

Assessing Prospects for Collaborative Planning and  
Public Participation for the Bruneau RMP and Snake  
River Birds of Prey RMP

Prepared for

The U.S. Bureau of Land Management,  
Lower Snake River District

and

U.S. Institute For Environmental Conflict Resolution

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June 2002

## **Executive Summary**

The Lower Snake River District (LSRD) of the Idaho State Office of the U.S. Bureau of Land Management concurrently is preparing two new Resource Management Plans covering the Bruneau Planning Area of the Owyhee Field Office (“Bruneau RMP”) and the Snake River Birds of Prey National Conservation Area (NCA RMP) (collectively the “RMPs”). Resource Management Plans (RMPs) are the basic BLM documents that guide future land use decisions and specific management actions. BLM is required to involve the public in its RMP process and seeks to use collaborative approaches wherever practical. This report provides a neutral perspective on prospects for using collaboration as part of an overall public involvement program for the RMPs.

The two planning areas face similar issues, but those issues—and the LSRD’s options for addressing those issues—are shaped by important differences. Both areas are located within Owyhee County, and they face issues around grazing, off-highway vehicle (OHV) use, fire, sensitive species, and access. One key difference that will influence their approach to these issues is the NCA’s enabling legislation, which requires that it be managed “to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith . . .” The NCA’s unique ecosystem supports the densest population of nesting raptors in the United States. The NCA also is the site of the Idaho National Guard’s Orchard Training Area, an increasingly important location for live-fire training exercises for National Guard and reserve personnel. The NCA also is adjacent to the U.S. Air Force’s Mountain Home Base. The Bruneau must be managed for multiple uses under the Federal Land Policy Management Act (FLPMA), similar to other BLM lands, but there is no primary use or purpose similar to that found in the NCA’s enabling legislation. The Bruneau also does not have a military presence within its boundaries.

Change, conflict, and uncertainty are powerful influences on the public’s relationships with LSRD and the willingness of people to participate in the RMPs. The LSRD’s relationships with Owyhee County and its citizens have been characterized by conflict over the last decade or more. At one level, this conflict is about LSRD’s obligation to coordinate with the County on land use planning. At another level, the conflict is about decisions on individual grazing permits for ranchers in the County. The conflict can be viewed through the lens of the “county movement” and its goal of local input into federal decisions that have direct, significant implications for economic survival. Many in the County perceive a shift by the BLM away from support for grazing on public lands over the past decade and bring this perception to the current RMPs. Owyhee County has also generated controversy through its Owyhee Initiative process, in which a group of stakeholders is working to develop a “landscape scale” program for the county that supports and sustains human, plant, and animal life. One specific goal for the Initiative is to promote economic stability by preserving

livestock grazing. While the Initiative includes a diverse group of stakeholders, its relationship to the county is a source of controversy.

The Owyhee RMP, completed in 1999, is a negative point of reference for many people. Some predict that the new RMPs will simply be a re-packaging of the Owyhee RMP. While not directly linked to the Owyhee RMP, court-imposed mandates regarding grazing standards and guidelines assessments have limited LSRD's flexibility and caused significant, lasting anger and frustration among some ranchers. Within BLM, management turnover has disrupted relationships with the public and staff, raised questions about political influence, and created uncertainty about policy directions. The elections of 2000, which created an expectation of further change regarding public land management, contributed to uncertainty inside and outside the BLM.

A diverse mix of environmental interest organizations are involved in LSRD issues. A small number are openly pursuing the goal of moving cattle off public lands and have adopted a confrontational, litigation-driven strategy. A larger number are pursuing more moderate goals that focus on protecting and enhancing habitat values without totally excluding cattle. The strategies of this second group vary but typically are compatible with collaborative decision making.

Off-highway vehicle use has grown dramatically in southwestern Idaho, and so have impacts associated with that growth. The bulk of OHV users ride 4-wheel vehicles for recreation and are not part of an active organization. A smaller number ride motorcycles and tend to be more organized. There are tensions between the two groups, but all OHV users care about access to public lands. Perceptions about OHV users, particularly about behavior in public meetings, are negative generalizations that directly affect the willingness of other users to interact with them.

BLM's planning guidance emphasizes the use of collaborative planning wherever possible, and federal law requires public involvement in the planning process. The LSRD is faced with choices about its goals for the RMPs and its resources for public involvement. One option is a strategy that limits direct interaction with the public, focuses on mailings and documents, and satisfies legal requirements. This approach will do little to repair damaged relationships. If LSRD's goal is to create "ownership" of the RMP process among a substantial portion of the public, it must design a strategy that relies on direct public interaction, clarity about where the public can have influence, transparency about how LSRD uses information from the public, and accountability to the public for their efforts.

Some people feel positive about their relationships with individual LSRD staff and the BLM's recent policy decisions. These people also are willing to invest resources in a credible RMP process. LSRD's ability to follow through on its public participation commitments will influence public perceptions of credibility.

CDR recommends a public involvement strategy for the LSRD that falls in the center of a spectrum for collaboration. Under this approach, LSRD would identify specific roles and tasks for existing structures such as the Resource Advisory Council (RAC),

Intergovernmental Coordination Group, and Wings and Roots Native American Campfire. The broader public, including user groups such as OHV riders, would be given opportunities to participate meaningfully through a mix of public meetings and workshops.

CDR recommends that LSRD focus on seven key principles for public involvement in making specific process design choices. These are:

- realistically match internal resources to commitments
- identify what is fixed and what is open for input and influence by the public
- be clear and consistent
- educate about the RMP process and how it links to future site-specific decisions
- link to national strategies and policies (and court precedents) in order to focus on what is open for discussion and minimize debate on issues that are already decided
- follow through on commitments, both procedural and substantive
- be publicly accountable for seeking input from the public

While LSRD has chosen to initiate two RMPs concurrently, there are important reasons to consider an approach that phases or sequences the RMPs. The criteria for making these decisions are efficiency, clarity and understanding of the RMP process, opportunities for customization, and conflict minimization.

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*(Reserved for map)*

## I. Introduction

The Lower Snake River District (LSRD) of the Idaho State Office of the U.S. Bureau of Land Management (BLM) is preparing new Resource Management Plans concurrently for the Bruneau Planning (BLM) Area of the Owyhee Field Office (“Bruneau RMP”) and the Snake River Birds of Prey National Conservation Area (BOP RMP) (collectively the “RMPs”).<sup>1</sup> Resource Management Plans (RMP) are BLM’s basic document for guiding future land use decisions and specific management actions.

The BLM is required to involve the public in its RMP process and seeks to use collaborative approaches wherever practical. BLM’s LSRD planning team is committed to a meaningful public involvement process for the RMPs. LSRD entered into an agreement with the U.S. Institute for Environmental Conflict Resolution (the “Institute”) to help facilitate collaborative public involvement.<sup>2</sup> The Institute contracted with two experienced local facilitators to assist in process design and implementation throughout the RMP process. LSRD and the facilitators developed a public involvement plan for the initial, issue-scoping phase of the RMPs during 2001. The facilitators conducted six public scoping meetings during late 2001 and early 2002. LSRD initiated an RMP newsletter and published information documents about the RMP on its web site.<sup>3</sup> One additional step was the creation by LSRD of an Intergovernmental Coordination Group, or ICG, to improve communication and coordination with government entities at all levels around the RMP processes.

As part of this project, the Institute is partnering with CDR Associates, a conflict management organization located in Boulder, Colorado, to conduct an assessment of the public involvement process for the RMPs and prepare this situation assessment report.<sup>4</sup> The report will assist BLM in (1) identifying and analyzing resource management issues for the RMPs, and (2) developing and carrying out appropriate processes to involve the public throughout the RMP process. The report is intended to augment other RMP scoping activities

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<sup>1</sup> BLM also identified areas for potential route designation in the Owyhee RMP that was completed in 1999.

<sup>2</sup> The Institute is a federal program established by the U.S. Congress to assist parties in resolving environmental, natural resource, and public land conflicts. The Institute serves as an impartial, non-partisan body, providing professional expertise, services, and resources to all parties involved in such disputes, regardless of who initiates or pays for assistance.

<sup>3</sup> One example for the Bruneau RMP can be found at <http://www.id.blm.gov/planning/bruneau/index.htm>.

<sup>4</sup> CDR has extensive experience in assessing the potential for using public involvement, including diverse forms of collaborative decision making or problem solving, in environmental and other public policy contexts at local, state and national levels. CDR also has experience designing and conducting public involvement processes, and in training federal, state, and local government staff to design and implement these processes.

through the use of confidential interviews with key stakeholders who collectively represent the full range of perspectives on RMP issues.

This situation assessment report has been researched and written by CDR Associates. The Institute provided valuable comments on an initial draft, as well as assistance during the research phase. CDR also reviewed a draft with LSRD staff for accuracy and to support development of the LSRD's public participation strategy. While these reviews were important, the views and recommendations contained in the report are those of CDR's assessment team.

This report begins with an explanation of the assessment process, followed by an overview of the context for the RMPs and a discussion of BLM's regulatory framework and the role of public involvement. The report then presents a synthesis of information gained through the interview process, focusing on key themes. In the last section, the report offers recommendations for LSRD to consider as it finalizes its public involvement strategy and proceeds with the RMP process. The report's appendices contain supplemental information, including citations for key references.

## **II. CDR's Situation Assessment Process**

CDR's process for conducting situation assessments relies primarily on personal interviews as a way to gain insight into key issues and diverse perspectives on those issues. The assessment process also helps identify stakeholders (groups and/or individuals) who might participate in collaborative processes. The assessment team gathers this information from a representative cross-section of community leaders and opinion makers, and presents recommendations to decision makers about how to address difficult issues.

CDR's process for identifying groups or individuals to interview is incremental and requires multiple rounds. The team typically starts with a small number of interviews based on initial recommendations from the client(s), fully understanding that this first group will not represent all perspectives. During its initial round of interviews, the team solicits the names of other people who (1) would be likely to play a significant role in reaching collaborative or non-collaborative solutions to the issues in question, (2) might challenge the outcome of a collaborative process, (3) are perceived as leaders of a key interest or stakeholder group, and/or (4) are likely to have useful insights about the issues in question. The CDR team interviews many of these additional stakeholders, and again solicits the names of people who should be considered for interviews. This process proceeds until such time as few new names are suggested by interviewees, key individuals who have been recommended by other interviewees have already been interviewed, and little new information is being uncovered. At this time, data collection ends and analysis and interpretation became the focus.

## **How does CDR use information from interviews?**

Analysis and interpretation involve the identification, organization, and elaboration of key themes, issues, and interests discovered through the interviews of both individuals and groups. CDR also examines environmental factors, such as elections, and dynamics between individuals and groups that influence how issues have been raised and solutions pursued. The CDR team evaluates information about the willingness of those interviewed to engage in collaborative processes to address contested issues, and the feasibility of implementing various dialogue procedures.

The situation assessment process is qualitative and reflects the interpretation of the assessment team, based on their twenty years of experience. For example, the pool of interviewees is intended to reflect the perspectives of a cross-section of key individuals and groups, but is not assembled to satisfy the requirements of a statistical model. In conducting a situation assessment, CDR will not necessarily talk with every person who might hold a strong opinion, or even decide which views are in the majority. CDR occasionally employs quantitative methods, such as looking informally at the distribution of viewpoints within a particular interest group or across an umbrella organization. However, these are not applied with academic rigor and are not a formal aspect of the assessment process. The interview topics and questions cover both general principles for public involvement and collaboration and issues specific to the project. The output from an assessment, including recommendations, necessarily reflects the professional judgments of CDR's staff about what is important and how information is presented.

