁶ The common thread among these various efforts was the integration of diverse values in determining the public interest to be reflected in Forest Service decisions. The pragmatic advantages of these efforts at collaborative problem solving in reducing appeals and delays looked promising enough that the Forest Service included collaborative provisions in numerous initiatives beginning with stewardship contracting and watershed planning in the late 1990s. The Forest Service also incorporated collaborative language in the 2000

²¹³Stewart.

²¹⁴USDA Forest Service.

²¹⁵Shannon 1987; Wondolleck.

²¹⁶Snow.

NFMA implementing regulations for the second round of forest planning and the 2004 Healthy Forest Act provisions for community wildfire plans.²¹⁷

The organizational culture of the Forest Service has been characterized by the expert/consultative model since its founding.²¹⁸ Collaborative problem solving challenges Forest Service officials to bring their scientific expertise to the table with the recognition that their role is to serve the public interest, not to dictate it. Members of the public welcome agency expertise when it is presented as information relevant to the problem at hand.²¹⁹

Collaborative problem solving relies upon the legal structure put into place by the pluralist model. Legal requirements for pre-decision public input have created the space for collaborative problem solving among members of the public and agency officials in the drafting stage of forest and project planning. Legal avenues for post-decision oversight through appeals and litigation create a double-edged effect on collaboration. On the one hand, the threat of filing an appeal or lawsuit acts as an equalizer among those involved in collaboration at the pre-decision stage, forcing all parties to recognize and respect each other's interests. On the other hand, the opportunity to use appeals and lawsuits can obviate the need to be collaborative at the pre-decision stage. While people have expressed a preference for face-to-face negotiation in making decisions, time constraints and lack of trust that their input will make a difference undermine efforts at collaborative problem solving by reinforcing the use of post-decision appeals and lawsuits.²²⁰ As an inducement to pre-decision involvement, Forest Service regulations now limit standing for post-decision appeals to individuals and groups that submitted substantive comment during the pre-decision review and comment period.²²¹ However, this requirement does not create collaborative problem solving. How well collaborative

²¹⁷ 36 CFR Ch. II Sec. 219 (2001).

²¹⁸Wondolleck.

²¹⁹Steven E. Daniels and Gregg B. Walker, "Collaborative Learning: Improving Public Deliberation in Ecosystem-Based Management" *Environmental Impact Assessment Review* no. 16 (1996): 71-102.

²²⁰Daniels and Walker; Germain et al.

²²¹Federal Register, Wednesday, June 4, 2003, 33482-33601.

problem solving will be broadly integrated into the expert/consultative and pluralist models of determining the public interest has yet to be determined.

As the Forest Service moves into the 21st century, its ability to make decisions based on the public interest is vital to its ability to operate. The agency already has difficulty in achieving its mission because of numerous appeals and lawsuits.²²² The ability to make and implement timely management decisions will be even more crucial in the future. Concerns about improved forest health caused the Forest Service to propose adaptive ecosystem management as its new course for the 21st century.²²³ One of the tenets of ecosystem management is the recognition that nature does not respond well to a command and control approach to land management.²²⁴ Rather, ecosystems are composed of intricate networks of relationships between various life forms and the physical elements that support those life forms. People are also life forms in the ecosystem. Their values and interests cannot be removed from the context of the specific human and natural world in which they live.

Collaborative problem solving offers the potential to integrate human values and ecological science through the creation of locally specific agreements about the public interest, provided that people from various interests agree to participate in the agency's pre-decision collaborative efforts. However, lack of trust in the Forest Service's commitment to good stewardship has led citizens and interest groups to the strategy of challenging Forest Service decisions through appeals and lawsuits.²²⁵ Just when forest management most needs to be adaptive and capable of quick changes to meet the challenges of ecosystem management, the public is least ready to grant the agency largesse. Collaborative problem solving could begin to turn this situation around, if the Forest Service is successful in using collaborative processes to define the public interest. It remains to be seen whether collaboration will meet the expectations of all the various actors involved in forest management issues. Those who heralded public involvement in

²²²USDA Forest Service, 2002.

²²³USDA Forest Service, 2002, 40.

²²⁴Dombeck.

²²⁵USDA Forest Service, 2002.

the mid-1970s as the democratic cure-all for agency decision-making didn't realize that the term meant very different things to agency officials, interest groups, and the general public. Collaboration could prove to be the same, a banner of democratic participation around which to rally as the Forest Service continues to use an expert/consultative model for engagement of the public while making decisions driven by national political concerns.

The Organic Act of 1897 charged the Forest Service to provide leadership in managing the nation's forests and grasslands. Leadership plays a significant role in creating the conditions necessary for successful collaborative problem solving.²²⁶ The participatory democracy paradigm emphasizes building relationships and trust as prime considerations, outcomes that are not paramount in the pluralist paradigm that has characterized the Forest Service for most of its history. This study focused on the role of leadership in creating four successful collaborative processes between the Forest Service and diverse public interests. These cases provide important clues about the effectiveness of the participatory democracy paradigm and its prospects for becoming the dominant paradigm-in-use for the Forest Service.

²²⁶Crislip.

CHAPTER TWO: METHODOLOGY

Overview

This research examined the theoretical and practical aspects of the following questions:

Have efforts in citizen participation of the Forest Service gone beyond pluralism in which interests compete to define the public interest?

If so, how has the public interest been determined?

If new processes for defining the public interest are present in Forest Service citizen participation, to what extent do these new processes confirm participatory democracy theory?

If the Forest Service is using approaches other than interest group competition to determine the public interest in citizen involvement, how do these affect subsequent challenges to the resulting decisions?

In practical terms, these questions hinge in part upon people's expectations and beliefs about human behavior, which are foundational to people's interactions with others. Expectations for human behavior in a group are established by the leadership of the group, and reflect the underlying beliefs of the leader(s) about human nature.¹ It follows that successful collaboration requires leadership that has faith in people's ability to behave in ways that are different from the behaviors of competitive self-interest prevalent in traditional expert/pluralist citizen involvement. Competitive self-interest behaviors include advocacy, debate, exclusion of other interests, use of power and control, and rigid adherence to pre-determined positions.² Collaborative behaviors

¹Edgar H. Schein, *Organizational Culture and Leadership*, 2nd Edition, (San Francisco, California: Jossey-Bass, 1992).

²David D. Crislip, *The Collaborative Leadership Fieldbook: A Guide for Citizens and Civic Leaders*, (San Francisco, CA: Jossey-Bass, 2002).

include engagement in dialogue, inclusion of all affected interests, shared power, and mutual learning.³

The transition of the Forest Service from expert/pluralist to collaborative citizen involvement offered the opportunity to explore in a political setting the extent to which beliefs about human behavior and the public interest affect the outcome of citizen involvement in determining the public interest. This research focused on people's perspectives on their experiences and behavior in collaborative efforts with the Forest Service and responded to calls for more qualitative research into collaboration in general, and in natural resource policy making in particular.⁴ It also responded to calls for more insight into the character of public administrators engaged in attempts to pioneer collaboration.⁵ The Committee of Scientists' 1999 recommendations to the Forest Service also challenged researchers to identify "principles of success...that lead to innovations that improve collaboration."⁶

Complex social phenomena in context-specific situations are ideally suited to a qualitative research approach.⁷ This research employed a qualitative case study method

³Ibid.

⁴Edward P. Weber and Anne M. Khademian, "From Agitation to Collaboration: Clearing the Air through Negotiation" *Public Administration Review* 57 (1997) 5: 396-410; Douglas Kenny, *Arguing About Consensus: Examining the Case Against Western Watershed Initiatives and Other Collaborative Groups Active in Natural Resources*, (Boulder, Colorado: Natural Resources Law Center, University of Colorado School of Law, 2000); Jeffrey A. Martin and Paul Carlile, "Designing Agile Organizations: Organizational Learning at the Boundaries" in eds. Robert E. Quinn, Regina M. O'Neill and Linda St. Claire, *Pressing Problems in Modern Organizations (that keep us up at night): Transforming Agendas for Research and Practice*, (New York: AMACOM American Management Association, 2000); Beverly A. Cigler, "Multiorganizational, Multisector, and Multicommunity Organizations: Setting the Research Agenda" in ed. Myrna Mandell, *Getting Results through Collaboration: Networks and Network Structures for Public Policy and Management*, (Westport, CN: Quorum Books, 2001); Myrna Mandell, "Preface" in ed. Myrna Mandell, *Getting Results through Collaboration: Networks and Network Structures for Public Policy and Management*, (Westport, CN: Quorum Books, 2001); David Crislip, *The Collaborative Leadership Fieldbook: A Guide for Citizens and Civic Leaders*, (San Francisco, CA: Jossey-Bass, 2002).

⁵Robert D. Behn, *Rethinking Democratic Accountability*, (Washington, D.C.: Brookings Institution, 2001); John Forester, *The Deliberative Practitioner: Encouraging Participatory Planning Processes* (Cambridge, MA: MIT, 1999).

⁶Committee of Scientists, *Sustaining the People's Lands: Recommendations for Stewardship of the National Forests and Grasslands into the Next Century*, (Washington, D.C.: USDA, 1999, p. 114).

⁷Robert K. Yin, *Case Study Research Design and Methods*, (Thousand Oaks, CA: Sage Publications, 2003) 26-27; 32-33; Jennifer C. Greene, "Qualitative Program Evaluation" in eds. Denzin,

to examine real-life interactions that were too complex for surveys or experimental strategies.⁸ The research used comparative case studies, comparing aspects of two rival explanations for human behavior in the context of two sets of paired cases. This approach allowed analytic generalization as applied to theory rather than statistical generalization to a universe or population.⁹ Moreover, the use of two sets of paired cases allowed analysis through replicable findings analogous to conducting multiple experiments.¹⁰ The subjectivity of the researcher was an integral part of the research design and brought to the inquiry skills and sensibilities that were useful to the nature of the questions being asked.¹¹ A summary of the researcher's background can be found in Appendix A: Researcher Qualifications.

Research Design

The research focused on semi-structured interviews with Forest Service and non-Forest Service participants in selected cases of collaborative group efforts undertaken in Region One of the United States Forest Service over the past eight years. Region One was selected because of proximity to the researcher. Snowball sampling identified individuals concerned with collaboration in Region One. The snowball sample included eight Forest Service officials including staff at the Regional, Forest, and District level, and three experts outside of the Forest Service familiar with collaborative efforts in Region One. These individuals were asked to identify potential candidate cases of what they thought to be collaborative group efforts. The snowball sample continued until no new cases were suggested. Collaborative group efforts were defined to mean situations in which a core group of people from within and outside of the Forest Service

Norman K. and Yvonna Lincoln, *Collecting and Interpreting Qualitative Materials*, (Thousand Oaks, CA: Sage, 1998, pp. 372-399).

⁸Yin.

⁹Yin, 31-31.

¹⁰Yin, 47.

¹¹Greene; Yin.

representing the diversity of interests in the case met repeatedly face-to-face and came to agreement. In addition, the cases were to meet the following criteria:

1. Case occurred within the recent past. More specifically, cases occurred at least long enough ago to have passed the period in which appeals could be filed. The time range was intended to minimize problems of recall by not being too far into the past, while allowing for the case to extend through the period of post-decision appeals.
2. Case involved controversy of at least one of the following types:
 - i. adding roads in roadless area
 - ii. cutting timber adjacent to roadless, wilderness, or other area highly valued by particular interests
 - iii. cutting old growth timber
 - iv. impacting habitat of endangered species such as grizzly bear
 - v. access by off-road vehicles to roadless or old-growth timber areas

These controversy criteria were designed to ensure that the cases chosen are not trivial, but contain issues that are of real concern to various groups.

3. Collaboration chosen as the method for group interaction. This criterion was designed to ensure that leaders of the group set out from the outset to use collaboration, including convening a range of interests, engaging in discussion of the issues, and coming to an agreement that satisfied multiple concerns.
4. Agreement was reached at the end of the group effort. This criterion was designed to address the theoretical questions regarding definition of the public interest. By requiring that an agreement be reached, this criterion guaranteed that a definition of the public interest was produced by each group.
5. Collaborative meetings extended over a period of at least 9 months. This criterion was designed to identify cases of sufficient duration that the group had time to develop and stabilize its culture of interaction.
6. Variation in degree of “success” of the effort. This criterion was designed to identify a range of potential cases, from those perceived to be very successful, through moderately successful, to relatively unsuccessful.
7. Case was not politicized. This criterion excluded cases in which the media accentuated the controversy in the case through coverage of the process, and is designed to ensure that participants were acting on their own without the pressure of meeting politicized expectations of others.

The snowball survey of eleven informants involved both phone and face-to-face conversations that took place from the spring of 2005 through the summer of 2006 and identified nineteen potential cases. Follow-up phone calls to individuals more familiar with the details of each suggested case eliminated 14 that did not meet the seven criteria listed above, leaving five cases from which to choose four for study. The researcher, in consultation with her chief academic advisor, reframed the question to which of the five cases to eliminate. Using Yin’s suggested considerations for multiple case studies, the researcher eliminated the game range management case, leaving four cases with potential for comparative analysis; two cases involved winter recreation planning and two involved stewardship fuel reduction projects.¹²

Data collection from interviews and Forest Service records extended from December, 2006 through March, 2007. Selection of interviewees for each case focused on individuals identified as being part of the core group that met repeatedly during the case, and others involved at key times, as recommended by Forest Service and non-Forest Service participants. The number of Forest Service and non-Forest Service interviewees for each case is summarized below in Table 1. In the Seeley Lake case, the core group involved over the duration of the deliberations was very small, consisting of three people. Additional interviewees included one Forest Service staffer and two community members involved in the discussions at key points to corroborate the reports of the core interviewees.

Table 1: Interviewee Distribution

	Seeley Lake Winter Recreation Plan	Big Snowies Winter Recreation Plan	Lakeface-Lamb Fuels Reduction Project	Thompson Falls Game Range Fuels Reduction Project
Number of Forest Service interviewees	2	4	6	5
Number of non-Forest Service interviewees	4	6	9	5
Total number of interviewees	6	10	15	10

¹²Yin, 47-55.

Of the forty-one interviews, forty were done as semi-structured, face-to-face, one-on-one interviews with participants in locations convenient to the participants.¹³ One interview was done over the phone because of scheduling conflicts and distance. Interviews ranged from one hour to three hours, with most taking about two hours. Interview protocol and questions are found in Appendix B: Protocol for Interviews. Interviewees chose between two levels of confidentiality, to use their names and attribute quotations to them, or not. Data and references to data were coded and subsequently used in a fashion to protect the confidentiality of those choosing not to reveal their names.

The principal researcher conducted all of the interviews, took notes during the interviews, and transcribed the notes thereafter. The transcriptions had two sections; the first section transcribed the interview in the order in which it unfolded, and the second section apportioned sections of the transcription from section one to answer the specific interview questions. The second section addressed a problem encountered when the order of the interview did not conform to the order of the questions, allowing the interviewee to review the researcher's assignment of content to specific questions. The researcher then sent each interviewee a typed transcription of the interview for review. All changes in the transcripts suggested by the interviewee were made according to the interviewee's request. For all but one of the interviews, corrections and changes were minimal, consisting of less than ten lines in transcripts of five to six pages. Changes were of two types, corrections to technical points in Forest Service procedures and rewording of phrases to less harsh language. For one interview, the interviewee made numerous changes to both the content and the assignment to specific questions. In no instances did interviewee changes affect the substance of a case.

The researcher also obtained copies of draft or final environmental impact statements and records of decision for all cases, and in some instances, supplemental documentation. These documents contained a history of official Forest Service actions including public participation efforts for each case. The researcher combined information

¹³Linda Mabry, "Case Study Methods" in eds. Reynolds, Arthur J. and Herbert Walberg, *Advances in Educational Productivity: Evaluation Research for Educational Productivity*, (Greenwich, Conn.: JAI Press, 1998, pp. 155-170); Yin.

from these documents with information from the transcripts to prepare the case studies presented in Chapters Three and Four. In the process of writing each case study, the researcher identified quotations in the transcripts of interviewees who had elected to allow use of their names. The researcher sent the selected quotations of each interviewee to each interviewee for review and approval before using the quotations in the case. Again, the changes made in the quotations were minimal, and reflected word choices rather than changes in content. Quotations that were not attributed to interviewees by name were taken from the approved transcripts, but did not have a second round of review and approval. The researcher then sent out each individual case writeup for review by one or more interviewee chosen for their overall knowledge of the case and neutrality in terms of content issues. Changes made in case writeups by these reviewers were also minimal, and did not affect the substance of the cases.

Data Quality and Analysis

The quality of data accuracy and trustworthiness was addressed through five methods: selection of four cases for study; comparison of individual accounts with written records of the cases provided by Forest Service officials; comparison of perspectives from diverse participants in the same case; review of all researcher-transcribed data by the interviewee from which it was obtained and review of researcher interpretation of the cases by key participants as outlined above.¹⁴ The research used theoretical propositions for case study analysis through pattern-matching.¹⁵ Pattern matching analysis is a technique that is used to link data to theoretical propositions or criteria for interpretation. In this case, pattern matching focused on patterns of behavior and beliefs drawn from two rival theoretical propositions about human behavior in political settings to see which propositions occurred in participants' behavior and descriptions of the cases. Collaboration was used as an operational example of

¹⁴Mabry; Yin.

¹⁵Yin.

participatory democracy. The researcher compared data with theoretical propositions drawn from Crislip's collaboration theory, Poisner's technical/pluralistic and civic republican (participatory democracy) citizen involvement models, and Schein's organizational change theory, linked through the logic outlined below.¹⁶ These propositions established the framework for analysis of the cases.

Theoretical propositions drawn from Crislip included:

1. Collaborative groups are characterized by a culture in which people's behavior has the following characteristics. Reports of this type of behavior would indicate that a collaborative culture is present in the group.
 - a. People engage each other as potential allies rather than adversaries.
 - b. People engage in dialogue about the issue.
 - c. People share power rather than seeking to control or dominate the group.
 - d. People engage in mutual learning.
2. Collaborative culture represents a change from the culture that characterizes traditional public consideration of public issues. The traditional means of dealing with public issues elicits behavior with the following characteristics. Reports of these types of behaviors would indicate that there is not a collaborative culture in the group.
 - a. People act as advocate for mutually exclusive position.
 - b. People engage in debate with the goal of defending their position and winning.
 - c. People seek to limit access to the debate by those not in agreement with their position.
 - d. People force their position on others through power and control
3. If a group can establish and maintain a collaborative culture with behavior as characterized in proposition one above, the group will come to a solution that all can support. Collaborative culture is a pre-condition for collaboration.

Theoretical Propositions from Poisner included:

4. The rational choice model of human behavior is based on a view of human nature as exclusively self-serving and competitive. Expert and pluralist models of citizen involvement are based on the rational choice model. Therefore, the presence of self-serving and strategic behaviors like those

¹⁶Schein; Jonathan Poisner, "A Civic Republican Perspective on the National Environmental Policy Act's Process of Citizen Participation" *Environmental Law* 26, no. 1 (1996): 53-94; Crislip.

outlined in proposition two evidence the presence of expert and pluralist citizen involvement.

5. The definition of the public interest in pluralist theory is the aggregation of individual self-interests. Individual self-interests are taken as static, unaffected by the process of aggregation. Evidence that people did not change their understanding of the issues and their self-interests would indicate that any resulting agreements would be pluralistic examples of the public interest.
6. Participatory democracy is based on the view that human nature is social and cooperative, and that an individual's understanding of self-interest and the public interest emerge through the process of dialogue. The presence of behaviors like those outlined in proposition one above are indicative of participatory democracy. Evidence that people changed their understandings of their own and others' interests through the process of the group would indicate that any resulting agreements involved the participatory democracy paradigm in determining the public interest.

Theoretical propositions drawn from Schein included:

7. Basic beliefs and expectations about human behavior underlie group culture. Group culture tends to evolve to be coherent with these underlying beliefs and expectations about human behavior. Therefore, groups with expectations that human behavior is competitive and self-interested will have difficulty with a collaborative approach, because the group culture is pluralist. Those that have expectations of cooperative and mutual interested behavior evidence a participatory culture and should achieve a collaborative agreement.
8. The biggest determinant of culture in forming a group is the belief structure of the group's leader(s). Leaders establish group culture by behaving in ways that are coherent with their underlying beliefs about human nature. Therefore, groups will reflect the underlying beliefs and expectations for human behavior evidenced by the behavior of their leaders.

Pluralism as a paradigm of political action draws its beliefs about political behavior from the rational choice model of human nature which characterizes people as greedy, selfish, unprincipled, manipulative, adversarial, antagonistic, competitive, and incapable of sitting down face-to-face with those of opposing views and being reasonable.¹⁷ Political power is formed when individuals who share the same interests

¹⁷Anthony Downs, *An Economic Theory of Democracy*, (New York: Harper and Row, 1957); Carole Pateman, *Participation and Democratic Theory*, (Cambridge, Great Britain: Cambridge University Press, 1970; Jonathan Poisner, "A Civic Republican Perspective on the National Environmental Policy Act's Process of Citizen Participation" *Environmental Law* 1(1996): 53-94; George C. Coggins, "Of

come together to form organizations that raise money and use power and influence to obtain political outcomes.¹⁸ In pluralism, neither human nature nor self interest change as a result of participation in the political process.¹⁹

The participatory democracy paradigm draws its conclusions about political behavior from the belief that human nature is mutable; this paradigm is founded on a model of human nature herein referred to as the “reasonable” model. People are capable of being reasonable, talking directly to each other, understanding each other’s interests, appreciating the larger context of the community they share, and working cooperatively to address the interests of all involved. Participation in political decision making that involves face-to-face discussions in which the diversity of interests are fairly represented fosters the development of mutual respect, trust, cooperation, and the capacity to understand opposing viewpoints. Political power comes from consensus among diverse groups to support an agreed-upon solution.

As pluralist and participatory democracy paradigms rest upon different models of human nature, this research used characterizations of group culture to indicate which model of human nature was prevalent in each case. Group culture reflects underlying expectations for human behavior.²⁰ Interviewees were asked to choose between two contrasting paragraphs to characterize interactions with the Forest Service and each other in defining the public interest. The paragraphs described sets of behaviors typical of pluralist and collaborative cultures.²¹ Descriptions of pluralist and collaborative group cultures were drawn from Chrislip’s description of the changing paradigms for public

Californicators, Quislings, and Crazies: Some Perils of Devolved Collaboration” in *Across the Great Divide: Explorations in Collaborative Conservation and the American West*, eds. P. Brick, D. Snow and S. Van De Wetering. (Washington, D.C.: Island Press, 2001, 163-171).

¹⁸R.A. Dahl. Dahl, A *Preface to Democratic Theory*. (Chicago:University of Chicago Press, 1956).

¹⁹Pateman; Poisner.

²⁰Edgar H. Schein, *Organizational Culture and Leadership*, (San Francisco: Jossey-Bass, 1992).

²¹Poisner.

decision making.²² Collaborative culture in group interactions was characterized with this paragraph:

People evidenced good humor and seemed to respect each other. Over time they became comfortable with each other and talked informally about other things in their lives. During group discussions, they actively listened and sought to understand others' concerns for the most part. No one person dominated. People felt free to contribute new ideas and seek out information together.

Pluralist culture in group interactions was characterized with the following paragraph:

People came in knowing exactly what they wanted in terms of the issues. There was some degree of tension, and people didn't try to understand each other. Much of the time was spent in people asserting claims and backing them up with their own arguments and statistics. It seemed that some people had more power than others, and didn't hesitate to use it to manipulate the discussion.

Choice of the first paragraph was taken as evidence of the presence of a collaborative political culture. Choice of the second paragraph was taken as evidence of the presence of a pluralist political culture.

Interviewees were also asked specific questions about their own and others' behavior, their expectations of others, and their expectations about the outcome of the process and the project. Evidence of pluralism included expectations that people pursued an outcome in which their interests were completely met. Evidence of the participatory democracy paradigm included reports that interviewees expected and accepted an outcome in which the interviewee's interests were not necessarily completely met. Interviewee responses were analyzed for reported behaviors consistent with either the pluralist or participatory democracy paradigms as outlined above. This analysis served as the basis for insight into the practices of Forest Service officials in collaboration.

²²Crislip), 41.

CHAPTER THREE: TWO WINTER RECREATION CASES

Introduction

The Multiple Use/Sustained Yield Act (MUSY) of 1960 authorized the Forest Service to add recreation officially to its original mandate of protecting resources while providing more traditional commodity uses of the forests. Over the years, recreation technology has changed considerably, becoming more motorized and more capable of penetrating further into the forests. The popularity of motorized recreation has also increased. In the area of winter recreation, snowmobile use has changed substantially in the past fifteen years. Recent research indicates that about eight percent of Montana households now own snowmobiles and accounted for about 1,020,000 activity days of use in 2005-2006.¹ For the same period, non-resident snowmobilers contributed an additional 155,000 activity days and spent about \$171 per day.²

Most of the terrain available for snowmobile use in Montana is public Forest Service land. During the 1990s, increased snowmobile use was occurring in back-country wilderness study and wildlife winter habitat areas. These areas were previously considered too distant for significant snowmobile use and many were classified as non-motorized in the Forest Plans of the late 1980s. In the late 1990s, conservation and environmental groups' concerns about the impacts of snowmobiles in these areas alerted the Forest Service to the need to re-assess snowmobile use. Researchers began to quantify the effects of snowmobile use on forests and wildlife. Meanwhile, conflicts between motorized and non-motorized uses escalated as the noise and faster pace of

¹James Sylvester, "Montana Snowmobiling Update 2006" *Montana Business Quarterly* Vol. 44, # 4, Winter, 2006.

²Ibid.

snowmobiles impacted non-motorized users such as cross country skiers and snowshoers seeking a quiet recreation experience.

Interest groups concerned with winter use plans for Forest Service lands fall into two groups, motorized and non-motorized. Snowmobilers join local clubs that are in turn members of the Montana Snowmobile Association (MSA), a statewide non-profit interest group that represents snowmobile concerns and has funds for legal counsel, appeals and lawsuits. MSA also works with the Blue Ribbon Coalition, a national advocacy organization for motorized recreational use of public lands based in Idaho. One MSA official estimated that about 15% of snowmobilers belong to clubs statewide.³ MSA elects its officers from its membership.

Non-motorized interests are represented by a number of conservation and environmental organizations at the local, state and national level. The non-profit Montana Wilderness Association (MWA) has taken the lead among these organizations in participating in Forest Service efforts to negotiate with public interest groups. MWA has local chapters, elects its officers from its membership, has paid staff at the sub-state regional and state levels, and has funds for legal counsel, appeals and lawsuits. In terms of winter recreation, MWA represents the interests of non-motorized user groups, including cross country skiers, snowshoers and trappers, and works with local clubs of these interests where they exist. MWA also represents the interests of wilderness and wildlife protection.

The Forest Service decision-making process allows involvement by interest groups at various points. The process is governed by a number of federal laws that regulate both the content of the decision in terms of environmental and wildlife standards that must be met, and the process in terms of procedural steps that must be followed. Generally, the process begins with a notice of intent (NOI) requesting public comment as part of the scoping period. The scoping period is the initial stage of a potential action in which the parameters of the opportunity or problem are identified. Then the potential action is turned over to an interdisciplinary team (ID team) for further research to determine if the project has significant environmental impacts. The project team can do an Environmental Assessment (EA) with alternative actions at this point to determine

³Big Snowies Non FS # 5 Transcript.

whether the project has significant environmental impacts. An EA offers a range of alternatives, including a no-action alternative, and is published and put out for public comment. If the EA is not appealed within 45 days, a finding of no significant impact is filed, and the project can proceed. Appeals of an EA are answered by dropping the project, or completing a full Environmental Impact Statement (EIS).

