

Understanding the HCP Universe and the Role of Facilitation in it

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Executive Summary

The members of the environmental conflict management team at the Monterey Institute of International Studies (MIIS) undertook an investigation of the use of facilitation in a sample of recent Habitat Conservation Plans (HCPs) in the United States. The purpose of the study was to determine specifically the factors affecting the use of facilitators for multiple stakeholders to arrive at approved plans, and the perceived success resulting from their involvement.

Even though conservation planning efforts have expanded in recent years, we found that facilitated HCP development is more the exception than the rule. Our research indicates several reasons for this.

First, facilitation presents a new way of managing a process which is itself unfamiliar. While facilitation offers great benefits to HCP development, many people do not perceive them immediately. Also, the difficulty in pre-qualifying facilitators sometimes leads to adverse experiences, which create a bias against the future use of facilitation. Second, small and simple HCPs exhibit little need for facilitation. We expect an increased need for facilitation as the number of regional and multi-species HCPs grows; however, most current HCPs do not demonstrate a level of complexity nor contention that merits facilitation. Third, shrinking government budgets and resource reductions present a major obstacle to facilitator involvement. Given the choice, many applicants prefer to spend money on land acquisition over facilitation.

Since the HCP process itself is also relatively new, groups attempting to develop conservation plans lack consistency regarding preparation, development and approval process. A universally defined process with opportunities for knowledge sharing would advance conservation efforts as a whole. To accomplish this, an external consulting firm could connect with multiple HCPs to develop a comprehensive process, with minimal impact on any single budget.

To improve the current state of conservation planning, we recommend instituting a facilitation evaluation process. HCP applicants armed with peer evaluations could make more educated choices. With the wide variety of interests represented, it would benefit all parties if the HCP applicants could confidently select a facilitator that matched the special needs of their HCP. We also suggest collecting best practices from HCP developers and distributing them to the group for feedback. The group could then define a development structure for new conservation plans and initiate critical knowledge sharing for collective improvement. As described in our recommendations, we believe that an online dynamic knowledge exchange could create such a transparent process and resolve some of the issues encountered by facilitators.

Introduction & Scope

Habitat Conservation Plans (HCPs) are becoming an increasingly popular means of integrating conservation and development interests; however, drafting a successful HCP often proves a contentious process, especially when it involves many disparate stakeholders. To reduce tensions and manage conflict, facilitators may step in to ease the process. The value of these facilitators remains largely unclear to the affected parties. We therefore designed this study to understand the HCP universe better and to assess the role played by facilitators in the HCP process.

We organized the paper into five major sections. The first section provides useful background information on HCPs. The second section addresses the HCP process itself. The third section overviews the case studies and describes lessons learned. The fourth section includes conclusions and recommendations, and the last section provides detailed case studies.

We began our research with the question of whether HCPs use mediation; however, our initial interviews revealed that parties defined mediation differently. To preserve continuity and clarity, we described the process according to RESOLV's wording of alternative dispute resolution: Alternative dispute resolution refers to a collection of procedural options for settling disputes that involve the assistance of a neutral. In mediation, parties come to the table voluntarily and the neutral facilitates discussion without expressing opinions on the substance of the issues. Many people confused mediation with arbitration, where the facilitator hears facts and makes recommendations to help reach settlement (http://www.resolv.org/tools_concepts.html). Although the role of an HCP facilitator matches best with mediation, we described it generically as 'facilitation' during interviews and will use this wording throughout.

Materials and Methods

The National Center for Environmental Decision-Making Research (NCEDR) examined the decision-making process used in the development of three types of conservation plans: habitat conservation plans (HCPs), safe harbor agreements, and Non-section 10 conservation agreements. We initially studied the 30 available cases to determine the prevalence of facilitation. Ten percent (10%) of the NCEDR cases used a form of facilitation and we examined those cases further, as described below.

To determine which HCP characteristics predicted higher complexity, and therefore a greater likelihood of benefiting from facilitation, we compared data on 122 approved habitat conservation plans (Region 1) in the U.S. Fish and Wildlife Environmental Conservation Online System (ECOS) database. Region 1 comprises the Pacific states of California, Nevada, Idaho, Oregon, Washington, Hawaii and other Pacific Islands. Examination of this data and conversations with U.S. Fish and Wildlife Staff revealed six plan characteristics that increase application processing time and plan complexity: applicant type, number of stakeholders, level of community involvement, number of species, permitting process and size of the planning area (described in detail in Sections II.D and III.C).

We used these predictors and guidance from the Sacramento Office of U.S. Fish and Wildlife to develop a group of sample cases for further study. The study focused on complex HCPs, that either used facilitation (NCEDR) or where U.S. Fish and Wildlife recommended it, based on plan complexity. Our study included the following habitat conservation plans:

- California , County of Merced
 - California , East Contra Costa County
 - California , Yolo County,
 - Colorado River Basin, Lower Colorado River
 - Georgia , Red Cockaded Woodpecker*
 - Nevada , Clark County*
 - Wisconsin , Karner Blue Butterfly*
- * also profiled by NCEDR

To assess the role of facilitation in the HCP development process, we conducted 28 phone and email interviews with members of the original planning groups. Interviewees included members of U.S. Fish and Wildlife, various government agencies, plan facilitators and others.

These interviews, in combination with online background information, provide a basis for the profiled case studies. The case studies focus on the nature of facilitation in the HCP development process. Collected information falls into eleven general categories, based on our interview questions:

- Presence and Types of Facilitation
- Point of Entry
- Predictors of Facilitation
- Selection of Facilitator
- Approach and Experience
- Obstacles to Facilitator Involvement
- Payment for Facilitation
- Issues in Facilitation
- Contributions and Perceptions of the Facilitator
- Evaluation of Facilitation
- Evaluation of HCP Success

Full case studies may be found in Section V, with the cases summarized in the Overview of Case Studies (Section III).

Limitations and Recommendations for Further Study

While our research establishes a solid base for further study, the small sample size and variability of HCPs allow only a limited picture of the general HCP population. To render a more robust representation of the facilitation process, further research efforts should significantly increase the sample size and focus on facilitated cases.

We recommend phone interviews as a means of data collection. First-person interviews inject an important human dimension into discussions of facilitation and allow better exploration of the unique nature of each HCP. We found that interviews with four or more individuals described the development process most clearly.

In regard to phone calls, we suggest beginning the process early. Many agency staff are away from the office for field work and other travel and regular follow-up improved our success rate. Despite their busy schedules, we found the conservation planning community to be open to discussion, willing to help, and interested in the outcome of our research.

I. General Information on HCPs

Relevant Background Information

The Endangered Species Act (ESA), passed in 1973, declared any activity illegal that would destroy or harm those species listed by the federal government as critically threatened or endangered. As a consequence of the ESA, non-federal developers were no longer permitted to pursue projects that jeopardized the safety and security of threatened or endangered species. Perceiving this restriction as a source of contention and a barrier to economic growth, Congress passed an amendment to Section 10 of the ESA in 1982. This amendment to Section 10 introduced the concept of Incidental Take Permits (ITPs). Today, ITPs are required when non-federal activities such as recreation, logging, mining or development result in the “taking” of threatened or endangered species.¹ In essence, the amendment allows for the development of lands inhabited by known endangered or threatened species so long as mitigation measures are ensured.