CDR pays close attention to issues, perspectives, or strategies that arise frequently in the interviews, and typically describes these as "key" or "significant." However, a perspective may also be significant even though it is not shared by a majority of people interviewed. For instance, an opinion might be deemed significant if it represents unanimity within a particular group or across various groups, or is held strongly by an influential leader. CDR looks for themes as a way to present findings. A theme<sup>5</sup> is either a specific issue or topic, such as "user group perceptions of BLM," or a perspective on that issue, such as "changes in leadership create uncertainty," that is repeated multiple times in interviews. In identifying themes, CDR considers issues or perspectives that are significant across the pool of people interviewed and, to a lesser extent, in the context of each interview. Themes can be associated with a fairly wide range of frequencies in interviews, again due to the qualitative nature of the analysis and interpretation process.

## **What was CDR's interview process for this situation assessment report?**

CDR followed the process described above for the assessment of the RMP processes in the LSRD. CDR's team conducted 58 interviews, either individually or in small groups.

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<sup>5</sup> Webster's Dictionary offers multiple definitions of theme: "the matter with which a speech, essay, etc. is chiefly concerned . . . a structurally important element of a composition developed, repeated, inverted, etc. . . . an entire musical passage on which variations are based . . . a signature tune." *The New Lexicon Webster's Encyclopedic Dictionary of the English Language*, Deluxe Edition (Lexicon Publications 1990).

Interviews ranged from forty-five minutes to two hours or more in length, with most lasting more than an hour. CDR presented a list of potential interview topics to those interviewed, but conducted each interview differently. CDR conducted multiple rounds of interviews, beginning with a small group identified through conversations with LSRD and Institute staff and reaching out to additional persons based on advice offered during interviews. A complete list of the persons who participated in the assessment interviews is attached to this report as Appendix A. CDR also spoke with an additional group of people, sometimes for as much as thirty minutes, to determine who should be interviewed, assess willingness to be interviewed, and gain additional perspectives. Their names are also included in Appendix A as “Additional Contacts.”

Three factors contributed to CDR’s ability to conduct so many interviews. First, a large number of people agreed to participate in interviews for the purpose of providing input about the desirability and feasibility of a future collaborative process. Second, people were willing to use their personal time to travel to the Owyhee County office complex to participate in interviews (saving travel time for the interviewers). Third, Owyhee County staff assisted greatly by scheduling meetings with CDR. These efforts allowed CDR to use most of the situation assessment contract time for interviewing rather than handling logistics.

CDR’s interviews were conducted on the basis of confidentiality. CDR explained to all interviewees that it would prepare a report for the BLM that eventually would become public, that the document would present key issues, perspectives, and themes from the interviews, and that statements in the report would not be attributed to specific individuals. This report is consistent with that commitment.

### **III. The Physical Landscape**

Southwestern Idaho is a place of striking physical beauty and compelling contrasts. Most of the state’s population lives near the growing Boise metropolitan area and along the Snake River. The city is bustling with restaurants and shops, and new home construction is visible along the I-80 corridor. The boundaries of the planning area for the RMPs begin only 25 miles from downtown Boise. Within those boundaries are over 2.3 million acres of arid bluffs, canyons, and plains covered in sage, juniper, pinon, and numerous plants (including grasses). The planning area is inhabited by bald eagles (and many other raptors), sage grouse, and bighorn sheep, to name a few familiar species. Some people consider portions of the planning area to be part of a “Sagegrass Sea” ecosystem that extends across 150 million acres of the Western United States.

The BLM’s Snake River Birds of Prey National Conservation Area (NCA) covers 485,000 acres along 81 miles of the Snake River located in Owyhee County. The NCA’s enabling legislation specifies that it be managed “to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith . . .” Its unique ecosystem supports the densest population of nesting raptors in the United States and is known around the world. Recreation has become increasingly popular, in part due to the NCA’s proximity to Boise. The NCA contains the

Idaho National Guard's Orchard Training Facility, which covers approximately 138,000 acres. Roughly half of this area (about 70,000 acres) is an impact zone used for live firing of explosive rounds during exercises by armor, aircraft, and infantry. The NCA also surrounds Mountain Home U.S. Air Force Base on three sides. State and private lands also are located inside the NCA.

The Bruneau Planning Area also is located in Owyhee County. It abuts the NCA to the north and runs south to the Idaho-Nevada border. The BLM manages approximately 1.4 million acres in the planning area. The Duck Valley Indian Reservation covers approximately 145,000 acres in the southern portion. State lands and private holdings can be found across the area. The Bruneau contains over 350,000 acres of Wilderness Study Areas, miles of river potentially eligible for inclusion in the national river system, and numerous plant and animal species of concern including sage grouse, bighorn sheep, Mulford's milkvetch, and Cowpie buckwheat. Grazing, off-highway vehicle (OHV) use, and horseback riding are some of the more significant resource uses.

#### **IV. The Human Landscape**

Change, uncertainty, and conflict characterize the environment in which BLM has undertaken the RMPs. All three factors can be understood through a local lens focused on Southwestern Idaho. But these factors also have large-scale aspects, regional and national, that are important for a full understanding of past influence and potential future significance.

A discussion of the human landscape starts with the first peoples who inhabited this area and their modern descendants. The goal of this report is not to attempt a history of this area's native peoples but rather to highlight their deep attachment to lands within the planning area, and note that conflict, change, and uncertainty have been almost constant in their experience since encountering European settlers. The present-day Shoshone-Bannock and Shoshone-Paiute Tribes consider the entire planning area part of their aboriginal lands. According to the tribes' oral histories their ancestors lived and worshiped in this area long before the appearance of European explorers, and even longer before the introduction of cattle and ranching. The planning area contains countless sacred sites for worship and burial whose locations have been passed down orally. Many are known only to those linked through traditional language and storytelling.

For most of the past one hundred years very little attention was paid to the planning area by the rest of the United States. The arid climate was deemed inhospitable, and the immense landscape seemed utterly empty and devoid of value to many. Ranching gradually gained a foothold, and photographs from the 1930s give the impression of a landscape dominated by cattle. Since that era the numbers of cattle have declined significantly, for a variety of reasons that are important for this report. First, the ecosystem could not support the large numbers grazed during that period. Second, views about grazing practices gradually changed—and continue to change—as part of a complex process involving ranchers, environmental activists, Congress, and federal regulatory agencies such as BLM and the U.S. Forest Service. Ranching (grazing cattle) was the primary economic activity for much of the

past century, and people under permits on public lands relied on the BLM to manage those lands in a manner supportive of their livelihoods.<sup>6</sup>

BLM and the public have experienced profound change regarding management of public lands in the LSRD during the past 10-15 years. This change has occurred on the land, through increases in recreational uses such as OHV riding, wildlife viewing, hiking, and mountain biking, and reductions in traditional uses such as grazing and mining. The changes have been experienced differently by different groups and individuals depending on their relationships to the public lands and individual core values. For those whose livelihoods historically have depended on use of public lands, the changes threaten their economic and cultural survival. This is particularly the case with many ranchers in Owyhee County, located 35 miles south of Boise's growing population, across the Snake River.

For those representing environmental public interest groups, the changes in public land management are generally welcome. Within this broad grouping, however, there is an important diversity of perspectives on appropriate uses of public lands and strategies for achieving their goals. For example, some groups accept continued grazing—at least for the near future—and choose to work quietly with landowners and government agencies to ensure that best practices are known and used. Others advocate the removal of all cattle from public lands and pursue more adversarial strategies, rejecting the prospect of collaboration on solutions.

These changes in land management policies, and reactions to them, are not unique to the LSRD. They have unfolded across the West. Ranchers in Owyhee County have connected with their counterparts in other areas and developed regional, even national, responses. Interest groups and “movements” have become active at the local, state, and national levels. Terms like “war on the West,” “wise use,” “sagebrush rebellion,” “county movement,” and “local control” have gained symbolic meaning and political significance.

The BLM also has changed, both nationally and locally. A new generation of managers and technicians has brought different educational backgrounds, skills, and values to bear on the task of managing public lands. The Federal Land Policy Management Act (FLPMA) and National Environmental Policy Act (NEPA) gradually become more significant factors for decision making, in part as a result of the development of a body of court cases and regulatory interpretations. Perceptions vary about how this change has affected public land management. Some see a deliberate shift during the last decade that favored resource values like endangered species at the expense of uses like grazing, and link this shift directly to the tenure of former Interior Secretary Bruce Babbitt. Others perceive a more gradual shift, mainly in response to changing population patterns and only secondarily as a result of the legal and political processes.

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<sup>6</sup> Mining was another extractive use in the planning area during the early- and mid-20<sup>th</sup>. Mining declined based on economic factors such as costs and low prices and, to a lesser extent, environmental regulations. It is not a significant factor for this report, although professional and amateur geologists continue to explore the planning area.

Today there is a new BLM Director in Washington, and both the Idaho State Director and LSR District Manager positions are filled by acting staff. In the past three years there has been management turnover in the Owyhee Field Office, along with an administrative re-configuration that combined the Bruneau Planning Area with the Owyhee Planning Area. There also has been turnover among field staff. Any change of a BLM area manager, who has authority to make critical local decisions, is significant. In the planning area there is similar significance attached to changes in field staff who participate in critical activities like grazing allotment assessments.

Conflict has been one significant consequence of this change. Former Interior Secretary Babbitt's range land reform initiative disrupted historic relationships that favored grazing on southwest Idaho's public lands. Individual ranchers in Owyhee County have been, and remain, in conflict with BLM over range assessments and application of standards and guidelines to their allotments. In February 2000 a federal judge imposed strict requirements on BLM to complete grazing assessments according to a schedule. The explosion of off-road motorized vehicle use, and particularly the shift toward four-wheel vehicles (as opposed to motorcycles), has increased conflicts among OHV users, ranchers, wildlife advocates, and wild horse and burro advocates, and challenged BLM staff.

Uncertainty is another significant consequence of change. Many people are wondering what to expect from the Bush administration's Interior Department, including BLM. The recent change of administration, following the 2000 elections, has created expectations, and suspicions, about another fundamental change of direction. The acting status of the LSR District Manager and State Director are additional cause for uncertainty. There are impacts within BLM: managers are unsure what set of values will guide personnel and policy decisions and are looking for direction. There is a perception in some quarters that key personnel choices at the state and local levels are influenced by politics.<sup>7</sup> Outside BLM, some groups expect greater influence with BLM decision makers; this expectation, until tested, reduces their willingness to collaborate with those whose interests they perceive to be inconsistent with their own. The election of 2000 may have increased the likelihood of conflict in the short term by changing the options for ranchers and others with strong economic interests in the public lands.

## V. Key RMP Issues

This section of the report summarizes the key issues that LSRD must address in the RMPs. Many of the issues are complex; a number are also controversial and highly politicized. The goal of this section is to introduce readers to key perspectives on the most challenging issues, rather than to provide a complete list of issues or attempt a detailed explanation of all viewpoints.

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<sup>7</sup> One recent example: the March 7, 2002 issue of the *Idaho Statesman* carried this headline: "Idaho BLM director forced to quit; Conservationists blame politics related to grazing" over a story about former BLM state director Martha Hahn's departure.

**Overview.** Certain issues for the RMPs are common to both planning areas. These include:

- ❑ Grazing
- ❑ OHV use
- ❑ Fire
- ❑ Habitat and species
- ❑ Access
- ❑ Cultural resources
- ❑ Wilderness Study Areas and Areas of Critical Environmental Concern

The fact that the same issues arise for the NCA and Bruneau does not necessarily simplify the RMP processes. In fact, differences in the shape of these issues for the two planning areas likely will influence LSRD's approach to public participation.