Projects that have significant environmental impacts require an EIS, a more comprehensive level of analysis including a range of at least three alternative solutions, one of which is a no action alternative. The evaluation of effects and alternatives are then published as a draft EIS and put out for public comment and review, generally with one alternative indicated as preferred. After a prescribed period of 45 days for comment, the Forest Service reviews all of the public and other agency comment, prepares responses to the comments, and may alter the preferred alternative as necessary to accommodate the concerns. The final preferred alternative is then announced through a record of decision (ROD) which also includes publication of a final EIS and all of the comments and response to comments. Once the ROD has been released, anyone who commented on the draft EIS can file an appeal in writing within 45 days. The Forest Service first attempts to resolve appeals at the level that is one step up from the level at which the decision was made. If this doesn't resolve the issue, the appeal is sent to the next higher level for approval or denial. If an appeal is approved, the project is either dropped or sent back to be revised. If an appeal is denied at the higher level, the appellant can take the issue to court. The higher level reviewer has 60 days in which to respond to an appeal of a final decision.

The two cases discussed below occurred in a context of high tensions and mistrust between motorized and non-motorized users. Years ago, a federal official in Glacier National Park in northwestern Montana became so angry with a fellow who was using a snowmobile in an illegal fashion, he pulled out his gun and shot the snowmobile multiple times. This futile act of desperation was widely celebrated by non-motorized users. About the time the two cases below were taking place, leaders of snowmobile interests in the Flathead Valley of northwestern Montana also were negotiating with the Forest Service over the same issues. These leaders received death threats from other

snowmobilers and ended up moving out of the area.⁴ For a variety of reasons, all of the leadership of the snowmobile groups interviewed for the Big Snowies case below are no longer in leadership positions, and most have dropped out of their local clubs. Similarly, many conservation and environmental groups were also against negotiating with the opposition and criticized the individuals and organizations from their ranks that did come to the table. The pressure against sitting down with “the enemy” and attempting to negotiate an agreement that recognized the concerns of all users was substantial at the time the following two cases occurred.

Case One: Seeley Lake Winter Recreation Plan

The Seeley Lake Ranger District is part of the Lolo National Forest located in southwest Montana. In 1998, a group of conservation and environmental organizations concerned about the effects of snowmobile use on the Great Burn area of the Lolo National Forest, including the Montana Wilderness Association (MWA), notified the Forest Service that this use was illegal, based on the original forest plan Management Area 11 (MA 11) designation for the Great Burn. MA 11 allowed only non-motorized recreational activities as part of maintaining eligibility for potential wilderness designation. The Forest Service had not been preventing snowmobile use in these areas, and so was violating its own regulations, according to the environmental groups. Legal counsel to the Forest Service agreed, and on January 4, 1999, the Lolo Forest Supervisor closed the Great Burn area, and all other MA 11 areas in the Lolo National Forest, including Seeley Lake, to motorized recreation.

When news of the closures of all MA11 areas in the Lolo Forest hit local snowmobile clubs, there was a great sense of outrage.⁵ Snowmobilers had been using many of these areas for years, some prior to the 1986 Forest Plan, and were unaware that the areas were classified non-motorized. Some of the MA 11 areas offered high elevation, open bowl recreation with deep snow unavailable elsewhere in the Seeley Lake

⁴Seeley Lake Non FS # 5Transcript.

⁵Seeley Lake Non FS # 1Transcript.

area. In response to the closures, the Montana Snowmobile Association (MSA) called a meeting in Missoula, Montana, later in January, that was attended by hundreds of angry snowmobilers. One of those attending the meeting was the president of the Seeley Lake Driftriders snowmobile club, Ron Ogden. Seeley Lake is an unincorporated community with a population of 1,436 that lies north and east of Missoula in a different Ranger District from the Great Burn.⁶ Seeley Lake is the second most visited snowmobile area in Montana, after West Yellowstone that serves as the entry point to Yellowstone Park in the winter. The local community of snowmobilers and visiting snowmobilers had been using MA11 areas for snowmobiling in the Seeley Lake area for many years. The closure of MA11 lands in the Seeley Lake area not only prohibited club members from using areas that had been widely used in the past, but potentially threatened the winter economic livelihood of the Seeley Lake community as out-of-state visitors came particularly for these high elevation, deep snow bowl areas.⁷

Ron Ogden was not only the president of the Seeley Lake Driftriders snowmobile club; he was also the only enforcement officer for the Forest Service for much of the Lolo National Forest. In his job as enforcement officer, Ron's experience with Missoula courts led him to the conclusion that lawsuits rarely solved problems, but rather delayed decisions that were likely to be against local community interests in any event. Nearly everyone else at the meeting was convinced that the only way to fight the loss of the MA11 lands was to sue the Forest Service. During the meeting, Ron stood up and argued against filing a lawsuit, but the folks at the meeting were not willing to listen. When the rest of the membership voted to sue the Forest Service, Ron insisted that they keep the Seeley Lake club out. He said, "I will go back and check with my membership, but we want no part of a lawsuit. We are going back to see if we can work this out locally and come to some agreement."⁸

If standing up to a room full of angry snowmobilers had been hard, the next part was harder still. Ron understood that the only way the local club would be credible in

⁶U.S. Census Website: <http://quickfacts.census.gov/cgi-bin/qfd/demolink?30>, March 31, 2007.

⁷Lolo National Forest Seeley Lake MA 11 Record of Decision, Appendix 1, Response to Comments, (2003), 18, comment 12-2.

⁸Ron Ogden Transcript, 2.

any negotiation over changes in the closures was to come from a position of integrity. How could other groups trust that the snowmobile club would keep its word in negotiations, if they were violating the law at the same time? Ron went to the Seeley Lake Driftriders and convinced them it was in their interests to stay out of the closed areas as long as the closure was in effect and to discourage other snowmobilers from using the area as well. His logic was accepted, and the Seeley Lake Driftriders took on the task of helping maintain the closure with the expectation that negotiations would work and the closure would be temporary.

Meanwhile, Seeley Lake District Ranger Tim Love was also concerned about the closure. Tim had been district ranger in Seeley Lake for several years and assistant district ranger for several years before that, and had become deeply involved in the community. Tim knew that closure of the MA11 areas was not good for the Seeley Lake community, but he also knew that concerns about snowmobiles hurting the high country were relevant, given the presence of species such as grizzly bear, lynx, and mountain goats in the district that were under the protection of the Endangered Species Act. Tim had also been thinking about getting the various interests together to work out a solution locally. While the leadership of the various groups didn't know each other, Tim knew them all and knew each had the capability of being open-minded and reasonable. When Ron came to him and suggested that they try getting various interests together to work out a solution, Tim readily agreed.

The next step was approval from the Lolo National Forest Supervisor to initiate a planning effort aimed at working out a solution for the Seeley Lake area. The closure order from the Forest Supervisor also “directed the local District Rangers to first analyze the impacts for a particular place and then decide if and where to allow snowmobiling.”⁹ The Forest Supervisor was aware that Tim knew his district and the people of his district well. Tim's ability to get things done in a harmonious fashion in the local community had already been evident. The Forest Supervisor trusted that if anyone could come up with a solution by working with the different interests, it would be Tim, so gave Tim permission to proceed. On January 19, 1999, Tim issued a Notice of Intent for scoping

⁹Management Area 11 Snowmobile Use Areas Draft Environmental Impact Statement Summary, USDA Forest Service, Lolo National Forest, Seeley Lake Ranger District, (December, 2002), 1.

and public comment to propose an amendment to the Forest Plan for the district that would address the question of whether all MA 11 areas in the district should remain closed. Scoping was the first step in identifying and evaluating which, if any, MA 11 areas could be re-opened to snowmobile use.

Although Ron knew that any amendment to the Forest Plan would have to have the blessing of the conservation/environmental community to be accepted, he was uncertain about which group to work with. Of all the environmental and conservation groups involved in bringing the issue of MA11 to the attention of the Forest Service, MWA seemed the most approachable, in part because some MWA members were winter outfitters who use snowmobiles. Ron contacted Jack Rich, a local outfitter and snowmobiler who was also a member of the Montana Wilderness Association (MWA), to see if a meeting could be arranged.

Tim had been sending information about the Seeley Lake snowmobile club to John Gatchell, an acquaintance who was also the conservation director for MWA. When John got the call about a possible meeting, John already knew a lot about the Seeley Lake Snowmobile club. Under Ron's leadership, the club was engaged in a number of activities to ensure responsible snowmobile use, including education programs in the schools, newsletters containing articles and maps outlining allowed areas, volunteer policing of trails and areas to discourage violations, and physical signage on the ground indicating the boundaries of restricted areas. John knew that Ron had encouraged his club members to honor the closures, and that the club had taken on a voluntary effort to patrol the areas to keep their members and other snowmobilers out. All of this evidenced to John that this snowmobile club took its role seriously.

Tim's information sharing paid off. John agreed to come to Tim's office and meet with Ron, the president of the snowmobile club John had been hearing about. As Ron recalls it, he and John spent the first part of the meeting sparring over past actions in an attitude of mistrust. Then, when they had gotten that out of their systems, they started to talk about the MA 11 lands in the Seeley Lake area and what could be done. Two specific areas were discussed that day that formed the core of the eventual agreement. One was the closed MA 11 Elsiná Bowls area which in actuality had an old road and had been logged in the 1950s. The other area was the west fork of the Clearwater, just over

the ridge from Elsinia Bowls, that was open to snowmobiles and marked for potential logging, but in actuality was an inaccessible area of cliffs that was in pristine condition, a perfect candidate for wilderness. Reclassification of these two pieces of land became the core agreement that allowed both sides to move forward with their negotiations.

After that day, Tim, Ron, and John provided the leadership that helped to get the rest of the agreement forged with the other various players in the decision. For most of the community groups, Tim was the key. Tim's integrity and commitment to community allowed others to come into the process of discussions knowing that their concerns would be treated fairly. Tim himself had no expectations about the content of the final decision, but he had great faith that people would reach an effective solution. Everyone interviewed for the case remarked upon Tim's integrity, and his positive attitude. Tim put it this way, "I am an optimistic person. I knew we could find solutions. We all have interests, but we are all people, we just have different values."¹⁰

Tim helped the various groups understand the limitations of the Forest Service's mandate. He advised the snowmobile club to identify the key areas that were most important to them and to recognize that they couldn't have all of the MA 11 areas they had previously been using. By reminding the snowmobilers that they were legally barred from all of the MA 11 areas, Tim reinforced the perspective that any areas allowed in the future were a gain from having none in the present. As John put it, "Tim just set out his constraints, and defined where the decision space was."¹¹ Then he left it up to the groups to work it out, providing information and helpful hints about what to do next in terms of the process.

In his role as president of the local club, Ron provided leadership for the snowmobile groups and helped them identify five key areas that were the most important to the club. He also insisted that discussions rather than a lawsuit was the right way to go, and that maintaining the integrity of their position by staying out of the closed areas in the meantime was crucial to gain back some of the areas. He helped the members see

¹⁰Tim Love Transcript, 3.

¹¹John Gatchell Transcript, 4.

that not all environmentalists were the enemy.¹² After about a year of working together, Ron noted that John had “lost his tail and horns, and I actually began to like the guy.”¹³ Similarly, John grew to respect and admire Ron. As John said, “I think you feel an allegiance to people who act with integrity, not because of their interests which are different from yours, but because of their integrity. When you talk with people like this, you do start to see things in a different light. We can grow these relationships.”¹⁴ Others didn’t quite know what to make of the situation when both of them would show up together at snowmobile and conservation meetings and defend each other.

John worked with MWA to help the organization understand that being pro-wilderness didn’t mean that they had to be anti-snowmobile. He also met with his counterparts in the various environmental groups to help them understand the environmental impacts of the proposed agreement, including the addition of nonmotorized acreage in the West Fork of the Clearwater River for potential wilderness study. As Ron noted, the three of them worked as a team, giving each other moral support when delays and new challenges arose. Before it was all finished, there was need for a lot of moral support. The closures took place in January of 1999. It took the Forest Service three and one-half years to issue the Record of Decision in July of 2003. All the while, the signature snowmobile areas in the Seeley Lake Ranger District remained closed while the local snowmobiler club honored the closure. As District Ranger, Tim had put his reputation with the local community on the line that something could be worked out, but he hadn’t initially thought that it would be three and a half winters before the solution took effect.

When asked what hindered the progress of the effort, interviewees specifically mentioned the Forest Service. Two sources of hindrance were noted, the first being the unwillingness of Forest Service biologists at several levels of the Forest Service to consider allowing snowmobiles in MA11 areas. Whether from an ideological commitment to wilderness or an aversion to snowmobiles, several biologists involved at various points in the process essentially refused to entertain the possibility. The other

¹²Seeley Lake Non FS # 2 Transcript.

¹³Ron Ogden Transcript, 4.

¹⁴John Gatchell Transcript, 4.

hindrance came from the project lacking priority among the competing uses for funds in the Lolo National Forest. Tim could not proceed to take the draft local agreement through the NEPA planning process, prepare the EIS, and take it through the formal public involvement process, without specific funding from the Lolo National Forest office.

The turning point in moving the agreement forward came when various Forest Service officials and biologists from the Lolo National Forest and the Regional Office, as well as representatives of the snowmobile and environmental groups, took a trip in the winter of 2000-2001 via snowmobiles to the Lake Elsina area. Some of these folk had never been on snowmobiles. Elsina Bowls, an open area of deep snow accessible from established snowmobile areas, offered high, scenic views into several wilderness areas and was the most heavily used MA 11 area prior to the closure. The snow and terrain were a snowmobiler's dream, and were one of the reasons people came from all over the country to snowmobile in the area.

Ron and members of the club donated the use of enough snowmobiles to take everyone up to the area. It was a beautiful winter day. As Ron remembers it, when they got to the top of the last ridge, and halted to look out over the open bowls of the Elsina area, the Forest Service officials asked him, "So, when are we going to see the Lake Elsina area? Is it off over there (pointing to a forested wilderness area)?" "No," said Ron, "It is this area you are in right now."¹⁵ It was a clear cut! Once the officials saw that the area had been logged, there was no more disagreement among those who saw it firsthand that it wasn't a good candidate for MA 11 designation. Moreover, the Forest Service officials also saw that the environmental interests and snowmobile interests were in agreement and were working with each other. This helped convince the officials to move the project to the top of the priority list for funding.

In his role as District Ranger, Tim had used a variety of informal one-on-one discussions, small group meetings, presentations, and newsletters as ways to research the public interest for winter recreation in the Ranger District. Tim put it this way, "People expect the agency to find solutions that bring people together, not drive them apart. The

¹⁵Seeley Lake NFS # 1 Transcript, 4.

Forest Service is responsible for coming up with a ‘range of reasonable alternatives.’ You have to have the groups come together and work out their differences before you can know what is reasonable in terms of the issues to all sides. The Forest Service has a responsibility to create realistic expectations.”¹⁶ As Ron put it, “We had many meetings. Sometimes we gained a lot, sometimes we gained just a little in solving the problem, but things were always positive, moving in the right direction.”¹⁷ With the research completed, and a reasonable proposal defined, the draft agreement was ready to go through the formal NEPA planning process. When the funding finally came through, the Ranger District had a reasonable proposal that incorporated diverse concerns ready to go.

While the motorized and non-motorized interest groups had been able to reconcile their differences, there was no guarantee that the proposal would pass the scrutiny of the state and federal agencies as part of the environmental review process. Tim had recently brought Scott Tomson on board as a staff biologist with the Ranger District. Scott knew the proposed plan would have to comply with sound science on environmental impacts, and was also aware of the need to work with the community. “This kind of a solution is a good and lasting thing that builds good relationships in the community, builds trust in the agency.”¹⁸ Scott also appreciated the need to help the public understand the interface between the science and the regulatory requirements. As Scott put it, “it is important to help folks understand that rules are rules, but you can do it by engaging in a give and take, not by making people feel you are beating them over the head. Instead, you can help them see the shared values and options.”¹⁹

Concerns about the wildlife impacts of the project arose one at a time, and Tim and his staff dealt with them in a problem-solving approach, bringing in folks from various interest groups as needed. One of the key wildlife concerns was potential disruption of grizzly dens in the Elsina Bowls area. The solution was to include a provision to close the area to further snowmobile use annually on April 1, well before the bears emerge from their dens. Another issue was potential impact to lynx habitat;

¹⁶Tim Love Transcript, 2-3.

¹⁷Ron Ogden Transcript, 3.

¹⁸Scott Tomson Transcript, 5.

¹⁹Scott Tomson Transcript, 4.

fortunately, Scott had researched the lynx habitat himself and was able to demonstrate that the lynx population wasn't active in the areas opened to snowmobile use, and would actually benefit from with the exclusion of snowmobiles from the West Fork area. Watchdog agencies don't care about interest group agreements; they only look at the numbers on the bottom line to assess how it will affect the resource. In this case, however, the science behind the proposed alternative met the standards of the National Fish and Wildlife Service, the Environmental Protection Agency, and Montana Fish, Wildlife and Parks.

As the wildlife issues emerged, a number of environmental organizations from outside of the immediate area also began to question the proposal. The District Ranger invited the leadership of these groups to come in and talk about their concerns. As Scott the district biologist put it, "We didn't bring them in and say, 'here's what we are going to do, any questions.' Instead we set the stage and listened to their concerns, questions, etc., which is a subtle but important difference in presentation."²⁰ MWA was strongly behind the proposal and John talked with these groups directly, further reinforcing the trustworthiness of the science behind the proposal. The final hurdle came near the very end of the process when the Sierra Club representative brought up one more issue while he, John, Scott and Tim were sitting in Tim's office. The Forest Service had drafted the proposal to allow snowmobiles back into two areas by allowing an exception within the MA 11 designation. The Sierra Club felt this was a dangerous precedent; what would keep other districts from making exceptions as well, defeating the purpose of the MA 11 designation? Just when things seemed to be at an impasse, the Sierra Club representative stepped forward with a solution. The Forest Service had a seldom-used MA 10 designation that would allow snowmobile use; the proposal could be implemented by changing the classification. And so it was that the final solution to allowing snowmobiles back into Seeley Lake's closed areas came from a national environmental organization that helped initiate the closure in the first place.

When the planning process was completed, the Forest Service chose as its preferred alternative the one that incorporated the local agreements. The Record of Decision came out on July 14, 2003, and no appeals were filed. This was the first

²⁰Scott Tomson Transcript, 4.

successful agreement between the MWA and snowmobilers. The agreement remains in place today with strong support. As Ron noted, “I still get thanks every day!”²¹

Moreover, the story of community folk working with the Seeley Lake Ranger District doesn’t end here. Encouraged by the success of the winter recreation agreement and the strong working relationships already established by the Blackfoot Challenge (a twenty-year old collaborative of private and public land owners who share the watershed of the Blackfoot River in western Montana), local community leaders came together with state and national organizations to create the “Blackfoot Cooperative Landscape Stewardship Pilot Project.” The working group for this project included representatives from the Rocky Mountain Elk Foundation, The Wilderness Society, MWA, the Blackfoot Community Project, the local outfitting guide community, Pyramid Lumber (the local lumber mill), the local ranching community, the Seeley Lake Ranger District, and the Montana Fish Wildlife and Parks Department. All have agreed to support all of the components of the proposed pilot project.

Part of the project already in place includes expansion of snowmobiling areas in several key areas, and the creation of a continuous snowmobile trail from Lincoln to Seeley Lake, a distance of about 70 miles. The pilot project integrates land management across public and private land, and uses a management approach that allows for active uses such as grazing, logging, and restoration work in the lower elevations, moving to conservation areas and wilderness as elevation increases. Traditional wilderness pack trails in the area will be maintained. Timber supply for the local mill will be sustainable, with the receipts from the stewardship project share of the sales going to restoration work on the Seeley Lake District, including watershed improvements, road rehabilitation and weed eradication. The pilot also calls for the addition of 87,000 Forest Service acres to the adjacent Bob Marshall and Scapegoat Wilderness areas. All of these activities are consistent with Forest Service planning and management regulations.

²¹Ron Ogden Transcript, 7.

Case Two: Big Snowies Winter Travel Plan

The Big Snowy Mountains in central Montana is one of six ranges of the northern Rocky Mountains in the old Jefferson District of the Lewis and Clark National Forest. Other ranges include the Highwoods, Crazies, Little Belts, Castles, and the Little Snowies. These mountains are called “island” ranges because they are not contiguous with other mountain ranges, but rather form islands of mountains in the prairies that sweep across the northern Great Plains. While these areas are responsible for nearly all of the timber and grazing in the Lewis and Clark National Forest, they also provide both winter and summer recreation for the surrounding communities of Great Falls, Lewistown, White Sulphur Springs, and Helena as well as to visitors from out of the area. Both the Little Belt and the Big Snowy Mountains contain congressionally designated Wilderness Study areas.

The Big Snowies are about half-way between Great Falls (population 56,690) and Lewistown (population 5,813), Montana, and are particularly popular with Lewistown snowmobilers because of their proximity.²² Travel planning for off-road vehicles became a priority for the Lewis and Clark National Forest as a result of a decision in 2001 that called for site-specific travel management. Recognizing this priority, the Lewis and Clark National Forest obtained a travel planner in 2001.

The first area for analysis and revision was the Big Snowies. After a period of 45 days of public review, the Lolo National Forest Supervisor issued a Decision Notice on the new Travel Plan for summer and winter use on the Big Snowies in January of 2002. By March of 2002, eight groups and ten individuals had filed appeals on the proposed plan, including the Central Montana Wildlands Association, the Island Range Chapter of the Montana Wilderness Association, American Wildlands, Friends of the Bitterroot, the Montana Chapter of the Sierra Club, the Blue Ribbon Coalition (a motorized use advocacy group), the Montana Trail Vehicle Riders Association, and the Montana Snowmobile Association.²³ Motorized and non-motorized groups were against the Forest

²²U.S. Census.

²³Lewis and Clark National Forest Appellant chart, page 1.

Service plan. As one of the wilderness representatives put it, the plan made Swiss cheese out of the wilderness study area by including scattered sites for snowmobile use.²⁴ As one of the snowmobile users put it, “When we saw what was being proposed, we demanded meetings in our area; we had a comment period, but it made no difference in the plan.”²⁵

Another National Forest in Region One had recently resolved a disagreement over travel planning that helped set the stage for the Big Snowies. Motorized and non-motorized groups had recently clashed over Forest Service travel planning on the Flathead National Forest in northwest Montana. In the Flathead case, the district judge ordered closure of key snowmobile areas to motorized vehicles as part of a lawsuit filed by MWA. The Flathead National Forest had not implemented a winter use plan for Nonmotorized Areas, and attempts by MWA to initiate discussions with local snowmobiler interests were rejected by the snowmobiler clubs. MWA’s lawsuit was intended to force the Forest Service to formulate a winter use plan for Nonmotorized Areas that would assess current use patterns in non-motorized areas to determine where non-motorized restrictions should be enforced, and which could remain open to snowmobile use. Instead, the judge ordered the Flathead National Forest to close all non-motorized areas.

The judge suggested that the parties meet and work out a solution. Eventually, the Flathead National Forest was able to bring the snowmobile and the wilderness interests together to negotiate an alternative. Both MWA and MSA were involved in the negotiations that resulted in a final agreement that won protection from motorized use for potential wilderness areas. The snowmobilers maintained use of 99 per cent of the areas they had been actively using, the Forest Service didn’t have to implement a complete closure to motorized recreation, and the MWA didn’t get blamed for shutting snowmobiling down in the Flathead.²⁶

Officials in the Forest Service Regional office were pleased with the way things had worked out in the Flathead, and encouraged the Lewis and Clark National Forest to

²⁴Big Snowies Non FS # 5 Transcript, 2.

²⁵Big Snowies Non FS # 3 Transcript, 1.

²⁶Big Snowies Non FS # 1 Transcript, 1-2.

try a similar approach with the appellants to the Big Snowies Travel Plan. The Forest Service goal was to bring together those who were most affected by the decision and encourage them to resolve the hard tradeoffs. Officials in the Region One and Lewis and Clark National Forest knew that the Forest Service could not get the “right” answer by themselves. Once the environmental parameters are clear, multiple use offers little further direction from the standpoint of scientific management. As one Forest Service official put it, “Multiple use has broad parameters. The Forest Service can’t get to a ‘right’ answer in assessing recreational uses, because recreation is socially and value driven by the individuals involved.”²⁷ This was a social issue, not a science issue; it was a matter of values. Another Forest Service official said, “We had great hopes that it would work; if those folks could work it out, our job would be much easier.”²⁸

The Lewis and Clark National Forest officials had heard about the Flathead resolution, and it seemed to them that a similar effort would work for the Big Snowies as well. They invited all of the appellants to join in an effort to work out their differences. The majority of interest groups and citizens said they were willing to sit and talk. MWA and MSA had just had success in negotiating for the Flathead Forest and were willing to try it again. As Allen Brown, president of MSA put it, "John Gatchel (Conservation Director for MWA) and I had known each other for several years. We had both worked together in the past. We had each spend over \$200,000 fighting over land use issues. John and I agreed that there had to be a better way to resolve our differences. We both agreed that we didn't want to go to the 9th Circuit Court again where neither of us were happy with the outcome."²⁹ Similarly, a representative from MWA said, “It was worth a try, to see what was possible, and avoiding a lawsuit is easier than filing a suit against the Forest Service. A suit could be a big deal, and expensive, and even if you win the process, you may not win the outcome you were seeking. It is not always better to have a lawsuit.”³⁰ John Gatchell, conservation director for MWA, said, “People think they will

²⁷Big Snowies FS # 1 Transcript, page 2.

²⁸Big Snowies FS # 4 Transcript, page 1.

²⁹Alan Brown Transcript, 3.

³⁰Big Snowies Non FS # 2 Interview, pages 2-3.

get everything from the legal process, but most of the time you just get more and more process.”³¹

The first several meetings were very difficult; those who attended were restating their positions and establishing their territories. Both the Forest Service and the non Forest Service people were uncomfortable. The people who were not from the Forest Service were not accustomed to taking the lead and talking to each other rather than arguing with the Forest Service. The Forest Service representatives were uncomfortable too; there was some reluctance to step back from the role of authority. In actuality, they were not giving up their legal authority by engaging in the negotiations, because the ultimate decisions on travel planning rested with the FS officials. If the parties came to an agreement that was acceptable to the Forest Service, the Forest Services could take that agreement into the NEPA process as the preferred alternative. If not, the Forest Service would propose its own alternative.

The timing of the appellant discussions was difficult because the Lewis and Clark National Forest was in a period of rapid turnover in the position of forest supervisor; there was a lack of consistent leadership at the top during most of the discussion period. The Lewis and Clark Forest provided staff who supplied information and maps and kept track of what happened in the meetings, but did not do active facilitation of the negotiations. As discussions progressed, it became clear that Forest Service leadership was not needed because of the strong desire of the group to talk openly to each other, not one-sidedly to the Forest Service. At several meetings the Forest Service staff hardly spoke.³² The citizens and interest group representatives were very committed to the process. As Robyn Strathy noted, “One key thing is that we had the same players from the groups all the time, the same individuals. They made yeoman efforts to be there. This is a lot to ask of people, it takes a real commitment.”³³

Forest Service staff functioned as a neutral 3rd party in the negotiations. Most of the meetings were held at the Lewis and Clark Forest office in Great Falls. There were two Forest Service officials, Robin Strathy and Dick Schwecke, who met with the group

³¹John Gatchell Transcript, 3.