Definition of an HCP

The Habitat Conservation Plan (HCP), which must accompany the application for an ITP, details the mitigation measures. The HCP must outline what specific steps will be taken to mitigate the impact of the proposed developments. The actual HCP must thoroughly address the following four areas: (1) An assessment of impacts created by development (2) Specific measures the applicant will take monitor/mitigate/minimize those impacts (3) Funding sources that will be available, and (4) Alternatives considered and why those alternatives were not adopted. To address these four areas adequately, the United States Fish and Wildlife Service (USFWS) or independently hired scientists can offer assistance. In essence, an HCP proposes a trade off. Upon approval of an HCP, the ITP allows applicants to proceed with development that might kill or harm federally listed endangered species.

Note that with the introduction of the “No Surprises” assurance, if “unforeseen circumstances” arise following the approval of an HCP, the USFWS does not require alterations to the original HCP. The subsequent discovery of previously undiscovered endangered/threatened species does not threaten an HCP once it has been approved.

¹ A “take” according to the ESA is defined as anything that will “harass, harm, pursue, hunt, trap, capture, or collect an endangered or threatened species. Harm may include significant habitat modification where it actually kills or injures a listed species through impairment of essential behavior (e.g., nesting, reproduction).

Mitigation Measures

As noted by the USFWS, mitigation measures can take many forms. These forms include: habitat preservation (via acquisition or conservation easement), enhancement or restoration of degraded or former habitat, habitat creation, establishing buffer areas around existing habitats, modifying land use practices, and restricting access.

Description of the Approval Process

Any non-federal body intending to develop lands that provide habitat for federally listed endangered or threatened species must obtain an ITP. While the USFWS can help determine whether a given habitat is home to a listed species, ultimately the applicant must decide whether to pursue an ITP. The USFWS states that the necessary components of a completed permit application include: a standard application form, an HCP, an Implementation Agreement (if required), and a draft National Environmental Policy Act analysis (if required). Upon submission, USFWS reviews these documents for accuracy and thoroughness. Length of processing time depends on several factors (for a more detailed description of those factors see section II D).

Reasons for Rejection

The USFWS infrequently denies ITP/HCP applications. Prior to the submission of an application, USFWS works closely with the applicants. This ensures that the plan includes the appropriate statutory, regulatory and policy elements. Early cooperation of the USFWS and the applicants minimizes the chance of permit rejection and avoids uncomfortable situations. Although this strategy reduces risk, it does not eliminate the possibility of rejection. The Yolo County HCP for example, arrived at the HCP draft stage without appropriate USFWS consultation. USFWS subsequently rejected the draft.

USFWS suggests revisions to plans for the following reasons:

- a. Incomplete
- b. Incorrectly completed
- c. Noncompliant with Section 7 of the ESA
- d. Suggest insufficient mitigation measures

The Current Scope of Habitat Conservation Plans

As of April 2003, the USFWS had approved 541 Habitat Conservation Plans, covering approximately 23 million acres and protecting more than 525 endangered or threatened species.

II. The HCP Process

Participating Government Agencies

The United States Fish and Wildlife Service regulates and approves all HCPs under the Federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA). The California Department of Fish and Game often consults. The National Marine Fisheries Service may also play a role in the development processes. Numerous local governments also participant and may act as the applicant for the HCP.

USFWS Guidance

USFWS primarily acts as a permitting body. Both USFWS and the National Marine Fisheries Service (NMFS), however, will provide guidance upon applicant request. Guidance takes the form of providing answers to logistical and technical questions or providing scientific assistance. For example, biologists from the USFWS or NMFS might visit a property to determine whether a listed species exists on the site and answer specific technical questions. USFWS also advises applicants on how to approach the public for feedback on large scale planning processes.

USFWS Role in Facilitation

USFWS employees serve as facilitators under a limited set of circumstances. USFWS provides facilitation services when the applicant feels uncomfortable, when multiple applicants conflict, or when the parties involved do not understand the breadth of stakeholder needs. In these cases, USFWS leads the facilitation effort as part of their general service, and do not receive payment for services rendered. In the majority of cases, USFWS avoids a facilitative role. This occurs because facilitation represents a significant time commitment and often leads to a biased perception of USFWS. If the public perceives USFWS as biased, it diminished trust and damages their ability to work effectively with future partners. For these reasons, USFWS will often suggest using a neutral third party.

Members of the service felt that their chief role was to provide technical and scientific advice and to evaluate the HCP application and related permits. Although the USFWS and the California Department of Fish and Game (CDFG) offers facilitation training to staff, they felt that eliminating the conflict of interest and remaining objective would be impossible, and they avoid this role.

Factors Affecting Complexity

Once the applicant(s) submit an HCP, several factors affect the length of processing time. The following factors most influence processing time: (1) HCP complexity and (2) HCP completeness.

The following list of factors can be used as measures of “complexity” (for a full description, please see Predictors of Facilitation, p.12):

- Applicant type (public/private)
- Community Involvement (hi/med/low)
- The number of species taken (single/multi-species)
- The number of parties involved
- Planning area
- Permitting Process: only Incidental Take Permit (ITP), or including Environmental Impact Statement (EIS)

These six factors will be used as measures of complexity in each of our case studies. Factors affecting HCP completeness are listed in the Reasons for Rejection section.

Facilitation Suggestion from USFWS

All parties interviewed stated that the USFWS rarely serves as a formal facilitating body. However, USFWS may suggest outside facilitators to applicants. If the HCP is also a Natural Community Conservation Plan (NCCP) under the California Natural Communities Conservation Plan Act, then the applicants must hire a facilitator to channel information from the Science Advisory Committee to the agencies. In most cases, USFWS allows development to proceed without a facilitator. If problems arise between the applicant and the agencies, the public or other stakeholders, then USFWS recommends a facilitator to improve communication. Applicants often find facilitation cost-prohibitive and refuse it. In rare cases, the agencies may try to secure funding.

Some members of the agencies suggest facilitation when the party playing a facilitative role has an active interest in the outcome, for example in cases where an applicant employs an internal facilitator. In such cases, their specific agenda could obstruct communication and lead participants to perceive the facilitator as inequitable or biased. These feelings only escalate during contentious meetings, and seeking an outside party would be appropriate.

When suggesting facilitation, the Sacramento Fish and Wildlife Offices provides the following list of firms to applicants:

- CONCUR, Inc.
- Conservation Biology Institute
- Center for Conservation Biology at Stanford
- The Nature Conservancy

Measures of HCP Success

All interviewed parties stated that no formal tool exists for evaluating HCP success or progress. USFWS bases success first on whether the applicants received an ITP and approval for their HCP, and if the terms and conditions satisfied all parties. As the applicant(s) implement the HCP, USFWS then measures success against how well the applicant complies with the tenets of

the plan. Several parties mentioned that they judged an HCP as successful if it provided a better alternative than the absence of conservation plan and if it contributed to the protection of the species. Other involved parties determined success by how well the parties interacted and by the quality of the resulting relationships among the partners. One interviewee remarked that the stakeholders typically share common resources and needs, and thus benefit from the HCP in unexpected ways. Surprisingly, such factors as time, money, perception of bias, and negotiating room atmosphere were not mentioned as measurements of success.