The NCA faces certain unique issues that include:

- ❑ Orchard Training Area
- ❑ Boundary
- ❑ Land exchanges

These NCA issues are discussed further below.

**Grazing.** BLM issues permits for people to graze cattle on the public lands within the planning area in exchange for a fee. Permits are issued for specific areas, called allotments, and certain terms and conditions such as a maximum number of Animal Unit Months (AUMs), timing, and location. Allotments are subject to the Idaho Standards for Rangeland Health and Guidelines for Livestock Grazing Management (hereinafter "Standards and Guidelines") that cover aspects like the condition of riparian areas.<sup>8</sup>

Grazing on allotments in the planning area (and cattle ranching) generate passionate, value-laden discussions among environmental representatives as well as ranchers. Some familiar arguments against grazing are that it is harmful to native vegetation and wildlife, promotes invasion by exotic species like cheatgrass, contributes to fire impacts, and harms riparian and riverine habitat. Economic arguments about public lands grazing include allegations that it exists only due to federal subsidies. Ranchers and grazing supporters point to examples of good management practices, identify themselves as stewards of the land by necessity, and emphasize the historic and cultural significance of ranching. They also assert its economic significance in Owyhee County.

Grazing of cattle and sheep occurs in the NCA and Bruneau, and will be a significant issue for both RMPs, although for different reasons. In light of the NCA's mandate, the central question is how grazing impacts raptors and their habitat. A secondary question is how grazing impacts other resource values, such as other sensitive species, or other uses. Because the NCA is so dry, grazing requires that water be hauled, which can lead to concentration of livestock and overuse. There have been changes in the type and pattern of vegetation in the

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<sup>8</sup> Allotments in the Owyhee Planning Area also are subject to the federal court ruling described above. The possibility that this ruling, or later court action, will impact allotments in the Bruneau was raised in several of CDR's interviews. We offer no prediction on this matter.

NCA over time, with grazing playing a role but not being the sole cause. There is a significant problem with invasion by cheat grass, and LSRD has committed resources to re-establishing native grasses. These efforts will be part of the grazing issue review in the RMP.

Grazing issues are different for the Bruneau in part because it does not have the same unique enabling legislation as the NCA. From LSRD's perspective, the basic question of *whether* grazing is an appropriate use is not an issue for the Bruneau RMP. The Bruneau has more acreage under allotment than the NCA, and its terrain and resource values are different. The Bruneau attracts more diverse recreational uses than the NCA in part because water is more available. The Bruneau also is adjacent to the Owyhee planning area covered by the Owyhee RMP (and court rulings on grazing issues such as stubble height). For this reason, the grazing issues in the Bruneau are often linked in the minds of ranchers and other residents of Owyhee County, even though they involve different allotments, permittees, and terrain.

The RMP process will not result in allotment-level decisions in either the Bruneau or NCA. Rather, BLM will make broader decisions that will likely influence future assessments and permit decisions. Because grazing opponents and advocates believe decisions made at the RMP level (such as program planning criteria) can effectively control outcomes for individual assessments, however, this issue will be a challenging one.<sup>9</sup>

**OHV Use.** The use of two- and four-wheeled off-highway motorized vehicles has exploded in popularity in the Boise area, and the Owyhee Front is a popular destination for racers and recreational riders. This growth has caused impacts to resources, generated conflicts with other resource users (like hikers or horse riders), and created enforcement challenges for LSRD. Several useful distinctions can be made within the OHV "community." The first is a distinction between organized users, such as racers, and purely family or individual users. The second is between two- and four-wheel vehicles. Several organizations in the Boise area are primarily devoted to motorcycle events and claim a significant share of overall off-road motorcycle ridership in the area. There is a statewide umbrella organization for four-wheel vehicles, but as a group they tend to be less organized than the two-wheel users. The key concern for all OHV users is maintaining access to desirable terrain. LSRD's proposal to designate specific trails for different types of use, and the possibility of some trails or roads being closed to use, is a concern.

In the NCA there already have been some steps taken to protect raptor habitat by limiting OHV use. While access will remain an issue for the NCA, the Bruneau will present equally challenging OHV issues. One important question for the LSRD is whether to combine all OHV issues, or keep them separated by planning area. This question is discussed in the Recommendations section of the report.

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<sup>9</sup> The livestock management specific program planning criteria for the Owyhee RMP stated, in part: "Livestock utilization of public lands will be managed under the principles of multiple use and sustained yield. Livestock will be managed to improve public land resources, enhance productivity and stabilize the livestock industry dependent upon the public range over the long term." Record of Decision (ROD), page 5.

**Fire.** Cheatgrass, juniper, sage grouse, and cattle all are affected by BLM's fire management policies and practices. The NCA is covered in non-native cheatgrass, which thrives on fire, and land managers are concerned about protecting areas of native plants. However, decades of fire-suppression have created significant fuel loads on public lands, and these present a serious risk. There are complex relationships between fire and juniper, sage brush, and habitat for species such as sage grouse. The fire issue appears significant for both RMPs, although the cheatgrass problem is more significant for the NCA.

**Habitat and Species.** The BLM focuses primarily on habitat, rather than on species, but concerns about sensitive species will be significant for the RMPs. The U.S. Fish and Wildlife Service plays a decisive role for any federally listed species potentially impacted by the RMPs. The State of Idaho focuses on sensitive species through its Office of Species Protection but does not have its own statutory equivalent of the federal Endangered Species Act (ESA). One species (and habitat) receiving a significant amount of attention currently is the sage grouse. The possibility that the sage grouse will be listed under the federal ESA has provoked strong reactions in Owyhee County, which organized a Sage Grouse Local Working Group (see discussion p.20). The sage grouse is unlikely to be a significant issue for the NCA due to limited habitat, but will be significant for the Bruneau.

One significant species for the NCA is lepidium, a plant. The presence of lepidium is a factor for training activities at the OTA, and may affect the Guard's ability to use certain areas. Lepidium may also influence decisions about access to other areas of the NCA.

Sensitive species likely will be an issue for both RMPs. Environmental groups can be expected to focus on the impacts of other uses, such as grazing and recreation, on these species. For the NCA, of course, there is a related species concern for raptors and their habitat.

**Access.** This is an issue that transcends several others and potentially unites multiple user groups. The basic question is whether people will be able to gain access to desired areas, and what constraints may be placed on access. For example, horseback riders are concerned about having to pull trailers long distances on rough roads. OHV users are seeking convenient trail heads. Rock hounds (otherwise known as geologists) seek access to geologically significant areas. Environmental advocates are concerned about impacts at trailheads and in sensitive areas, and in some cases seek to limit access. This will be an issue for both RMPs.

**Cultural Resources.** This will be an issue across both planning areas. It is particularly sensitive for Native American tribes, who identify closely with burial grounds and sacred sites. The location of these sites is particularly sensitive information, and the tribes feel that disclosure in the past has led to desecration.

**Wilderness Study Areas and Areas of Critical Environmental Concern.** Some groups feel that these designations are used to prevent access and effectively limit use of public lands in a targeted way. Others see these designations as the only way to protect particularly sensitive areas. A second aspect of the controversy is how long an area should remain under

WSA status before a final determination is made. For those who feel their access is being impaired, the uncertain status of current WSA lands in the Bruneau area is a point of contention. The WSA issue is less significant for the NCA than for the Bruneau.

### **Issues Unique to the NCA**

*Orchard Training Area.* As noted above, the Idaho National Guard's Orchard Training Area (OTA) is located entirely within the NCA.<sup>10</sup> Management of the OTA is governed by a Memorandum of Understanding (MOU) between the Guard and BLM that was renewed in April 2002. As part of this MOU the Guard must seek approval from the BLM for certain actions, including disturbance of any previously undisturbed areas, e.g., for new roads. LSRD and the Guard meet at least annually to discuss fire and other issues, and interact on specific actions requiring approval from LSRD.

From the Guard's perspective, the OTA is increasingly important as an area for live-fire training exercises. National Guard and reserve units from around the United States train there, as well as units from Idaho. The presence of the OTA allows Idaho Guard units to effectively reduce the amount of time they spend away from their families while training for overseas missions. The Guard maintains an environmental section that addresses habitat and species impacts, among other matters. The Guard also has significantly upgraded its fire-fighting capabilities in recent years, due in part to problems associated with cheat grass invasions. The Guard also documents sensitive plant species like *lepidium* within the OTA and closes ranges to activity in response to environmental concerns.

The LSRD is responsible for managing the NCA to meet its enabling legislation, and that is the central issue for the RMP. There is little disagreement that military activity in the OTA's "impact zone" has significantly reduced the amount of shrub cover and increased cheatgrass. This reduces habitat for raptor prey species such as jackrabbits and ground squirrels, and increases fire risks. While some might insist that live-fire training exercises must have negative impacts on raptors, however, the current state of science does not support sweeping conclusions. Moreover, the continued existence of the OTA appears not to be at issue, for other reasons related to national security. In this situation, the focus of the RMP process likely will be on what activities the Guard conducts in different parts of the OTA at different times of the year, and their relationship to raptor needs. The RMP process may lead to decisions by LSRD to withdraw areas of the OTA from use, either on a temporary or long-term basis.

*NCA Boundaries.* At least one issue related to the current NCA boundary is likely to come up in the RMP. This issue arises from the fact that the NCA boundary was drawn originally to accommodate raptor foraging areas. As a result, it does not currently follow easily identifiable landmarks, such as rivers or streams, power lines, or roads. This makes it difficult for people to know whether they are inside or outside the NCA. LSRD plans to address this issue as part of the RMP process.

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<sup>10</sup> **The OTA also contains approximately 13.5 square miles of state lands.**

*Land Exchanges.* The NCA contains a patchwork of federal, state, and private land holdings as well as the OTA. A somewhat similar patchwork exists closer to Mountain Home Air Force Base. One example mentioned above is the 13.5 square miles state land that sits inside the OTA. There is potential for organizing land exchanges to “rationalize” this patchwork, and the possibility of such a process may be addressed during the RMP process, although negotiating and carrying out any exchanges would occur separately.

## **VI. Public Involvement and the RMP Process**

### **What is public involvement?**

Public participation is a cornerstone of the National Environmental Policy Act (NEPA). Federal agencies must provide opportunities for public involvement as part of the process of evaluating the impacts of different alternatives. While NEPA and other BLM guidance stress the importance of public involvement as a means of influencing federal agency decision-making, the scope of public involvement is highly discretionary and can range from narrow to broad. As a narrowly conceived process, public involvement is carried out in order to meet NEPA and other legal and policy requirements. As a broader effort, public involvement is conducted in order to meet a series of goals, only one of which is to meet statutory and policy requirements. Thus, how public involvement is configured in terms of specific activities depends on the larger question of what public involvement in the RMP process is intended to achieve. From this perspective, “Why public involvement?” is a critical question for the LSRD as it defines the role the public will play in the development of the RMPs. It is also a useful question for consideration by individuals and groups as they decide whether, and to what extent, to engage in the planning process.

### **What are LSRD’s public involvement goals?**

LSRD has identified a preliminary set of public involvement goals for the RMP process that include:

1. Create a climate in which the public is willing to engage in the planning process and view their participation as meaningful
2. Support the goals, activities, and timeline of the RMP process
3. Meet the legal and policy requirements that guide public involvement, including NEPA
4. Increase public understanding of BLM decision-making authority and the legal and policy requirements that guide the agency
5. Create support for and “ownership” of the future management approach for the NCA and the Bruneau planning area
6. Facilitate a coordinated and consistent approach to managing public lands among local, state, and federal government agencies

7. Uphold the principles of multiple use and sustained yield, recognizing that all lands may not be available for public uses

As for priorities, LSRD must satisfy legal and policy requirements. Its RMP team places significant emphasis on the fifth goal identified above, namely creating a feeling of ownership among the public for the future management approach in the NCA and Bruneau. LSRD believes that a high-quality public involvement process can contribute to the public's comfort with a future management approach, even if there are disagreements on specific aspects of that approach.