³²Big Snowies FS # 3 Transcript, 4.

³³Robin Strathy Transcript, 4.

consistently through the discussions, took notes and provided them to the participants. These officials kept track of the specifics and captured details on maps as the discussions went on. The Forest Service and other advisors also made sure that the group knew where the environmental concerns were. The Forest Service had already completed wildlife and wilderness research for the Big Snowies Travel Plan as part of the original travel planning effort. Work on the other mountain ranges had not begun, so Forest Service and Montana Fish, Wildlife and Parks wildlife people came in and covered the key aspects of the wildlife uses. Wildlife and other resource information established the parameters within which any agreements had to fall. As Robin Strathy put it, “In this case, the FS was at the table, but we didn’t want to inject ourselves too strongly. We had already put some sideboards on the draft plan. And we had leadership in the group that recognized that.”³⁴ Forest Service representatives were neutral about the mix of uses that could emerge from the negotiations as long as the mix fell within its parameters.

John Gatchell of MWA and Allen Brown from MSA were the two key players that made the negotiations work. They represented the opposing views and they provided leadership in the negotiations. Alan had a background in labor negotiations, so the process was familiar to him. However, it was John and Alan’s relationship that really made the difference. The recent experience of completing negotiations on the Flathead winter travel plan allowed them to trust each other, and to understand each other’s communication style. There was a strong sense of integrity between the two; they knew how to negotiate with each other. Allen Rowley, who came in at the end of the discussions as the Deputy Forest Supervisor, described it this way: “John and Alan had respect for each other’s different opinions that was obvious and well-demonstrated. They knew how to disagree amicably.”³⁵ John helped to get the discussions started by setting a tone that was respectful and amicable.

Early on, MWA set out a list of parameters that defined the terms under which they would negotiate. The key parameter from MWA’s perspective was designation of large blocks of land for motorized and non-motorized use, to be easier for enforcement, better for the user groups, and better for wilderness protection. The summer group would

³⁴ Ibid., 4.

³⁵ Allen Rowley Transcript, 4.

not accept this. The rest of the group agreed with MWA's proposed parameters. Another concern that was shared by the motorized and non-motorized groups was that the Big Snowies were too small to do a lot of compromise; including the other island mountain ranges as part of the negotiation was essential to allow for give and take. The group decided to expand to include the other mountain ranges in the Jefferson division and focus solely on winter use as a starting point. Negotiation of summer uses would be taken up once agreement had been reached among the winter users, so the summer interest groups agreed to re-enter the negotiations at a later date. The Forest Service also brought in the need to work within science based parameters for wildlife and winter range areas, and a proposed timeline. These were the "ground rules" of the negotiations, similar to what had been used in the Flathead negotiations. The "Appeal Resolution Agreement" was drafted and signed in May, 2002; most parties agreed to engage in dialogue over the Snowies and adjacent "island" ranges of the Lewis and Clark National Forest within a specific time frame.³⁶ One group, the Central Montana Wildlands Association, did not participate in the discussion, refused to join the negotiations, and pursued its appeal through the usual Forest Service process to Region One level.

In order to make progress, motorized and non-motorized participants needed to get past the stage of posturing by restating their ideological positions, but neither side wanted to go first. Finally Alan Brown went over to a map and indicated a piece of ground that the snowmobilers wanted, and that was the turning point. The group got maps from the Forest Service and made overlays of the areas of critical importance. Each group marked on the overlays what was important to them, then met and compared the maps. There was quite a bit of difference in terms of the areas that were important to each, so the amount of overlap was manageable. The group then focused on the areas of dispute. The meetings were bumpy; one would go well, and the next would lose ground. Sometimes great animosity surfaced, but the group got through it. The group met 13 times and made a field trip to one heavily contested area over about a year and a half.³⁷

³⁶Big Snowies Non FS # 2 Transcript.

³⁷Big Snowies FS # 4 Transcript.

John Gatchell and Alan Brown provided leadership when strong feelings threatened to disrupt the discussion. One or the other would call for a caucus of their respective interest groups. Both reinforced the expectation among their group's members that give and take was essential; the reality of the situation was that one side could not have it all. As the discussion focused on different mountain ranges, each brought in or consulted with user groups familiar with the area. This on-the-ground knowledge was essential in resolving the immediate issues in areas of mutual use. John noted, "The Big Snowies are a good example of the vital importance of on-the-ground knowledge. Our members snowshoed into the Snowies to field check what areas received snowmobile use. We always met ahead of the meetings, so that we understood the ground at stake and knew what our members would support. We had leadership between meetings, to discuss best options and try to get participants to be real, to look for practical and workable solutions. Like negotiating, everybody gets to represent their interests with vigor – leadership is necessary to consider wider and long term responsibilities."³⁸ In one case, spokesmen from snowmobile and nonmotorized user groups were able to work out a compromise at the level of individual trees along a shared trail after a field trip to explore options for the area. Between meetings, MWA and MSA representatives would take proposals back to their membership for discussion and review. For MSA, there was a tension between keeping the discussion smaller to meet time constraints for agreement, and reaching out to the entire membership to be sure everyone knew what was being discussed.³⁹

The meetings were frustrating for the Forest Service officials at times, because progress on the content of the negotiations seemed very slow. Some of the forest Supervisors tried to prod the negotiations along. It seemed the parties would never agree.⁴⁰ A question would be raised at one meeting and left hanging for the next. It took several meetings to resolve some issues and there were areas where the group couldn't agree. A field trip to the O'Brien Creek area helped both cross country skiers and snowmobile users appreciate the safety concerns of the other, allowing them to agree to

³⁸John Gatchell Transcript, 2.

³⁹Big Snowies Non FS # 4 Transcript.

⁴⁰Big Snowies FS # 3 Transcript.

share use of the contested trail as an interim step until separate trails can be constructed. In the end, the group left a few things for the Forest Service to decide through the NEPA process. At the end, Robyn Strathy reported the group said, “We are willing to let the rest of the public decide this. Don’t let this small part in which there wasn’t agreement sabotage all the good work we’ve done.”⁴¹

The group agreed on a draft agreement on winter recreation in January, 2004, for four of the ranges in the Jefferson district, including the Big Snowies, the Little Belts, the Castles, and the northern portion of the Crazy Mountains, and turned the draft over to the legal counsels of MWA, MSA, and the Forest Service to come up with a formal document for the agreement. In the agreement, the Forest Service committed to using the draft agreement as the basis for an amendment revising the Lewis and Clark National Forest Jefferson Division Travel Plan concerning winter recreation. The Forest Service was to use the agreed-upon plans as one of the alternatives in the NEPA travel planning process for each of the other mountain ranges. The agreement also required the Forest Service to put into place interim implementation of the groups’ provisions concerning the shared use areas in the Little Belt and Big Snowy Mountains and called for continued negotiations on the details of the boundaries between some of the use areas in the Little Belts. The agreement included requirements for the user groups as well. Snowmobile clubs agreed to help enforce closures through signage and education of their members and other snowmobile users. All signatories agreed to support the Forest Service publicly in implementing the amendment and encourage their membership to do likewise. Moreover, signatories agreed to “seek intervention and otherwise participate to the extent allowed by law...to support any decision of the Lewis and Clark National Forest to so revise the Forest Travel Plan.”⁴²

The final agreement was ready to be signed at a press conference on April 27, 2004. However, by then a great deal of tension had arisen in the snowmobile community. The day before the scheduled signing, one of the local snowmobile clubs informed the Forest Service that they didn’t want to sign the agreement. The group requested that the

⁴¹Robin Strathy Transcript, 3.

⁴²Jefferson Division, Lewis and Clark National Forest Winter Recreation Agreement, April, 2004. Big Snowies Appeal Resolution Agreement, 2.

Forest Service revise the document to indicate that use of the word “we” refer only to the Forest Service, MWA and MSA, and to remove any references to the Castle Mountains and the Crazy Mountains.⁴³ The Forest Service did as they requested, and changed the document so that those who did agree could continue. The final agreement was signed the next day by the Island Range Chapter of the MWA, MSA, MWA, Lewis and Clark National Forest, Great Falls Cross-Country Ski Club, Great Falls Snowmobile Club, and the Little Belt Snowmobile Club. The agreement retained the provisions for the Big Snowies and the Little Belt Mountains as the package of tradeoffs and compromises that spanned both ranges.

The Central Montana Wildlands Association, the one group that had refused to participate in the appellants discussions, filed a lawsuit in August 2005 challenging the (amended) final decision for the Big Snowies Travel Plan. The nature of its complaint was that the Forest Service was not protecting the wilderness character of the Montana Wilderness Study Act area that is in the Big Snowies. The case was litigated in Missoula District Court. True to their word, both MSA and MWA intervened in the case on behalf of the Forest Service. John Gatchell noted, “When the winter agreement for the Big Snowies was challenged, MWA came in and supported the USFS (United States Forest Service) Decision in the courts. The Montana Snowmobile Association also supported the agreement in court – just as we had promised to do in the 2004 Agreement. In this instance, the challenge came from an environmental group that chose not to come to the table. We got flack – newspaper columns – from some environmental groups for defending the final USFS decision based on our negotiated winter settlement.”⁴⁴ In August 2006, the US District Court ruled strongly in favor of Forest Service and Big Snowies Travel Plan. Observers of the judge’s decision agree that it was influenced by the fact that MSA and MWA participated in creating the amendment, and backed it strongly enough to file on behalf of the Forest Service.⁴⁵ The plaintiff subsequently appealed to the 9th Circuit Court. However, given the strength of the judge’s ruling, the

⁴³Big Snowies FS Transcript # 2, 2.

⁴⁴John Gatchell Transcript, 2 and 7.

⁴⁵Big Snowies FS Transcript # 1, #2, and Non FS # 5.

Forest Service went ahead and implemented the interim winter travel plan amendment for the Big Snowies.

There are differing views as to why the snowmobile club pulled out of the agreement at the last moment. Some members of the club felt they had not been included in the negotiations and didn't approve of the proposed use plans for their areas. They said they were not represented in the negotiations, that they didn't know what was being proposed. The club had changed its leadership; some of the newer members weren't involved in the club during the negotiations. Subsequent to signing the Winter Recreation Agreement, leadership in other local clubs and in MSA also changed. The attitude of the Great Falls club changed with the addition of several new members who adamantly opposed closures. Its membership no longer supports the decision to sign the agreement.⁴⁶

Other interviewees believed that claims of not knowing what was being proposed were stretched and that what was driving the snowmobile club's actions was the belief that its members should have the right to use all of the Forest Service land. As happened with the Great Falls club, a handful of strong anti-closure advocates joined local clubs and MSA and rallied support for their cause. It was easier to get snowmobile club members to support fighting against closures than it was to convince them they were better off negotiating.⁴⁷ At the heart of the matter was a fundamental difference in perspectives between the original and the new leadership. The new leadership was focused on how things were before the issue of non-motorized closures came up and viewed anything less as a loss to be fought at all costs. The original leadership appreciated the fact that the courts and the Forest Service were increasingly enforcing widespread closures that took major areas away from motorized use. Rather than defending the "right" to keep everything open and losing most areas, the original leadership thought they would gain more by negotiating with other users for the most important areas. The original leadership was cognizant of the fact that within the parameters of the law, the Forest Service was charged with the task of managing for

⁴⁶Letter to USFS Forest Supervisor from Great Falls Snowmobile Club, received October 16, 2006.

⁴⁷ Big Snowies Non FS # 1 Transcript. 5.

multiple use. No one use or interest was likely to dominate. As one non-motorized advocate put it, “People who don’t participate feel like they are waiting for a knight in shining armor to ride in and win everything they want, like all for wilderness, or all for snowmobiles. This is not going to happen again very soon.”⁴⁸

In terms of content, the agreement for the Big Snowies achieved a better balance of motorized and non-motorized use than had been in the Forest Service proposed plan. The Forest Service plan had islands of motorized use in some of the higher snowy bowls in the central areas of the mountains. The amended final decision provided better protection for potential wilderness by eliminating motorized use throughout the central core of the mountain range. The amount of areas open to snowmobiling in the amended plan was greater and allowed for the addition of marked trails where none had been allowed before. In expanding the areas open to snowmobiles, the group compromised on resource aspects to allow agreement on the social aspects by opening up an area of winter game range to snowmobile use. Winter use for the Little Belts was improved as well through resolution of some pre-existing conflicts between skiers and snowmobilers that was implemented on an interim basis. As one snowmobiler put it, “We reached a good agreement with the cross country ski folks, an agreement that is livable, and helped with the cross country skiers, especially on the areas of joint use. This has helped to reduce friction on the shared trail.”⁴⁹

All interviewees felt the process was worthwhile. Dick Schwecke, travel planner for the Lewis and Clark National Forest, noted, “It felt great not to be in the middle. There were some jibes, but this was more civilized. Some days were humorous, some days not. This was better, much better than our other public involvement. Folks needed to see and appreciate the other point of view. When the Forest Service presents it, it looks like we are promoting one side or the other. This way it is direct between the parties.”⁵⁰ Mark Good of the Island Chapter of MWA found the process challenging but positive. “There were more possibilities here, to get beyond the debating. It was

⁴⁸Big Snowies Non FS # 2 Transcript, 7.

⁴⁹Big Snowies Non FS # 4 Transcript, 2.

⁵⁰Dick Schwecke Transcript, 4.

challenging to be proposing solutions. The meetings were more stressful than fun. I got a better understanding of people, got to see the other side of people, like Alan Brown. I disliked him when we first met, but I came to appreciate him. He was trying to be fair. He's a smart guy; I have respect for him as a person."⁵¹ One of the snowmobile group representatives noted, "Now I spend time talking with the cross country skiers, I offered to help with their trail grooming. Now we can solve problems through our ongoing relationship. Before, I didn't know who they were."⁵² Robin Strathy of the Forest Service put it this way, "Wow, this is great! This can work, seeing the enthusiasm growing, seeing possibilities. This was a big change for me. It was a pleasurable experience. Having had one that works makes it easier to think about others. I would be pleased to do this again."⁵³ Clint Dahlhausen, representative of the Lewistown area snowmobile club in the negotiations, noted, "The process, the negotiation, it helps each side understand where the other is coming from. This is the beginning of let's work together rather than fight... People need to be able to recreate in different ways – this is the main reason that things came out the way they did on the Big Snowies."⁵⁴ And he went on to say, "I feel that what happened here changed the direction of the Forest Service. When the Big Snowies travel plan came out, no one had been involved. Before, the Forest Service would take comments and write back. Now they are more apt to listen to people in person."⁵⁵

The Deputy Supervisor of Lewis and Clark National Forest went on to convene the summer recreation groups to carry on with the second part of the negotiation. The groups met six or seven times, and then, for a number of reasons, agreed that the negotiation process wasn't working and disbanded the negotiation effort. One complicating factor was that some 15 groups were involved in the summer use, making negotiations logistically more challenging than in the smaller winter group. Neither John

⁵¹Mark Good Transcript, 6.

⁵²Big Snowies Non FS # 4 Transcript, 4.

⁵³Robin Strathy Transcript, 4.

⁵⁴Clint Dahlhausen Transcript, 4-5

⁵⁵Clint Dahlhausen Transcript, 5.

Gatchell nor Alan Brown was involved in the summer group. The Forest Service hired a very qualified mediator, but the groups were not willing to engage in a give and take. Although no agreement was reached, the effort gave the Forest Service a great deal of insight into what was important to each. Allen Rowley followed up on the meetings by going around to the groups one-on-one: “I share what groups tell me with the other groups – people couldn’t believe that the other side said what they said. I said that this was not disingenuous; I hope that my comments helped to change some minds. But it is not the same as face-to-face learning about each other.”⁵⁶ With or without agreement, reaching out and talking with different interest groups benefits the Forest Service. Allen put it this way, “The gold standard for this type of working together is to have a solution that is agreed to and is durable; the silver standard is that you know what it is about a solution people don’t like and why. It is a mark of success to understand why an agreement can’t be reached. You won’t be surprised when it isn’t supported, and you’ll know why it isn’t.”⁵⁷

Comparison of Seeley Lake and Big Snowies Winter Recreation Cases

Both of these cases contained face-to-face negotiations with a core group of representatives from the major interest groups involved in the issue that was sanctioned by the Forest Service. Both cases produced agreements that were subsequently used by the Forest Service in determining the balance of uses for public land. However, looking beyond this level of generalizations, there are a number of contextual differences and similarities that offer insight into the process of achieving multi-interest agreements.

Both cases were prompted by legal actions of the Forest Service and both were viewed as alternatives to filing lawsuits. However, in the Seeley Lake case, discussions were entered into voluntarily by the parties based on their perceptions (in the absence of experience) that they could work together to come to an agreement. Personal integrity and the ability of leaders to extend that integrity to the actions of group members were

⁵⁶Allen Rowley Transcript, 3.

⁵⁷Allen Rowley Transcript, 6.

major factors that allowed the discussions to proceed. The leader of the snowmobile club came from the local level and played an active role in keeping members informed and supportive of both the content and the purpose of the negotiations. A high level of commitment to the community characterized the motivations of participants. The District Ranger knew the other participants in the negotiations well, knew they had strong leadership abilities with their constituents, and believed they would be fair and reasonable with each other. While he was neutral in terms of the content of the negotiations, the District Ranger exercised leadership throughout by clearly outlining and enforcing the “decision space” parameters that the Forest Service expected to be met, including the expectation that each use would have limits in order to accommodate the others. Part of the decision space he reiterated was the starting point for snowmobile use. Legally, the Forest Service had prohibited snowmobile use in all of the areas under discussion; the purpose of the discussion was to gain some of the areas back. Discussions were informal. The final agreement in this case has never been appealed.

In the Big Snowies case, the negotiating interests were appellants to a legal action taken by the Lewis and Clark National Forest in releasing the final record of decision for the Big Snowies. While appellants had the choice of participating or not in the negotiations, the Forest Service made it clear that this was the preferred method for resolution of the appeals. Once the leadership of MWA and MSA agreed to participate, the others essentially had to participate as well if they wanted their concerns represented. As a result, not all of the participants viewed the negotiations as voluntary, although one appellant chose not to participate. Personal integrity was a major factor that allowed the discussions to proceed, in this case because of the relationship and trust between the leaders of MSA and MWA. Leadership for the snowmobile interests came from the state level and involved local club leadership as local areas became the focus of the negotiations. Communication with local club members was less thorough than in the Seeley Lake case, both in terms of the content and purpose of the negotiations. Most participants didn't live in the immediate vicinity of the areas under discussion so there was little shared sense of commitment to the community. Due to changes in personnel, the Forest Service representatives did not exercise leadership, but played a facilitative role in providing information and recording specifics as agreements were made. While

the parameters for the decision were defined in the ROD, the Forest Service did little to reiterate limitations on snowmobile use stemming from statutory protection of wilderness or accommodation of multiple uses. The final agreement was litigated by the one appellant that had chosen not to participate in the negotiations. Both MSA and MWA filed interventions on behalf of the Forest Service at the district court level that appeared to be instrumental in the judge's decision in favor of the Forest Service. The appellant subsequently has pursued the case to the circuit court.

In both cases, moving beyond posturing to discussing particular pieces of ground allowed the groups to reach agreement. In both cases, the groups identified their most important areas of use and discovered that they had no conflicts with each other over most of these areas, thereby reducing the scope of the potential conflict. This process allowed them to focus in on the areas in which there were conflicts after securing the bulk of the important areas. On-the-ground knowledge played a key role in constructing solutions that made the agreements possible. In the Seeley Lake case, the snowmobile club president's knowledge of the West Fork of the Clearwater, gained from his days as a dog-sled runner and from friends who were packers and trappers, brought to light the opportunity to reclassify this area for potential wilderness as an off-set against the reclassification of Elcina Bowls to allow snowmobiles. Similarly, in both cases field trips to contested areas helped resolve differences and allow the groups to come to agreement.

CHAPTER FOUR: TWO FUEL REDUCTION STEWARDSHIP CASES

Introduction to Fuel Reduction Stewardship Projects

For most of its history, the Forest Service has been suppressing forest fires as part of its overall management efforts. More recently, advances in the study of fire have revealed that fire plays an important role in forest ecology, reducing understory growth and promoting timely replacement of short-lived tree species. As understanding of fire ecology grows, it's becoming apparent that many forest areas preserved from both logging and wildfire have reached unnatural levels of vegetative density. Old photographs from the early part of the 20th century indicate tree stands were far more open and park-like than the same type of areas today. Accumulation of dead and live undergrowth contributes to fuel loading, a term that describes the amount of readily combustible material in the forest. When fuel loads are unnaturally high, the potential for intense forest fires increases.

While the problem of fuel loading exists in many areas, it is most problematic at the fringes of the forest where people live and build year-round homes, summer cabins, resorts, and other structures. These areas, known as the wildland/urban interface, get priority in fighting fires to prevent the loss of lives and property. These are also the areas that people seek to occupy because of the proximity to the forests. Aesthetically, people have come to appreciate the forest characteristics prevalent in recent years, not realizing these characteristics are the product of man's intervention rather than the unfettered work of Mother Nature.

As forest managers became more aware of fire ecology and forest health, the public became more sensitive to timber harvesting and forest conservation. Controversies over such things as spotted owl habitat in the Pacific Northwest led to substantial reductions in timber harvest levels. In response, the stated management

emphasis of the Forest Service shifted from timber production to healthy forest restoration. However, interest groups concerned with forest health remained skeptical of the reasoning and motives behind proposed timber cutting projects. One Forest Service manager summed it up this way, “For years, the Forest Service was oriented to producing a target number of board feet per year. The perception of values has changed. Now we’ve said that our goal is to maintain the forest, to let the land tell us what it can and cannot do. This is an issue of trust development with the public.”¹

The shift to forest restoration generated economic effects as well. As timber sales declined, rural communities dependent upon local logging and lumber mills found their economies drying up. Not only were jobs disappearing, but payments to local governments and schools from timber harvested on Forest Service land also declined. Meanwhile, Forest Service districts struggled to accomplish forest restoration and facility maintenance with categorical budgets designed to support timber production. Not only were there very limited funds available for service contracts to do such things as stream restoration, trail maintenance and facility replacement, but what funds there were often were cut to pay the escalating costs of fighting the nation’s forest fires.

In the mid-1990s, the Forest Service began to experiment with stewardship contracting, a new concept that offered districts the opportunity to keep the revenue from timber harvesting and thinning projects at the district level by using the funds generated from timber sales to purchase service contracts. Jokingly nicknamed “timber for toilets” because they generated funds for facility maintenance that included new toilets, stewardship projects were to be planned in close cooperation with local communities to ensure that the project components reflected local priorities.² Moreover, the methods used for cutting timber were to reflect longer-term resource stewardship and forest health concerns by focusing on the end result rather than detailing how to do it. None of the

¹Thompson Falls FS # 4 Transcript, page 2. He went on to give this example of the difference between a focus on timber harvest versus letting the land tell you what it could do. There was a timber sale done years ago on a piece of Ponderosa pine ground that was also prime elk winter range. The sale was done because the piece wasn’t needed to meet the amount of winter range allocated for the area. The Forest Service used to send crews up to this piece every year to replant the hillside, because the elk kept eating the seedlings. Forest Service staff jokingly gave the area the nickname “Arlington” because all the little planted trees with their white protectors made it look like a cemetery.

²Thompson Falls FS # 4 Transcript, 3.

funds from stewardship projects went directly to local governments and schools, but preference in awarding contracts could be given to local businesses to help create and sustain local economies. Moreover, none of the funds could be used to support the staff and operating costs of the ranger district. All of the staff costs in planning and administering stewardship projects were to be absorbed in the ranger district's existing budget.

Ranger districts planned and approved experimental stewardship projects, precursors to permanent stewardship contracting legislation, using National Forest Management Act (NFMA) and National Environmental Projection Act (NEPA) procedures which allowed involvement by interest groups at various points (see discussion in Chapter Three, pages 59-60). Experimental stewardship contracts required an additional level of citizen participation in the form of implementation monitoring committees. These committees were made up of citizen representatives of diverse interest groups and stakeholders charged with the task of reviewing on-the-ground implementation of the project. Their primary role was to report back to Congress as to whether the local projects were meeting their targets for timber sales and using the funds appropriately to complete the service components of the projects. Monitoring committees also offered the opportunity to educate local citizens about the day-to-day workings of the Forest Service at the ranger district level.

The following two cases of fuel reduction projects were initiated as part of the experimental phase of stewardship contracting prior to passage of legislation that allowed its widespread use. Both occurred in small, timber-based communities with struggling economies and focused on the wildland/urban interface in areas also very visible to the public at large.

Case Three: Lakeface-Lamb Project, Priest River, Idaho

The Lakeface-Lamb project derives its name from its location, a swath of national forest land about ten miles long and four miles wide along the west shore of Priest Lake. In addition to facing the lake, the area also includes a stream and unincorporated community, both called Lamb Creek. Priest Lake is a pristine lake in northwest Idaho

that stretches about 20 miles up a mountain valley on the west side of the Selkirk Mountains. The lake is accessible by roads that dead end at the north end of the valley near the Canadian border. Nearby communities include the unincorporated area of Priest Lake at the southern end of the lake, Priest River (population 1,754) about 25 miles south of Priest Lake, and Newport/Old Town (population 2,111), about 35 miles south and west.³ Spokane, Washington (population 195,629) is about 85 miles to the southwest and Sandpoint, Idaho (population 6,435) is 47 miles to the southeast.⁴ Priest Lake also has several resorts that draw in people from both the region and the nation.

The Priest Lake Ranger District is located within the project area, on the highway that runs up the west side of Priest Lake. After the 1994 season of multiple forest fires in northern Idaho, the Ranger District put the populated areas along Priest Lake at the top of their priority list for fuel reduction. The area had a severe forest fire in 1926 that burned over much of the area. Since then, wildfires had been successfully suppressed in the area and very little logging occurred along that portion of the lake. After the 1926 fire, shade tolerant species such as hemlock, grand fir and cedar formed a dense understory beneath the taller ponderosa pine, larch, Douglas-fir and white pine. In some areas, the undergrowth was so thick that it was very difficult to walk through the forest. At the time, the area had several campgrounds, and over 100 homes and 30 commercial sites, with new subdivisions planned to add another 130 home sites.

Ranger District staff began working on an Environmental Assessment (EA) in the fall of 1994. In September of 1995, the project planner sent out 700 post cards to area residents and others who had expressed interest in being informed about activities affecting the district. One side of the post card was an old photo of the west shore shortly after the 1926 fire. The other side talked about the Forest Service intention to reduce fire potential through a fuel reduction project. Instead of encouraging public understanding of the need for the project, the post card ignited a fire storm of resistance from people who felt the Forest Service was using scare tactics. Trust between the Ranger District and local communities had been eroded earlier by public reaction to a timber sale, and the post card response further indicated that the Forest Service did not have a good

³U.S. Census Website: <http://quickfacts.census.gov/cgi-bin/qfd/demolink?30>, March 31, 2007.

⁴Ibid.

relationship with local communities when it came to cutting trees. A scaled-back Forest Service proposal for a very small fuel reduction project along the roadsides also was met with strong objection from the community.