III. Overview of Case Studies

Guided by existing research from the National Center for Environmental Decision Making Research (NCEDR) and conversations with USFWS staff, we investigated seven complex HCPs that exhibited a need for facilitation. Subsequent research resulted in case studies on the following habitat conservation plans:

- County of Merced, California
 - East Contra Costa County, California
 - Yolo County, California
 - Lower Colorado River, Colorado
 - Red Cockaded Woodpecker, Georgia*
 - Clark County, Nevada*
 - Karner Blue Butterfly, Wisconsin*
- * also profiled by NCEDR

The following pages summarize our research findings. Please note that HCP projects exhibit considerable variability. We focus on common threads, and mention relevant case studies throughout to assist with the location of specific information.

Presence & Types of Facilitation

The presence of a facilitator refers to formal and informal, external and internal roles. We determined that HCP groups use one of four forms of facilitation: paid and external, stakeholder, USFWS, or Science Advisory Committee.

Paid and external: A facilitator from a neutral third party, external to the HCP group. The facilitator only performs tasks related to discussion facilitation, group meetings and conflict resolution. They have no stake in the outcome and the HCP applicant pays for these specific services. Three case studies met this definition: Clark County, Lower Colorado River, and the County of Merced. To date, only Clark County successfully completed the process.

Stakeholder: A facilitator from within one of the applicant organizations. Two cases fall into this category: East Contra Costa County and the Karner Blue Butterfly.

USFWS: USFWS facilitates the HCP process on rare occasions. USFWS prefers to avoid this role, primarily because it encourages a biased perception of the agency. It also adversely

impacts budgets and availability of otherwise committed USFWS staff. None of the case studies used a USFWS facilitator.

Science Advisory Committee (SAC): SAC facilitators play a different role than other HCP facilitators. California requires a SAC facilitator for Natural Community Conservation Plans (NCCP). HCPs may also utilize a SAC facilitator at their discretion. SAC facilitators serve to maintain scientific objectivity in the conservation planning process. According to the State of California NCCP guidance: The professional facilitator is a neutral intermediary who coordinates the meetings and materials, assists in explaining the charge and questions to the scientists, solves unexpected logistical problems, and acts as the point of contact between the scientists and the plan participants and interested parties in order to buffer the scientists from special interests. The facilitator is independent from the lead planning agencies and its consultants, plan participants, and permitting agencies.

Two HCPs, Yolo County and the Red Cockaded Woodpecker exhibited complex characteristics or a need for facilitation, but did not use any of the above forms of facilitation. We include them in our study to offer additional examples of development processes.

Point of Entry

We expected to find that facilitators either entered the process after conflict arose, or that they assisted from the beginning; however, the five facilitated cases involved the facilitator from the beginning. The stakeholders and government agencies recognized the complexity and potential for conflict and included facilitators voluntarily. USFWS may recommend facilitation to HCP applicants, but cannot enforce it. Several cases also began contentiously, which suggested a need for facilitation. The Clark County HCP arose from a lawsuit filed against the USFWS regarding the emergency listing of the desert tortoise, while the East Contra Costa County HCP initially resulted from discordant meetings of a biodiversity working group. Several groups cited conflict with the public as a reason for facilitation. Interviewees hoped that facilitator involvement would prevent further conflict. In the absence of explicit conflict, many people felt that the diverse interests represented during HCP development merited a facilitator.

Others felt that facilitator involvement, especially mid-process, only created obstacles. For example, money budgeted for land acquisition does not translate easily to facilitation funding, and the HCP loses valuable land preservation opportunities if it moves funds. Some individuals also thought that facilitation increased complexity. An HCP may have over 20 stakeholders, and the addition of an unknown third party sometimes causes confusion. For smooth, non-facilitated HCPs, the planning group did not perceive a need for facilitation, although they anticipate future conflicts.

Predictors of Facilitation

To determine which HCPs had potential for facilitation, we looked for potential predictors of conflict and found an apparent connection between HCP complexity and controversy. We studied six potential indicators of conflict: applicant type, number of stakeholders, level of

community involvement, the number of listed species, required permit processes, and the size of the planning area.

Our qualitative research indicates that the presence of public applicants, high numbers of stakeholders, and a high level of community involvement best predict conflict in HCPs. Although present in high conflict HCPs, high numbers of listed species, additional permit processes and large planning areas appear more descriptive than predictive of controversy. The section below discusses each of these factors in turn.

Public Applicant: Public and private parties may apply for HCPs. Public applicants include the full range of government agencies, from the city of Pittsburgh to the state of Wisconsin. Private applications usually come from landowners.

Public applicants offer the best predictor of complexity because the applying agency often represents a broad group of stakeholders. Public applicants also solicit community feedback, while private applicants avoid it.

High Number of Stakeholders: Private applicants do not involve other stakeholders. Large regional plans, however, often include upwards of 20 stakeholders and a wide variety of interests. The high number of parties at the table can require the segmenting of the planning group into smaller subcommittees.

High Level of Community Involvement: Although USFWS policy calls for a public comment period during HCP development, most public applicants actively solicit community feedback. The applicants do so to capture all relevant stakeholder groups, their concerns, ideas, and needs, prior to drafting an HCP. This often increases the number of stakeholder groups, the number of meetings and creates more opportunities for discourse with the public. Involved members of the public may include landowners, development interests, non-governmental organizations, environmental groups and concerned citizens. Most public meetings allow any and all interested parties to attend.

High Number of Listed Species: HCPs cover either single or multiple species. Most private applicants concern themselves with only a single species. Public applicants, especially those for NCCPs, naturally encompass more species. Higher numbers of species affect complexity by increasing the range of habitats and land interests. The Karner Blue Butterfly HCP offers an exception to this rule. It protects only the Karner Blue Butterfly, but for the entire state of Wisconsin.

Additional Permit Processes: Two laws affect permitting for habitat conservation plans: the Endangered Species Act (ESA) and the National Environmental Policy Act (NEPA). Section 10 of the ESA requires an incidental take permit (ITP) if a nonfederal project will result in 'take' of a federally listed species. The HCP application includes provisions for the ITP.

When the federal government (via NEPA) proposes the issuance of an ITP, they require that USFWS analyze the effects of the action and alternatives. Every HCP must comply with this regulation, and there are several methods of accomplishing this: 1) categorical exclusion (CE),

for actions with negligible effects on the human environment, as listed in USFWS and NEPA regulations; 2) environmental assessment (EA), for actions whose effects are thought insignificant or unknown. With an EA, the USFWS will reach one of two decisions regarding the effects: a) a Finding of No Significant Impact (FONSI) or b) a requirement for an Environmental Impact Statement (EIS). The third and most complex option for compliance, an EIS is for actions whose effects are determined significant, controversial or highly uncertain. The outcome of this decision is a Record of Decision (ROD).