Given the early stage of the RMP process these goals are still subject to discussion and refinement. In particular, LSRD can consider the following:

- Are these goals accurate? Do they describe what the LSRD hopes will happen during the RMP process? Are there additional goals that need to be articulated?
- Is there agreement about the goals within BLM? If not, does this reflect fundamental disagreements or other factors? If there are disagreements, what is their significance for the RMPs?
- Are these goals realistic given available resources and the complexity of issues?
- Are some of these goals more important than others? Which ones are essential to completion of the RMPs?
- How will the public view these goals? Are there other things the LSRD should be working toward in the RMP process from the public's point of view?
- Will BLM miss opportunities by choices it makes about priorities for the RMPs?

The LSRD can benefit from carefully assessing and committing to its public involvement goals for the RMP process. Doing so will provide internal clarity and guidance, promote clear communication with the public, and create a foundation for conducting specific public involvement activities.

### **What legal, regulatory, and policy requirements guide public involvement?**

Several of the Federal laws, regulations, and guidance documents that govern the RMP process also define BLM public involvement responsibilities. These requirements exist in the following places:

- National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations
- Federal Land Policy Management Act of 1976 (FLPMA), 43 U.S.C. §§ 1701-1784
- BLM Planning Regulations: 43 CFR §1600 (including RMP process at 43 CFR §1610)
- BLM Land Use Manual (1600 planning series)
- BLM Land Use Planning Handbook (includes program-specific and resource-specific decision guidance)

Together, these requirements create the framework for the RMP process, including its public involvement aspects. The way in which they interact with one another, however, is complex. For example, the guidance contained in the BLM Land Use Planning Handbook is subject to the legal and regulatory mandates contained in NEPA, FLPMA, and the BLM planning regulations. Thus, for the agency, distinguishing between the different requirements and communicating their effect on decision making to the public is a significant challenge.

There is, however, a place where the different requirements come together. The framework is described in planning criteria, which apply relevant legal, regulatory, and policy requirements to a specific land use planning effort. The BLM is developing planning criteria for the LSRD RMPs. These criteria are based on existing laws, regulations, and BLM policies, as well as plans, programs, and policies of other Federal, State, and local governments and Indian tribes (so long as they are also consistent with federal laws and regulations). For the NCA RMP, federal legislation creating the NCA is important. Public Law 103-64 (August 4, 1993).

### **What is the role of collaboration in planning?**

The BLM has indicated a desire to use a collaborative planning process in order to enhance the stewardship of public lands. As the BLM acknowledges in its land use planning handbook, collaboration can describe a wide range of relationships and activities. Potential participants in collaborative activities, as well, are quick to ask what “collaboration” truly means.

Collaborative planning extends beyond basic outreach and educational efforts (although it certainly includes them). As defined in the BLM Handbook, collaboration is “a cooperative process in which interested parties, often with widely varied interests, work together to seek solutions with broad support for managing public and other lands.” This suggests that the LSRD and the public should actively engage with one another throughout the RMP process and work toward outcomes that garner broad-based support. This approach, in a sense, places the LSRD in dual roles. On the one hand, it functions as the facilitator of a collaborative planning approach, responsible for bringing together the interests of different stakeholder groups, including its own. On the other hand, the LSRD retains its role as decision-maker.

LSRD must be attentive to the form that collaboration takes in the present environment. Asking for public input on draft planning criteria and alternatives prepared initially by LSRD staff, and asking the public to participate in developing recommendations, are both examples of collaborative activities. However, the role and expectations of the public differ significantly for each example. There are also substantial differences in the time and resources required to carry them out.

### **What is the role of consensus?**

The concept of “consensus” lies at one end of the spectrum of approaches to collaborative decision making, but is not a requirement. Consensus is both an *outcome* or *result* and a *process*. A consensus outcome is typically described as an agreement that all parties are willing to live with and, ideally, support with their constituencies. True, or “pure,” consensus requires unanimity and is a challenging goal. There is criticism of this approach, based on the perceived ability of one person to prevent a consensus. One solution is to require all objections to be interest-based, so that other stakeholders can try to find a solution. Stakeholders who object primarily for reasons of principle can be asked to stand aside and not block agreement. Other versions of consensus allow for presentation of minority and majority reports on issues where pure consensus cannot be achieved, or permit a “supermajority” of stakeholders to represent a consensus view. As a process, consensus requires a commitment to acknowledging and addressing interests of other stakeholders in developing solutions, and to remaining open to multiple approaches for meeting one’s own interests. It is possible for a group to selectively adopt the standard of true consensus for different aspects of their decision making. The critical point is that collaboration can be meaningful without requiring full consensus decision making.

### **How can collaboration be designed in the LSRD?**

When the LSRD asks the public to “collaborate” it must clarify assumptions and understandings about what collaboration means, particularly in relation to the agency’s decision-making role. The LSRD must carefully weigh whether a high degree of collaboration (or consensus) can realistically occur.

The chart below presents a range of what collaboration can look like in the LSRD:

<b>Type of collaborative approach</b>	Public Comment (Legalistic model)	Public Input	Stakeholder Dialogue and Recommendations
<b>Level of public involvement</b>	Low-Medium	Medium-High	High
<b>Examples of Public Involvement or Collaborative Activities</b>	<ul style="list-style-type: none"> <li>• Posting of required notices</li> <li>• Public meetings</li> <li>• Formal public comment, written and verbal</li> <li>• Documents available in public repositories</li> <li>• Information available on web site and project activities announced in newspaper and on radio</li> <li>• Other activities with an educational focus</li> </ul>	<ul style="list-style-type: none"> <li>• All activities conducted as part of Low-Medium public involvement <i>plus</i></li> <li>• LSRD meets individually with different groups to explore their interests and concerns about the RMP</li> <li>• LSRD develops initial proposals on alternatives and asks group (new or existing) to review and provide specific input into them</li> <li>• LSRD convenes multi-stakeholder group or subcommittee of existing group to examine a specific issue or area, e.g., route designations, and provide information and input</li> <li>• LSRD seeks input from the public on the public involvement process itself</li> </ul>	<ul style="list-style-type: none"> <li>• All activities conducted as part of Medium-High public involvement <i>plus</i></li> <li>• LSRD charges a FACA<sup>11</sup> group (new or existing) with the task of developing alternatives</li> <li>• LSRD charges a FACA group to craft consensus recommendation about a specific issue or area</li> </ul>

The table is organized so that the columns build on each other from left to right. Each column also lists vertically additional steps that would be appropriate for that level of public participation. Each additional step is independent of the others in the same column.

<sup>11</sup> The Federal Advisory Committee Act

Within the broad scope of “collaborative processes” LSRD can make choices horizontally along the range of options described in the table. This range is partly defined by the intensity of public engagement and the role of the public in the planning process. One way of envisioning this range is as follows:

***Public comment:*** administrative decision by LSRD, with opportunities for the public to provide comment (through hearings or written submissions) on proposed actions/policies, in accordance with legal/statutory requirements. Product: LSRD decisions that have enjoyed public scrutiny and comment.

***Intensive public input:*** organized opportunities for members of the public to receive information and to provide suggestions, opinions, and reactions—usually at least at early (scoping), middle (first draft proposals) and late (penultimate proposals) stages of a planning process. Product: a planning document that benefits from ideas and critiques from multiple perspectives—and wider public support.

***Stakeholder dialogue and recommendations:*** a designated group representing all/most stakeholder perspectives works together with LSRD to build consensus on recommended actions and/or policies. A Resource Advisory Committee (RAC) like the one that exists in the LSRD can fill this role. This approach can supplement public meetings, or can even look for synergy and input from those forums. (Note: Federal Advisory Committee Act requirements typically shape the ability of federal agencies like BLM to participate in seeking consensus recommendations.) Product: RMP decisions emerging from engagement of stakeholders with each other and LSRD, potentially resolving conflicting interests and gaining wider and deeper support.

The LSRD would retain decision-making authority in all three processes. Only one process, stakeholder dialogue/recommendations, relies on consensus. As noted in the table above, the more intensive processes usually incorporate elements of the less intensive processes. For instance, a stakeholder process often includes public input events and/or public hearings/public comment periods.

For now, we present these examples to illustrate the differences between various types of collaboration. In the “Recommendations” section, we further address LSRD’s choices for the public involvement strategy it will adopt for the RMPs.

### **What are the prospects for collaboration in the LSRD?**

As the previous section suggests, a collaborative planning approach can be designed in many ways. The LSRD is certainly capable of planning and conducting collaborative activities that involve different parts of the public in the RMP process. It is less clear whether collaboration, including joint decision making, is appropriate or feasible at this time.

Several indicators can help determine whether a collaborative effort is appropriate and, if it is, which type or combination might work best. They include:

- Are there tangible RMP issues open to negotiation?
- Are key groups at the table, supported by their constituencies?
- Do the groups recognize that their interests are interdependent, i.e., they need one another to get what they want?
- Are the groups willing to participate in good faith and actively demonstrate their commitment to the process?
- Do the groups view others' interests as legitimate, even if they are unknown initially?
- Are the groups willing to consider proposals that address the collective set of interests?
- Do the groups view other alternatives (such as litigation) as riskier or less likely to result in a favorable outcome?
- Are sufficient resources available to sustain the effort from beginning to end?
- Does the external climate support and encourage collaboration? Is there significant political interest and activity, and at what level?
- Is the effort connected to decision makers and institutional mechanisms, thereby providing assurance that any agreements made will have an impact?

In the subsequent section of this report on “Perspectives and Themes from Interviews” we address several of these conditions in relation to the RMPs. By identifying these factors, we do not suggest that they must all exist for collaboration to happen. However, all must be considered to determine if a high level collaborative effort is appropriate and has the potential to be successful.

### **What are significant past and present examples of attempts at collaboration on natural resource issues?**

In addition to the factors listed above, another critical indicator is whether there are examples of past successes of collaborative decision making on similar issues. These experiences serve as models and common points of reference for participants, educating and instilling confidence that collaboration can produce satisfactory outcomes. This section discusses the following examples: the Owyhee RMP, the Owyhee Initiative, and the Sage Grouse Working Group.<sup>12</sup> These last two efforts are still in progress. Although it is too soon to draw any

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<sup>12</sup> Several interview participants mentioned a successful collaborative process involving the Idaho National Guard's Orchard Training Area. CDR was unable to obtain specific details of such a process from the Guard. In order to avoid confusion, we have omitted this reference from the main body of the report. Further investigation would be useful.

conclusions about either one, the issues surrounding them have implications for collaboration in the RMP process.<sup>13</sup>

### *Owyhee RMP<sup>14</sup>*

The RMP for the Owyhee Planning Area took approximately ten years and was completed in 1999. The Owyhee RMP process is the primary reference point for people considering whether and how to participate in future RMPs. It also is a recent example of the LSRD's approach to public involvement and collaborative planning for an RMP in a highly polarized environment. The Owyhee RMP process was exhausting, frustrating, and time-consuming for many people. Many groups invested significant resources in the effort without realizing any benefit or without feeling that their actions made a difference. Some felt that they had participated in good faith, only to have the LSRD retract agreements it had made along the way. It is difficult to state with certainty whether public dissatisfaction and frustration (and even anger) stems more from substantive disagreements with the outcome or with the process. The small number of people who described themselves to CDR as satisfied with the Owyhee RMP process are perceived to have done well on substantive issues.