Kent Dunstan, newly arrived District Ranger, and David “Norgy” Asleson, the forest NEPA planner, knew they had a problem of public trust. The issue was how to get the public to understand that fuels reduction treatment would not look anything like the negative image of the earlier timber sale that was prominent in the public eye. People didn’t want to see the forest burn, but they didn’t want to see it change either. Property owners didn’t want the Forest Service to jeopardize their high property values. The primary concern, aesthetics, was very subjective. Kent and Norgy hit upon a solution; the best way to replace the negative image was with a positive image. Ranger District staff located and treated three demonstration sites highly visible to the public that typified different forest conditions that would be included in the project. For the next several years, Ranger District staff gave numerous field trips and public presentations explaining the need for the project and showing the actual examples of the proposed treatment. Norgy put it this way, “If you don’t have trust, you are destined for less than success. That’s why we had all the public involvement...That was a major focus of the Lakeface-Lamb project.”⁵

Meanwhile, folks in the nearby communities were feeling the economic pinch from the decline in timber sales from Forest Service lands. The Priest Lake Ranger District is part of the inland Pacific Northwest area targeted for close scrutiny of old growth timber sales by the controversy over habitat for spotted owls. As Mike Schaff, then president of the Priest River Chamber of Commerce put it, “We had multiple mill closures; it was tough to make a living.”⁶ One of those concerned about the lack of activity was Craig Savidge, a professional forester who previously worked in the Priest Lake district for Louisiana Pacific timber company. Craig had heard of a new concept called “stewardship contracting” and had been part of an effort to do a stewardship project in the Priest River district in the early 1990s. Although Congress approved a

⁵David Asleson Transcript, 2.

⁶Mike Schaff Transcript, 1.

project at that time, the project had old growth timber and didn't make it through the courts to be implemented. Stewardship contracting appealed to Craig because it focused on forest restoration, a subject that Craig had been concerned about as a professional forester observing the decline of the public forests through the timber management practices of the 1980s. When Congress authorized 28 experimental stewardship projects nation-wide as part of the appropriations bill in 1998, Craig was willing to try again: "Things here were worse, in terms of shut down of the economy, timber work, health of forests. I decided to push stewardship from the outside."⁷

As District Ranger, Kent also appreciated the need for timber activity to support the local economy at the same time improving forest health. Kent had spent his career in the Forest Service and was eager to support a project that would be a model of forest practices. As the forest planner, Norgy too was enthusiastic about the opportunity to use a stewardship approach. They chose the Lakeface-Lamb project as perfect for stewardship contracting; fuel reduction went hand in hand with forest restoration. The project embodied forest health to support economic health. Lakeface-Lamb also focused on the wildland/urban interface that required a high level of local interaction with the public. The community involvement provisions of stewardship contracting provided a vehicle through which local residents could be an integral part of the project.

In the Forest Service tradition for district rangers, Kent was an active member in several local organizations. He had also reached out to the community concerning a recent grizzly bear recovery effort and had recently won a Forest Service Region One award for public involvement. Norgy had lived in the area for fourteen years while working at the Ranger District and was also a respected member of the community. Both were known for their integrity and fairness. Craig Savidge had lived in the area for many years and was widely regarded as an excellent independent forester who was open-minded and fair to both timber and environmental concerns. When they decided to form a citizen-based committee to initiate more involvement from the community, they had no difficulty in securing respected community leaders to represent the Chambers of Commerce of Priest Lake, Priest River, and Newport/Oldtown, as well as the local environmental group, the local timber industry, and the Priest River Development

⁷Craig Savidge Transcript, 1.

Corporation. As Mike Schaff put it, “Kent and Craig got it started. They are very persistent fellows.”⁸ Another member of the Stewardship Committee put it this way, “Craig believed that there was common ground; it wasn’t a sales pitch, it was what he believed, and he helped others to see and believe it too.”⁹ This initial group of people became the Priest-Ponderay Forest Stewardship Committee, later shortened to the Stewardship Committee.

The Priest Lake Ranger District had to compete at the national level to win one of the stewardship slots. It quickly became apparent that drafting a competitive stewardship proposal offered the opportunity to bring the whole community together to design a vision for the future. In the past, the local communities had benefited from a share of the proceeds from timber sales on public forest lands because these lands constituted a significant portion of the county, limiting its tax property base. When timber sales declined, these proceeds that supported local government and schools, as well as local timber jobs, essentially disappeared. Congress had passed a law to continue providing payments at a much higher level to timber-based small towns, but the law was temporary, meant to give these communities support for a limited time while they diversified their economies. How would the Priest Lake area prepare to move into the twenty-first century? How did the timber industry and the Forest Service figure into that picture?

The Stewardship Committee applied for and won a Phase One planning grant to complete a strategic plan from the Ford Foundation aimed at revitalizing rural communities. Timely completion of the plan qualified the community to compete for a much larger Phase Two project grant. The Stewardship Committee set to work, and soon had about 70 people from the area involved in a number of committees planning for various community aspects including finance, education, economic development, forest restoration, and public outreach/community affairs. As one participant put it, “There was lots of panic at the beginning; the future of the community was at stake. There was lots of energy, lots of folk to go through the strategic planning effort. It was a lot of hard

⁸Mike Schaff Transcript, 3.

⁹Lakeface-Lamb Non FS # 1 Transcript, 1.

work.”¹⁰ Support for Lakeface-Lamb became broad-based as local folks from the business and environmental communities sat down together to envision the future of the community. Mark Sprengel of the Selkirk Conservation Alliance, the local environmental group, noted “I have a background as a logger, I know that local folk would feel better if the work they were doing was helping to restore the forests, and not destroy them.”¹¹ Mike Schaff put it this way, “We have to help ourselves, not rely on the payments from the government to replace the timber harvest income that is no more. We had some time to prepare to be on our own and this was our way of meeting the challenge.”¹² Their efforts were rewarded when Lakeface-Lamb was chosen by the Forest Service as a potential stewardship project in May of 1999.

Somewhere in the process of strategic planning for the community’s future, another idea took root; why not form a non-profit to bid on the Lakeface-Lamb project, and ensure that the project truly modeled stewardship of the forests and provided local employment? As one of the timber industry representatives put it, “Outside loggers were messing up the woods; we didn’t want to be lumped in with them. The closer to home you work, the better you do. You don’t just care about the money; you care about how you do the work. We wanted to be involved in a showcase of the right way to do logging, with stewardship focused on the end results. This was an opportunity to polish the techniques, to accomplish what the FS had told the public.”¹³ A representative from a local Chamber of Commerce noted, “This was an opportunity to show that the community was really smart about managing timber for sustainability, to show that we have the experience and knowledge, that we knew how it could be done, and to create jobs for the community. We knew that the Forest Service would put it out for bids and that the contract would have likely gone to the coast; we wanted to have the work done locally.”¹⁴

¹⁰Lakeface-Lamb Non FS # 9 Transcript, 3.

¹¹Mark Sprengel Transcript, page 1.

¹²Mike Schaff Transcript, page 3.

¹³Lakeface-Lamb NFS # 1 Transcript, 2.

¹⁴Lakeface-Lamb NFS # 2 Transcript, 1.

Although the group submitted a proposal, Priest River did not win a Phase Two Ford Foundation grant, in part because the stewardship contract had not yet been awarded. The Stewardship Committee had been counting on grant funds to post the bond required to bid on the stewardship contract. Then, the Forest Service released the final Lakeface-Lamb Environmental Assessment with a Decision Notice in July of 1999. Several local individuals filed appeals on the grounds that the Environmental Assessment didn't do a thorough analysis of cumulative effects. The Regional office concurred, and instructed the district to do a full EIS. The stewardship project went back to the Ranger District for more research and review, a process that could take years. With two strikes against the project, the various community planning committees disbanded; folks who had been energized and enthusiastic about the planning process gave up. The story could very well have ended at this point, except for the Stewardship Committee. As Mike Schaff, then a member of the Stewardship committee, noted, "We decided that we were going to make this work, we were convinced. But we had to scale back our dreams. We got the wind knocked out of our sails."¹⁵ As another member put it, "We are all stubborn, determined, ornery people. Once we decided it was going to work, there was no going back. The project was going to happen."¹⁶

While Forest Service staff at the Ranger District worked at the lengthy process of putting together the complete analysis required in a full EIS, the Stewardship Committee continued meeting to find a way to come up with the bond money. One option was to work with a local lumber mill to put up the bond, but this was viewed as potentially giving up too much control. There was only one other option left, the Priest River Development Corporation (PRDC), a local volunteer non-profit that had been formed when a group of local citizens put up their own funds to create an industrial park. The job creation aspect of the stewardship project fit within the mission of the PRDC, and PRDC had the assets to cover the bond. The Stewardship Committee was prepared to take full responsibility for carrying out the project; the PRDC need only provide the financing. Two of the Stewardship Committee members also served on the PRDC board. As one said, "The Stewardship Committee had worked so well together, we took the

¹⁵Mike Schaff Transcript, 2.

¹⁶Lakeface-Lamb NFS # 7 Transcript, 2.

proposal back to the PRDC board and convinced them that this was the thing to do. The Panhandle Bank was also ready to help; we had great partnerships in the community. So, we decided to bid on the contract...”¹⁷ Although the amount of the bond required tying up nearly all of their assets, the PRCD board agreed to provide the financing for the bond.

Forest Service officials Kent and Norgy worked closely with the members of the Stewardship Committee to fine-tune the stewardship project to be sure it met local needs and would garner local support. On the community side, Craig Savidge provided extensive suggestions on the restoration aspects of the project using his background as a professional forester. Kent and Norgy also sat down with the Stewardship Committee member from the local environmental group to be sure the forest restoration portions of the project were compatible with local environmental concerns. There were articles in the newspapers that served the area, including those in Spokane. The Ranger District issued the draft EIS on Lakeface-Lamb in April of 2000, and the Record of Decision was signed in December of 2000. No local groups appealed the decision. However, five out-of-state environmental groups filed a formal appeal on February 19, 2001, essentially contesting the same issues that had been raised through appeals at the Environmental Assessment stage of review and thoroughly addressed in the EIS. On March 19, 2001, the Forest Service denied the appeals. Noting that the project had widespread local support including the local environmental group, the appellants did not pursue litigation. Lakeface-Lamb was clear to proceed through the contract drafting and Request for Proposal stages.

The Stewardship Committee submitted an application under the umbrella of the PRDC and won the contract. Lakeface-Lamb was an ambitious project that involved many facets such as timber removal, fuels treatments in the wildland/urban interface, road maintenance, trail work, recreation facilities, tree planting and pruning, road removal and signage. It provided a wide range of opportunities for local employment potential. As one member put it, “We saw this as a way to bring dollars into the local economy. It was unique, exciting, a chance to employ local people and guarantee some jobs for the community. It was a local community project with more of a business side to

¹⁷Lakeface-Lamb NFS # 2 Transcript, 2.

it.”¹⁸ Community support for the Stewardship Committee was intense. When it came time to provide the bond, every member of the PRDC board signed the note, pledging their personal assets as additional collateral. Craig Savidge was hired to be the contract manager. Liz Johnson-Gephardt, a local land owner with strong environmental connections, was hired to be the project coordinator and spokesperson. The Stewardship Committee continued as volunteers, as they had been all along.

Fulfilling the contract was not easy. The National Forest office and the Ranger District had little experience with stewardship contracting and no experience in working with a non-profit contractor. Likewise, some members of the Stewardship Committee knew very little about working with the Forest Service. As Liz, project coordinator for the Stewardship Committee put it, “There were lots of bumps at the beginning. We had to draw lines in the sand; everybody had moments of concerns about the project. Why did we take this on? I lost sleep over it, but there were no quitters here!”¹⁹ As project manager, Craig Savidge brought critical management skills and knowledge about contract mechanisms, Forest Service jargon, what could and could not be done. Craig described his role as being “like the clutch plate between the engine and the transmission. I had to be sure that the subcontractors and the PRDC got along smoothly, and fulfilled the Forest Service and PDRC expectations.”²⁰ Other Stewardship Committee members brought other skills and viewpoints. One member put it this way, “No one person dominated the group. We talked things through with different people with different expertise taking the lead when appropriate. It wouldn’t do to be too bull-headed, because the diversity of the group acted to help check and balance our actions.”²¹ Another noted, “I could see that we had the intelligence among the group. Also, the egos didn’t get in the way. There was lots of expertise around the table. We talked things out, and generally left feeling that we’d made the right decision.”²² Still another member said,

¹⁸Lakeface-Lamb NFS # 3, 1.

¹⁹Liz Johnson Gephardt Transcript, 3.

²⁰Craig Savidge Transcript, 5.

²¹Lakeface-Lamb NFS # 2,

²²Lakeface-Lamb NFS # 7 Transcript, 4.

“Everybody came together, and it worked out well so that we built up trust with the PRDC board, and they put the control of the project into the Stewardship Committee’s hands. The Stewardship committee used both consensus and voting. We had dissenting votes from time to time, but we always talked things through, didn’t have big egos, just lively discussions based on the diversity of the values in the group.”²³

The contract posed some unique challenges, in part because it was among the first stewardship contracts written anywhere in the country, and in part because of the wide scope of service activities included. Fortunately, the Forest Service Contract Officer Fred Fischer had a background in both timber and procurement contracting, as well as having worked in setting up timber sales in the woods. Fred also understood the business needs from the contractor’s perspective. As a result, he had no problem with making changes to make the contract fit the project as it was implemented on the ground.

As an experimental contract, Lakeface-Lamb had more flexibility than the usual contract. Although the project involved timber cutting, the original contract officer wrote it up to be a service contract with an embedded timber sale component. This turned out to be crucial in allowing modifications during implementation; service contracts are more flexible than timber sale contracts. In addition, Forest Service allowed some change from the usual because the purpose of the pilot stewardship project was to be experimental and try different things. As Fred noted, “The contract was written as an indefinite quantity service contract to include timber harvest. We still have the opportunity to write modifications to meet the intent of the planned work and NEPA. I have no problems shifting gears and negotiating a change if what was described in the contract is not meeting the intent.”²⁴ Fred went on to note that the requested modifications were almost always about the resource, about the end goal and how best to get there. Fred attributes this to the contractor being a nonprofit community group. “They wanted their local subcontractors to make a reasonable profit on the services being performed, but meeting

²³Lakeface-Lamb Non FS Transcript # 3, 2.

²⁴Fred Fischer Transcript, 3.

the needs of the forest restoration was just as important to them as to the Forest Service.”²⁵

At first many Forest Service officials weren't sure about stewardship contracting or about working with a non-profit that was part of the local community. “We had many nay-sayers inside the Forest Service. We were pushing the envelope with this project.”²⁶ Norgy, as project liaison in the Ranger District, and Kathy Murphy, who took over as District Ranger after Kent retired, set a tone for the project that was positive and enthusiastic. “We had enthusiasm for the project, knew it was going to work... We ran into lots of hurdles early on, but approached them with a can-do attitude, and we thought outside the box... We were persistent and confident.”²⁷ Although the leadership was enthusiastic and committed to the project, many ranger district staff were resentful, and didn't want the project to work.²⁸ There were fears that the project would take up too much administrative time without providing any financial support for the ranger district's budget. One observer estimated that at the beginning, ranger district and national forest staff involved in the project were split about 50% percent for, and 50% percent against the project.²⁹ Over time, this changed to about 80% for and 20% against.³⁰

Resistance within the Forest Service shifted as staff began to recognize the dedication of the community folk involved in the roles of prime contractor and sub-contractors. Matt Butler, Forest Service fuels manager for the project, noted, “The community group that came together and energized the community really made a difference. Their focus and willingness to include several aspects of the community made me realize that things can get done on the ground without getting beat up by the public...that desire to ‘roll up the sleeves’ and work together with the Forest Service on the issues at hand was different. It made me realize that the community wanted to work

²⁵Ibid., 3.

²⁶David Asleson Transcript,4.

²⁷Kathy Murphy Transcript, 2.

²⁸Lakeface-Lamb FS # 4 Transcript, 2.

²⁹Lakeface-Lamb Non FS # 5, 2.

³⁰Ibid.

together to make this project work.”³¹ Fred noted, “It was a pleasant surprise that the contractor as well as community members wanted to be very collaborative. These are real community people; they had been involved in the issues because it was their area. They can communicate on an even level with the Forest Service because they know the concerns of the local community, the historical issues. They are, in this case, close to the land and its management issues...they take a very ‘hands-on’ approach to managing their own ‘backyard,’ and they have a great interest in understanding the technical reasons for management decisions.”³² Karen Brockus, Forest Service contracting officer representative for the project, noted, “When we are into the implementation of the project, we have to fill in the details. So, we meet and talk and take more time to iron out the details, on pieces like the river access, warming hut, recreational projects. Because we are ironing out these details with local people as contractors, there is a higher degree of ownership of the projects by the local folks. They make recommendations, we respond. We consider those recommendations, and then proceed based on the desired outcome. The end product may often be better, because they care about the community and are committed to high quality work.”³³

An example of this give and take was choosing which trees to remove to achieve the fuel reduction goal while maintaining a high level of visual integrity. Stewardship contracting allowed the Ranger District to rely on end result descriptions of what the forest should look like when the cutting was finished, rather than having the Forest Service mark individual trees for cutting. This focus on the end result allowed for more flexibility on the ground as the cutting on each unit was implemented. On one unit, the Forest Service crew had gone in and marked the trees. When the timber cutting contractor arrived, he knew that it wasn’t right. A different contractor would have just cut the trees anyway, but this contractor had the community and quality of the project foremost in his mind, so he went back to the Forest Service timber officer and convinced the officer that he could do a better job of selecting trees. The timber officer agreed, and the cut was changed. The project got a much better end result, because of this kind of

³¹Matt Butler Transcript, 4.

³²Fred Fischer Transcript, 2-3.

³³Karen Brockus Transcript, 4.

give and take. As one of the subcontractors said, “I was interested in forest health, not just natural clumping. The red tape to make changes was do-able, but it still took a lot of red tape. I’d never worked with the Forest Service at this level before; it was great to work together this way versus the usual contract where you follow the letter of the contract, no matter what it does on the land.”³⁴

What characterized the working relationship between the community groups and the Forest Service was their shared commitment to making the project work by maintaining a positive, problem-solving attitude. As the District Ranger Kathy Murphy put it, “We approached every problem as an opportunity, with a very strong positive attitude that we could figure out a solution. We were able to respond to the problems, and not feel criticized. This went up through the organization, although it took those higher up a while to realize that what they thought of as complaints from the contractor didn’t necessitate a ‘react’ mode because we were in a ‘problem-solving’ mode.”³⁵ Dave Cobb, who took over the implementation of the project when Norgy retired, noted, “The project helped the Forest Service figure out where the proper balance was between aggressive pursuit of fire hazard removal, and the values of the community. We needed to reduce the risk, but see that we didn’t destroy what people really liked about the area in the process...The Forest Service couldn’t define it without the community. We can’t find the middle by sitting in the office.”³⁶

This problem solving approach extended to the residents within the project area and others in the community through the Monitoring Committee. Enabling legislation for the stewardship projects included a requirement that a citizen group be recruited and given the responsibility of monitoring the implementation of the stewardship activities. Norgy recognized this as one of the most important aspects of stewardship contracting, the opportunity to build trust between the Forest Service and local residents by having open communication and feedback about implementation.

The Lakeface-Lamb Monitoring Committee began with about 20 people from the community, divided into several different subgroups that specialized in different areas of

³⁴Lakeface-Lamb Non FS # 1 Transcript, 4.

³⁵Kathy Murphy Transcript, 2.

³⁶Dave Cobb Transcript, 3.

the project such as water quality, timber harvesting, and weed control. The role of a monitoring committee member was to ask questions, express concerns from the community about what was being done and compare the on-the-ground implementation with both the contract and the EIS, then carry answers and information from the Forest Service back to the community. Dave Cobb, liaison from the Forest Service for the Monitoring Committee, described his role this way, “I take their concerns back to the Forest Service and the PRDC as primary contractor. Where possible, I correct the problems. Where not possible, I try to explain from the Forest Service side what can and can’t be done. This includes explaining misunderstandings about what is really happening, especially when rumors get started.”³⁷ District planner Norgy Asleson noted, “The Monitoring Committee helped to build trust. The project was originally quite controversial. Because the area is so ‘wet,’ people perceived the fire risk as minimal. The Monitoring Committee helped to build a base of understanding, by talking to friends and neighbors.”³⁸ A local citizen who served on the Monitoring Committee noted, “There was a level of mistrust of the Forest Service in the first three or four meetings, but that went away when we realized they were listening and responding to our concerns.”³⁹ Liz Johnson-Gephardt, coordinator for the Stewardship Committee, noted, “The Monitoring Committee was an excellent community participation model. This is what changed Priest Lake residents’ opinion of Lakeface-Lamb. We provided education for adults as to what was being done and why. This helped to ease their distrust, helped them to understand it.”⁴⁰

Lakeface-Lamb was one of the original demonstration stewardship projects in the country. When the PRDC and Stewardship Committee took on the implementation of the contract as a nonprofit, it became unique. As the project achieved some successful outcomes, Lakeface-Lamb began to attract attention well beyond the Priest Lake area. Regional and national leaders from the Forest Service came to see for themselves how it

³⁷Dave Cobb Transcript, 1.

³⁸David Asleson Transcript, 1.

³⁹Lakeface-Lamb Non FS # 5 Transcript, 4.

⁴⁰Liz Johnson-Gebhardt Transcript, 4.

was working. The top official in the Bureau of Land Management came for a tour and left very impressed and eager to try the idea in her agency. The demand for information was so high that the Forest Service decided to produce a video. Scripting and shooting the video gave those involved the opportunity to stop and reflect upon what they had accomplished and to solidify their understanding of how each one contributed to overall picture. As one Ranger District staff noted, “We realized we had to make it work, we couldn’t fail. The focus shifted to how we were going to do it right. The working together part was amazing. The contracting part was very difficult.”⁴¹

As of this writing in March of 2007, implementation of Lakeface-Lamb is not complete. Ranger District staff estimate that it will probably be completed next year, ahead of schedule.⁴² In terms of treatment for fuels reduction, the project treated more acres for less cost than anticipated by the Forest Service. Other aspects of the project were more problematic. One question that remains unanswered is whether the type of fuels treatment used in much of the project area will reduce fire potential for the future, especially as increased light promotes new growth fuel loading on the forest floor and additional treatment is needed.⁴³ Another question concerns the fragility of the forests as global climate change progresses. As Mark Sprengel of the Selkirk Conservation Alliance noted, “Multiple use needs to be secondary, with the emphasis on ecosystem restoration and forest health. The Forest Service tries to be all things to all people, but it can’t do that anymore. They need to adapt to the changing situation, with global warming causing the forests to be more fragile. The project failed in its overarching objectives. What they did was an improvement over what they had been doing, but it was not addressing the root cause of the problem.”⁴⁴ The potential for changes in the way the Forest Service handles contracts also remains to be seen. One of the goals of the project was to demonstrate effective on-the-ground treatment for forest health which required more flexible contract practices. On the one hand, community interviewees are not seeing much transfer from the Lakeface-Lamb project to other projects in the Ranger

⁴¹Lakeface-Lamb FS # 4 Transcript, 2, 4.

⁴²Lakeface-Lamb FS Transcripts, # 2 and # 4.

⁴³Lakeface-Lamb NFS # 6 Transcript, 3-4.

⁴⁴Mark Sprengel Transcript, 2.

District.⁴⁵ On the other hand, the flexibility allowed for the Lakeface-Lamb project no longer exists in many respects because of subsequent changes in the stewardship contracting authorization. It remains to be seen how much flexibility is left, and whether the Ranger District will take full advantage of that flexibility to transfer more of the lessons from Lakeface-Lamb to on-the-ground treatment of the forest.

Both the PRDC and the Stewardship Committee gained from the project. As a business venture, the PRDC did not have profit as one of its goals in taking on the Lakeface-Lamb project. As Martin Negle, former president of the PRDC and member of the Stewardship Committee put it, “We would be content if we at least came out even; that was the goal. At one point the revenue stopped coming in, but the costs kept coming. We had to set up a buffer, a fund of about \$50,000 to carry us through the cash flow shortage; it came pretty close to being used up. We had assets of PRDC that we could borrow against. We needed the project to work. What is amazing is that we did it without a lot of grants, but rather with our personalities and perseverance.”⁴⁶ When the timber market went up, the Stewardship Committee found itself with a margin of profit. More amazing still, the Stewardship Committee was able to set aside enough profit to cover the bond, release PRDC’s assets, and establish a free-standing organization to carry on. As of mid-January, 2007, the Priest Community Forest Connection (PCFC), a new nonprofit made up of many of the same folks who were on the Stewardship Committee, was given official approval from the Forest Service to take over the Lakeface-Lamb contract.

The work of accomplishing the duties of primary contractor for a complex stewardship project while also operating as a viable business as a fledgling nonprofit was not easy. On the one hand, intense involvement of citizens through the Stewardship Committee and local subcontractors focused greater attention on the quality of the outcome than would have been the case in a for-profit firm. On the other hand, concerns about the bottom line were more problematic. One of the casualties was the relationship between the Stewardship Committee and Craig Savidge, the project manager. When their working relationship became strained, Craig resigned and members of the Stewardship

⁴⁵Lakeface-Lamb Transcripts NFS # 1, # 4, # 6.

⁴⁶Martin Negel Transcript, 6.

Committee filled in until a new project manager was hired. Another aspect of the project that hasn't meet community expectations was the degree of community outreach. The original strategic plan envisioned an ongoing effort of community involvement in revitalization ranging from broad-based local employment in stewardship sub-contracting to creation of a technical school with a forestry curriculum in addition to forestry classes in the local high schools. It was unrealistic to expect everything would be done perfectly within the scope of one project. Subcontracting did not always go smoothly, in part because some of the work like tree planting didn't attract local workers. The project did succeed in creating a forestry class in the high school. As Mike Schaff put it, "The more they learn, the better the chance to succeed in the future. Not everything was perfect, but, overall, I think it was successful."⁴⁷ Now that the PCFC has weathered most of its first stewardship contract, it is focusing more attention on outreach and communication with the community. As one continuing member in the new Priest Community Forest Connection noted, "I don't feel that we've met all the goals we thought we'd meet. We don't have the high school kids involved the way I'd like, but that doesn't happen overnight. It would be great to have the school heated by wood waste. This hasn't happened yet either, but again, I realize that that takes longer. I'm willing to sit on the board for another 5 years to make it happen."⁴⁸

From the perspective of the Ranger District interviewees, Lakeface-Lamb as a pilot project proved to be a good experience. The fuel reduction treatments were so well received by the community that private landowners began to hire project subcontractors to treat private land as well. The complexity of the project allowed the Ranger District to test which kinds of service activities are suited to a stewardship approach, and which are not. Most importantly, Lakeface-Lamb helped built trust with the community. Norgy noted, "It was rewarding to see the change in people's attitudes as we worked together through the project, to have people talk about it in other places, in good terms, like in bars and restaurants. There was a change in how folks felt about Lakeface-Lamb and about the Forest Service itself. They had a chance to learn about our struggles, with the EIS,

⁴⁷Mike Schaff Transcript, 6.

⁴⁸Lakeface-Lamb NFS # 8 Transcript, 3.

contract, internal barriers. They became some of our biggest advocates.”⁴⁹ As Dave Cobb, who replaced Norgy in implementing the timber cutting and Monitoring Committee portions of the project put it, “The Forest Service could be seen as the big bully who does whatever he wants, or we can be a part of the community. This project broke down the big bully appearance. It was a success, not because of the number of acres of treatment, but because of the relationships to the community.”⁵⁰ Kathy noted, “Working with the PRDC gave us a better understanding of the challenges facing the prime and subcontractors for the timber and service components.”⁵¹ And, she noted, “We have a good working relationship with the community now, we can formulate a vision for new projects, put our cards on the table, and talk openly. We will have more stewardship contracting; there will be more opportunities.”⁵²

Case Four: Thompson Falls Game Range Fuel Reduction Stewardship Project

Thompson Falls is a rural community of 1,321 people in the Clark Fork River valley in western Montana, tucked into the southern foothills of the Cabinet Mountains between the Cabinet and the Bitterroot Mountains. Historically, the economy of Thompson Falls was heavily reliant upon timber, although cutbacks in timber harvesting on Forest Service lands in the 1980s and 1990s resulted a lessening of timber activity in the area and the closure of one of the town’s two mills. Timber harvesting on private lands has maintained a lower level of economic support. Most recently, the Thompson Falls area has been growing from an influx of residents, primarily from western Washington and Oregon, seeking to escape the traffic and density of more populated areas. As demand for housing grows, new developments are just beginning to expand into the wildland/urban interface.