If USFWS requests an EIS, they ask that the HCP applicant pay for the development of the document. Applicants considering a large plan area must often file an EIS. Each case required an EIS, which necessitates more research, documentation, drafting and review time. Private applicants usually do not impact enough of the environment to require an EIS. An EIS requirement for an HCP significantly increases processing time and complexity.

Large Plan Area: Large plan areas cover more habitat types, listed species, landowners, and diverse land use interests. These factors increase complexity and directly impact other predictors.

With minor exceptions, these complexity indicators applied to all of our case studies. We anticipate that they will predict complexity and conflict potential similarly for other cases. A complex HCP application takes from two to six years to process. Some complex HCPs stall due to funding issues or internal conflict and never reach completion. On the other hand, the USFWS usually processes simple applications in three to twelve months.

Selection of Facilitator

The facilitated HCPs in our study selected a facilitator through one of four means: external selection by a consultant, external selection by the applicant, a request for proposal, or internal selection by the applicant. A standardized process for selection of a facilitator does not exist. The agencies can recommend firms and facilitators, but the applicant decided which process to use.

External Selection by a Consultant: Environmental consultants, like EIP Associates and Jones & Stokes, offer scientific and regulatory advice for HCP development. Consultation may include facilitation recommendations, of either individuals or firms. For the County of Merced, EIP Associates hand-picked a group of facilitators based on stakeholder needs.

External Selection by the Applicant: The applicant may directly hire an external facilitator. In the case of Clark County, the county selected a facilitator who the stakeholders then reviewed and accepted.

Request for Proposal: Applicants may also use a request for proposal competitive bidding process to solicit applications for facilitators. This process applies to both external and internal facilitators, and may include partner and agency review of selected applicants prior to approval.

Internal Selection by the Applicant: Applicants with internal facilitation resources may select staff from within their organization. For the Karner Blue Butterfly, the Wisconsin Department of Natural Resources used a trained staff facilitator.

Approach and Experience

The planning groups valued several key characteristics in facilitators: experience with large-scale planning processes, community knowledge, applicable experience, objectivity, and the experience of colleagues.

Experience with large-scale planning processes: Above all, applicants seek facilitators with HCP/NCCP process experience. Unfortunately, they rarely come across them. Experienced and competent HCP/NCCP facilitators find themselves in high demand, and applicants have difficulty securing their services.

Community Knowledge: Facilitators who understand local government processes and land regulation offer additional benefits to HCP applicants. Aside from information, they contribute a network of contacts and resources that enable the group to address a wider range of concerns.

Applicable Experience: Facilitators with first-hand experience in the industries of the stakeholders establish credibility and build trust more easily. HCPs with specialized stakeholder interests seek out facilitators with applicable experience to communicate concerns effectively and to increase stakeholder comfort. For example, agriculture represents a stakeholder group where the explicit field experience of the facilitator greatly improves working relationships. This group tends to suspect conservation planning process and requires special attention.

Objectivity: All the planning groups perceived objectivity as necessary for successful facilitation. Biased facilitators lost credibility and damaged not only the current process, but also contributed to a negative perception of facilitation in future processes. Many people cited the difficulty of maintaining neutrality. They recognize that many variables affect this perception, but at the same time cannot overestimate its importance.

Experience of Colleagues: Many people also mentioned prior negative experiences with facilitators. Their experiences and those of colleagues caused the group to avoid working with biased or ineffective facilitators. For the County of Merced, several local planning processes involve the same group of stakeholders. When one planning group has a negative experience with facilitation, it spread distrust to others.

Even the ideal HCP facilitator will experience a learning curve in HCP development. The uniqueness of each HCP means that the facilitator encounters different problems and processes each time. Until the HCP development process standardizes, and facilitators gain sufficient experience, HCPs will not realize the full benefits of facilitation.

Obstacles to Facilitator Involvement

Most people involved in contentious HCP proceedings welcomed the presence of a facilitator to diffuse tensions. For other parties, however, including a facilitator in HCP planning meant overcoming obstacles like insufficient budgets, negative perceptions, and a lack of awareness of facilitation benefits.

Insufficient Budgets: Money presents the greatest obstacle, as the government tightens budgets and land increases in price. The use of a paid, external facilitator for the long duration of HCP development often proves too expensive. Precious land acquisition appeared as a better use of excess funds.

Negative Perceptions: Numerous people mentioned negative past experiences with facilitators. Bad facilitators lost track of important issues, did not stand up to aggressive stakeholders, did not understand the special needs of HCPs and essentially made bad situations worse. In the absence of a formal facilitation evaluation process, the planning groups cannot gauge the effectiveness of an incoming facilitator.

Lack of Awareness: Through our interviews, we discovered that individuals lacked awareness of the benefits of facilitation. They often looked at the bottom line and the potential expansion of timelines and perceived facilitation as a non-essential component of the planning process.

Yolo County provides an interesting example of a development process affected by these obstacles that could have benefited from facilitation. The Yolo County HCP hired an environmental consultant, but did not include facilitation in the contract. They misappropriated \$700,000 in county funds to develop a draft HCP that USFWS rejected. Part of the problem stemmed from the tense relationship between USFWS and the planning group. We imagine that a competent facilitator could have alleviated tensions, improved communication, kept the overall timeline shorter, and avoided rejection of the draft.

Payment for Facilitation

Applicants in our study paid for facilitation with budgets from one of three sources: the applicant's HCP budget, internal organizational budgets, or federal funds.

Applicant HCP Budget: Groups who hired external facilitators earmark funds in the HCP budget for this use. For example, the County of Merced made provisions for facilitation within the environmental consulting contract. Clark County used county funds to pay for their facilitator.

Internal Organizational Budgets: Groups without facilitation-specific monies used internal staff resources and budgets. For example, a full-time facilitator from the Wisconsin Department of Natural Resources (DNR) services the Karner Blue Butterfly HCP. The DNR absorbs this cost into the organizational budget, in the interest of overall project success.

Federal Funds: Applicants may obtain funding under Section 6 of the Endangered Species Act. Section 6 provides for both land acquisition and planning, which includes facilitation. Several HCPs in our study benefited from recent awards of Section 6 funds:

- Clark County: \$265,000
- East Contra Costa County: \$160,000
- Red-cockaded Woodpecker: \$1,093,000
- Yolo County: \$395,000

In September 2002, the U.S. Fish and Wildlife Service awarded \$68 million in grants to 16 states for endangered species habitat conservation planning and habitat acquisition projects. Of those funds, USFWS specified \$6.7 million (10%) for planning assistance.

Source: <http://news.fws.gov/newsreleases/r9/B08C6192-1A0A-4AD9-A7D7562ADFB335BA.html>

Issues in Facilitation

Each HCP raised a different set of project-specific issues for the facilitator; however, four main issues came to the surface throughout our case studies: bias, control, public perception, and lack of trust.

Bias: Internal facilitators risk the perception of bias due to their position in a stakeholder group. Facilitators hired by applicants also chance appearing to push a specific agenda. Facilitators appear biased when they conflict with stakeholder groups or push their personal agenda. Bias undermines the critical environment of trust in HCP development, with long-range effects on other planning efforts.