### *Owyhee Initiative*

The Owyhee Initiative was initiated by the Owyhee County Commissioners in July 2001. The stated goal for the Initiative is:

*[To] develop and implement a landscape scale program in Owyhee County that preserves the natural processes that create and maintain a functioning, un-fragmented landscape supporting and sustaining a flourishing community of human, plant and animal life, that provides for economic stability by preserving livestock grazing as an economically viable use, and that provides for the protection of cultural resources.*

The Initiative is pursuing broad agreement on a proposal that could be translated into federal legislation. Members of the Idaho Congressional delegation have advised the group about reaching this goal, including the link between consensus within the Initiative and potential legislative success. The Initiative is under close scrutiny from many directions, and was an interview topic that generated a wide range of views.

The close attention paid to the Initiative results from its link to the Owyhee County Commissioners and the role of advisers to the County in the Initiative. The County's ongoing conflicts with BLM and others over access, grazing, land use planning, and coordination raise questions in the minds of some people about motives for creation of the Initiative and

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<sup>13</sup> We also note that there was an extended and controversial environmental review process, involving multiple EISs, conducted for a recent expansion of Mountain Home Air Force Base. A full exploration of this process is beyond the scope of our report.

<sup>14</sup> We have divided references to the Owyhee RMP process between two sections of this report and regret any duplication or confusion.

the County's commitment to collaboration. If "past is prologue" then some individuals and groups find it hard to accept a willingness by the County to pursue consensus solutions, because of perceptions that exercising political power has historically been the preferred way for grazing interests to achieve their goals.

A second reason is that some of the proposed components of federal legislation listed in the document proposing the Initiative are consistent with the goals of a broad movement toward local control over key aspects of federal land use decision making.<sup>15</sup> Because the "local control" movement has become intensely politicized, the inclusion of measures such as creation of outside science advisory boards in the Initiative's founding document has stimulated a political response.<sup>16</sup>

CDR was invited to attend a meeting of the Initiative that covered a number of topics, including a report from the Owyhee County Sage Grouse Local Working Group, in February 2002. We offer no views on the motives of any stakeholder in the Initiative or on whether the Initiative will meet its stated goals. The LSRD was not initially invited to participate as a stakeholder sitting at the table. The acting LSR District Manager attended several sessions as an observer. We note that a number of local and national environmental groups are participating actively in the Initiative process. We also note the absence of Native American interests at the time we observed the Initiative. Finally, we note that in February there was no neutral facilitator or mediator assisting the Initiative. Our primary comment, however, is that the Initiative, in February 2002, was one forum where stakeholders representing a number of key interests were talking, listening, learning, and engaging in the difficult process of building consensus solutions.

#### *Owyhee County Sage Grouse Local Working Group*

The Sage Grouse Working Group is one example of a local effort to gain control over the science of natural resource decision making, and some describe it as a successful example of collaboration. The Working Group has produced a Sage Grouse Management Plan and is pursuing its acceptance by BLM. CDR also heard some questions about the group's motives, whether the group was representative of all key interests, and whether the group achieved true consensus. CDR did not attend any Working Group sessions and has no views on the answers to these questions. The existence of the questions is significant, however, as another indicator of deep suspicions about efforts by Owyhee County to initiate collaborative processes.

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<sup>15</sup> In a news story dated November 19, 2001, the Denver Post reported on a symposium held to celebrate the 25<sup>th</sup> anniversary of FLPMA held at the University of Colorado in Boulder. The keynote speaker called for experimentation through the use of local collaborative processes freed from current planning frameworks, with their multiple steps and layers of environmental protection. Under this approach federal agencies would serve as technical advisers and could have ultimate decision making authority. Local groups would be required to meet federal standards for environmental protection, but could develop their solutions through new, less burdensome processes.

<sup>16</sup> This proposal is one solution to complaints that federal agencies are closed to outside scientific views and locally developed data. Similar arguments have been made in another complex conflict over water rights, tribal rights, irrigation, and endangered species in the Klamath Basin.

## What conclusions can be drawn?

CDR's experience is that collaborative decision-making and consensus-based processes benefit greatly from past familiarity and success. Consensus building usually cannot succeed in highly politicized conflicts, although modest efforts at collaboration that respect legal mandates and other constraints can be useful. Although collaborative decision making is currently being tried and tested in the LSRD, it is fair to say that at this time there is limited experience working collaboratively on natural resource issues, and very little experience with true consensus building. CDR recognizes that collaborative decision making is a relatively new strategy for many, and therefore views the relative absence of success stories through a realistic lens. Given the lack of experience with successful collaboration, however, CDR believes that LSRD and its public will benefit from starting simply, developing experience and capacity, and gradually expanding the level of collaboration over time.

## VII. Perspectives and Themes from Interviews

The following section contains perspective and themes from CDR's interviews. This information is important because it forms the basis for many of CDR's recommendations in Section VIII. The information is based on individual interviews. Some interviewees spoke on behalf of a large group or organization, while others spoke mainly for themselves. In some cases CDR has made its own judgments about the scope of individual comments. The section is organized around five topics: The RMP Process, Participation in the RMP Process, Collaboration on Planning, Specific Public Involvement Activities, and LSRD's External Relationships.

### The RMP Process<sup>17</sup>

- *Confusion about the RMP process and its link to site-specific decisions.* According to BLM, the RMP document establishes goals and objectives (e.g., desired future condition), the measures needed to achieve them, and parameters for resource use on BLM lands. The RMP decisions are made on a broad scale and guide site-specific implementation decisions. The relationship between decisions made at the RMP level and those made in subsequent program level and site-specific contexts (such as grazing permits or race permits) is a source of confusion for many outside the BLM. For example, there has been significant conflict in the past between LSRD and certain grazing allottees in the Owyhee Resource Area. These conflicts have received attention beyond the LSRD, and have become part of the regional and national politics of grazing. Some within BLM would assert that the Owyhee RMP was entirely separate from individual grazing permit decisions, and that the same will be true for the Bruneau RMP. These people also emphasize that the federal court litigation during the Owyhee RMP was the result of LSRD actions on specific grazing permits and had nothing to do with the Owyhee RMP. Some members of the public disagree strongly. They argue that the

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<sup>17</sup> CDR also listened for key substantive issues to provide a check for BLM's scoping process, and found that LSRD had already identified all key issues.

key decisions are made during the RMP process, and that outcomes on grazing permits in the Bruneau area will be set by decisions in the Bruneau RMP (and possibly by federal courts).<sup>18</sup> The relationship between the RMP document and subsequent site-specific decisions, and possible misperceptions about that relationship, merits special attention by the LSRD during its public involvement process.

- *Use of the RMP process to raise broad policy issues already decided.* There are deeply held values regarding use of the public lands. Grazing is one high-profile example of these values coming into conflict; OHV is another. The RMP process has been used in the past as a forum for this conflict over fundamental choices. According to BLM, however, there is no question that grazing is an allowable use and the same is true for OHV. Managing these larger issues will be a challenge.
- *Treatment of alternatives developed by user groups and others.* During the Owyhee RMP process, two groups, Owyhee County and the Desert Group, elected to develop their own alternatives for submission to LSRD. These two alternatives (B and D, respectively) were not presented in the environmental documents as submitted. LSRD elected to analyze and interpret the information in these alternatives and present its own version of each.<sup>19</sup> This approach became a source of conflict, generating suggestions that LSRD selectively presented data and was unwilling to have these alternatives considered by the public. CDR's interviews suggest that one or more alternatives may be developed and submitted to LSRD for the current RMPs, creating a risk of repeating the same dynamics.
- *Confusion or misunderstanding about key aspects of FLPMA and RMPs.* While some members of the public are familiar with substantive and procedural aspects of FLPMA and NEPA, others are not. This can lead to confusion, frustration, and significant misunderstandings. One example is Wilderness Study Areas (WSA). A number of people expressed confusion about how WSA designation operates and its potential significance. WSAs were viewed with deep suspicion by some people as an effort to achieve "no use." Several people asserted that OHVs can be used within a WSA as long as certain standards are satisfied, based on a reading of BLM's National OHV Strategy document. This view contradicts the "no use" view, and is one example of public confusion.

## **Participation in the RMP Process**

- *In spite of being "process weary" there is agreement that "good" process would make a difference.* There is a surprising appreciation for the importance of a good process, despite doubts that LSRD can develop an RMP that is substantively acceptable to most key parts of the public. Several of the more vocal skeptics of the Owyhee RMP process

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<sup>18</sup> According to the Owyhee RMP ROD the major components of the approved RMP included: manage land uses and activities to ensure properly functioning watershed conditions; manage vegetation to achieve healthy rangeland standards; provide for a sustained level of livestock use; initially allocate 135,116 AUMs (Animal Unit Months); and manage livestock grazing activities so goals for rangeland health are achieved. ROD, p. ii.

<sup>19</sup> ROD for the Owyhee RMP, p. iii.

said that people would have been more willing to accept the outcome had they felt heard and had they known that their interests were taken into account.

- *A suspicion that LSRD has already decided to impose all relevant decisions made in the Owyhee RMP, particularly regarding grazing, in the Bruneau and NCA RMPs.* We heard regular suggestions, outside LSRD staff, that this is a “cookie-cutter” process in key respects, and that decisions on planning criteria and alternatives have essentially been made in advance, based on the Owyhee RMP. No one from BLM agreed with this view, and a small but significant number of other people were willing to wait and see.
- *Participation in the RMP process is linked to perceptions about the value that BLM places on participation.* Interviewees expressed doubts that they would see their input reflected in the final EIS and RMP documents. They were less concerned about the specific kind of public involvement activities that the LSRD conducts for the Bruneau/NCA RMP process, and more interested in feeling confident that the LSRD genuinely wants the public to participate and views them as a valuable resource to the process.
- *Some people view public participation as mainly a formal process carried out to protect BLM from legal challenges.* A significant number of people offered the view that, based on past experience, BLM mainly considers public involvement something it is required to do to avoid legal challenges under NEPA and FLPMA. One reaction is a formalistic response from the public: providing comments, either in writing or at public meetings, to “make a record” but not expending additional resources to develop joint solutions. The description of the public participation process in the Owyhee RMP supports this interpretation.<sup>20</sup>
- *Some people want early involvement. Others will become involved as the RMP process progresses.* Being involved early in the RMP process enables people to influence the development of the plan, beyond merely commenting on an existing framework. This is a priority for some, but not all, members of the public. Others will want more involvement once they have a sense of how the plan will potentially affect them directly. This circumstance may require the BLM to revisit some components of the public involvement process, particularly those oriented toward the timing and sequencing of public education.

### **Collaboration on Planning**

- *“Collaborative planning” has different meanings for different people.* For some it means giving input to BLM beyond the formal comment process, typically in a workshop format, and then looking for evidence that the input process was meaningful. We heard only limited examples of LSRD providing this kind of information and feedback, which

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<sup>20</sup> The ROD description covers notices, three public scoping meetings, scoping comments, comment letters on the proposed planning criteria, and three public information meetings during the comment period on the draft EIS. (ROD, page 2.) The ROD also reports four workshops designed and conducted by the Martin Institute. These are discussed below.

is one reason why people may be unwilling to commit time and energy to the current RMPs. Another view demands greater interaction with BLM, more give and take than simply providing input. There is little experience with this approach in the LSRD at this time, although some BLM staff may have participated in such processes in other locations. The decision about whether to collaborate depends on the specific purpose and form of the activity. Some people are willing to embrace “collaboration” as a general principle or approach. Others are more ambivalent about doing so, due to past negative experiences or confusion about what collaboration is really about.