⁴⁹David Asleson Transcript, 7.

⁵⁰Dave Cobb Transcript, 2.

⁵¹Kathy Murphy Transcript, 1.

⁵²Ibid., 3.

The Game Range Fuel Reduction Project takes its name from an expanse of formerly private land that was purchased by the Montana Fish, Wildlife, and Parks Department (MFWP) in the 1970s to preserve winter range for big game. After the active fire season of 1994, officials in both the Thompson Falls Ranger District and MFWP moved the fire potential on the Game Range, and on the Forest Service lands that abuts the Game Range upslope, to the top of their priority list for fuel treatment. These southerly facing slopes are warmer in winter and therefore retain less snow cover, making them attractive feeding grounds for big game. However, these slopes are also drier in the summer, and more prone to fire.

The last high intensity fire occurred in the Game Range project area in 1910. Subsequent fire suppression efforts interrupted the historic five to thirty year frequency of lower intensity fires on these slopes, allowing encroachment of immature Douglas fir into stands of Ponderosa pine, larch, and mature Douglas fir. Not only had the resulting tree density contributed to fuel buildup and loss of Ponderosa stands, but it was also choking out vegetation critical for winter forage. Scientists working with fire ecology have studied these types of dry stands in the southwest and have a fairly clear understanding of how to treat fuel buildup. However, fuel reduction treatment of these south-facing slopes posed substantial challenges. All of the areas to be treated were within one to four miles northeast of Thompson Falls and were highly visible to the community. The project area also included inventoried roadless areas, a section of the Mount Silcox wilderness study area, and designated grizzly bear habitat. Portions of the area abutted private ranch and timber land. Moreover, most of the slopes were very steep, posing additional logistical challenges to removal of the understory vegetation. All of these challenges had discouraged treating or harvesting the areas in the past.

In 1996, Thompson Falls District Ranger Dick Smith drafted Frank Yurczyk to head up an interdisciplinary (ID) team of specialists to complete an analysis of the forest management area in which the Game Range project was located. Given the project's close involvement with the state game range area, the Ranger District invited area biologist Bruce Sterling of MFWP to be a full member of the ID team. This was very unusual. "Usually we don't put people from our agency on another agency's ID team, nor does the Forest Service pull people from the outside to be on their ID teams. Elk

wander, so we have an interest in what the Forest Service does. This was a good project that would benefit the elk and deer winter range.”⁵³ The analysis was completed in 1997. Dick and forest planner Larry Svalberg realized that the project involved sensitive issues that would raise concerns with different sectors of the public, so they set about extensive informal and formal outreach efforts to meet with various interests. On June 10, 1997, the Ranger District held a Community Open House in Thompson Falls to present the findings of the analysis. The community was generally favorable to the need for fuel reduction and improvement of the winter range, but raised a number of concerns regarding the implementation of the project. The ID team took these concerns into account in the next phase of more detailed planning for the project. Bruce Sterling attended the meeting: “This is a logging community, so people weren’t upset about the project.”⁵⁴

One of the outreach efforts that helped to build public understanding of the project was a study of historic fire frequency that Rick Carlson, fire planner of the Ranger District, did over one summer. The study relied upon a survey of fire scars in existing timber, a labor-intensive project. Rick hired local young people home from college for the summer to conduct the survey, and got coverage in the local newspaper. Young people from the local community who were hired as fire fighters for the summer conducted the survey when not involved in fire suppression. Involvement of the sons and daughters of local residents ensured that the community paid attention to the study’s findings. Rick noted, “Newspaper coverage helped people to become more cognizant of fire, that there hasn’t been a large fire in the valley since 1910. People weren’t as scared of fire in Thompson Falls as in other areas of Montana.”⁵⁵

One of the concerns in planning the project was how to pay for the fuel reduction treatment. Under the terms of a normal timber sale, project revenues had to pay for the costs of the treatment, and this project was going to be more costly than normal. Another concern raised by environmental groups was building roads in roadless and wilderness study areas to facilitate timber harvest; adding roads would remove these areas from

⁵³Bruce Sterling Transcript, 1.

⁵⁴Bruce Sterling Transcript, 4.

⁵⁵Rick Carlson Transcript, 2.

potential designation as wilderness. As a result, Ranger District timber planner Frank Yurczyk proposed to use helicopter logging that would not jeopardize potential wilderness status, but was more expensive. Detailed analysis of the distances over which helicopter logging was profitable dictated where landing sites for downloading logs could be located and how far up the slopes thinning could be done. Many of the landing sites were located on private land. Frank spent many hours meeting one-on-one with the fifteen private landowners adjacent to the project area to obtain access for the helicopter landing sites and to explain the activity that would take place over their lands. As one of the local landowners put it, “Frank stopped in at the house, several times, and talked about how much timber would be taken, how some would be taken out by tractor, most by helicopter. We thought most of the folks would be ok with the project... We were getting two good things at once, reducing the fire danger and money coming in from the logging.”⁵⁶

On July 2, 1998, the Thompson Falls District sent out the draft Environmental Assessment with an invitation for a field tour to be held on July 11. Five people attended the tour. However, District Ranger Dick Smith and planner Larry Savlberg did not rely on this turnout. Larry had taken training on how to work with the public and recognized that this project would benefit from application of that training: “I took Hans and Anna Marie Bleiker’s Informed Public Consent class some years ago through the Forest Service. The key point is that you have all kinds of public, and you need to spend time with all of them.”⁵⁷ Dick and Larry met with many individuals and small groups over the planning period, taking folks on tours and explaining the project and how it was designed to meet various concerns. For example, environmental and conservation groups needed to be reassured that the helicopter logging did not affect the status of the project for potential wilderness. Noxious weeds were another concern raised by members of the community, including Jerry Shively, a local outfitter and guide: “My biggest concern is to have a healthy forest and to control the noxious weeds. Weeds are the key. The Forest Service is trying, they require you to have weed-free hay in the back country... They

⁵⁶Game Range Non FS # 3 Transcript, 2.

⁵⁷Larry Svalbery Transcript, 3.

sprayed a small part of the trail, but that won't do. I'm afraid this is going to end up being all weeds."⁵⁸ There were a number of community concerns the Forest Service needed to deal with. As Larry said, "We realized we needed to pay more attention to involving the public. We did this through informal meetings, field trips, combinations of one-on-one and group meetings. We spent time on the ground with environmental groups. Working with the public wasn't as structured as it is now. We had a core group who were more willing to be involved who gave us more meaningful feedback."⁵⁹

One of the people they invited in to review the project was Mark Sheets, a local conservationist who was also involved in the Cabinet Resource Group (an environmental organization) and the Montana Wilderness Association. Mark was well known to the local Ranger District as a knowledgeable source of comments on forest health and worked on contracts with the Forest Service in a variety of capacities including fire lookout, brush crew, and forest fighter. Mark was particularly concerned about winter range. "I hunt the Game Range, and wrote in my concerns to the Forest Service. The grasses were disappearing and the brush was getting decadent and losing its value for wildlife."⁶⁰ Another person Larry and Dick recruited for review and advice was Cesar Hernandez, the region representative for the Montana Wilderness Association (MWA). Larry noted, "I dragged him into this one and took him out on a ground tour of the project areas. Cesar could be a voice for reason, he understands the other side. I knew him from other projects, knew he wasn't the rabid environmentalist that others thought he was. I knew he had been a timber fellow."⁶¹ Both Mark and Cesar concluded that the project offered a net gain to environmental and conservation goals.

The project might have gone forward at this point as a commercial timber sale, but events at the national level called a halt when the Clinton administration issued its Roadless directive. The project was put on hold while the Roadless Area Conservation

⁵⁸Jerry Shively Transcript, 1.

⁵⁹Larry Svalberg Transcript, 1-2.

⁶⁰Mark Sheets Transcript, 2.

⁶¹Larry Svalberg Transcript, 4.

Rule was developed.⁶² Dick Smith left, another district ranger came and went, and Lisa Krueger took over as District Ranger when the project began to move forward again. By this time, the Forest Service was experimenting with stewardship contracting and the Regional Office was offering a cash incentive for administrative costs to encourage ranger districts to try stewardship contract projects. As District Ranger, Lisa had other problems to address in addition to fire potential in the Game Range project. One of these problems was a popular forest access road that ran up the West Fork of the Thompson Falls River. The road bed is ancient Lake Missoula sediment, which is unstable. One part of the road, called Honeymoon Slide, is particularly prone to crumbling and landslides. The road had been taken out by a landslide and was going to require substantial repair work. However, the Ranger District didn't have sufficient funds for road repair. Stewardship contracting provided the answer, and the Game Range provided the project. Larry put together a power point presentation and he and Rick presented it to the Regional Office; the Game Range was approved as a stewardship project.

By the time the planning team took the Game Range project off the shelf for the next step, the Regional Office had decided to require full EIS preparation on most projects. The Game Range was the first EIS to be done on the Thompson Falls Ranger District. Frank augmented the interdisciplinary planning team with specialists in silviculture and visual landscape design. When the Forest Service released the draft EIS on October 19, 2001, the Game Range project had incorporated the concerns of the community. Larry noted, "My fears at the beginning were that people would come in with desires that would go against our recommendations, or that they would have desires so great that we couldn't meet them. What I found was that we didn't get people coming in with undue expectations. We were able to meet them, and we were able to do some non-traditional things that we historically wouldn't have done."⁶³

Visual quality was the highest priority concern of the local community; meeting this concern required a delicate balance of thinning and visual landscape planning. Bruce attended one of the public meetings on the draft EIS in Thompson Falls: "The visual

⁶²Lolo National Forest. 2002. Game Range Record of Decision, 8.

⁶³Larry Svalberg Transcript, 5.

aspect was a really big issue. The Forest Service had a computer program to show what it would look like. They laid out all the maps, the cuter units, and what they would do. They spent an inordinate amount of time on the visuals, and did a pretty good job of it. The community was very comfortable with it. It was a very productive meeting.”⁶⁴

For the project planners, shifting from a conventional timber sale to a stewardship contract didn't have much effect on the project; they viewed it as a contracting tool. However, for the environmental interests, stewardship contracting raised a serious question. One of the provisions of NFMA designed to curb abuses in harvesting timber required each tree to be marked by the Forest Service prior to cutting, removing decision making from the contracted sawyer in harvesting and thinning. Stewardship contracting allowed the Forest Service to use “designation by prescription,” describing the end result of what the forest should look like rather than identifying every tree. The decision of which trees to cut was left to the sawyer. How seriously this question weighed among members of environmental groups depended, in part, upon how much trust the group had in the ability of the Thompson Falls Ranger District to implement the contract effectively. Mark Sheets and Cesar Hernandez had both worked in the woods as loggers. For them, designation by prescription was not an issue. Cesar said, “I am very familiar with felling trees...The prescriptions for the contractors was really a no-brainer if you've done it before. I think 80% of the folks who work in the woods take pride in their work.”⁶⁵ For others, however, it was a leap of faith they were not ready to make.

The Game Range Record of Decision came out in August of 2002. No local groups opposed it. To the contrary, local landowners supported the reduction of fire potential on the lands adjacent to their own. The local conservation group supported the project, as did the MWA, for its projected improvement of winter game range and restoration of historic forest conditions to the roadless areas under treatment while maintaining the potential for wilderness designation. The project illustrated effective public involvement in terms of outreach, education, and project design; however, several environmental groups from outside of the area appealed the decision. The appeals were

⁶⁴Bruce Sterling Transcript, 2-3.

⁶⁵Cesar Hernandez Transcript. 2.

settled at the Ranger District level except for one, from the Ecology Center, who had earlier refused all invitations to come to Thomson Falls to tour the proposed project and refused again to come discuss the appeal in person. Both Mark and Cesar came in and sat with the Ranger District staff to discuss the appeal on a conference call with the Ecology Center. Mark was not surprised at the appeal: “I figured it would get appealed because of the designation by prescription rather than marking each tree, and also because the project was taking place in a roadless area.”⁶⁶

When the Ecology Center decided to pursue the appeal at the Regional level, both the Cabinet Resources Coalition and the MWA filed administrative interventions on behalf of the Forest Service to support the project. The Regional appeal officer denied the appeal. Cesar also was not surprised by the appeal: “I knew the project, and had followed it. I recommended to MWA that we do an administrative intervention on behalf of the Forest Service, and MWA agreed. If the Ecology Center had decided to take it to court when the Regional Office denied their appeal, I would have recommended that MWA file on behalf of the Forest Service in the suit as well. MWA has procedures and doesn’t get involved in legal battles lightly, but we were confident that the project was right to do.”⁶⁷ The Ecology Center did not take its appeal to court, in part because of strong opposition to its actions from other environmental groups.

Shifting to a stewardship contract for the Game Range project allowed the Forest Service to make some changes in its usual procedures. One change was giving bid preference to local contractors. The contract was awarded to a firm in St. Regis, about 60 miles from Thompson Falls, which was the nearest contractor able to do helicopter logging. Another advantage was designation by prescription for the thinning. Rather than marking every tree, which is logistically difficult on steep slopes, the Forest Service marked one part of each area to give an idea of what the area should look like. This lowered the costs of administering the timber harvest significantly.

Stewardship contracting also helped to win the support of the local community because of the requirement for a citizen monitoring committee. The Game Range project was approved during the experimental period of stewardship contracting when

⁶⁶Mark Sheets Transcript, 1.

⁶⁷Cesar Hernandez Transcript, 5.

monitoring committees were important components of the stewardship contracting process charged with the responsibility of making sure the Forest Service was implementing the project correctly. Selection of committee members was done by the District Ranger Kathy Murphy, with approval from the Forest Supervisor. Kathy pulled together representatives of a variety of interests in the community to form the monitoring committee, including conservation and environmental groups, landowners adjacent to the project, local timber businesses, the county commissioners, and the local office of the Montana Department of Natural Resources whose representative chaired the committee. Both Mark Sheets and Cesar Hernandez agreed to be members representing conservation and environmental interests.

After the Forest Service had made the final project decision, the Monitoring Committee met prior to issuing the Record of Decision and had several training sessions at the Ranger District office on their role and responsibilities as members. Most of the folks on the Monitoring Committee knew each other beforehand. The functions of the Monitoring Committee are largely twofold; serve as a watchdog over the implementation of the project to be sure that it complied with the original intent, and serve as a communication link between the Forest Service and the community to enhance understanding of the implementation as it progressed. Mark Sheets, who is also on the City Council, described his experience this way: “People in the community do have questions; community members ask me what’s happening. I help to dispel rumors. I can explain things to them because I am a credible source, not a Forest Service person.”⁶⁸ At one point, Mark also intervened on a proposed treatment that would have thinned the area beyond the level called for in the EIS. “The Forest Service was going to cut Unit 8 back to the seed tree level, which would have been more than the thinning they described in the project. When I threatened to write a minority report, they changed the treatment for the area and went back to just thinning.”⁶⁹

For the most part, the Monitoring Committee has not met very often nor been very involved in the project to date, for a number of reasons. Most members serve as volunteers, which makes it difficult to find a time to get the committee together,

⁶⁸Mark Sheets Transcript, 5.

⁶⁹Mark Sheets Transcript, 1.

particularly as the Ranger District office is located in Plains, about thirty miles away. Once the training phase was over, the meeting schedule was infrequent because the project had not made sufficient progress to warrant a field trip; field trips worked better than meeting in the Plains office. Then, both the District Ranger who recruited the committee and the Department of Natural Resources representative who chaired the Monitoring Committee left the area. Moreover, the decisions affecting the project to date have all been made by the Ranger District, involving the Monitoring Committee after the fact. All of these factors weakened the ability of the Monitoring Committee to serve its full potential.

Despite this reduced level of citizen monitoring, public confidence and trust in the capacity of the Ranger District to carry out the project remains strong. This confidence was put to the test in the spring of 2006, when the first controlled burn of several treated cutting units unexpectedly reached a much higher intensity than intended. The fire impacted about 120 acres in the view shed, exactly the type of mistake that lingers in the public's attention because it is so visible. Remarkably, interviewees reported that the community registered a low level of upset over the incident, in part because the Ranger District immediately acknowledged the error in a newspaper article that also outlined the steps it was taking to prevent a reoccurrence. The problem was not with the original prescription for the thinning, but with the quantity of slash left on the unit. The Forest Service was going to address this by "flying out the tops," i.e., removing the unused tops of the trees by helicopter to another location for disposal. Bruce Sterling noted, "There was a problem with the piece they burned last spring. When you deal with the environment, it is not an exact science. Things just get away from you. The hill will survive; some of the trees will make it."⁷⁰ One interviewee mentioned that an outfitter friend of his had been up there and noted that the elk were already using the area for winter range.⁷¹ The Monitoring Committee made a trip to the burn site, although Cesar, the MWA representative, was the only one who made the meeting. As he put it, "There was one little incident. We took a trip to the burn site. It was very educational. The

⁷⁰Bruce Sterling Transcript, 3.

⁷¹Thompson Falls NFS # 1 Transcript, 4.

Forest Service admitted they had screwed up, and had already modified what they were going to do. The Forest Service was up-front, on the ground, talked about it. It was only 120 acres.”⁷² As one of the Forest Service managers who has lived in Thomson Falls for over twenty years put it, “I think the Forest Service has a pretty high level of trust with the Thompson Falls community.”⁷³

Overall, people view the project as successful at this point. One mark of success is that landowners further up the valley are now requesting that the Forest Service treat the slopes adjacent to their private land too. Another aspect of success is the increased effort, relative to the past, on the part of the Forest Service to keep the community involved through the Monitoring Committee.⁷⁴ Ongoing success depends upon how well the burn treatments are handled in the future; the community appears willing to allow one mistake as long as it is not repeated. Bruce Sterling noted, “I think it looks good to me. I think they left enough cover to act as a snow intercept in other areas so the absence of the canopy won’t be a problem in the burn area. We manage for elk needs over the entire area, not just one unit. The burn area is not a big issue.”⁷⁵ An adjacent landowner noted, “As landowners, we felt good about the communications; they took pains to let us know about everything...They (the Forest Service) did a fine job of logging, everything was well done; they did it in the winter. You can see everything now, it looked fine.”⁷⁶ As another representative from the adjacent private land noted, “The fuels reduction was needed. It was going to get done one way or another, either by design or by fire. New people don’t realize how fast fire can get out of hand. This really needed to get done, but they didn’t go far enough.”⁷⁷

Moving into the future, the Ranger District has a good working relationship with the community of interests affecting the Forest Service in Thomson Falls, with the

⁷²Cesar Hernandez Transcript, 4.

⁷³Thompson Falls FS # 5 Transcript, 2.

⁷⁴Thompson Falls Non FS # 1 Transcript, 4.

⁷⁵Bruce Sterling Transcript, 4.

⁷⁶Thompson Falls Non FS # 3, 5.

⁷⁷Thompson Falls Non FS # 4 Transcript, 2.

exception of the Ecology Center (now the Wild West Institute).⁷⁸ However, this environmental group is beginning to be more open to discussion on Forest Service projects in the planning stages.⁷⁹ The new District Ranger Randy Hojem sent out an invitation in March of 2007 with suggested dates for an April field trip with the Monitoring Committee and has initiated other outreach efforts. As Cesar noted, “Randy is very willing to reach out. I’ve never had a District Ranger travel with me to Missoula to visit with the folks at the Ecology Center, now the Wild West Center, like he did on another project.”⁸⁰ For his part, Randy is ready to work with a community-initiated collaborative group that would take the lead in bringing people together to provide recommendations to the Forest Service to meet the goals of fuel reduction, ecological restoration, and forest product provision for local sustainability, while staying out of court.⁸¹

Comparison of Lakeface-Lamb and Game Range Stewardship Fuel Reduction Cases

Both the Lakeface-Lamb and Game Range cases centered on local rural communities affected by the loss of revenues from timber sales. Both involved fuel reduction treatment in areas of major visual importance to these communities and succeeded in changing public opinion to the point that private landowners sought treatment for their own lands as well as requesting more treatment areas from the Forest Service. In both cases, Forest Service leadership in the planning stages of the project used innovative means to build public understanding and acceptance for the need to reduce the density of the forests. Both cases were experimental stewardship projects in forest restoration that involved monitoring committees of interested citizens. In both cases, the final EIS/ROD met the concerns of the local communities including the local environmental group, but was appealed by environmental groups from outside of the area. In both cases, the appeals were denied. Looking beyond this level of

⁷⁸Thompson Falls FS Transcript # 4.

⁷⁹Thompson Falls NFS # 5, 3.

⁸⁰Cesar Hernandez Transcript, 3.

⁸¹Randy Hojem Transcript, 4.

generalizations, there are a number of contextual differences that offer insight into the process of working with local communities in designing and implementing stewardship contracts for forest restoration.

The differences in the cases arose from the levels of trust in the local Ranger District present in the communities at the start of the projects and the dynamism of the community leadership that in turn influenced the degree of community involvement that followed. In the Lakeface-Lamb case, the local Ranger District had a very low level of trust with the community at the beginning of the project in terms of timber harvest. The District Ranger and principle planner viewed rebuilding a trust relationship with the community as a major goal throughout the project. Lakeface-Lamb began as a fire hazard reduction project with a credibility problem. The community initiated the idea of doing a stewardship project which transformed Lakeface-Lamb into a vehicle for extensive community outreach and involvement. As a result, the community engaged in a comprehensive visioning process that added expectations to Lakeface-Lamb to provide job creation for the local economy and model effective forest restoration techniques. The community leadership was equal to the task of fulfilling its end of the vision, and the Forest Service folk rose to challenge as well, in effect creating a partnership between the Ranger District and local community leaders that extended deeply into implementation of Lakeface-Lamb after the community leaders were awarded the position of prime contractor. Equally important, the Monitoring Committee played a central role in building trust with local landowners through the implementation phase. It would be hard to imagine a project with more community involvement.

In contrast, the Thompson Falls Ranger District began the project with a much higher level of trust with the local community. The District Ranger and project planner had an educational challenge in explaining the need for the project, but their credibility in the area of timber harvest was higher. Moreover, the community was largely a timber town, so there was no need for extensive outreach to the community as a whole. The planner identified the various interest groups and individuals interested in the project, and met with them primarily one-on-one. When the final EIS came out, the Game Range project had done a good job of addressing all of the local concerns and offered the benefits of reduced fire potential and enhanced winter range for elk and deer.

Stewardship contracted was added near the end of the project planning phase as a more efficient contracting tool to provide other Ranger District benefits as well. There was no added emphasis on forest restoration when the Game Range project became a stewardship project. The Monitoring Group was added as required by the stewardship contract regulations, but for a variety of reasons had not been very active as of March of 2007.

CHAPTER FIVE: ANALYSIS AND FINDINGS

Beyond Pluralism

This research examined the theoretical and practical aspects of the following questions:

Have efforts in citizen participation of the Forest Service gone beyond pluralism in which interests compete to define the public interest?

If so, how has the public interest been determined?

If new processes for defining the public interest are present in Forest Service citizen participation, to what extent do these new processes confirm participatory democracy theory?

If the Forest Service is using approaches other than interest group competition to determine the public interest in citizen involvement, how were they related to subsequent challenges to the resulting decisions?

The four cases in this research focused on defining the public interest in the context of the United States Forest Service acting as an administrative agency charged with the responsibility of implementing its mission at the project level. Two higher levels of the public interest formed a framework within which the cases occurred; the national public interest was defined by the laws established by Congress and the National Forest Plan defined the public interest at the level of the specific national forest. The four projects further refined and defined the public interest at the project level, within the existing overlays of the public interest from the higher levels and taking into account scientific research on wildlife and environmental impacts for the specific project. In point of fact, all four cases used actual overlays on maps to identify legal and scientific constraints. Many interviewees described the role of the Forest Service as “defining the decision space” or “establishing the sideboards” for each project, i.e., the area within

which flexibility existed to define project level public interest. Put another way, the role of the Forest Service was to identify and contain the area within which the public's values at the project level could determine the outcome. Once defined, most Forest Service decision-making interviewees reported indifference to the outcome in terms of content, as long as it fell within this area, and focused instead on the process of defining the public interest.

Unlike the other higher levels of public interest, the project level was very specific and concrete; it called for on-the-ground knowledge as the basis for discussion rather than abstract concepts and theories. Nearly all of the interviewees within and outside of the Forest Service stressed the importance of on-the-ground knowledge in creating the potential for differing sides to come to agreement. One Forest Service official put it this way, "You get people on the ground and 90% of the conflict disappears."¹ Non-Forest Service interviewees were adamant in asserting that local people with on the ground knowledge should play a dominant role in determining the public interest at the project level, precisely because of their intimate knowledge of the land.

The level of trust in the Forest Service, in terms of motive in proposing the action, credibility in providing information, and ability to implement the proposal as agreed, was particularly notable in these cases. Trust entered into these discussions because it formed the context in which the definition of the public interest took place. Public trust was enhanced when the Forest Service did an effective job of defining and incorporating the public interest into the preferred alternative prior to releasing the Record of Decision. As one district ranger put it, "The public expects the Forest Service to come up with reasonable alternatives that don't tear the community apart." Historically, the administrative appeal process, while widely viewed as an important part of defining the public interest procedurally, undermined public trust in the ability of the Forest Service to formulate the public interest when the appeals came from local community interests rather than distant advocacy organizations at the extremes. When the Forest Service relied upon appeals and litigation to define the public interest, it cast local interest groups into an adversarial competition characterized by behaviors from the pluralistic paradigm.

¹Game Range FS #1 Transcript, 4.

Many of the non Forest Service interviewees in these cases were adverse to the use of appeals and lawsuits, not because of cost or the likelihood of winning, but because of the deleterious effects adversarial processes had on the community. Several individuals were willing to give up what was most important to their personal self-interest to spare the community from the ravages of a lawsuit.²

The Forest Service officials interviewed for all four of these cases agreed that determination of the public interest needed effective interaction with the public. To confirm that non-Forest Service participants also recognized the public interest dimension of these cases, non-Forest Service interviewees were asked whether they viewed their involvement with the Forest Service as defining the public interest for the specific project being considered. All 24 non-Forest Service interviewees agreed that their efforts involved an attempt to define the public interest for the Forest Service in their respective cases.

This research examined two alternative political theories as reference points to describe and explain the interactions of the participants in defining the public interest, pluralism and participatory democracy. Research questions translated pluralism and participatory democracy into characteristic political behaviors, then noted the presence or absence of these behaviors. Pluralism in the context of Forest Service public involvement characterized rational political behavior as posturing, making exaggerated claims for one's case directly to Forest Service officials, making no attempt to listen to or understand others, holding out for all of what one wants, and using appeals, litigation, and using direct Congressional intervention if the decision does not meet expectations and the group has the resources to pursue it.³ Participatory democracy in the context of the Forest Service characterized political behavior as diverse interest groups coming together to listen to each other's concerns and work out solutions that respect the interests of all through group efforts that built trust, mutual respect, cooperation, understanding of other viewpoints, and agreement.