Control: Applicants often want to control the HCP development process. This allows them to pursue their agenda more effectively. The presence of a facilitator removes the dominant group from a position of power. Although this improves the situation for other parties, it can raise tensions as forceful groups challenge the facilitator. In the case of Clarke County, it was the facilitator who was perceived as having too much control. In an effort to mitigate facilitator control, the county actually reduced the responsibilities of the facilitator.

Public Perception: Large-scale planning processes like HCPs and NCCPs represent a new means of integrating development and conservation interests. Many different stakeholders suspect the motives of the plans. They worry that conservation efforts either provide insufficient environmental protection or that they hamper development. Without sufficient information on the benefits of conservation plans or the means to effect process change, members of the public often react negatively to planning efforts. This poses problems for facilitators, who must simultaneously educate the public while moving forward with discussions.

Lack of Trust: Conservation plans bring many normally competing interests together. The process thus begins with distrust; of hidden agendas and ulterior motives. The stakeholders distrust regulation and information from the agencies; they also question the objectivity of the facilitator. Effective facilitators break down these barriers by building relationships, focusing the group on a common goal, and providing objective, relevant information to each stakeholder group.

Contributions of the Facilitator

Facilitators can contribute either negatively or positively to the HCP development process, depending on the skills and experience of the person involved.

Negative Contributions: Unsuccessful facilitators draw out meetings unnecessarily and inhibit direct communication among stakeholders. Without an appropriate understanding of the special needs of HCPs, they use unsuitable small-scale tactics and often frustrate the agencies and other stakeholders. If they cannot control a vocal interest group, they spend precious meeting time unproductively, or worse, appear biased. Biased, uninformed facilitators destroy their credibility and effectiveness. In the future, such facilitators negatively impact not only the current process, but also the perception of facilitation in future processes. Bad facilitation makes a bad situation worse.

Positive Contributions: Successful facilitators structure group interactions to illicit constructive feedback. They identify key issues and follow them through the process to resolution. They prevent any one interest group from dominating the process, and focus the group on a common goal. In an environment of competing interests, they offer a crucial element of neutrality and ensure that each stakeholder feels represented. Inside and outside meetings, they build relationships among the group and cultivate a crucial environment of trust. Good facilitators turn bad situations into successful ones.

Evaluation of Facilitation

Some of the facilitators in our study solicited feedback at the end of meetings and encouraged comments on their role from the group. This process exists on an ad hoc basis, and the agencies do not offer a formal tool to evaluate stakeholder satisfaction with facilitation. Some groups felt it more appropriate to assess facilitation success at the end of the process, while other groups measured success by whether they renewed the facilitator contract.

Evaluation of HCP Success

The HCP groups in our study measured success first by the issuance of an incidental take permit (ITP) and the acceptance of a mutually beneficial HCP. Beyond permits, the groups varied widely in their definition of success. Many members of the agencies valued continued stability of the listed species and preservation of fragile habitats. Others mentioned the importance of continued compliance with the implementation plan and partner satisfaction with the outcome. Some groups felt that fulfilling development and conservation needs together represented success. Interviewees also mentioned heightened public awareness of ecological concerns, long-term habitat improvements, and economic benefits as measures of success.

Only one HCP, the Karner Blue Butterfly, institutionalized a biannual audit process for assessing success. Audits ensure that partners comply with the implementation plans and offer an opportunity to educate partners on best practices in conservation.

Due to the long duration of HCPs, we expect that the ultimate environmental benefits of conservation plans will not appear for decades.

IV. Conclusions & Recommendations

Facilitation: Mixed Reviews

Those navigating the relatively new and complex process of HCP development, from applicants and agencies to facilitators and environmentalists, sense a need for guidance. Competent facilitators, informed on large scale planning processes, have demonstrated benefits during HCP development. If we could expose more stakeholders to quality facilitation, we expect that the advantages would quickly capture their attention. To demonstrate to stakeholders that facilitation merits their consideration and the additional cost, this developing field needs more “shining examples” of well-facilitated HCPs. We see HCPs like Clark County and the Karner Blue Butterfly as useful models of how to approach the process.

Unfortunately, unskilled and ill-informed facilitators detract from the potential gains. Currently, applicants have no means of assessing a facilitator prior to their involvement. To allow informed selection of HCP facilitators, we recommend instituting a formal evaluation process. HCP applicants armed with peer evaluations could make more educated choices. With the wide variety of interests represented, it would benefit all parties if the applicants could confidently select a facilitator who matches the special needs of their HCP.

HCP Individuality: A Mutual Challenge

As our research and that of the National Center for Environmental Decision-Making Research (NCEDR) demonstrates, the HCP universe comprises a variety of conservation goals, interest groups and historical conflicts. This fragmentation poses problems for agencies trying to standardize process and for facilitators seeking a consistent method. In addition, the uniqueness of HCPs reflects the broad needs of conservation and limits the use of “cookie-cutter” approaches.

Despite the individualized needs of HCPs, we believe that many follow a common set of steps to achieve key milestones. Some groups outline their process (see Appendix A), but this information is rarely distributed. To move the entire conservation planning effort forward, a diverse group of stakeholders needs to agree on a development process.

To enhance process transparency and consistency, we recommend convening an improvement conference on conservation planning. As the HCP universe grows in complexity, those involved will need a vehicle to capture lessons learned. To begin this process, we suggest collecting best practices from HCP developers and distributing them to the community for feedback. This group could define a development structure for new conservation plans and initiate critical knowledge sharing for collective improvement. We describe some potential methods for achieving collaboration in the following section.

Online Collaboration: A Tool for Transparency and Capturing Lessons Learned

Once key stakeholders build relationships personally, we further recommend that they collaborate virtually. The disparate nature of participants, their diverse locations and the difficulties inherent in large group dynamics suggest an asynchronous collaborative process for HCP development. Persons in remote locations, with minimal time and in need of accurate information, could benefit from an online collaborative environment in which they can not only access information, but also interact with it and with each other.

An HCP is a living document that undergoes numerous rounds of revision and review. Ideally, the process developed through the improvement conference would translate into an online document structure. Currently available technologies contribute numerous means of collaboration that would facilitate this process, for example: online dialog mapping, public feedback posting, submission of scientific documentation, web-conferencing, presentation and other community-building tools.

An online system of information and interaction could create a transparent, mutually accessible HCP process. The inherent neutrality of the system would also eliminate concerns of bias, such as lost documentation, ignorance of raised issues and capture of relevant comments.

Since HCPs have tight budgets and minimal external resources for such a project, we suggest that the agencies contract an outside facilitation firm familiar with conservation planning to spearhead a collective effort. A facilitation firm provides a neutral perspective and encourages equal representation of stakeholders. They could interact with numerous HCPs to cover the range of conservation scenarios and define a more inclusive process. Other organizations practiced in collaboration management and the building of online environments could then convert these processes into powerful virtual environment for dealing more effectively with HCP issues.