- *Examining the NCA boundaries provides a specific opportunity for collaboration.* Several individuals specifically mentioned the need to closely review the boundaries of the NCA and indicated that a collaborative effort would be appropriate for doing so. There is a general sense that different interests could be accommodated by taking this approach and that a viable solution could be found.
- *User groups are interested in working with LSRD.* We heard multiple offers from interviewees on behalf of user groups to assist LSRD by making knowledge and experience available. We also heard of an offer to fund a position within LSRD to provide planning assistance. These comments suggest that, despite expressions of “process fatigue,” there are some individuals and groups willing to work on the RMPs under the right conditions. Their willingness is tempered consistently by concerns about the groups’ limited resources and doubts that BLM would pay attention to such assistance. This is another aspect of the “credibility gap” between LSRD’s stated goals and public perceptions of its commitment at a staff level.
- *Interviewees have doubts that others would participate in a collaborative effort in good faith.* For a significant number of people the decision whether to participate in a collaborative effort is a difficult one. One factor that discourages them from wanting to engage is the sense that others will not participate in good faith. People in this group doubt that others understand what it means to collaborate. There is a strong perception that “other” people are unwilling to listen or treat interests not their own as legitimate. There is also a concern that others will commit to participation but “walk away” as soon as any kind of compromise is required.
- *The public assesses collaboration in relation to other options for influencing the RMP.* A number of groups in the LSRD are well organized and knowledgeable about how they can attempt to influence land management decisions. For this reason, many of those that are most likely to be identified as collaborative partners are also those most willing to assess whether collaboration offers them the best chance of accomplishing their goals. A highly politicized and litigious environment contributes to this dynamic. With the commonly held perception that decisions are ultimately negotiated through political channels or resolved through lawsuits, groups view collaboration as less attractive in relation to other approaches. If a collaborative effort does not appear to have the potential to forward a group’s substantive interests, reasons to participate in it diminish.

## Specific Public Involvement Activities

- *BLM manages for extreme views at either end of a spectrum and not for moderates across the center.* A significant number of people suggested that BLM is making decisions primarily to prevent litigation and in response to extreme statements and actions. This mode of operating misses opportunities to engage meaningfully with the “moderate middle” of people who have disagreements but are able to continue working toward solutions. Abandoning public meetings in response to conflict during the Owyhee RMP is cited as one specific example. The challenge for LSRD is to engage the middle in a conflicted environment, and to regularly reassess its approach to dealing with those perceived as rejecting constructive interaction for signs of change.
- *Public meetings became a forum for conflict in the Owyhee RMP but are valuable under the right conditions.* One incident consistently cited in interviews was a public meeting during the comment phase on the draft Owyhee RMP EIS. The meeting was held at the National Fire Center in Boise, and the meeting space was not large enough to accommodate the crowd. According to interviewees, a significant number of OHV supporters attended the meeting and acted unruly and even hostile toward LSRD. As a result, LSRD is perceived to be reluctant to use large public meetings. There have not been any large public meetings for the current RMPs. People who live in rural communities commented that the public meetings are an opportunity to listen and speak as a community, and that this is valuable. Such gatherings are also one way to ensure that everyone hears the same words from LSRD, which can help overcome distrust.
- *Small group discussions have mixed support.* Small groups have been used in the past to promote better dialog, minimize speechmaking, and limit opportunities for pep rallies. While these goals are attractive to some, they are outweighed for others by the desire to hear a single spokesperson from LSRD and an interest in hearing from the community as a whole. The scoping phase of the current RMPs relied on several small group discussions. These were viewed with some distrust in ranching communities but were accepted without criticism in the Boise area. Some resistance to small groups is linked to unfamiliarity with the process; this may be overcome through experience. Other resistance comes from the values and habits in certain communities; some more people are comfortable listening quietly while more outspoken neighbors articulate views and don’t want the pressure to speak that a small group can create.
- *Task-focused workshops.* During the Owyhee RMP the Martin Institute designed and conducted four “workshops” during the comment period on the draft EIS. CDR’s interviews suggested that these workshops were well designed but not appropriate for this later phase of the NEPA process, when planning criteria and draft alternatives had been developed.
- *Individual meetings to focus on specific issues.* During the Owyhee RMP, LSRD met with user groups and others to work out solutions. One frequently cited example involved the treatment of snowmobile interests in the draft EIS, and changes that were made in the final document to address concerns. This example is significant for at least three reasons.

First, it showed the willingness and ability of LSRD to respond to concerns raised during the comment period. Second, it showed how relying too heavily on the formal comment process can confirm fears that LSRD does not understand key user interests. Third, it showed the potential value of outreach as a way to test understanding of interests, before those interests are addressed in a draft EIS.

- *BLM Website and e-mail.* The BLM website and e-mail were not available during CDR’s interviews. We received only minimal feedback, either neutral or mildly positive, about these tools as part of an overall public participation strategy.
- *Newsletters.* We received limited feedback on the use of newsletters. What we heard was positive. The key concern is whether the distribution list is comprehensive and accurate.
- *Radio.* We heard support for public service announcements.

### **LSRD’s External Relationships**

- *Some groups are satisfied with their LSRD relationships.* Our interviews left a clear impression that some individuals and groups are satisfied with their relationships with LSRD. This stated satisfaction reflects a belief that some LSRD staff at least understand and perhaps even hold similar key values regarding natural resource management. LSRD staff are perceived as allies. This belief has developed over the past 10-15 years, through interactions and site-specific decisions. This satisfaction, or willingness to characterize a relationship with BLM in generally positive terms, can be found even within user groups such as OHV, on an individual basis.
- *There is dissatisfaction among some members of the public about their relationships with LSRD.* Relations with LSRD could not be worse for some members of the public. They feel alienated from LSRD staff and management, angry and frustrated that concerns are ignored, and sense that they are not welcome on the public lands. Such feelings are prevalent in Owyhee County, where grazing historically has been a way of life. Some in the OHV community have similar feelings, although this is not true across the board. The causes of this dissatisfaction are linked in part to the changes and uncertainty identified at the beginning of this report. Many in the grazing community are concerned about their survival—they feel threatened at a fundamental level by LSRD’s decisions.<sup>21</sup> There is more however. Some express dissatisfaction as a result of inter-personal conflicts with LSRD staff who are perceived to lack “people skills,” such as listening, demonstrating understanding of the importance of concerns, and conveying empathy. Another source of dissatisfaction is a perception that LSRD staff are not technically qualified to make decisions on key issues, whether it be a grazing allotment or a race permit.
- *LSRD acknowledges that some relationships should be improved.* LSRD staff involved in the RMP process are aware of negative relationships and agree that seeking improvement

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<sup>21</sup> Similar feelings about BLM exist across the West; the same is true for the U.S. Forest Service and U.S. Fish and Wildlife Service.

should be a goal. They also cite positive relationships and value these. The question for LSRD is how to improve these relationships as part of the RMP process.

### **Relations with Owyhee County and its Citizens.**

The RMPs must address a broad range of challenging issues, of which grazing is only one. While CDR is sensitive to over-emphasizing a single issue, the intensity of the ongoing conflict between Owyhee County and the LSRD, along with the resources being diverted to that conflict, justify an examination of how this conflict is likely to affect the RMP process. Some distinctions can be made among Owyhee County's different relationships with LSRD. The County's elected officials and their staff comprise the "official" component of the relationship. The Commissioners represent the interests of, and act on behalf of the county's widely dispersed citizens. They are authorized to "coordinate" with LSRD on land use planning and to interact with LSRD on other matters as a unit of local government. The County's elected officials and staff have deep disagreements with LSRD over coordination, both historically and at present.<sup>22</sup>

The LSRD also has relationships with individual allottees in Owyhee County. The connection between these allottees, the County Commissioners and staff, and LSRD is complex. In some cases the Commissioners have aligned themselves with allottees in conflict with the LSRD over individual permit decisions. In other cases, it appears that the individual allottee has at least a tolerable relationship with LSRD. Some enjoy positive relationships characterized by mutual respect, in which LSRD and the allottee work collaboratively wherever possible.

Another component of the relationship with the County is the press. The local paper in Murphy has been consistently critical of the LSRD, and is perceived by some to encourage conflict with BLM among its readers by its use of threatening or confrontational language.

BLM's perceived shift in its approach to management of public lands, and tighter regulation of grazing, have been viewed as a threat by the County. Turnover among LSRD staff, and uneven "people" skills among staff who regularly interact with the County, have compounded the problems.<sup>23</sup>

In one sense, the conflict reflects a fundamental desire on the part of the County to gain some measure of control over its future. The County's economy and culture are closely associated with an industry that relies on public lands grazing. BLM's perceived shift away from grazing and toward an approach that favors ecosystem protection threatens that industry and way of life. Federal law provides limited opportunity for ranching communities to influence land use decisions on federal lands, and most of the opportunity falls within the coordination requirement of FLPMA. That is an important reason why Owyhee County focuses so

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<sup>22</sup> There does not appear to be any written description for this particular relationship, in the form of a signed MOU, although we heard that efforts had been made to finalize such a document.

<sup>23</sup> County representatives and citizens consistently point to a small group of BLM staff with whom they have had particular issues in the past. They also can identify staff with whom they have had positive relationships.

intensely on the requirements of coordination: LSRD's perceived disregard for coordination in the past translates into a disregard for the County's economic survival.

Other factors have played a role. The LSRD office is not located in the County, and staff must always "come across the river." The County's citizens value independence, toughness, and initiative, and collaboration is not a norm. Both County and LSRD representatives recount numerous examples where trust was breached or behavior was unacceptable. There is a strong belief that the County has influenced BLM's personnel and staff decisions. The Owyhee Initiative has proved to be a flashpoint, although we are aware that LSRD's former acting District Manager attended meetings of the Initiative and received measured praise for his commitment.

The recent period of difficult relations described above should not be interpreted as a suggestion that future difficulties are inevitable. This report does not intend to offer a "fix" for difficulties in the different relationships between LSRD and Owyhee County's citizens. Nor will CDR attempt to assign responsibility for the current difficulties. The immediate challenge is to create a strategy for the RMP process. CDR believes a realistic approach would be to preserve existing positive relationships with allottees in the Bruneau planning unit and look for opportunities to improve coordination within the ICG framework described below. We also recommend preserving and building on the good will that emerged as a result of LSRD management attending Initiative meetings.

### **Native American Consultation**

Native American tribes consider the planning area as part of their aboriginal lands. It is not possible, in this report, to convey accurately the relationship of the tribes to the area or the history of relations between the tribes and the United States government. Because that complex history, including specific treaties<sup>24</sup>, provides significant context for BLM's current relationships with the tribes, it is important that BLM staff learn the history directly from tribal representatives.<sup>25</sup>

Basic legal principles form the foundation for BLM's relationship to Native American tribes in the RMP process. The importance of these principles cannot be over-emphasized. First, tribes are sovereign entities with inherent powers of self-government. Second, the tribes have a government-to-government relationship with the United States. Third, the federal government has a trust obligation to protect the tribes' interests.

BLM is required by law to consult with Native American tribes as part of the RMP process. The Shoshone-Paiute Tribes of the Duck Valley Reservation and the LSRD entered into an MOU in March 2001 that formalizes the consultation process. For the BLM, the immediate reason for consultation is to "identify the cultural values, the religious beliefs, the traditional

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<sup>24</sup> A list of relevant treaties, orders, and proclamations prepared by the tribes is included as Appendix D.