²Seeley Lake NFS # 2; Lakeface-Lamb NFS # 4 Transcript.

³Julia M. Wondolleck, *Public Lands Conflict and Resolution: Managing National Forest Disputes*, (New York: Plenum Press, 1988).

What processes did the Forest Service use to determine the public interest in these cases? Initially, analysis for this question relied in part upon terms already in use to characterize public involvement. One of these terms, collaboration, used in the early stages of the research to identify potential cases, turned out to be problematic as a term to describe a process for determining the public interest. Case interviews revealed that there was a wide range of definitions of the word collaboration in use inside the Forest Service. For example, although recommended by several officials as a laudable example of collaboration, the Thompson Falls Game Range case only minimally fit the parameters for this research. In analyzing the data, the researcher chose not to use the term “collaboration” to define a process for determining the public interest. The Forest Service has been using the word collaboration to describe its efforts to involve the public since the 1990s but has not given a specific definition of the term. For some Forest Service interviewees, collaboration was essentially synonymous with the expert model of public participation outlined in Chapter One. For others, including most non-Forest Service participants, collaboration included a dimension of agency/citizen co-creation of proposed actions through joint problem solving. This discrepancy was significant; some interviewees reported skepticism of Forest Service use of the word collaboration. Textbook definitions of collaboration also differed from each other.

Rather than create a definition of collaboration, this research analyzed each case in terms of specific characteristics prevalent in the literature of collaboration and participatory democracy theory. Analysis of cases using a list of characteristics allows other researchers the option of classifying the cases to fit their own definitions of collaboration. The characteristics used for analysis are listed below:

1. predominant group culture, reported by interviewees in choosing between pluralist or collaborative group culture as outlined in Chapter Two: Methodology.
2. interest representation, to indicate the range of interests involved by the Forest Service in each case.
3. nature of participation, in terms of being voluntary or required because of the legal context of the case.

4. nature of dialogue in terms of one-on-one communication with Forest Service officials, or multiple interests talking directly to each other
5. sources of leadership, including Forest Service personnel and community and interest group leaders.
6. formulation of proposed solution, in terms of who was directly involved in problem solving and creating the proposed solution
7. purview of the solution, in terms of whether the Forest Service could implement the solution alone, or needed active involvement of those outside of the Forest Service.
8. quality of the solution, as compared to the solution the Forest Service would have drafted without the efforts of non-Forest Service people.
9. quality of the process, in terms of its effect on public trust in the Forest Service, and its effect on the cohesion of the community and community leadership in transferring the process to other community issues.
10. support for the final decision, as indicated by interviewees.
11. method used to define the public interest, in terms of whether the process met the definition of participatory democracy as formulated by civic republican theory, or used another process.
12. character of the appeals process, in terms of whether the solution was appealed, and if so, by whom and how the appeal process was affected by the agreement reached among the interests involved.
13. litigation, in terms of whether the solution was litigated, and if so, how the litigation was affected by the agreement reached among the interests involved.

This research focused on the question of whether these cases moved beyond pluralism in determining the public interest. If the Forest Service moved beyond pluralism, did the process fit the definition of participatory democracy as envisioned by civic republican theory? For purposes of this research, participatory democracy was defined using the criteria listed above. To be classified as participatory democracy, the process for determining the public interest required a collaborative culture among those representing all of the primary interests in the case, who came together voluntarily and engaged in dialogue with each other and with the Forest Service in the direct formulation

of solutions that went beyond the purview of the Forest Service and involved leadership from non-Forest Service interests and community groups. The resulting solutions were supported by all of those involved and were better in content than the solutions originally present. The process of formulating the solutions strengthened both public trust in the Forest Service and community capacity to work together on other issues in the future.

This research also focused on the question of whether the processes used to determine the public interest affected subsequent challenges to the resulting decisions in the form of appeals and litigation. There is a symbiotic relationship between citizen and interest group recourse to appeals and lawsuits, and the process of determining the public interest through citizen and interest group deliberation and involvement in formulating the proposed decisions. One of the criteria for effective problem solving is the engagement of various interests as peers. The potential for citizens and interest groups to file appeals and pursue litigation after the Forest Service makes a decision helps to establish a peer relationship among various interests and the Forest Service before the decision is made, because any one of the interests involved could delay or stop the decision later if its concerns are not addressed. Although research shows that people believe in involvement up-front as the best way for the Forest Service to make good decisions, many interest groups are leery of spending scarce resources in pre-decision deliberations in the absence of proof that their concerns will be adequately factored into the resulting decision.⁴ For these groups, appeals and litigation appear more effective in influencing the outcome and work against involvement in pre-decision deliberations. The presence of appeals in these cases offered the opportunity to assess the strength of support behind the agreements reached in these cases. None of the interests that participated in the collaborative efforts in these cases appealed or litigated the decisions. While appeals and litigation typically generate adversarial and competitive dynamics that draw people into a pluralist paradigm, in these cases they generated opportunities for community and interest groups to rally behind the Forest Service as allies.

⁴Steven E. Daniels and Gregg B. Walker, "Collaborative Learning: Improving Public Deliberation in Ecosystem-Based Management" *Environmental Impact Assessment Review* no. 16 (1996): 71-102; Rene H. Germain, Donald W. Floyd, and Stephen V. Stehman, "Public Perceptions of the USDA Forest Service 'Public Participation' Process" *Forest Policy and Economics*, 3 (2001) 3-4: 113-124.

The following sections analyze the evidence in each case using the criteria outlined above to determine whether the process of defining the public interest went beyond pluralism and, if so, how the public interest was defined, including an assessment of whether the resulting process met the researcher's definition of participatory democracy. In addition, the sections analyze the effect of the process in each case on subsequent appeals and litigation.

Thompson Falls Game Range and Lakeface-Lamb Stewardship Fuel Reduction Cases

In terms of content, both of these projects were essentially the same. Both were initiated by Ranger Districts responding to changing national policy from commodity-oriented logging to logging for the sake of forest health. Both project areas had high visual impact to the public, which was why neither had been logged before. In both cases, the Forest Service used extensive and innovative public education and outreach on the subject of fire ecology prior to defining the public interest. The decision space for the fuel reduction component in each case focused on the amount of clearing and thinning to be done. As one Forest Service official put it, "We needed to reduce the risk, but see that we didn't destroy what people really liked about the area in the process. This middle ground, between no reduction and extreme reduction, that was the public interest in this case, and the Forest Service couldn't define it without the community. We can't find the middle by sitting in the office; we had to get values from the public."⁵ Finding the middle ground not only affected the potential to move forward with the Forest Service project, it also had the potential to influence private landowners as well. Fire reduction is more effective if all fire hazard land in the area is treated, leaving no patchwork of untreated areas. While treatment of private lands is generally beyond the purview of the Forest Service, modeling effective treatment could encourage private landowners to reduce fire potential on their land as well.

⁵Lakeface-Lamb FS # 2, 3.

The Game Range and Lakeface-Lamb were very different in terms of public trust. While the Thompson Falls Ranger District had a relatively high level of trust with the local community, the Priest River Ranger District knew it had a problem with public trust, especially in the area of logging practices. The communities themselves differed in terms of community leadership. While both of these cases took place in small, rural communities, Priest River had more active community leadership. Differences in trust levels and community leadership contributed to different approaches to defining the public interest.

The Thompson Falls Ranger District staff used a more informal process of one-on-one involvement in determining the public interest based on the concept of informed consent.⁶ Informed consent calls for education and outreach to gain agreement on the nature of the problem, the appropriateness of the Forest Service as the agency to address the problem, and the appropriateness of the solution prior to making a final decision. Ranger District staff provided the leadership and reached out to the full spectrum in interests involved in the issue. Public contact with the Forest Service was voluntary. The only times people of differing viewpoints met together on the Game Range project were at public meetings and field trips where discussion was primarily between the Forest Service and participants. Ranger District staff also arrived at agreements with specific interests concerning the implementation of the project. One-on-one discussions between the Forest Service and city manager of Thompson Falls led to the agreement not to treat the creek drainage that supplied the city's water supply although it was within the project area. A representative of the Montana Department of Fish, Wildlife and Parks that owned the game range adjacent to the project area participated as an equal member of the Forest Service project planning team. Game range land was used as staging areas for logging. One-on-one discussions with individual landowners adjacent to the project area led to agreements on use of private land for helicopter staging and refueling areas. All of these activities focused on the timber and fuel reduction portion of the stewardship project. The service project component was determined by the Ranger District and handled through a separate EIS process. While the community supported the project, interviewees reported little in the way of community vision with respect to the project.

⁶Game Range FS #1 Transcript.

The Game Range project moved beyond pluralism in defining the public interest, but the process did not fit the definition of participatory democracy used in this research; groups of diverse interests were not involved in formulating emergent solutions and lacked the kind of engagement to foster a better understanding of each other. The process used to define the public interest in the Game Range case was informed consent. Informed consent relies upon effective public education and reasoned argument to influence the individual's understanding of self-interest relative to the project at hand. In doing so, informed consent assumes the same underlying model of human nature that participatory democracy holds to be true, that human nature and self-interest are mutable and can be changed through reasoned argument. However, discussions were largely one-on-one between the Forest Service and specific interests, after which the Forest Service took the information back to the planners and decided how to incorporate it. This was true of the Monitoring Committee as well, which to date has been characterized by communications between the members and the Forest Service rather than among each other, and by an absence of active consultation by the Forest Service with committee members.⁷ In the Game Range case, informed consent used the reasonable model as its underlying construct of human nature, but retained aspects of the expert approach in that Forest Service experts constructed a preferred alternative that accurately captured the public interest for the project as evidenced by support for the project among the diverse interviewees. Interviewees did report improved relationships and understanding between themselves and the Forest Service. In moving beyond the pluralist paradigm, the Ranger District reinforced people's trust in the Forest Service. This trust was put to the test by an accidental high intensity burn on a portion of the project area; the community, including environmental organizations, were willing to accept this as a mistake and were not unduly upset. The informed consent process did not encourage the development of leadership in community groups nor strengthen the community's capacity to work together.

The Priest Lake Ranger District began to build public understanding of the public interest by creating three small treatment demonstration sites in highly visible public areas. Definition of the public interest moved beyond the Forest Service and into the

⁷Game Range NFS Transcript #1, #3, and FS # 3.

community when Lakeface-Lamb became a candidate for a pilot stewardship project initiated by the leadership of the local community and then was swept into a voluntary visioning process designed to meet the requirements of a Ford Foundation Community Planning Grant. Project planning became part of the visioning process, and brought together a wide range of interests from the surrounding communities, including industry, business, education, environmental groups, and the Forest Service. Not only were diverse members of the community deeply involved in the details of planning the preferred alternative for Lakeface-Lamb, they also worked with Ranger District staff in identifying the proposed service components to meet local goals for recreational facility improvements and diverse job creation. Four interviewees reported gained understanding and respect for people of differing interests as a result of the planning effort.⁸ The resulting project was strongly supported by the community, and implementation of the project was shared between the Forest Service and the community non-profit.

Lakeface-Lamb also moved beyond the pluralist paradigm with participatory culture as the predominant choice characterizing group interactions. The Lakeface-Lamb preferred alternative emerged from a planning process involving diverse interests that focused on the future of the community. Reported behaviors included increased understanding of opposing views and the development of friendships across interest lines, as well as agreement from diverse interests on proposed solutions. Implementation required both the Forest Service and the community. The resulting project was enhanced beyond the original Forest Service plan in terms of quality forest restoration and in terms of targeting the service component to publically recognized projects. Involvement of local leadership led to the formation of a new non-profit that has the potential of extending the vision of the community into the future. The Lakeface-Lamb project met the research definition of participatory democracy. Definition of the public interest was extended into the implementation of the project through the creation of a Monitoring Committee, and by award of the prime contract to a local non-profit organization deeply involved in the original planning process. As one member of the nonprofit put it, “The public interest was defined every day on the ground, in terms of changes in the

⁸Lakeface-Lamb Transcripts NFS # 9, NFS #7, FS #4, FS #1.

contract...the subcontractor for fuel removal would see things on the ground that could not be anticipated and was able to get the flexibility to make the project better.”⁹ The shared vision of the Forest Service, the prime contractor, and local subcontractors that emerged from the planning process made implementation of the project an ongoing interpretation of the public interest..

Both the Game Range and the Lakeface-Lamb cases moved beyond pluralism with diverse local interests and interests outside of the community that were willing to meet with Forest Service officials and look at the projects on the ground. Interviewees in both cases overwhelmingly chose participatory culture to characterize interactions with the Forest Service and each other, eight of ten in the Game Range, and 14 of 15 in Lakeface-Lamb. Lakeface-Lamb was an example of participatory democracy as it evidenced all of the characteristics as defined in this research. The Game Range project did not have the full range of characteristics to be participatory democracy; informed consent did not generate dialogue between interests, did not involve citizen and interest groups in active problem solving in formulating the preferred alternative, and the process did not foster an awareness of community or shared goals or enhance the ability of the community to work together on other issues in the future.

Both projects were drawn into the pluralist paradigm when the Records of Decision were appealed by outside environmental groups that did not participate in meetings in the process of defining the public interest. However, in both cases environmental organizations that were involved in meetings at the local level voluntarily stepped into the appeal process on behalf of the Forest Service, informally in Lakeface-Lamb by the Selkirk Conservation Alliance, and formally with administrative interventions in the Game Range project by the Cabinet Resource Group and the Montana Wilderness Association. In both cases, the Forest Service Region One appeal official denied the appeals in part because of the involvement of these environmental groups in the process of defining the public interest and because of their active support of the Forest Service decision. Moreover, the appellants decided against litigation in part because of the strong support for the decisions of these environmental organizations.

⁹Lakeface-Lamb NFS # 3 Transcript, 2.

Big Snowies and Seeley Lake Winter Recreation Cases

As with the previous two cases, both of these projects were similar in terms of content. Both were initiated to define the public interest as the result of Forest Service decisions affecting motorized recreation in potential wilderness areas that should not have allowed motorized use according to the Forest Plan. The decision space for the public interest in each case focused on the balance of motorized and nonmotorized uses for winter recreation, a question of public values Forest Service officials recognized that they could not determine alone. Moreover, the final decision could not be implemented by the Forest Service alone either. Both snowmobile clubs and cross country ski clubs provided the lion's share of enforcement of use agreements by maintaining groomed trails, providing signage marking allowed and prohibited areas of use, educating their members and encouraging them to abide by the rules. The Forest Service lacked the staff to effectively patrol and enforce winter use agreements; buy-in from user groups was essential for any decision to be effective on the ground. As with the previous cases, levels of public trust in the Forest Service between Seeley Lake and the Big Snowies were very different.

Determination of the public interest for the Big Snowies was conducted at the level of the Lewis and Clark National Forest rather than at the Ranger District level. It involved an extensive geographic area that included both rural and urban user groups, an area that did not have a sense of shared community. Forest Service officials invited only those interest groups and individuals who appealed the Big Snowies Record of Decision to participate; the fact that the appellants came from both motorized and nonmotorized local users groups reinforced the perception that Forest Service staff didn't address public concerns in formulating the preferred alternative. The citizens and interest group representatives entered the discussions fresh from the pluralist-oriented appeals process with little trust in the Forest Service. Moreover, acceptance of the invitation to participate was not entirely voluntary; the Forest Service indicated that this was their preferred vehicle to deal with the appeals and that a decision was going to be made based

on the discussions. The group had no positive vision for the Big Snowies other than to avoid further legal proceedings; they were operating from the shared convictions that lawsuits were too expensive and that they could do better at defining the public interest themselves rather than being at the mercy of the Forest Service or the courts.

The Big Snowies case achieved agreement defining the public interest for winter recreation on two mountain ranges. The Forest Service provided little guidance, essentially leaving it up to the negotiating group to stay within legal and scientific parameters. That the group was able to achieve agreement was the result of two factors; recent successful negotiations of similar issues for motorized use on the Flathead National Forest that served as a model for this group and the leadership provided by the spokesmen for the Montana Snowmobile Club and the Montana Wilderness Association, both of whom had also been involved in the Flathead negotiations. In order to succeed, these leaders moved the group from the pluralist paradigm to a predominantly participatory culture.

Seven of the interviewees selected participatory culture to characterize their interactions, while the remaining three selected a mix of both pluralist and participatory cultures. A number of them noted that the discussions began with a pluralist culture, but moved to a participatory culture after the first several meetings. The non Forest Service participants in the negotiations created the final agreement between themselves, with minor involvement of the Forest Service. Interviewees from both the motorized and non-motorized groups reported changing their attitudes about giving up part of their area as their respective leaders made it clear to them that multiple use meant that no group would get all of what it wanted. Both motorized and non-motorized interviewees reported actions by the other side that evidenced a commitment to fair treatment, taking the other side into account. Similarly, several interviewees reported increased respect for individuals from opposing groups as the meetings progressed. This was not universal; one interviewee from each group reported continued mistrust and lack of understanding of the other side. All interviewees reported support of the final agreement at the time it was made. The final agreement included responsibilities for all parties in implementing the decision and left a few of the contested areas up to the Forest Service to decide. While it evidenced many characteristics of participatory democracy, the Big Snowies did

not meet the definition used here because participation in the group was not entirely voluntary and there was no positive vision or fostering of a sense of community in the process. Rather, these actions and behaviors defined another process for determining the public interest that went beyond pluralism; the Big Snowies process can best be described as “stakeholder negotiations.”¹⁰ Stakeholder negotiations are typified by bargaining in which interest groups seek to understand opposing interests and engage in tradeoffs designed to achieve gains for all by identifying priorities and minimizing conflicts.

Several aspects of the Big Snowies case also fit within the pluralist paradigm. On the motorized side of the issue, several snowmobile clubs involved in the negotiations subsequently were taken over by new leadership. These new leaders were opposed to closing any areas to snowmobiles and began to raise funds to support appeals and litigation to ensure that all areas remained open to snowmobile use. These leaders also opposed participation in future negotiations with other interests on access to Forest Service lands. On the non-motorized side, one appellant, an environmental group from a nearby area, refused to participate in the initial negotiations and subsequently filed a lawsuit seeking to prohibit all motorized use in the Big Snowies. Evidence also indicated that fundamental philosophy played a role in determining how far a collaborative culture could go. One interviewee continued to view the wilderness advocates with suspicion because of a utilitarian sense of the word “use.”¹¹ This individual believed strongly that Forest Service lands should be used, not set aside for preservation, and was unable to understand and accept wilderness as legitimate.

While some snowmobile and wilderness groups interacted with the Forest Service within the pluralist paradigm, other groups evidenced strong commitment to good faith and trust characteristic of collaborative relationships. Both MSA and MWA kept their word as signatories of the final Big Snowies agreement and filed interventions as allies of the Forest Service in the legal proceedings involved in the litigation by the environmental group. The litigation went to district court in which the judge ruled in favor of the Forest Service. Observers of the case believe the interventions of MWA and MSA positively influenced the judge’s decision. The environmental group appealed the case to the circuit

¹⁰Big Snowies NFS # 5 Transcript.

¹¹Big Snowies NFS # 4 and # 6.

court. While the circuit court judge has yet to make a decision, the Forest Service has implemented the decision based on the strength of the lower court ruling.

The Seeley Lake winter recreation case was based in a small, rural community that was also the location of the local Ranger District. The idea of working out a solution among the various user groups and the Forest Service was initiated by the local motorized user group. Agreement to join the discussion was voluntary. The interviewees involved from the community, including the District Ranger, placed a high value on community cohesion. While the reason they initiated the discussion was to bypass the court system to find a solution, the reason they thought they could work it out was their strong commitment to the community. Once it was clear that the user groups were willing to give it a try, the Ranger District obtained approval from the Forest Supervisor to initiate a process to determine the public interest and amend the Forest Plan in terms of winter recreation for the Ranger District.

The Seeley Lake Ranger District already had a strong participatory culture in place with the local community and continued to build trust relationships with the MA 11 decisions. All interviewees characterized interactions as a participatory culture after the first few meetings. As part of defining the decision space, the District Ranger made sure that user groups understood that no group could have everything they wanted; he encouraged interest groups to identify their most important areas. The groups approached discussions with high integrity and created a solution that all could strongly support. Leaders of the local snowmobile club and MWA reported that they developed a strong relationship of respect, friendship and trust with each other. Every interviewee reported greater understanding of opposing views as a result of the process. In the spirit of mutual assistance, an environmental leader offered the solution to the last problem standing in the way of permitting motorized use. The agreement depended upon active enforcement of snowmobile restrictions by the local club, a responsibility the club supported and was performing well. Most tellingly, the resulting Forest Plan amendment has never been appealed or litigated, and the interests involved have moved on to formulate more collaborative projects. Seeley Lake was an example of both participatory democracy and collaboration.

Summary of Analysis

This research used a list of characteristics to analyze the presence of participatory democracy in four cases of defining the public interest at the site-specific level in the United States Forest Service. The table below summarizes this analysis. Two of the four cases, Lakeface-Lamb and Seeley Lake, evidenced all the characteristics of participatory democracy, confirming that the civic republican theory of participatory democracy accurately described the process for determining the public interest in these cases. The other two cases, Game Range and Big Snowies, contained some characteristics that went beyond pluralism but did not use processes to identify the public interest that meet the definition of participatory democracy used in this research. Rather, these two cases used other processes to define the public interest. The Thompson Falls Game Range case used informed consent that relied upon the same basic model of human nature as participatory democracy. However, informed consent relies on agency expertise without direct citizen and interest group involvement in formulating the preferred alternative which prevents the process from fostering either an understanding of community values or democratic citizenship. The Big Snowies case also moved beyond pluralism by using many of the characteristics of participatory democracy in a process of stakeholder negotiations to directly formulate a definition of the public interest. However, participation in these negotiations was not entirely voluntary, nor did the negotiations foster or contain a sense of community.

These four cases, all of which occurred within the legal framework for defining the public interest extant at the time, made another conclusion very clear; although the Forest Service's framework for public involvement traditionally has reinforced adversarial and pluralistic behavior, it does not dictate it. In all four of these cases, the Forest Service went beyond the pluralist paradigm in formulating the public interest. All cases reflected the presence of a predominantly collaborative culture in the interactions involved in defining the public interest. All of the cases reflected a shift in paradigm

Table 2: Characteristics of Cases

Characteristic	Game Range	Lakeface-Lamb	Big Snowies	Seeley Lake
Moved beyond pluralism	Yes	Yes	Yes	Yes
Predominant model of human nature	Reasonable	Reasonable	Reasonable	Reasonable
Predominant group culture	collaborative	collaborative	collaborative	collaborative
Interest representation	all primary concerns	Full spectrum of community	All primary concerns	All primary concerns
Participation	Voluntary	voluntary	appeal resolution	voluntary
Dialogue	one-on-one with Forest Service	multiple interests	multiple interests	multiple interests
Source of leadership	Forest Service	Forest Service and community leaders	Interest group leaders	Forest Service and community leaders
formulation of proposed solution	Forest Service alone	Forest Service and community leaders	Community leaders	Forest Service and community leaders
Solution beyond purview of the Forest Service	yes	yes	yes	yes
Method used to find public interest	Informed consent	Participatory democracy	Stakeholder negotiations	Participatory democracy
Solution: Quality of Content	Incorporated most concerns	Better than Forest Service alone	Better than Forest Service alone	Better than Forest Service alone
Solution: Quality of process	Enhanced trust in Forest Service	Enhanced trust in Forest Service, strengthened community leadership	enhanced trust between some individuals; lost support of some constituents	Enhanced trust in Forest Service, strengthened community leadership; led to other agreements
Support for final solution	all interviewees	all interviewees	all interviewees at time of decision	all interviewees
Appeals of final solution	Appealed by non-local interest group that refused to participate	Appealed by non-local interest groups that didn't participate	Appealed by local interest group that refused to participate	No appeals
Litigation	None, due in part to support of local peer group	None, due in part to support of local peer group	Yes, by local interest group that refused to participate	No litigation

assumptions about human nature away from the pluralist/rational choice model toward the participatory democracy model of reasonable human nature that allows for learning and change. In all four cases, leaders expected the interests involved at the local on-the-ground level to be reasonable; this expectation was always met within the core groups involved in these cases.

Three distinct processes for determining the public interest that are not based in the pluralist paradigm emerged from this analysis; informed consent, stakeholder negotiation, and participatory democracy. All three processes moved into a participatory democracy paradigm insofar as they were based on the reasonable model of human nature and were characterized as predominantly collaborative in terms of group culture and interactions. All three processes increased public trust of the Forest Service. While the Forest Service retained control over the proposed solution in all three processes, the degree of control over the process of defining the solution varied. With informed consent, as found in the Game Range case, Forest Service officials retained the greatest degree of control of the process. Forest Service officials worked with interest groups one-on-one and took concerns back to Forest Service planners who then incorporated those concerns into the preferred alternative. In the Big Snowies stakeholder negotiation, and in the Lakeface-Lamb and Seeley Lake participatory democracy processes, Forest Service officials established parameters within which the decision had to fit, then engaged local interests directly with each other in formulating the preferred alternative.

The impact of these processes on subsequent appeals and litigation is striking. None of the interest groups and individuals involved in these face-to-face processes subsequently appealed the final decisions. To the contrary, groups actively involved in the processes subsequently stood by the Forest Service decisions and supported the Forest Service against appeals and litigation from interest groups that did not participate in the processes. Support from those involved in these processes presented strong evidence of effective interest representation in the decisions that in turn created grounds for denial of appeals from groups who themselves did not participate but whose interests were represented by peer organizations. Both Region One appeals officers and district court judges ruled in favor of the Forest Service, given evidence of the range of interests involved in the process and the content of the decisions.

In practical terms, collaborative processes in these cases reduced the number of appeals and shortened the time between decision and implementation. The Seeley Lake Case had no appeals or litigation to delay implementation of the final decision. The Big Snowies decision was taken to district court by an environmental group from a nearby town that refused to participate in the negotiations. The Forest Service won, in part because of interventions filed on its behalf by both the MSA and the MWA. Although the case was pursued to the next level circuit court, the Lewis and Clark National Forest went ahead and implemented the decision on the Big Snowies based on the strength of the district judge's decision. The Lewis and Clark National Forest also implemented portions of the agreement on snowmobile and cross country use on the Little Belt Mountains on an interim basis pending the release of a draft travel plan. Both Lakeface-Lamb and the Game Range were appealed by environmental groups outside of the area, but the appeals in each case were denied and the appellant declined to pursue litigation, in part because of widespread community support, especially that of environmental organizations that participated in project outreach activities.¹²

¹²It's interesting to note that one Missoula-based environmental organization was responsible for appeals in two of these cases. In both instances, the group filed appeals without any on-the-ground contact with the projects. A local judge subsequently informed the group that its credibility was questionable because it refused to look at projects on the ground. Thompson Falls NFS # 5 Transcript.

CHAPTER SIX: CONCLUSIONS

If human nature is seen less as an immutable gift from God than as a consequence of the expectations we have for it, political institutions cannot take human nature as a given, but must accept responsibility for their involvement in its creation.

J. G. March and J.P. Olsen, *Democratic Governance*

Implications for Political Theory and Public Administration

When Waldo created the term “democratic administration” in the early 1950s to describe the legitimate role of citizens in agency decision making, that role was limited to potential injury to property rights where the facts of the case were specific and known.¹ Subsequently, the Forest Service used its existing adjudicatory administrative process as the structure for citizen participation in agency policy decisions, combining the pluralism of interest group politics with the adversarial culture of the legal system.² The combination of the pluralist paradigm for political action with judicial adjudication shifted the role of the courts to that of guarantor that all interests were fairly represented in the decisions and led to delays in the decision making process.³ The Forest Service responded by diverting resources into documentation and legal actions and away from accomplishing its mission on the ground, so much so that its ability to accomplish its

¹Dwight Waldo, “Development of Theory of Democratic Administration” *The American Political Science Review* 46 (1952) 81:103.