V. Case Studies

California: County of Merced NCCP/HCP

Background

The County of Merced Board of Supervisors voted in December 2001 to begin development of a Natural Community Conservation Plan (NCCP) and Habitat Conservation Plan (HCP). The plan commenced in January 2002, and sought completion by late 2004. A funding conflict between the State of California and the County of Merced stopped the development process in August of 2002 and delayed the completion date. The Merced NCCP/HCP involves the development of the tenth University of California campus, U.C. Merced. Members of the County of Merced both support and oppose the construction of this campus. Development of the UCM campus will adversely impact California's largest vernal pool complex. Although the campus will bring numerous jobs to the community, it also means an addition of 45,000 people to the rural community.



The Merced NCCP/HCP represents a unique problem for its supporters. For many regional HCPs, a public applicant initiates an HCP to rescue stifled development interests. For example, Riverside sponsored an HCP to continue planning for a new road network to absorb community growth. Development projects like that invest millions of dollars in the project and generate direct benefits for the community. For the Merced NCCP/HCP, this poses a public advocacy problem. The public does not see an immediate need or benefit to the plan.

Instead of coming from stalled development, the plan arose from the U.C. Regents site selection. The U.C. Regents later moved the site away from the vernal pools to allow initial construction, but this confused the community. It appeared that the U.C. Regents proceeded without regard for conservation. When later asked to contribute to the plan, landowners did not perceive any economic benefits to participation and felt alienated by the existing development. Through the plan, landowners could realize long-term economic benefits via \$30 million set aside for conservation easements; however, many do not see the immediate cost-effectiveness of this option.

In addition, other local federal actions have swayed public opinion against conservation planning. The USFWS recently proposed 1.7 million acres as critical habitat for 11 vernal pool species. Although the designation will have little effect on property regulation, the ruling upset landowners. It appears that the agencies act without regard to private property rights and landowner interests.

To provide accurate information and capture all relevant interests and concerns during future planning efforts, the Merced NCCP/HCP formed four stakeholder groups.

The groups correlated with the land use characteristics in the County of Merced. The groups include:

- Agricultural Resources
- Natural Resources/Environmental
- Land Development/Business Issues
- Municipal Entities, Public Utilities and Services

Due to the funding issues between the State of California and the County of Merced, the Merced NCCP/HCP group postponed all meetings until further notice. The stakeholder groups have held numerous facilitated meetings, but have not selected representatives to form the Advisory Committee for the Board of Supervisors. Several scientists have agreed to serve as science advisors for the plan, but they have not secured the mandatory NCCP science facilitator nor formed the Science Advisory Committee. All such actions must wait, pending the funding issue.

Involvement of Facilitator

a. Presence of Facilitator

Each of the five stakeholder groups: agricultural resources, natural resources, environmental land development, business issues, and public utilities and service, utilize a different facilitator. Thus far, the stakeholders have held separate meetings. In the future an advisory committee, with representation from each stakeholder group, will counsel the Board of Supervisors. The parties plan to involve all of the facilitators in the advisory committee, to ensure balanced representation of interests. The county may hire an additional facilitator, dedicated to the advisory committee.

Since the Merced HCP is also an NCCP, USFWS will require a facilitator for the Science Advisory Committee. Although the county has selected committee members, they have not decided on a science facilitator. The Merced HCP/NCCP website describes this role as follows: the professional facilitator “will strive to ensure the independence and objectivity of the scientists, in order to maintain the integrity of their advice and of the eventual conservation program. The facilitator will be the formal point of contact for the advisors, will convene and manage their meetings, and will ensure timeliness of their products.”

Source: <http://www.mercednccp-hcp.net/science.html>

b. Point of Entry

The original scope of work for the Merced HCP/NCCP included facilitators for the stakeholder groups and the Science Advisory Committee. Initial public meetings reinforced the need for facilitation, as public involvement increased and the group needed a facilitator to maintain a cooperative discussion atmosphere. The stakeholder facilitators began work prior to the public meetings, but did not attend the initial meetings.

c. Characteristics of HCP Favoring Facilitation

The Merced HCP/NCCP demonstrates the following complexity criteria:

- Public Applicant, County of Merced
- High Community Involvement (general public, local government, non-profits, and community groups)
- Multi-Species (8 plant or animal groups)
- Large number of parties involved (4 stakeholder groups)
- Extensive planning area, County of Merced
- ITP and EIS

d. Selection of Facilitator

The parties involved had little experience with facilitation and turned to the environmental consulting firm, EIP Associates, for suggestions. As part of their contract, EIP Associates put forth an assortment of facilitators, both independents and small firms, for group review. The varied interests of the stakeholder groups required distinct sets of skills and numerous facilitators. In the agricultural stakeholder group, for example, the group looked for someone with facilitation training who had operated a ranch. The county and agencies reviewed the facilitators' reputations and past experiences, but essentially accepted EIP's recommendations.

e. Approach & Experience of Facilitator

Due to another contentious and facilitated planning effort in the region, this group placed a high value on the facilitator's prior experience with the stakeholders. These planning efforts involved many of the same people, and the group wanted to avoid facilitators already negatively enmeshed in local and regional activity. The biased profile of those facilitators meant that the group actively avoided them in the current effort.

The group also valued the facilitator's experience with a broad range of stakeholder concerns. They wanted facilitators familiar with local development projects and history, who understood the local government and who had direct agricultural experience. Neutrality was important, but credibility made more of a difference. The facilitator needed to facilitate for a variety of interests, to recognize 'process saboteurs', and to have the background to effectively resist such efforts.

Successful facilitators move the group along, while maximizing inclusion and remaining sensitive to special needs. For example, outside environmental factors like harvesting affect the tone of the agricultural group meetings. A good facilitator needs to know when and how to stop people from dominating the conversation and to ensure that even the 'quiet' interests receive equal representation.

f. Obstacles to Facilitator Involvement

The stakeholder groups recognize the benefits of facilitation and welcome its presence. The process constraints imposed by facilitation concerned the environmental group, although they also ensure fair representation; overall the stakeholders agreed to facilitation.

The environmental consulting firm, EIP Associates, encountered the greatest obstacle as the planning group charged them with hiring qualified facilitators. Very few facilitators understand local government operations and the HCP/NCCP process. Even fewer have actually facilitated a large scale planning process like an HCP/NCCP. The planning group faced a high demand for a few key players. Ultimately, the selected facilitators satisfied the group.

g. Payment for Facilitation

The planning group for the Merced HCP/NCCP sought a ‘turn-key’ contract that includes HCP/NCCP development, the EIS and facilitation. The contract with EIP Associates covers all of these areas. Monies come from the County of Merced, through special state appropriations. The state gave \$13 million to the Merced HCP/NCCP for land acquisition and planning purposes. The budget for facilitation derives from these funds, which the California Department of Fish and Game administers for the Merced County.

h. Issues in Facilitation

The most contentious issue came about during the open stakeholder meetings. The meetings focused on the concerns of the relevant stakeholders, but remained open to the public to include all related perspectives. This soon posed a problem, as a group of environmentalists attended every stakeholder meeting. During the meetings, they strenuously objected to all parts of the process, raised extraneous topics and argued with other stakeholders. The facilitators had difficulty managing this group. The stakeholders moved to constrain meeting involvement to persons with an active interest in the issue. The stakeholders want to define who sits in on the meetings and which issues they will consider. Since the group already defined the meeting process, this may be difficult to change.