<sup>25</sup> BLM's *General Procedural Guidance for Native American Consultation* encourages direct communication with tribes as the only way to identify cultural values issues, and concerns. See page III-1.

practices, and the legal rights of Native American People which could be affected by BLM actions on Federal lands.”<sup>26</sup> This process can be challenging, in part because local tribes have seen that identifying sacred sites can lead to intrusion and, in their view, desecration. BLM has developed detailed guidance to assist staff in working with Native American concerns, and this guidance provides a valuable resource for the current RMP process.

The Wings and Roots Native American Campfire is the primary forum for consultation on the RMPs according to the MOU.<sup>27</sup> This program was initiated by the Shoshone-Paiute Tribes and the LSRD several years ago to supplement their government-to-government relationship. The program has expanded occasionally to include representatives from other tribes, including the Shoshone-Bannock Tribes, and other government agencies. CDR was invited to attend a Wings and Roots session and discuss the situation assessment process and key tribal interests with officials of the Shoshone-Paiute and Shoshone-Bannock Tribes.

### **Coordination with Federal, State, and Local Governments**

BLM manages millions of acres of public lands in southwestern Idaho. Other jurisdictions either abut BLM lands or are literally surrounded by them. BLM’s management decisions therefore have impacts on other jurisdictions. For example, the State of Idaho has lands located throughout the planning areas; these lands are inevitably impacted by BLM’s management decisions, as they are physically surrounded in most cases and cover much less area. Grazing decisions are one obvious dynamic between federal and state lands. Another is permitting: a restrictive approach by the BLM can result in shifting uses to state lands.

LSRD is required by FLPMA to “coordinate” with other federal agencies and state and local governments in its land use planning process. Views on LSRD’s “coordination” efforts offered during CDR’s interview ranged across a spectrum. There were more negative comments than positive, but we also heard from some people of recent improvements. The key themes were a perceived lack of interest or commitment to meaningful interaction by BLM, and the absence of a clear statement of what coordination should look like in action.

For the RMP process LSRD has initiated an Inter-governmental Coordination Group (ICG) as a way to fulfill its coordination obligations. LSRD intends for the ICG to accomplish multiple goals, and a written description of these objectives and the ICG framework has been developed and discussed with ICG participants. The ICG has advised LSRD of its expectation that meetings will be held so that ICG members can provide meaningful input at key junctures of the RMP process.

CDR’s interviews, review of ICG minutes, and observation of ICG dynamics suggest that the ICG’s identity, dynamics, and role are still being defined. The list of government entities attending early ICG meetings appears comprehensive. At this time it appears that the ICG is primarily a reporting, rather than a decision-making forum. Persuading those who attend

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<sup>26</sup> *General Procedural Guidance*, page III-1.

<sup>27</sup> A second Wings and Roots process has been established by the tribes and Idaho National Guard for the Orchard Training Area.

meetings that the ICG is a meaningful forum for coordination on the RMPs is a critical task for LSRD.

CDR was invited to attend an ICG session to explain the situation assessment process. A significant amount of meeting time was devoted to concerns raised by Owyhee County about the LSRD's approach to economic issues in the RMP, including the identity of a potential contractor to provide economic analysis for the RMPs. Some participants appeared to have changed from prior meetings, and others did not attend. Our sense is that the ICG is waiting to see whether LSRD makes these meetings meaningful for coordination.

### **The LSRD Resource Advisory Committee**

Resource Advisory Committees chartered under the Federal Advisory Committee Act are a common source of advice for BLM districts. The LSRD RAC was a frequent topic of comment in CDR's interviews, with comments addressing its effectiveness and credibility. Views about the RAC ranged across a broad spectrum.

Those who saw the RAC in a positive light cited its ability to produce Grazing Standards and Guidelines as a concrete example. Individual members of the RAC were seen as committed and energetic. Those who viewed the RAC through a more critical lens pointed to a lack of visibility, energy and direction, and a failure to pursue real consensus. The RAC was described as avoiding controversial issues and capable only of "lowest-common denominator" agreements that are largely procedural. Some saw the appointment process for RAC positions as an extension of the existing political power structure. Some commenters pointed to recent examples of the RAC using voting to make decisions. The structure of the RAC was also problematic, with requirements for a quorum rarely being satisfied. Overall, comments about the RAC were more negative than positive.

LSRD seeks a meaningful role for its RAC in the RMP process. The RAC forum, because it is consistent with FACA, can be an important source of public input. The challenge is to identify a role and set of tasks for the RAC that match the RAC members' commitment and abilities. These issues are addressed in detail in the following section containing CDR's recommendations.

## **VIII. CDR's Recommendations**

LSRD's choices about a public involvement strategy fall along a spectrum. The key question is which approach will achieve the public involvement goals identified above in Section VI (p. 12). At one end of this spectrum is a strategy designed to meet minimum legal requirements. The characteristics of a legalistic model are an emphasis on written submissions, large public meetings for public comments, extensive meeting notices in newspapers and on the radio, and availability of documents in public repositories. The Owyhee RMP process provides a model for this approach in key respects. There is nothing inherently wrong with this approach, and it may be an appropriate strategy for the current RMPs.

At the other end of the spectrum is a highly collaborative strategy that involves members of the public in meaningful interaction with LSRD and one another at key points in the process, such as development of planning criteria and alternatives. In certain situations LSRD may seek consensus from a representative group, such as the RAC, on a set of planning criteria or even a preferred alternative. LSRD reserves its authority to make final decisions in this model, and the requirements of FACA are respected. Nevertheless, there is significant interaction with the public throughout the RMP process, in a variety of forums, and specific ways to demonstrate how LSRD has incorporated the public's views in its decisions. Between these two endpoints are customized strategies that reflect specific situational requirements and constraints.

CDR's recommendations are presented below in two ways. First, we offer core principles for public involvement designed to address key themes identified in our interviews. We also suggest specific ways to implement the principles. These are organized according to sequence and priority. Second, we propose a specific location on the spectrum of collaboration for the RMP process, explain our reasons, and describe options for consideration by LSRD in finalizing its strategy.

**General Principles for RMP Public Involvement**

Concern	Principle	Implementation
<p><b>Given the level of polarization around certain RMP issues, the differences between the NCA and the Bruneau, and BLM’s resource constraints, is the current strategy of conducting the RMPs concurrently likely to meet BLM’s public involvement goals?</b></p>	<p><b>Realistically match internal resources to commitments.</b> The BLM has taken on a huge task in conducting two RMPs concurrently. The availability of resources necessary for an ambitious public involvement plan is uncertain. It is important, while early in the process, to match strategy to available resources, even if that means doing less than some would prefer.</p>	<ul style="list-style-type: none"> <li>• Develop a resource requirement analysis for public involvement that is realistic.</li> <li>• Don’t spread staff and resources too thinly over the lengthy RMP process.</li> <li>• Explain constraints to the public up front.</li> <li>• Focus resources on priorities.</li> <li>• Actively seek volunteers and supporters.</li> <li>• Be willing to make adjustments based on changes in resource availability, priorities, and public reaction.</li> </ul>
<p><b>The complexity of BLM’s planning process and regulatory scheme, and the sensitivity of issues being addressed in the RMPs, can lead to uncertainty about what is open for public input and what is not, both internally for BLM and externally with the public. What can BLM do to reduce this uncertainty?</b></p>	<p><b>Identify what is fixed and what is open for input and influence by the public.</b> Be clear with the public about what is and is not up for discussion, and the reasons why. Don’t allow this to be a muddy public discussion; make decisions internally and then stick with them. The public wants to know what to expect.</p>	<ul style="list-style-type: none"> <li>• Identify internally where BLM has flexibility to work with public input and where it does not.</li> <li>• Present a coherent explanation to the public.</li> <li>• If an issue or solution is not acceptable, make that clear as soon as possible. Don’t allow false hopes or expectations to develop.</li> </ul>

Concern	Principle	Implementation
<p><b>Uncertainty about the rules, unexpected changes in the rules, and failure to acknowledge changes, contribute to distrust of BLM staff and the RMP process among the public and a perception that decisions are influenced by politics. What steps can BLM take to address this problem?</b></p>	<p><b>Be clear and consistent</b></p>	<ul style="list-style-type: none"> <li>• Develop a standard presentation that can be customized and have the same staff give the presentation.</li> <li>• Assume there are questions or misunderstandings and keep communicating a consistent message.</li> <li>• Let the public tell BLM when they understand, and then test them.</li> <li>• Conduct an internal BLM process to confirm what is open for input at the appropriate level of management. This may include the State Office, since the State Director will sign the ROD.</li> <li>• Be firm and clear about requirements and constraints. If the answer is “no” it’s better to say so sooner than allow expectations to continue or grow.</li> </ul>
<p><b>It is difficult to separate BLM’s RMP process from program level and site-specific decision making. This leads to public confusion and even increases conflict. How can BLM reduce or eliminate this confusion?</b></p>	<p><b>Educate about the RMP process and how it links to future site-specific decisions.</b> An informed, educated public can focus on substance and avoid misunderstandings based on poor information.</p>	<ul style="list-style-type: none"> <li>• Customize explanations of the process to specific interests. For example, explain how the RMP decisions relate to future allotment assessments and grazing permit decisions. For OHV users, explain implications for event permits.</li> <li>• Use graphics more than wordy written descriptions.</li> </ul>

Concern	Principle	Implementation
<p><b>The national significance and political content of key public land management issues in the LSRD like grazing may overwhelm BLM’s goals for public input about the two planning areas. How can BLM keep the public focused on the RMPs?</b></p>	<p><b>Link to national strategies and policies (and court precedents) in order to focus on what is open for discussion and minimize debate on issues that are already decided.</b></p>	<ul style="list-style-type: none"> <li>• Create graphics that show issues already raised and decisions already made in national documents. One example is the National OHV strategy. Most value-based issues around OHV were raised during the public involvement phase of that project, and reference to the national strategy document is a potential way to focus the public’s attention on issues specific to the planning area.</li> </ul>
<p><b>How can BLM improve public perceptions about trust and integrity through the RMP processes?</b></p>	<p><b>Follow through on commitments, both procedural and substantive.</b></p>	<ul style="list-style-type: none"> <li>• If BLM makes a commitment, at any level, its staff and managers should keep that commitment.</li> <li>• Vertical communication and coordination will be essential so that managers and staff have a common understanding of the commitments BLM makes.</li> <li>• Don’t let good intentions set BLM up for failure in the public’s eyes.</li> <li>• Test public perceptions about keeping commitments and be open to other views.</li> <li>• Be up front about obstacles to following through.</li> </ul>
<p><b>How can BLM motivate people to participate meaningfully in the RMPs, in a way that meets BLM’s goal of creating</b></p>	<p><b>Be accountable to the public for seeking their input.</b> CDR consistently heard that, while people are tired and wary of another</p>	<ul style="list-style-type: none"> <li>• Identify clearly how the public can participate and how decisions will be made.</li> </ul>

Concern	Principle	Implementation
<p><b>ownership in the process, in light of the public's process fatigue?</b></p>	<p>ten-year process, they are willing to make the effort if they believe it will be worthwhile. If BLM seeks public involvement in this situation, then it must be accountable to the public.</p>	<ul style="list-style-type: none"> <li>• Be transparent wherever possible about how things will be done.</li> <li>• Don't create false expectations.</li> <li>• Tell the public how their ideas, their thinking, their comments, their suggestions, will be reflected in the planning process. Then do it, test the public for reaction, and be open to different views.</li> </ul>

Consistent with these key principles, the first issue for the LSRD to address is whether (1) to proceed with two RMPs, and public involvement for two RMPs, concurrently, or (2) adopt a more flexible approach to the RMPs. CDR heard a number of different perspectives about the LSRD's current approach. One is that staffing capabilities and financial resources may be inadequate for the challenges presented by conducting two RMPs at the same time. A second is that there are important differences between the NCA and Bruneau that could be better addressed through a phased or even sequential approach. Some of these differences were noted as part of the Key RMP Issues discussion in Section V. A third perspective is that in some (but not all) respects, the NCA issues are less likely than those in the Bruneau to become polarized, and are more amenable to collaborative input in the current environment. A fourth is that there may be some merit in allowing the Owyhee Initiative stakeholders to pursue agreements and then looking for ways to incorporate the results of the Initiative's discussions into the Bruneau planning process. This choice is discussed further below.