²Richard Stewart, “Reformation of American Administrative Law” *Harvard Law Review* 1975: 1669-1813; Julia M. Wondolleck, *Public Lands Conflict and Resolution: Managing National Forest Disputes*, (New York: Plenum Press, 1988).

³Stewart.

mission was jeopardized.⁴ This research examined four cases in which Forest Service officials used collaborative processes, drawn from a participatory democracy paradigm instead of the traditional pluralism paradigm, with local citizens and interest groups to define the public interest for specific local-level decisions. Interviewee perceptions of interactions with the Forest Service and with each other verified that the process of democratic administration in each of these four cases moved out of the pluralist paradigm into processes of interaction with citizens and interest groups based on a reasonable, rather than a rational choice, model of human nature. The outcomes also moved out of the pluralist and into a participatory democracy paradigm; in all four cases, public trust in the Forest Service was strengthened and opposing interests supported the final decision.

Participatory democracy as applied to defining the public interest in agency decision making can be summarized as interest representation in a problem solving process characterized by trust and openness among the participants. One of the key distinctions between participatory democracy interest representation and pluralist interest group representation is that the former focuses on the content of the interest, while the latter focuses on the political strength of the interest group. In a problem solving situation, political strength does not contribute to a better understanding of the problem; it relies on might rather than right and useful information. In contrast, interest representation places emphasis on information in terms of the impacts and concerns that arise in a specific situation from the perspective of a particular set of values and uses. This information is central to engaging in effective problem solving. However, it is not necessary to have large numbers of people involved to present this information as long as the full range of the content is presented to the group. To the contrary, having a smaller number of people directly involved in the problem solving effort facilitates finding effective solutions. Collaborative processes are examples of interest representation.

How well did these four cases address criticisms that have been raised in the literature about collaborative processes? Most of these criticisms are misguided insofar as they arise within the pluralist paradigm and have no salience within the participatory

⁴ USDA Forest Service, *The Process Predicament: How Statutory, Regulatory, and Administrative Factors Affect National Forest Management* (Washington, D.C: 2002).

democracy paradigm.⁵ The most elemental criticism of collaboration from a pluralist perspective is disbelief in people's ability to interact in a political setting with anything other than rational choice behaviors. The preponderance of reported behaviors in all four of these cases did not fit the rational choice model, clearly demonstrating that people do have the ability to interact politically without rational choice behavior. People were able to sit down with each other, discuss the issues face-to-face in a reasonable fashion, develop understanding and trust, and formulate solutions that all supported. These behaviors confirmed that the process of determining the public interest in these cases was operating in a participatory democracy paradigm.

The fact that these cases shifted from a pluralist to a participatory democracy paradigm calls into question the other pluralist-based criticisms of collaboration as well. A discussion of how pluralist concerns played out in these cases is instructive in understanding the differences in the paradigms. Pluralism measures power and success in terms of numbers. One criticism of collaboration is that few people participate. The number of people involved in the core group in these cases was small by design; as noted above, interest representation does not rely on political strength as represented by numbers, but rather relies on representation of content. In the Game Range and Lakeface-Lamb cases, Forest Service leadership reached out to the full range of interests and relied on effective spokesmen for the various interests for more detailed discussions and suggestions. In both the Seeley Lake and Big Snowies cases, leaders of interest groups formed the core group for interest representation. These leaders brought in others with detailed on-the-ground knowledge as more information was needed; they did not bring in others for the sake of exhibiting political strength. Forest Service leadership in Seeley Lake specifically noted that working with smaller numbers of people in the core group was essential to finding a workable solution. Working with a smaller number of people, in the range of five to eight, is in keeping with effective problem solving theory.

Another concern raised from a pluralist perspective is the issue of governance; shouldn't decisions affecting public land be made at the national level? Interest representation's focus on content rather than political strength obviates the need to

⁵Thomas Kuhn, *The Structure of Scientific Revolutions*, (Chicago: University of Chicago Press, 1962).

involve people in the core group to represent national interests if those interests are represented in the constraints that define the problem. In these cases, the public interest at the regional and national level were already incorporated into the process in the form of national policy and regulations and the National Forest plan specific to each area. These cases demonstrated two stages in the process where regional and national concerns were dominant in the local decision-making process. Before engaging in interest representation involvement, Forest Service personnel defined the decision space within which local concerns could hold sway by translating national and regional policy and regulations into “sideboards” for each case, i.e., legal parameters within which the decision had to fall. Local groups only could recommend a solution that fell within these constraints. The second stage in which regional and national concerns played a major role was during public review of the preferred alternative as part of the EIS process. Once the Forest Service issued the core group’s solution as the preferred alternative, watchdog state and federal agencies reviewed the proposed alternative to make sure that it fit national, regional, and state regulations. The interests at the national and regional level were very much present and involved in these cases, in ways that were transparent to the public. Again, the difference in paradigms here was key; it was effective inclusion of the information as part of the problem-solving process that determined the outcome, not the number of people involved. Forest Service personnel ensured that national and regional interests were included in the beginning by establishing and maintaining the decision space. Watchdog agencies ensured that national, regional and state interests were reflected in the preferred alternative and subsequent final decision through the EIS process.

Pluralist critics of collaboration also raise questions concerning the accountability of local Forest Service officials. Pluralism relies on rules to enforce accountability, anticipating that local Forest Service officials will be self-serving if rules are not in place to constrain behavior and prevent local officials from exceeding their authority. Given the expectation that external rules dictate behavior, officials are rule-bound and risk adverse. Participatory democracy relies on the capability of Forest Service officials to understand the intent of the rules and rely on their internal sense of integrity to determine their actions, allowing them to be less rule-bound, less risk adverse, and more focused on

achieving end results. These cases provided examples of accountability in a participatory democracy paradigm. Forest Service officials did not engage in interest representation discussions until after they had defined the decision space of local discretion. However, once the decision space had been defined, officials in the Lakeface-Lamb, Big Snowies and Seeley Lake cases stepped back from the content of the discussions and allowed a solution to emerge from the interactions of the interests involved. However, by doing so these officials were not giving up their authority to make the final decision. In all of these cases the Forest Service personnel retained legal authority on whether to use the group's solution as the preferred alternative. Moreover, once Forest Service officials selected the preferred alternative, the alternative did not automatically become the final solution. In all cases, the preferred alternative subsequently went through the usual process of wider public review and was subject to change based on the comments and concerns of the public, following the same process as any other preferred alternative.

Another accountability concern is that local Forest Service officials will act arbitrarily within the area of local discretion. This raises the question of lateral accountability, i.e., how can local Forest Service officials be accountable to the communities they serve. From a pluralist perspective, formulation of a solution by interest groups means that the strongest interest wins and imposes its solution on the weaker interests. This pluralist scenario raises concerns about accountability if this one-sided solution is then imposed as the decision of local Forest Service officials as well. Participatory democracy does not produce solutions in which the strongest interest wins and other interests lose because the solution is not based on political strength. Collaborative problem-solving requires that all interests be taken into account; the force that ensures this happens is that the solution must be supported by all the interests. Collaborative processes produce win-win, effective solutions when all of the interests are fairly represented and the interests bring on-the-ground knowledge to the discussion. In three of these cases, collaborative processes were used to research and formulate preferred alternatives.

As has been pointed out in the literature, whether they want to or not, local officials have to make some decision.⁶ An alternative question is which is less arbitrary, a decision made by an official with little on-the-ground knowledge of the area and the specific interests of the community, or a decision that reflects a high level of local knowledge by an official who has engaged in a collaborative process of interest representation? As one District Ranger pointed out, engaging in interest representation discussions with the community was his form of research to identify reasonable alternatives within his discretionary decision space. “The EIS regulations call for a range of reasonable alternatives. Once you know the issues and have had the groups come together and work out their differences, you can then propose reasonable alternatives because you know what is reasonable in terms of the issues to all sides. This is a way of talking to people and doing research on the issues.”⁷ By having all of the relevant interests represented in the discussions, he ensured that his research was responsive to all of the relevant concerns. By reinforcing the decision space, including the fact that no one interest could dominate, he ensured that the discussions led to a preferred alternative that met Forest Service standards of accountability for multiple use. His effective use of collaborative interest representation led to a decision that has never been appealed or sued, a significant indicator that citizens and interest groups felt that their concerns were fairly reflected and did not view his decision as arbitrary.

In the pluralist paradigm, decisions are final when all avenues of influence available to a particular interest group have been exhausted. When resources permit, these avenues include the courts. The currency for the decision is based on influence, resources, and abstract legal principles, not on-the-ground content. One of pluralism’s criticisms of collaborative processes stems from the belief that people are unable to resolve conflicts directly and therefore must rely on a third party. Since the Forest Service is viewed as having vested interests, that third party role falls to the courts. These cases demonstrated that just the opposite was true; people didn’t trust the courts to

⁶Theodore Lowi, *The End of Liberalism: The Second Republic of the United States*, Second Edition, (New York: W.W. Norton & Company, 1979); R.D. Behn, *Rethinking Democratic Accountability*, (Washington, D.C.: Brookings Institution, 2001).

⁷Seeley Lake FS # 1 Transcript, 2.

resolve the problem. As one interviewee phrased it, “In lawsuits, nobody wins.”⁸ There were two reasons people took this position. One reason was based on experience with enough lawsuits that people recognized the outcomes were rarely as favorable to their interests as they had hoped. More often, the outcome was an arbitrary decision that resulted in deleterious on-the-ground impacts. The other reason interviewees gave for avoiding the courts was an aversion to adversarial processes. By pitting one interest against another, adversarial processes destroy relationships of trust upon which a sense of community is built. These interviewees, who were present in all four of the cases, recognized that community cohesion was more important than fighting to win. Moreover, because these cases were grounded in a collaborative, participatory democracy paradigm, the outcomes in all of the cases reduced local conflicts. Snowmobile and cross country users resolved much of the long-standing conflicts in the heavily used area of the Little Belts in the Big Snowies case. Seeley Lake snowmobile interests remain pleased with the amount of acreage reopened for their use without ill will toward the wilderness community. Landowners adjacent to Forest Service lands in both the Lakeface-Lamb and Thompson Falls cases actively sought more fuels reduction rather than continuing to resist Forest Service attempts to change the landscape.

A related concern about final outcomes is the pluralist criticism that collaborative processes generate compromises that are least common denominator decisions, i.e., interest groups give up any opportunity of additional gain and have to settle for the bare minimum. Since pluralist interactions normally extend to appeals and lawsuits if the solution isn't favorable, pluralist logic encourages people to watch out for their own interests and keep their options open. In theory, collaborative problem solving processes not only surpass least common denominator decisions derived from pluralist compromise, they also surpass decisions made by Forest Service officials acting on the basis of traditional public input and arbitrary decisions made by judges. These four cases confirmed collaborative theory. The Lakeface-Lamb project achieved a higher level of forest restoration than would have been the case without active implementation by the community non-profit contractor. By reaching out and collaborating with interest groups one-on-one, the Thompson Falls Ranger District was able to design a fuel reduction

⁸Lakeface Lamb NFS # 1 Transcript, 5.

project that won the active support of environmental groups because it preserved wilderness potential while reducing fuels through helicopter logging. In the Big Snowies case, the final outcome did a better job of protecting wilderness areas than the original Forest Service decision, while committing more acreage to snowmobiles. The outcome in Seeley Lake reopened several key areas of prime snowmobile country while also increasing the acres of potential wilderness. In all of these cases, on-the-ground knowledge and trust made it possible for interest groups to maximize their gains by sharing information on priorities and identifying areas of use overlap. An atmosphere of trust enabled opposing sides to look out for the interests of each other, as well as their own. In Seeley Lake, leadership from environmental interests solved the final problem blocking snowmobile use; in the Big Snowies, an interviewee from the snowmobile interests recognized the safety issues of cross country skiers and volunteered to help groom cross country trails. By integrating their concerns, opposing groups were able to make greater gains than would have likely emerged from either pluralist political compromise or the courts.

How can you ensure that the outcome is fair? The pluralist paradigm relies on a third party referee to enforce the rules of fairness, because people cannot be trusted to act fairly. From the pluralist perspective, collaboration requires a third party mediator to be legitimate, but then raises the concern that mediators themselves cannot be trusted, might be biased or insufficiently trained to play the role effectively. Participatory democracy relies on the dynamics of interpersonal and group trust to ensure the fairness of the outcome. The effectiveness of group trust and interpersonal dynamics were confirmed in these cases. None of the decisions analyzed in these cases used a trained mediator in formulating the solutions, but relied instead upon the integrity and trust established by the leaders in each case. As one environmental interest group interviewee phrased it, “There was trust between the two (opposing interest group leaders); they know how to negotiate with each other. If one party walks away feeling snookered, they won’t do it again. If one party lies, the others won’t come back. These was a strong sense of integrity between the two.”⁹ It is interesting to note that, in the follow-up to the Big Snowies case, the Forest Service brought in a mediator to assist in discussions with the summer use

⁹Big Snowies Non FS # 2 Transcript, 5.

groups. Although the mediator was experienced and well-received by the groups involved, no agreement was reached except to disband the discussions because of the lack of agreement. Subsequent efforts to work with a smaller representative group of summer interests failed, in part because the motorized interests did not abide by the rules. With one of the key interest groups not operating in good faith, it was unlikely that a mediator would make a difference. One interviewee suggested that a mediator might have improved the outcome of the winter use negotiations, not by helping the core negotiators with each other, but by influencing the leadership of each interest to take time and do a better job of consulting with their respective local chapters before group decisions were made. This suggestion reflected a problem of leadership within the interest group, not between interests groups where mediators typically function.

The last criticism of collaborative processes that stems from a pluralist paradigm is skepticism that people from opposing sides actually develop understanding and respect for each other through the collaborative process that in turn leads to increased capacity to work together in the future. Pluralists expect people to maximize individual gain through unprincipled actions if need be. Behaviors that build trust and community are anathema. Participatory democracy expects people to take community into account in making their decisions because community is built on relationships of trust between disparate members. These four cases confirmed the participatory democracy paradigm. Instances of interviewees reporting new respect and understanding of individuals from opposing interests were numerous, and occurred in all four of the cases. All of the interviewees in the Seeley Lake case reported some form of increased respect and understanding of people with interests different from their own. In the Thompson Falls case, this dynamic occurred between leaders of the environmental groups and the Forest Service through which staff from both gained respect and appreciation of each other. In Lakeface-Lamb, main street businessmen from the Chamber of Commerce became good friends with the local environmental leader while Forest Service staff gained respect and admiration for community leaders, and community leaders developed appreciation for the constraints within which Forest Service people worked. Negotiations in the Big Snowies case led one environmentalist to open admiration for the chief spokesman of the snowmobile interests. In two cases, increased respect and trust increased community capacity to

work together in the future. Success in Seeley Lake led wilderness interests to work with community groups, forging new agreements with the local lumber mill to support sustainable harvests to retain timber jobs while preserving wilderness and meeting needs for motorized and non-motorized recreation. Now that the community leaders in Lakeface-Lamb are nearing completion of their first stewardship contract, they are seeking new contract opportunities with the Forest Service as well as expanding their outreach into the community.

There are several concerns about collaborative processes that are not reflective of a pluralist paradigm but are more universal. The first of these concerns is that collaborative processes take too long and consume too many resources for an outcome that may not be worth it. The preponderance of Forest Service interviewees were pleased and enthusiastic about working more closely with citizens and interest groups. There is no doubt that most felt the processes used in these cases were superior to traditional public involvement. Enthusiasm for having interest groups talk directly with each other to reconcile their differences and come up with a solution was widespread among Forest Service officials and interest group interviewees alike:

Having everybody at the same table was way better than going out and fighting through judges and lawyers. Using the lawyers and judges is still not local. Having everybody sitting together, having everybody give up and gain, it was spectacular at the time, the best way to do it.¹⁰

From the Forest Service standpoint, narrowing the areas of dispute is very valuable. If we can get to 80% to 90% of the solution, that is great. We can go forward with this. Getting people to talk directly to each other offers lots of benefits, even if they don't resolve anything.¹¹

However, there was also no question but that these processes consumed more staff time and resources than most other projects with which they worked. One Forest Service planner described this dilemma well:

¹⁰Big Snowies NFS # 3 Transcript, 3.

¹¹Bid Snowies FS # 1 Transcript, 5.

This was the Lewis and Clark National Forest's first attempt at working with people this way. This is the way to go. Otherwise, you just spin your wheels and get nowhere. It takes a huge amount of time, more than we are willing to give. One year, two years, it doesn't happen that quickly. The danger is in dragging it out too long. We need to stay at it year after year after year and make it better...This is worth the effort and time to build these relationships.¹²

Building relationships of trust offered advantages for the Forest Service in these cases. While interest group engagement in a participatory democracy paradigm took more staff resources than would have been spent under traditional public involvement, in all cases the effort obtained strong support from the local community and from participating environmental organizations. When two cases were appealed by outside environmental organizations, that strong support was instrumental in both the denial of those appeals and in dissuading litigation. In the case that was litigated, strong support from both environmental and snowmobile organizations allowed the Forest Service to implement the agreements anyway. Three cases demonstrated that the relationships of trust built with local community leaders served the Ranger Districts well. The Thompson Falls Ranger District raised very little community concern when a fuel treatment burn accidentally burned too hot. Both Thompson Falls and Priest Lake Ranger District interviewees reported multiple requests from landowners beyond project boundaries for fuel treatment in their areas. In the Seeley Lake case, there were no appeals or litigation, and the individuals involved went on to form additional agreements much larger in scope integrating local sustainable timber harvest with expanded wilderness. These cases support the conclusion that time and resources were well spent both in the immediate outcome and in building capacity for future agreements and support.

The second more universal concern about collaborative processes is whether they produce better outcomes on the ground for the resource base. This is a value-laden question; what is a better outcome for the resource base? Rather than impose the values of the researcher, this question was addressed by taking interviewees responses at face value. With the exception of a few Forest Service staff, interviewees in all cases reported that the final outcome was better than the Forest Service alternative. Circumstances in both of the winter recreation cases offered the opportunity to compare potential Forest

¹²Big Snowies FS # 4, 6.

Service decisions with and without collaborative group involvement. In both cases, the citizen group solution provided a better answer for the resource as well as the interest groups. In the case of Seeley Lake, snowmobilers regained 80-85 percent of the areas they had been actively using prior to closure, including those with most heavy use, while the net amount of potential wilderness was increased.¹³ In the Big Snowies case, the agreement protected large blocks of potential wilderness from snowmobiles while the total number of acres available for snowmobile use increased over the Forest Service's proposed plan. The Game Range project included design elements including helicopter logging that preserved roadless areas for future consideration as wilderness while accomplishing the thinning needed to restore wildlife habitat and reduce fuel loading. Without the strong concerns of environmental groups for wilderness and habitat protection, the Game Range project would have looked more like a traditional timber sale. In the Lakeface-Lamb case, the quality of on-the-ground treatment was higher because of the strong local buy-in to the project and because the prime contractor was a local non-profit committed to a high quality outcome at every step of the implementation. All of these cases achieved better on-the-ground results because of collaboration, in part because of involving a broader range of interests more deeply in decision design, and in part because these interests were represented by people with on-the-ground knowledge that was more comprehensive than that of Forest Service personnel. Interviewees reported several instances in which the Forest Service lost credibility when it used faulty data about the landscape. At the same time, interviewees noted that staffing cutbacks significantly reduced the time Forest Service officials had to be on the ground. Local knowledge provided useful information in fine-tuning these projects to fit the actual landscape. As one rancher put it, "The difference between abstract theory and on the ground knowledge is the key to successful solutions. The decisions need to be based on what is actually there, not on abstract understanding."¹⁴

To what extent did these cases confirm participatory democracy as envisioned by Poisner's civic republicanism? Civic republicanism defines the common good as being community based, "forged through the act of participation" as "citizens create the

¹³Seeley Lake NFS # 2 Transcript, 2.

¹⁴Seeley Lake NFS # 3 Transcript, 3 and 5.

common good through discourse.”¹⁵ This research used the term “public interest” to capture the same concept as Poisner’s common good. The act of participating in discourse to define the public interest generates a sense of civic virtue, the positive expression of moral freedom, and leads citizens to go beyond tolerance to a genuine respect for each other. Poisner identifies seven criteria that must be met to have true discourse, including dialogue, use of the community as a reference for the common good, critical reflection on values underlying the issues, focus on teaching civic virtue as part of the process, face-to-face communication, involvement of citizens rather than hired lobbyists, and representation of all significant interests in the community. Two of the cases fell short of reaching this definition of participatory democracy. The Game Range case used informed consent as the process to determine the public interest. Informed consent did not include dialogue among interests; citizens did not create the common good through face-to-face communication with each other. As a result, the other characteristics of true discourse were not present. The focus for informed consent was public education about a specific fuels reduction proposal designed to obtain public support and information the Forest Service then used to fine tune the proposal to meet citizen concerns. There was no focus on the larger sense of the public interest or development of civic virtue. In the Game Range case, informed consent, while based on a reasonable model of human nature, followed the traditional pattern of synoptic expert public involvement outlined in Chapter One. By using informed consent, the Forest Service enhanced its own credibility in the community, but did nothing to further the understanding and skills necessary for participatory democracy. As a small, rural community, Thompson Falls had a sense of community that could have provided a context for participatory democracy, but the Forest Service did not engage the community at that level. Informed consent focused on the task at hand and did not consider the larger implications that the process of finding the public interest could have had in promoting the ability of the community to work together on tough issues.

The Big Snowies case lacked the dimension of community altogether. The individuals involved in the Big Snowies case came from disparate locations, some urban, some rural, many miles from the mountain ranges that were the focus of the discussions.

¹⁵ Poisner, 59, 60.

The impetus for the negotiations was driven by a shared sense of mistrust in the ability of the Forest Service to formulate an acceptable solution rather than a positive shared vision of community among the various users of the Forest Service lands. Interviewees described the discussions in the Big Snowies case as strategic negotiations, focused on how the interest groups could gain the most of what each wanted while recognizing that compromise was necessary. As an example of stakeholder negotiations, the Big Snowies case provided an illustration of collaboration without community or shared vision. While the individuals involved gained some understanding and respect for opposing views, there was no community context for that understanding and respect. As with the Game Range case, the focus was on the task at hand. It is interesting to note that this was the only case in which several interviewees made a point of reporting that they continued to distrust an opposing participant.

In contrast, both the Lakeface-Lamb and Seeley Lake cases evidenced all of the attributes of true discourse and civic republican participatory democracy. Both were strongly rooted in a shared commitment to the community. In both cases, a core group of citizen leaders actively formulated the proposed alternative that formed the basis for the final decision. These community leaders modeled civic virtue through the process of discussions and reported gaining appreciation, respect, and friendship with leaders of opposing views through the process. Other interviewees in each case reported learning aspects of civic virtue from these leaders. In both cases, the communities emerged from the process with a strengthened capacity to integrate the range of interests in addressing new issues in the future. The immediate need to resolve a problem or issue involving Forest Service lands provided a vehicle for the community to learn how to work together. The Seeley Lake community in particular has moved on to agreement on other issues, as noted above. The Seeley Lake and Lakeface-Lamb cases were examples of civic republican participatory democracy come to life.

Civic republicanism calls for government to play an active role in helping to instill civic virtue. In the Lakeface-Lamb and Seeley Lake cases, Forest Service leaders played key roles by modeling civic virtue while also accomplishing the immediate goals of the Forest Service. However, the Forest Service leaders spent a great deal of time in doing so. What is the proper role of government agencies in encouraging participatory

democracy? Why should the Forest Service go beyond informed consent when, as in the Game Range case, informed consent served quite well to enhance the agency's credibility and got the job done? If one is working from the pluralist paradigm, there is no reason for government agencies to involve the public in defining the public interest beyond the traditional practice. In fact, if one is working from a pluralist paradigm, attempting to engage the public more fully will likely make things worse. Pluralism lacks the underlying belief in the human capacity to be reasonable and therefore cannot effectively model civic virtue. However, if one is working from a participatory democracy paradigm, civic virtue is essential to creating leaders among the citizenry who can participate responsibly in defining the public interest. One Forest Service interviewee from the Big Snowies case noted:

Leadership has to help take the higher ground. When we have community organizations run by doctors, mechanics, accountants, and just common people with a passion for the cause of their group, they are not trained in the negotiation, communications, partnership building and the leadership this task (of working out solutions) may require. When the Forest Service brings them together, they may not be well prepared, or at a disadvantage in being able to work within their group and with the others...On the other hand, who better than those who have a vested interest to be at the table?¹⁶

Another Forest Service interviewee from the Game Range case noted that the Forest Service cannot carry the ball alone to make collaborative processes work.¹⁷ In contrast, in both the Lakeface-Lamb and Seeley Lake cases, the Forest Service officials had strong partners among the non-Forest Service community leaders who provided part of the leadership that made participatory democracy work. The Forest Service has an interest in helping develop community leadership to the extent it can. Opening up the process for defining the public interest through a collaborative interest representation process offers citizens an opportunity to engage responsibly in participatory democracy on issues that are real. As one non-Forest Service interviewee put it, "The problem today is that people aren't paying attention to community, only to their own thing. We need ways to bring the

¹⁶Big Snowies FS # 2 Transcript, 4.

¹⁷Thompson Falls FS # 3 Transcript, 3.

community together again. You have to have the support of both sides or you have nothing. Both have to want to do it for the right cause, the community, if it's going to work."¹⁸

Some participatory democracy theorists argue that participation should be widespread to give as many people as possible the opportunity to engage with others of opposing interests and gain the skills and appreciation for community needed to make democracy work. However, these cases did not involve large number of people. Do collaborative groups discourage people from participating? Does the commitment of time necessary to make collaboration work discourage participation and narrow the interests that can participate? These cases offer some practical insight into how participation in local decision making actually works and achieves the goal of teach civic virtue. In these cases, the number of people actively involved in determining the public interest was small by design. Initial leaders chose to work with smaller numbers of people because problem solving discussions worked better that way. In all but the Game Range case, these smaller groups were also designed to include interest representation for all of the interests while the culture of group interaction ensured that all interests were taken into account in formulating the solution. In the Seeley Lake, Lakeface-Lamb, and Big Snowies cases, leaders brought additional people into the discussions as local on-the-ground knowledge was needed to refine the solutions. As the leaders modeled how to listen to and respect opposing views, those new to the process reported gains in understanding and respect for opposing views as well. These cases succeeded in imparting skills to a wider range of participants, many of whom subsequently reported that they viewed the process as a better way to solve problems than political fighting, and that they were eager to use it again. Interviewee responses from both leaders of collaborative efforts and those new to the process confirmed that being involved in a successful collaborative process provided them with a positive example that allowed them not only to envision collaboration working in other situations, but also gave them confidence that they could help make it work again. In fact, enthusiasm for more collaborative processes was contagious; once interviewees had a positive experience, they reported being eager to try it again. Time commitment proved to be a constraint

¹⁸Seeley Lake NFS # 2, 3.

only in the Game Range case which had no direct involvement of citizens in formulating decisions; interviewees involved in the Monitoring Committee for Thompson Falls expressed concerns about limited volunteer time. Interviewees in the other three cases found the experience to be energizing and rewarding, even making the commitment of time a pleasure.¹⁹ These cases suggest that participatory democracy achieves its goal of helping individuals develop aspects of civic virtue when the processes in which citizens are involved actually engage them in formulating decisions, are successful in reaching effective solutions, and have effective leadership that model civic character. Given the prevalence of pluralistic expectations in the political culture, the role of leadership in shifting the process of defining the public interest to a successful experience of participatory democracy is essential.