Both the public and the stakeholders distrust the conservation and facilitation processes. Many members of this group also participate in a different but related project and have had negative experiences. The other project also has a ‘facilitated process’, however, the group felt that those facilitators steer discussions towards pre-determined outcomes.

The agricultural resources group exhibits an even high level of distrust. The parties believe that this group is less aware than the business or service providers groups of the need for environmental regulation. They do not accept it nor understand the benefits. The agriculture group already feels over-regulated and don’t see that conservation easements provide a viable economic alternative to land parceling.

To improve trust and positively influence the communication level, both the stakeholder facilitators and the agencies spent time outside of the meetings talking with individuals. In other contexts, they made progress towards common goals and purposes.

i. Contributions & Perception of the Facilitator

On a superficial level, the facilitators set up the format for the stakeholder meetings, selected meeting venues and communicated key information to stakeholders and the public. More importantly, the facilitators structured the stakeholder meetings to elicit constructive feedback in an efficient manner. The group also felt that the facilitators kept stakeholders focused on important issues and ensured a balanced representation of interests.

The group recognizes that local staff has difficulty appearing neutral. The stakeholder facilitators create an impartial atmosphere, even in the face of challenges to their credibility. Due to their unbiased stance, the stakeholders and the public respond better to suggestions and regulation from this third party than they do to similar information from the agencies.

Overall, the group perceived the facilitators as successful and neutral; however, one issue arose in regards to treatment of stakeholder groups. The ubiquitous and volatile presence of the environmental group created tensions at the stakeholder meetings. Some of the facilitators voiced frustration with this group, and behaved negatively towards them. This created a biased perception of the facilitators, which the agencies attempted to correct.

j. Evaluation Process for Facilitation

A formal facilitation evaluation process does not exist for the Merced HCP/NCCP. The facilitators do collect feedback at the end of the stakeholders meetings; however, the agencies do not have a way to assess overall satisfaction. The parties see communication as open, and feel that the establishment of key points of contact allows for sufficient feedback. One party mentioned that in-process feedback would help. The group expects to more thoroughly evaluate facilitation at the end of the process.

k. Evaluation of Success

The parties interviewed agree that whether USFWS issues an ITP represents the clearest measure of success for the plan. Aside from permit issuance, the parties felt that the plan should conserve biological resources while providing opportunities for agriculture, development and economic improvement in the County of Merced. The parties also hoped that the stakeholders would realize the benefits of HCP participation and support future efforts to mobilize the community on ecological issues.

l. Recommendations

The group plans to continue with the stakeholder facilitators and the science advisory facilitators. An additional facilitator may join the group for the advisory committee to the Board of

Supervisors. The group views facilitation as crucial for addressing the concerns of the varied stakeholder groups.

To smooth future processes, they recommend defining clearer rules and expectations for the stakeholder meetings. They initially designed the process to embrace all public comment, but found this detrimental to the functionality of the stakeholder groups, as demonstrated by the aggressive agenda of the environmental group.

One party recommended a facilitator for the special interest groups and the agencies. Such a facilitator could look at how the agencies conducted their business and suggest improvements.

MISCELLANEOUS

The agencies find it difficult to convince Northern California HCPs to use facilitation. Applicants expect HCPs to follow pre-existing processes and resist facilitators. Many applicants want to control the development process, and dislike it when facilitators force them to relinquish that power. In the view of the agencies, Northern California needs an example of a well-facilitated, successful HCP to demonstrate benefits to the naysayers.

For the County of Merced, the science facilitator from the Conservation Biology Institute provided especially strong support for the HCP. His neutral position helped him convince members of the general public, the scientific community and the academic community that the plan represented a legitimate solution to development and conservation concerns. He played a key role in selling the agency's position, without appearing biased.

Conclusions

Aside from the stalled funding, the Merced NCCP HCP appears likely to succeed. The early participation of key stakeholder groups, the presence of facilitators for each and the broad scientific input will create a strong basis for future development. Although the parties may conflict, the planning group appears aware of the issues and willing to work through them.

Case Study Resources

Merced County NCCP/HCP

<http://www.mercednccp-hcp.net>

County of Merced

<http://www.co.merced.ca.us/>

UC Merced Planning

<http://www.ucmercedplanning.net/>

California: East Contra Costa County HCP

Background

The proposal for the East Contra Costa County HCP arose from earlier biodiversity working group meetings run by the California Biodiversity Council (CBC). The CBC seeks to ‘discuss, coordinate, and assist in developing strategies and complementary policies for conserving biodiversity’ (<http://ceres.ca.gov/biodiv/>). They focus efforts on strengthening the ties between local communities and government, to encourage comprehensive solutions to regional issues. (<http://ceres.ca.gov/biodiv/>). The CBC charged the initial working group with the mapping of important conservation areas in Alameda and Contra Costa Counties, in which the counties would not allow take of listed species. The CBC hoped to integrate conservation and development interests, but found the goals in conflict. Additional meetings only increased the negative atmosphere, as the public felt that the results of the group would compromise development interests.



The agency involved, the Sacramento Fish and Wildlife Office, felt that the working group lacked appropriate incentive. The public wanted to protect their private property rights and equated conservation with anti-development. Without motivation, the public refused to cooperate and stalled the process. Recommending an HCP at this point offered a financial incentive, with monies for land acquisition and permits that allow development. In the development of the HCP, the group jettisoned mapping and moved forward using a consensus-based process for conservation planning.

The resulting association, the East Contra Costa County Habitat Conservation Plan Association (HCPA) is a Joint Powers Authority (JPA) consisting of seven member agencies

- Contra Costa County
- City of Brentwood
- City of Clayton
- City of Oakley
- City of Pittsburg
- Contra Costa Water District, and
- East Bay Regional Park District.

The ECC HCPA will manage and fund the development of a Habitat Conservation Plan (HCP)/Natural Communities Conservation Plan (NCCP) for submission to the governing boards of member agencies and ultimately to the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG). The HCPA has identified a 185,000-acre planning area. Once approved by the USFWS and the CDFG, the ECC HCP/NCCP will establish a funding mechanism to preserve and enhance native habitats which support endangered and sensitive species, while also providing local land use planning agencies with a regional incidental take permit (ITP) under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). (<http://www.cocohep.org/>)

Involvement of Facilitator

a. Presence of Facilitator

The county hired an outside facilitator to diffuse tensions during the biodiversity working group meetings. For the HCP, county staff facilitates the development process; however, they have not used an independent facilitator. The original request for proposal (RFP) included provisions for an outside facilitator, but they deemed the cost prohibitive and did not pursue it.

Since the ECC HCP is also an NCCP, the USFWS requires the presence of a facilitator to ease communication between the Science Advisory Committee, the public and the agencies. The current facilitator comes from the Center for Conservation Biology at Stanford.

b. Point of Entry

East Contra Costa County brought in facilitators for the biodiversity-working group after a contentious atmosphere developed among the stakeholders.