Once BLM has resolved this question, the questions listed in the table should be addressed in sequence, with the understanding that there will be overlap and that some implementation steps will be ongoing. The next steps would be to clarify appropriate points for public input internally up to the appropriate level, develop an understandable framework for communicating this information, and educate the public. The final two steps would be honoring commitments concerning RMP public involvement and being accountable to the public for their participation, both during and at the end of the RMP process.

### **Recommendation on an Overall Strategy for RMP Public Involvement**

LSRD faces a series of choices about its public involvement strategy that are linked to a decision about whether or not (and how) to phase or sequence the RMPs. CDR believes four criteria are significant for this decision: (1) efficiency, (2) clarity and understanding, (3) opportunities for customization, and (4) conflict minimization.<sup>28</sup>

- *Efficiency.* The public's concerns about process fatigue and burnout support a strategy that seeks efficiencies. An efficient strategy would minimize the time people are asked to spend at meetings or workshops and simplify the steps for providing input. One way to do this would be a "unified" public involvement process for the two RMPs, in which most, if not all, public involvement steps were designed to cover both NCA and Bruneau issues. LSRD's scoping process for the RMPs has aspects of such an approach. For internal staffing and coordination a unified strategy could offer advantages.
- *Clarity and Understanding.* LSRD's strategy should, to the greatest possible extent, promote clarity about the RMP process and substantive issues. Most members of the public should be able to understand exactly how each meeting or workshop fits into an overall public involvement plan. It should also be possible to distinguish how key issues, such as fire or grazing, are being dealt with for the NCA and Bruneau. This is particularly important given the NCA's unique legislative mandate.

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<sup>28</sup> The public involvement principles identified in the table earlier in this section also are relevant to this decision, and in some respects are encompassed by the three criteria.

- *Opportunities for Customization.* The differences between the NCA and Bruneau offer opportunities to customize public involvement approaches. One example is the NCA boundary issue discussed in Section V, which presents a discrete, potentially manageable issue in which the BLM could pursue a relatively high level of collaboration. This could be particularly useful if the goal is to seek congressional legislation. Another is the Orchard Training Area, which is an issue unique to the NCA. For the Bruneau RMP there is an important opportunity to preserve and enhance existing positive relationships with grazing allottees.
- *Conflict Minimization.* The memory of conflicts that characterized the Owyhee RMP remains fresh for many people interviewed by CDR. The Bruneau RMP process risks re-stimulating memories of the Owyhee RMP on issues related to grazing and generating unnecessary conflict. A strategy that focuses initially on the NCA RMP has the potential for reducing future conflict in two ways. First, it allows time for painful memories to fade. Second, it allows LSRD to demonstrate its commitment to a meaningful public involvement process in a context where enabling legislation arguably provides clearer justification for any management changes. A positive experience on NCA issues potentially could improve prospects for the Bruneau RMP process.

Tradeoffs between these criteria will be necessary. Based on interview statements that people will participate if there is a meaningful process, CDR recommends that LSRD consider phasing or sequencing the two RMPs from this point forward. Such an approach, while potentially less efficient, is more likely to advance the criteria of clarity, customization, and conflict minimization.

### **Recommendation on Use of Collaboration in the RMP Process**

CDR's interviews revealed a surprising level of agreement about what a "good" public involvement process would look like. With very few exceptions, those interviewed said that public involvement would be credible and meaningful if the LSRD did the following:

1. *Demonstrated that it heard, understood, and considered the needs and interests of the different groups;*
2. *Explained the rationale behind its decisions, including identifying the criteria it used to make them and explaining how competing interests were taken into account;*
3. *Based decisions on credible and complete scientific information; and*
4. *Conducted a balanced process, whereby all groups are given equal "room" to participate and whereby no one group is the focus of attention.*

Consistent with this input, CDR recommends that LSRD locate its public involvement strategy roughly in the center of a collaborative spectrum. In this approach LSRD would:

- Offer opportunities for moderate collaboration at discrete points;
- Remain open to suggestions that potentially expand the use of collaboration;

- Seek opportunities to collaborate on process, e.g., the design of a public workshop, as well as on substance, e.g., specific planning criteria;
- Rely on existing structures such as the RAC, ICG, and Wings and Roots and avoid creating additional structures;
- Avoid requiring individual participants in these structures, who have limited experience with the use of pure consensus, to build new proposals that reflect unanimity;
- Match the task or role proposed for these structures to a realistic assessment of their capabilities; and
- Look for opportunities to increase the quality of the products from these structures where appropriate, if there is potential for real consensus at any point.

CDR believes that a more collaborative strategy (located at the far right end of the spectrum described above) could, at least in concept, meet all of LSRD's goals for the RMPs. This strategy may not be consistent with available resources, particularly for LSRD staffing and funding around public involvement. It may also be inappropriate given uncertainties about the structure and functioning of the RAC, polarization around issues such as grazing, and lack of familiarity among potential stakeholders with the hard work of building consensus.

### **Recommendation on the Use of Existing Structures**

CDR also recommends the following for the RAC, ICG, Wings and Roots, and the general public:

#### **Resource Advisory Committee (RAC)**

BLM guidance encourages the use of RACs, and CDR considers the RAC to be a potentially valuable asset for the LSRD during the RMP processes. There are questions about the RAC's membership going forward, its leadership, and the commitment of a substantial number of its members, e.g., at least a consistent quorum. There also is a question about matching a role for the RAC with its quarterly meeting schedule and RMP timeframes. These questions should be addressed in the context of LSRD's proposed role for the RAC in the RMPs.<sup>29</sup>

We suggest an adaptive approach that has substantive, structural, and procedural components. LSRD should:

- Seek RAC input on key elements of the RMP. These might include bundling of issues, planning criteria, and the range of alternatives for study.
- Ask the RAC to provide written input to LSRD indicating points of agreement, points of disagreement, and reasons for disagreements.

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<sup>29</sup> CDR understands BLM is in the process of reviewing the role of the RAC, and that nominations and issues and opportunities will be the subjects of discussions in the near future. For this reason our report will not review the RAC's present membership or offer suggestions about how it might be re-configured.

- Consider proposing that the RAC use a sub-committee to develop proposals for the full group to take up. Decision making would occur in the full RAC.
- Support use of a skilled facilitator to assist in decision making.
- Consider using the RAC in a convening role, bringing together members of the broader public to provide more focused feedback to LSRD on specific RMP issues without seeking consensus.
- Assess whether an effort to build consensus later in the RMP process would be credible in light of the RAC's membership.

We do not advise LSRD to require pure consensus on input from the RAC at this time, particularly on substantive issues. However, depending on the RAC's dynamics and ability to pursue consensus, LSRD might modify its approach and request that the RAC focus on developing a consensus at a later point in the process. For example, the RAC might work through issue-bundling and planning criteria, test its willingness and ability to build consensus, and then rigorously pursue consensus in developing a response to LSRD's draft set of alternatives for study. Such an approach would need to be consistent with federal law.

The RAC might also provide procedural advice about how and whether to seek public input on specific issues, such as adjusting the NCA boundaries to follow clear landmarks, and might even serve as a forum for developing a proposal to LSRD through a sub-committee.

### **Inter-governmental Coordinating Group (ICG)**

We recommend LSRD continue its approach of negotiating the format for coordination with the ICG. The ICG has identified key points where they would like to meet with LSRD to provide input. We encourage LSRD to be realistic about its commitments, and to honor those commitments. The ICG is an appropriate forum for pursuing collaboration (but not consensus) in the form of advice from each participating jurisdiction about how different BLM proposals and decisions may affect that jurisdiction. Perhaps the highest priority for the ICG and LSRD should be advance notice, to allow sufficient time for bilateral problem solving, followed by exchanges of useful information (as opposed to merely distributing paper).

### **Wings and Roots Native American Campfire**

From the tribes' perspective, it is important to distinguish the Wings and Roots process from public involvement. CDR respects this point and emphasizes that the Wings and Roots process is, indeed, different from public involvement and must have a different priority.

The tribes have indicated their decision to use Wings and Roots as their forum for consultation on RMP issues. LSRD has agreed, and we see significant potential for improved understanding and relations as a result. CDR believes it must treat its attendance at Wings and Roots meetings with some degree of confidentiality, as these discussions served the purpose of interviews (although LSRD representatives were present). Our observation is that it will be critical for LSRD and the tribes to establish a clear understanding about

fundamental principles that define the government-to-government relationship and the tribes' special status and rights, and that this likely will require regular discussion. Patience will be an important virtue for all participants in these conversations. If this understanding can be achieved, the Wings and Roots forum may prove valuable in addressing critical RMP issues such as sacred sites.

We also note that the Idaho National Guard has established a Wings and Roots process. This forum may be important for discussing issues around sacred sites and burial grounds.

## **General Public**

We recommend that the LSRD consider small-scale efforts at gathering input, primarily in the form of reaction to proposals developed by LSRD staff (or possibly the RAC or the ICG). There are two points where LSRD might use this approach: draft planning criteria and proposed alternatives for study. We agree with proposals from LSRD and its facilitators that a workshop format has potential as one element of a comprehensive strategy. LSRD should coordinate the roles of the RAC and ICG in developing and commenting on proposals with a role for the public. One approach would be for proposals to go from the LSRD to the RAC and ICG, and for the RAC to “sponsor” public workshops to inform its response to LSRD. Our primary point of emphasis is that we do not recommend seeking consensus from the broader public at this time (assuming this would be consistent with federal law).

We recommend that LSRD tailor decisions about meeting formats to specific locations. This could mean more plenary sessions (not small groups) in rural communities to accommodate their desire to hear a single voice.

We recommend that LSRD design and implement a strategy that focuses on preserving and building relationships with key individuals and user groups, with a view toward the long term. This should include the RAC and ICG as well as the broader public. A primary focus for proactive outreach should be on the OHV community, in order to reduce the likelihood of recreating the difficult public meetings that occurred during the Owyhee RMP. LSRD's strategy should be based on direct interaction with users on the issues that users care most about. In this case it is the impacts of route designations in the planning area. Set up sessions to look at maps, as this is a concrete and important exercise. Be aware of the need for lead times because riders need time to check things out on the ground. Consider working with local OHV businesses as well as membership organizations.

A second point of focus should be grazing allottees. We recommend LSRD pay particular attention to preserving existing positive relationships with allottees in the planning area.

## **Media**

The media can play a critical role in educating the public about RMP issues and influencing perceptions about BLM. We have noted the critical nature of newspaper reporting in Owyhee County in a previous section of this report. We have chosen not to offer a media strategy in the report but encourage LSRD to incorporate this into its comprehensive strategy.

## **IX. Conclusion**

CDR hopes that this report will be useful to the LSRD and the public in finalizing and carrying out a meaningful and effective public involvement strategy for the RMPs. We would be happy to discuss the perspectives and recommendations in the report with LSRD staff and management, the ICG, RAC, the Shoshone-Bannock and Shoshone-Paiute Tribes, and others who participated in the assessment process. Copies of the final report will be mailed to those who participated in the interview process, and we expect that the report ultimately will be available to the broader public through the LSRD.