This research also found a factor directly related to underlying paradigms that discouraged citizen participation in agency decision making. Some interviewees indicated they would not participate in appeals or lawsuits because of the impact that adversarial processes have on the community.²⁰ Adversarial processes set people against each other, encourage the exaggeration of claims, and foster an attitude of unconcern for the impacts of what one wants on others. These expectations for behavior are integral to the pluralist paradigm, and characterize more traditional forms of public participation such as public hearings. Many of the interviewees had never participated in public involvement with the Forest Service before. This suggests that low levels of citizen participation in traditional Forest Service public involvement may be explained in part by the disinclination of people to participate in processes that are largely adversarial in nature.

The overwhelming evidence in these cases confirmed that pluralism was replaced by a participatory democracy paradigm for those involved in the core group defining the public interest. All cases confirmed participatory democracy theory to the extent that people developed understanding and trust; at a minimum, non-Forest Service interviewees gained understanding of the Forest Service and trust in Forest Service personnel as a result of the process of defining the public interest. From a public

¹⁹Lakeface-Lamb FS # 3, Big Snowies FS # 3.

²⁰Seeley Lake NFS 1, 2; Lakeface-Lamb NFS # 4.

administration perspective, these cases confirmed that use of a participatory democracy paradigm not only offered an alternative to pluralism, but also garnered active allies and support for the resulting agency decisions. Moreover, the resulting decisions were superior to decisions made by the agency through pluralist public involvement; the collaborative approach allowed citizens' on-the-ground knowledge to improve the fit of the Forest Service decision with the both the physical and social landscape. As a vehicle for determining the public interest in agency decision making, the participatory paradigm proved to be effective in addressing the Forest Service's process predicament by building trust and minimizing appeals and lawsuits.

Two remaining concerns about collaborative processes specifically and participatory democracy in general merit further discussion. One of the concerns that has been raised about the Forest Service working with local collaborative efforts is the lack of longevity. Very few of the local organizations that have been written up as stellar examples of community collaboration affecting Forest Service management have lasted more than five years. Another criticism of local collaboration is that it doesn't work at higher levels of regional and national policy. Both of these criticisms mistake the form for the content. These concerns make sense from a pluralist perspective in which people are viewed as incapable of learning and changing; from this perspective the impact of a successful local collaboration is limited to the collaboration's content and lifespan. However, from a democratic participation paradigm, the question is not how long a particular effort lasts, but rather how well did a particular effort contribute to changing the political culture from pluralism to participatory democracy? Problems will continue to arise and decisions will need to be made, but the key question is how. As has been shown in these cases, local Forest Service decisions at the Ranger District level offer individuals the opportunity to practice and perfect civic virtue. Just as pluralism became the norm in terms of expectations of how to engage with people in determining the public interest, so too participatory democracy can become the norm that sets those expectations for behavior. Civic virtue can be contagious. As participatory democracy becomes the norm, longevity of specific efforts will no longer matter. As people change their expectations for leadership, regional and national policy making will also reflect more civic virtue. These cases have confirmed the theory that political behavior is closely

linked to our expectations for human behavior. It is up to those who engage in public administration and political theory to take responsibility for the impact of those expectations.

Leadership and the Role of the United States Forest Service

Organizational theory predicts that the values and vision of human nature of a group's leaders have a determining effect upon the character of group culture.²¹ In these four cases, the culture surrounding public interactions with Forest Service personnel shifted from pluralist at the beginning to collaborative for most of the groups' interactions. This research also examined organizational theory concerning how group cultures are formed. According to theory, leaders model the tone and behaviors expected for the group, and members of the group recognize and respond to this modeling and behavior. Conviction on the part of a group's leader that the group will be successful is also a critical component for success. These aspects of group cultural theory also were confirmed in all four of the cases. When asked what qualities leaders possessed that helped the group to reach agreement, the vast majority of interviewees reported integrity and trustworthiness as qualities embodied in the individuals who provided the leadership. Interviewees also reported that group leaders expressed strong convictions that the discussions would be successful in defining a solution that would be better than one defined by the Forest Service alone, and would result in agreement and support from the interest groups involved. As one of the community leaders put it, "People show up angry, but you need to have that much passion to hang in there for the whole thing."²² The challenge for leadership is to channel that passion from adversarial confrontation into constructive problem solving.

If the Forest Service is going to pursue any of the alternatives for defining the public interest outlined in this research, it will have to pay attention to its role in

²¹Seeley Lake NFS # 1 Transcript, 6.

²¹Edgar H. Schein, *Organizational Culture and Leadership*, (San Francisco, CA: Jossey-Bass, 1992).

²²Seeley Lake NFS # 1 Transcript, 6.

providing leadership. Each time the Forest Service initiates a process to define the public interest, it is creating a culture of expected roles and behaviors within which public and agency people interact. The traditional process used by the Forest Service in defining the public interest reinforces a pluralist culture; people direct their comments and concerns directly to the Forest Service through public meetings, hearings, and written comments, without the concern or need to be aware of each other. The Forest Service, in turn, responds with oral and written comments to each of the concerns. There is no opportunity for either side to gain more than a superficial understanding of the other. Disagreements easily become adversarial, particularly if they move into the appeal and litigation stages of the process.

In all four of these cases, the Forest Service initiated processes to define the public interest that didn't fit the traditional pattern. As was evident from interviewee responses, the cultures of these processes were predominantly collaborative, although for many they started as pluralist. According to Schein and numerous business researchers, the leadership of these groups is responsible for achieving the transition from pluralist to collaborative culture.²³ Moreover, it isn't so much what leaders do as who they are that makes the difference. Effective leaders don't just talk about what they would like to see in terms of culture and behavior, they model it. Effective leaders of collaborative organizations believe in people's ability to be reasonable. As part of this research, interviewees were asked a series of questions about who provided the leadership in these cases, what characteristics were especially important in providing that leadership, and what expectations leaders had for the group. The reported answers confirmed the nature and importance of leadership as outlined by Schein and others; leaders were perceived as having the characteristics of integrity, trust, and belief in the group's ability to be successful in reaching agreement.

For Seeley Lake and Lakeface-Lamb, the two cases that met the definition of participatory democracy, leadership came from both the Forest Service and the

²³Schein; Peter M. Senge, *The Fifth Discipline: The Art and Practice of the Learning Organization*, (New York: Currency Doubleday 1990); John P. Kotter and James L. Haskett, *Corporate Culture and Performance*, (New York: The Free Press, Macmillan, 1992).; James Belasco and Ralph Stayer, *Flight of the Buffalo*, (New York: Warner Books, 1993); Rob LeBow and Randy Spitzer *Accountability: Freedom and Responsibility without Control*, (San Francisco, Berrett-Koehler, 2002).

community. In both cases, these individuals became a team that spanned the barrier between Forest Service and non-Forest Service. Characteristics that interviewees noted about these leaders included trust, integrity, optimism, enthusiasm, positive “can do” attitude, straight-shooters, a commitment to the community (this was especially noted for Forest Service people in terms of active involvement in community groups), people-oriented, and good listeners. The theme of integrity came through over and over in all of the cases, and was best captured by one of the environmental leaders:

I think you feel an allegiance to people who act with integrity, not because of their interests which are different from yours, but because of their integrity. When you can talk with people like this, you do start to see things in a different light. We can grow these relationships. Even when you can't agree, you can build these relationships. You can sit down and talk. Minimize the misunderstandings, see where all stand.²⁴

Interviewees also noted that leaders evidenced great confidence from the beginning that the projects would be successful. Examples from the Forest Service:

This can be done, if we just hang in there. We need to get the different interests to trust each other. We can't define it as we/they, but recognize that we all have interests, but we are all people, we just have different values.²⁵

We approached every problem as an opportunity, with a very strong positive attitude that we could figure out a solution.²⁶

Part of what helped make these cases successful was that the core leadership knew other leaders in the community well. They knew there were representatives of different interests that were respected and reasonable. There were characteristics that core leaders appreciated in identifying others to serve as representatives of other interests in the effort.

²⁴Seeley Lake NFS # 3 Transcript, 4.

²⁵Seeley Lake FS # 1 Transcript, 3.

²⁶Lakeface-Lamb FS # 3 Transcript, 2.

Initially, I expected people to be advocates for their positions, but I also expected them to be open minded, reasonable, have influence and credibility with the group they are representing, and be people I have credibility and faith in. How to work together? Don't call people names, don't denigrate people. You don't have to agree, just don't be disagreeable.²⁷

We had dissenting votes from time to time, but we always talked things through, didn't have big egos, no threats of "I'm out of here," just lively discussions, based on the diversity of values in the group.²⁸

Everybody has to be honest, has to say what is true, not what you think you should say to get your way, and not based on theory.²⁹

There are three critical components to have this work: accommodation, trust and respect.³⁰

Leadership for the Big Snowies case came from the spokesman of the Montana Snowmobile Association and the Montana Wilderness Association. In addition to the relationship of trust that existed between the two of them, their previous experience in negotiating the same issues on the Flathead National Forest was reported as a major factor in achieving agreement. The core leadership of every case had some form of previous positive experience in getting people to sit down and work out solutions together. Having been involved in a successful effort contributed to people's willingness to try it again. Enthusiasm for collaborative processes was contagious.

Wow! This is great! This can work, seeing enthusiasm grow, seeing possibilities. This was a big change for me. Having had one that works makes it easier to think about others. It was a pleasurable experience. I am very committed to it, others are too. I would be pleased to do this again.³¹

²⁷Seeley Lake FS # 1 Transcript, page 3-4.

²⁸Lakeface-Lamb NSF #3 Transcript, page 2.

²⁹Seeley Lake NFS # 2 Transcript, page 2.

³⁰Seeley Lake NFS # 2 Transcript, page 3.

³¹Big Snowies FS # 3 Transcript, 4.

Actions that leaders took to help groups be successful differed between community leaders and Forest Service leaders. Interest group leaders focused on content, helped their constituents identify what was most important, and throughout the process took proposals back to their constituents for review and approval. Several noted that simply communicating proposals back and forth was not enough. Leadership also played a role in encouraging their constituents to see the larger picture, that they couldn't have everything they wanted.

We had resistance to having to say this area and not that area, but that isn't realistic. So, we needed to establish our bottom line. It was hard to define, because we had to establish priorities.³²

Leadership is about moving people, challenging them to a higher level. You can't just say "They (your constituents) didn't like it." There is nothing wrong with talking to your base, then challenging them to a higher level of citizenship. Our leaders can do that. We should expect this of them.³³

In the Lakeface-Lamb and Seeley Lake cases, interviewees had a positive vision of the community as the larger picture towards which all were working. In the Big Snowies, the larger picture was less positive as the need to give up ground stemmed more from a desire to come up with an agreement and not leave it to the Forest Service rather than a positive community vision.

Where the Forest Service helped provide leadership, the Forest Service leaders helped to set the tone for the discussions and defined the parameters within which the decision had to fit:

I knew Tim as a person of integrity, a person who can see the big picture for the community. Tim is community minded, and he set the tone for the whole thing, a tone of respect for each other and for the community.³⁴

³²Big Snowies NFS # 2 Transcript, 6.

³³Seeley Lake NFS # 4 Transcript, 7.

³⁴Seeley Lake NFS # 2 Transcript, 3.

The District Ranger set the tone by being himself, as a trusted presence in the community. He just set out his constraints and defined where the decision space was.³⁵

Leadership is what's needed. The politics of polarity don't help. Instead, responsible efforts to arrive at multiple uses on the landscape make sense. On the ground solutions – map out where the most desirable lands are, with the sideboards of the Forest Service setting up the regulations. The Forest Service has to be able to say no to the idea that a group can have everything. The Forest Service has to define the decision space.³⁶

Once the decision space was defined, Forest Service leaders reported they were neutral in terms of content. Without any preconceived beliefs about what the decision should be, they were able to act with integrity in terms of the process.

Interviewees noted several attributes particular to Forest Service officials that contributed to their ability to be effective leaders. The most frequently mentioned attribute was having a personal relationship of trust with the local community. Trust came from two factors, how long the person had lived in the community and whether the person had become involved in community organizations. Situations of frequent turnover of key officials, losing key officials mid-project, or working with officials who were unknown outside of Forest Service functions, were noted as barriers. Another barrier concerned use of the term collaboration. Many of the non Forest Service interviewees defined collaboration to include being an active part of figuring out the solution. A number of Forest Service interviewees gave definitions of collaboration that essentially outlined the NEPA process of public involvement, business as usual without any dimension of active involvement by the public. Some interviewees had noticed this difference in definition and viewed Forest Service use of the term collaboration with suspicion.

It should be noted that the exercise of leadership by Forest Service personnel in these cases was constrained by the Federal Advisory Committee Act (FACA) and subsequent lawsuits filed under the act. Congress passed FACA to address concerns that federal agencies were not being accountable in their use of advisory committees;

³⁵Seeley Lake NFS # 4 Transcript, 4.

³⁶Big Snowies NFS # 5 Transcript, 4.

implementing regulations set out procedures and criteria that agencies had to meet before creating an advisory committee. In February of 2007, the Forest Service sent out a clarification of how the Forest Service interprets FACA as applied to meetings that are managed or controlled by the Forest Service in which the Forest Service is soliciting consensus, agreement, or a common point of view.³⁷ Such meetings would either require establishment of a formal advisory committee or would be in violation of FACA. However, if such meetings are not managed or controlled by the Forest Service, then FACA does not apply. On the one hand, FACA limits the range in which Forest Service officials can manage and control efforts of citizens to formulate solutions. On the other hand, as noted in the literature on leadership, managing and controlling citizen efforts is counter to the collaborative process which is emergent in nature. Moreover, the biggest impact a leader has on a group comes from the character of the leader, not from the leader's actions. Forest Service officials are free to share information and make note of interest groups' positions and views. They are also free to participate in meetings that are controlled and managed by non-Forest Service people, including contractors hired by the Forest Service to obtain consensus from groups. Within these parameters, Forest Service officials are free to provide leadership. Whether that leadership reinforces a pluralist or a participatory paradigm is a choice that fundamentally affects the future of the Forest Service.

Recommendations for the United States Forest Service

There are two fundamental questions that emerge from this research concerning leadership and the Forest Service. The first is whether the Forest Service is committed to building public trust in the agency. Acting within a pluralist paradigm undermines public trust. Acting within a participatory democracy paradigm builds trust. The Forest Service has expressed a commitment to building public trust.³⁸ This research has demonstrated that shifting to a participatory democracy paradigm achieves the goal of building public trust in the agency. However, success in making this shift depends upon leadership in the

³⁷USDA Forest Service Collaborative Planning Activities: Compliance with Federal Advisory Committee Act (FACA), February 2, 2007 (received via email from Frank Yurczyk, Feb. 12, 2007)

³⁸USDA, *Process Predicament*.

Forest Service moving away from the pluralist paradigm and embodying the values of respect for others, integrity, and belief in the reasonable model of human nature. As management experts in the business world have noted, this is not an easy shift to make in a large organization.

The second fundamental question is whether it is in the interests of the Forest Service to move beyond informed consent and embrace the civic republican charge that government take an active role in promoting civic virtue. On the one hand, it takes time to build civic virtue. On the other hand, once a community has a strong presence of civic virtue, the community can more easily partner with the Forest Service to tackle tough issues and come up with effective solutions that garner diverse and widespread support. Appreciation for what can be accomplished where civic virtue is strong can be drawn from the Seeley Lake case, in which the community had a strong core of community-oriented leadership already in place. The core group formulated the foundation for the Seeley Lake agreement within a few months. The agreement was never appealed or litigated. Those who worked on the agreement went on to work with the District Ranger to develop more agreements on thorny issues for the Forest Service, initially for other winter use areas, then for a more comprehensive agreement on sustainable timber harvest with wilderness protections. This more comprehensive agreement has the potential to resolve most of the significant conflicts in the Ranger District for a long time to come. The Seeley Lake District Ranger has invested a good deal of time in building relationships of integrity and trust with local interest groups and community leaders; that investment will pay off even more if this comprehensive agreement is adopted. The proposed agreement would provide an integrated, sustainable management plan for both public and private lands within the Ranger District that has the support of the full range of affected interests, including those involved with the Blackfoot Challenge.³⁹ If the Forest Service is in a community for the long haul, then Seeley Lake provides a model for how time invested by a Forest Service leader of high integrity in building relationships with community interests offers the potential for a good return on that investment as measured by strong community support and the ability to tackle local

³⁹ The Blackfoot Challenge is a coalition of private landowners and government agencies that have been working together for over twenty years to preserve the quality of the Blackfoot watershed.

problems and formulate solutions that are in the best interests of both the community and the Forest Service.

There are other reasons why investment in building trust and community capacity to work together and with the Forest Service offers advantages for the future. As the Forest Service is asked to do more with less resources, partnerships with local interest groups may be the only way to supplement public resources. Again, the Seeley Lake case is illuminating in this regard. Faced with limited staff resources and a large area, the Seeley Lake enforcement officer recognized that he could not, singlehandedly, enforce snowmobile restrictions. The solution was to work in partnership with local snowmobile clubs to groom trails, patrol and police the area, provide signage and public information concerning trails, safety, and restricted areas. However, for this partnership to work, the snowmobile clubs had to understand and support the new use restrictions. Being a part of the deliberations helped members of the local snowmobile club recognize that some limitations were better than no use at all. The fairness and integrity of the process won their support for the outcome and their willingness to help implement it. Another advantage of working with local citizens and locally-based interest groups is on-the-ground knowledge. As resources become more scarce, Forest Service personnel are finding it harder and harder to get out into the field to see the landscape firsthand. The less on-the-ground knowledge Forest Service personnel have, the more likely that decisions will create unintended consequences. Local citizens and locally-based interest groups offer a wealth of on-the-ground knowledge. This knowledge is critical to making effective land management decisions. The ability to make effective decisions fine-tuned to a specific local area is also critical as land management becomes more complex and “wicked,” and decentralization becomes essential.

Skeptics of collaboration and participatory democracy are quick to attribute successes like that in the Seeley Lake Ranger District to the “personality” of the District Ranger, thereby dismissing the likelihood of replicating this success with any degree of predictability. It is in the interest of countering this attitude, which inspired this research in the first place, that the researcher offers the suggestions outlined below. Successes like those in the Seeley Lake Ranger District are not easy to achieve, but neither are they unique to the individual involved. There are core practices that come a long way toward

guaranteeing positive results from collaborative efforts. Indeed, Crislip's handbook on collaboration makes the claim that if you can create the conditions for successful collaboration, a successful solution will emerge. The key ingredient is integrity, a pattern of behavior that comes from within, keeps commitments, respects every one, and doesn't take advantage of any one. People who have integrity inspire trust. Integrity is not a matter of personality so much as it is a mark of character.

The following recommendations come from the insights and advice gained through the interviews for this research, and offer a range of suggestions to create the conditions for successful interest representation problem solving as a means of determining the public interest. The first set of recommendations is institutional, designed to help the Forest Service identify and develop more leaders with the character and skills necessary to support effective interest representation problem solving. The second set is geared toward the individual Forest Service leader working at the local level.

Institutional Recommendations:

1. Develop a system to identify and reward Forest Service employees who are effective in building trust with local communities through interest representation problem solving. Develop a list of successful Forest Service District Rangers, biologists, etc. and bring them together to identify the core set of practices and beliefs they share. Develop a pay scale for District Rangers and others that rewards the value of what they do so they don't have to be transferred to climb the pay scale. Have them remain in communities for a longer time (six to ten years) so they can work with communities in crafting effective solutions.

2. Develop a system in which these individuals serve as mentors to new District Rangers, biologists, and other key staff, initially by having the new staff work on location with the mentor, then by having the mentor available for assistance as the new staff engage in interest representation problem solving on their own. An attitude of enthusiasm and belief that people can make it work is an essential; as these cases have shown, being part of a successful effort is crucial in helping prospective leaders develop

enthusiasm and belief in the process. Have meetings that bring mentors together with other mentors and their students periodically where they can share their stories and learn from each other.

3. Maintain the legal framework for appeals and litigation. The potential to challenge a project or decision is essential because it allows various interests to participate in the problem solving process as peers. All interests have the capacity to challenge, delay, and even prevent a decision from proceeding; this reinforces the need to be sure that the concerns of all are taken into account and that the agreement includes all of the interests.

4. Develop a system of incentives to encourage various interests to participate with good faith in interest representation problem solving. The dynamics of problem solving depend upon voluntary participation if solutions are to be lasting. Look for little opportunities to reinforce an expectation of good-faith participation. For example, snowmobile groups in Montana have a special tax on snowmobile gas that provides funds for local clubs to use in grooming trails, maintaining signage, etc. While distribution of the tax is handled by the Montana Department of Fish, Wildlife and Parks, local clubs work extensively on Forest Service lands. Work with state agencies where possible to incorporate incentives for responsible participation into local use agreements.

5. Work with university and college forestry and wildlife programs that teach prospective Forest Service employees to develop and include interest representation problem solving training in their curriculum. Ensure that this training includes participatory democracy and the importance of community so that new employees understand the context of democracy and their role as public servants.

Recommendations for local Forest Service leadership:

1. Become involved in the local community through membership in organizations that are community-based. Get to know other community leaders.

2. When starting into an interest representation problem solving process, choose carefully which community leaders you encourage to participate. Choose leaders that have the capacity to be reasonable and effective in providing leadership to their

organizations. Characteristics to look for include integrity, the ability to accommodate others, respect for others, trustworthiness, and the ability to influence those whose interests the leader represents.

3. Set up participation in these efforts to be voluntary.

4. Include the policy, rules, and administrative constraints in the process of defining the area of discretion open at the local level for the decision and establish these constraints as sidebars for the ensuing discussion. Do this with integrity, i.e., don't use a policy or rule or scientific report to reinforce your own preferred outcome. Rather, be sure that the sidebars accurately reflect the necessary constraints, then step back and allow the group to formulate the decision within the decision space. Use of maps with overlays of various constraints is an effective tool for establishing and maintaining sidebars.

5. Include as part of the decision space the expectation that the solution will include multiple use to the extent uses can be supported by the resource base. Encourage interests to recognize that they are part of a larger community of other users, none of which can have the forest all to themselves. Where possible, work with community leaders to reinforce the links between sustainable forest management and long-term community viability.

6. After the initial round of posturing and ideology, encourage participants to focus on specific uses in specific places. Include field trips to key areas to give the opportunity for people to see proposals first-hand, on the ground. Seek on-the-ground knowledge from non-Forest Service participants.

7. Allow the decision to emerge from the discussions and deliberation of the group, supplying additional information as requested. Avoid setting deadlines for progress and decisions. Emergent solutions evolve at their own pace. Leadership of various interest groups need time to take proposals back to their membership for review. Be patient.

8. Come from integrity throughout the process. As one of the interviewees put it, "Don't snooker anybody," and help others not to snooker each other.

9. Remember that there are allies in the public who are also seeking better ways of working working together with diverse interests and the Forest Service to formulate solutions for the future. In the words of one of the interviewees:

We are at a tipping point right now in terms of how the future is going to go. The “politics of polarity” have had a huge effect. This isn’t leadership; it will always fail Montana. For the greater good, we need to accept some limits. I think people want to be reasonable and responsible, to feel good about themselves. This is us being good citizens. This is the Montana I want my kids to grow up in, a Montana where we can sit down together to solve our problems, not one that is polarized and dysfunctional.⁴⁰

⁴⁰Seeley Lake NFS # 5 Transcript, 6.

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Appendix A: Researcher Qualifications

Researcher Qualifications

Nancy Leifer began working with public involvement in natural resource planning in 1973 as public involvement specialist for the Flathead River Basin Level B Study in northwestern Montana. Through her work as a management consultant and as a bureau chief and administrator in state government, Ms. Leifer has facilitated or chaired numerous successful collaborative efforts, including: the Governor's Task Force on Municipal and Industrial Bonds and the Governor's Task Force on Infrastructure, both of which entailed building relationships across public/private boundaries; a collaborative group of 15 local government representatives who designed the state's assumption of the federal Community Development Block Grant program; many local nonprofit collaborative planning and problem/solving efforts with diverse organizations; the Missoula Housing Task Force (which at its peak involved 65 local government, nonprofit, and for-profit organizations); and most recently the Neighbor Works Missoula Homeownership Network, which involved the integration of program, budget, and fundraising across five nonprofit organizations. These experiences at the state and local level, which entailed the integration of public, private, and nonprofit organizational interests and diverse personalities, have honed both her ability to create successful collaborations and her understanding of what makes collaboration work.

Appendix B: Protocol for Interviews

Interview was semi-structured around the questions given below.

- A. Introduce researcher and give brief explanation of research project.
- B. Review and obtain signed consent form.
- C. Confirm:
 - a. interviewee's role in collaborative effort, what interests participant had in being involved
 - b. duration and frequency of involvement in case collaborative group
- D. Conduct interview using the questions listed below.
 1. What was your role in this effort? What interests brought you to participate?
 2. Do you think this effort was successful?
 3. One way to look at this group effort is a means for the Forest Service define the public interest. What does the term “public interest” mean to you?
 4. Do you think this group effort was engaged in a process to find the public interest as you think of it? Was it successful in finding the public interest? Why or why not?
 5. Who in the group do you think provided the leadership and facilitation skills that helped the group work?
 6. What specifically did this person (or each person, if more than one) do that helped? Examples?
 7. If you are this person, did you have expectations about the group before the group started? If so, what were your expectations? If you were not this person, do you think this person had expectations for how the group would work together? For you in terms of working as a group? What do you think these expectations were?
 8. If you were not one of the facilitators of the group, did you make special efforts to support the group in working together? What were these efforts?
 9. In hindsight, are you aware of anything that hindered the group’s work? Examples?

10. Did your level of confidence in the group change over time? Why?
11. Have you had previous experience with Forest Service citizen involvement? With collaborative group efforts with other groups outside of the Forest Service? How did people behave in these settings? Were you anticipating similar behavior in this group?
12. Did you find yourself changing your expectations about how others would act in the group over time? If so, did you change your behavior as well? What happened to cause you to change?
13. Did your sense of what you wanted as an outcome from this effort change over time? If so, how did it change, and what caused you to change?
14. Were appeals or suits against the Forest Service filed once the group effort was finished? By whom? If so, were you surprised? Were these concerns raised when the group was in progress? If so, how did the group deal with the concern(s) raised in the appeal or suit while the group was meeting? Did you feel that the concern(s) was recognized and included as part of the group's efforts to find the public interest? Why or why not?
15. Please choose which of these two descriptions comes closer to describing how the group interacted.

Paragraph 1

People evidenced good humor and seemed to respect each other. Over time they became comfortable with each other and talked informally about other things in their lives. During group discussions, they actively listened and sought to understand others' concerns for the most part. No one person dominated. People felt free to contribute new ideas and seek out information together.

Paragraph 2

People came in knowing exactly what they wanted in terms of the issues. There was some degree of tension, and people didn't try to understand each other. Much of the time was spent in people asserting claims and backing them up with their own arguments and statistics. It seemed that some people had more power than others, and didn't hesitate to use it to manipulate the discussion.

16. When did the Forest Service decide to make this a collaborative effort? How did you know that the FS was intending it to be collaborative?
17. What does collaboration mean to you?
18. How do you know if collaboration is successful?
19. Was this project collaboration?