The County facilitated the HCP development process from the beginning. The gap between the biodiversity working group and the HCP development team spanned roughly three years.

c. Characteristics of HCP Favoring Facilitation

The East Contra Costa County HCP possesses the following complexity criteria:

- 7 Public Applicants
- High Community Involvement
- Multi-Species
- Large number of parties involved (14 partners)
- Extensive planning area, covering 185,000 acres
- ITP and EIS

d. Selection of Facilitator

For the biodiversity working group, the county recruited a facilitator through a request for proposals competitive bidding process. The first facilitator did not work out. The agitation of the stakeholders proved a significant obstacle and the county replaced him. The second facilitator remained with the working group until the end.

e. Approach & Experience of Facilitator

The forceful personality of the second facilitator for the biodiversity working group enabled him to take charge of the group and get the partners back on track. Both the agencies and the county remarked that the uncontrolled process prior to facilitation necessitated a tough approach.

The County facilitator for the HCP has thus far remained neutral and directly communicates with the stakeholder groups. The process encourages stakeholders to engage with one another, to reveal concerns and reach common understanding of needs.

The group noted the County's even-handed approach, but cautioned that negotiations have yet to begin. The current process involves review of the draft materials presented by the environmental consultants.

f. Obstacles to Facilitator Involvement

Financial constraints and the relatively high cost of facilitation constrain efforts to within the county budget. Since the stakeholders appear happy with the current arrangement, the agencies feel less pressure to secure outside facilitation. Some of the parties also expressed negative perceptions of past facilitators that offset the desire to use further funds for this purpose. One party mentioned that the funds would be better spent on land acquisition.

g. Payment for Facilitation

Contra Costa County does not have funding available to pay for an outside facilitator. The cost for the County's facilitative role comes out of their budget.

h. Issues in Facilitation

The ECC HCP/NCCP has not encountered significant obstacles to date. All of the parties expect greater difficulty during discussions of land use designation and funding. One potential issue arose when conservationists requested mapping. The county found funding and the work proceeded smoothly.

Issues for the facilitator include the perception of bias by stakeholders. The presence of a stakeholder facilitator does not represent an ideal situation for any of the partners. The agencies recognize that the county tries hard to maintain objectivity, but feel that a County facilitation presence creates a skewed process. Facilitation by a stakeholder may prevent appropriate representation of partner interests at the beginning of the process; this may weaken the plan and cause dissension later. The County also recognizes the potential conflict of interest, which has surfaced during legal proceedings, but feels that successful HCP coordination remains the primary goal. Other partners felt that since the County served as both facilitator and project manager, and thus has ultimate decision-making power, the process would not differ with an outside facilitator.

Some of the parties expressed concern with the ambitious timetable. The current schedule keeps the team on track and the process moving quickly, but it also means that partners review information quickly but not always thoroughly and the end product could surprise them. People appear to be waiting until the final product to conduct a thorough review. The parties stressed time for educational meetings. Many groups need more time to come to grips with the process and to assimilate all of the information. If the partners spend more time getting the environmental and agricultural groups on board, the project has a greater chance of success.

The HCP has plans for an agricultural sub-committee; however, this has yet to occur. The agricultural group will require special handling. They feel wary of conservation processes, as it could place their land in a different category. The agriculture groups cite "ESA horror stories" of farmers fined for minor offenses and being forced to sell land. The ECC planning group will need to develop a plan that the agricultural community supports and accepts.

The environmental group would like to see additional work on the science materials, to provide a more comprehensive basis for the plans. Unfortunately, the group understands the budget constraints and realizes that additional research may not occur.

i. Contributions & Perceptions of the Facilitator

In general, the parties perceived that facilitators do not remain neutral. They strive to run the meetings smoothly and sometimes shelve important issues. They often bring their opinions to the table. Many facilitators approach HCPs in an identical manner, without taking into account the unique characteristics of each HCP or the biological basis for them. On the other hand, some parties felt that a facilitator offers an important unbiased perspective that keeps the process transparent.

With the biodiversity working group, one interviewee felt that other partners shielded their opinions through the facilitator. The indirect communication that resulted slowed progress. This interviewee felt that communication works best when staff directly engages stakeholders. In the case of the biodiversity working group, it took work to work with the facilitator.

Several parties mentioned that the county would have difficulty maintaining a neutral position as the process continues to more contentious issues of land use designation and funding. The county facilitator has prior personal knowledge of the professional relationships related to the HCP. Although this benefits the process because the facilitator can anticipate reactions and understands stakeholder concerns, it also removes the neutrality. One interviewee expressed concern that the partners may feel the facilitator handles their concerns differently and this may carry over to bad feelings outside of the HCP meetings. The presence of a facilitator with a stake in the outcome might also restrict discussions.

Although facilitation slows down the HCP development process to increase communication, some interviewees felt that the facilitator should place less emphasis on the timetable and more on the need of the partners to air concerns. The clear goals and set objectives for the HCP will keep the process moving, but the end result may not match stakeholder needs or address important concerns.

j. Evaluation Process for Facilitation

A formal process for the evaluation of the facilitation process does not exist. Although all parties made it clear that they have an open door to the County facilitator. They can comfortably communicate complaints, feedback and concerns.

k. Evaluation of Success

The parties base success on whether the outcome satisfies the partners. If the partners and the agencies come to a mutual agreement, this represents a significant measure of success, given their varied agendas.

An HCP should move public policy, development and conservation efforts forward in a common and positive direction. Ideally, the HCP should fulfill these objectives and establish a viable preserve for the protection of the affected listed species.

One party mentioned the long duration of the HCP; permits and agreement represent only interim success. If the HCP protect the land and species for the next 50 years, allowing recovery and improvement of current conditions, that would represent true success.

l. Recommendations

At this point, the team for East Contra Costa does not recommend hiring a facilitator. In general, they believe facilitators are not worth the additional cost, and an unskilled facilitator would worsen the situation and prevent direct engagement of the partners. The large public meetings will need facilitation, but the parties did not perceive a need for this service throughout and felt comfortable with the current process. As development continues, the team may encounter conflicts over land designations and funding and could involve a facilitator to help resolve specific issues.

MISCELLANEOUS

The HCP documentation includes hundreds of pages of highly technical information. Many of the partners have difficulty accessing the information and responding effectively to it. This poses special difficulties for a consensus document, where 14 partners need to give input. To simplify this process, the county plans to implement an executive summary format for group review. This format should make the consensus process more efficient and reduce editing time.

Members of the agencies mentioned the value of facilitation for other large scale planning efforts. Facilitators helped resolve permitting and legal problems or issues with settlement and re-design.

Conclusions

All of the parties interviewed spoke highly of the County facilitator, but emphasized the potential for difficulty in the future. The inability of stakeholders to fully express concerns to the county presents the most pressing problem. This could lead to a draft HCP document that does not match needs and that will require significant revision. Other HCPs have experienced this issue and spent hundreds of thousands of dollars drafting documentation that did not meet expectations. In such cases, the relative cost of facilitation drops and finding funding for such services becomes worthwhile. Due to the limited budget of East Contra Costa County, we recommend additional facilitation training for the County partners, in combination with leeway from the county to play

a neutral role. In other HCP development processes with neutral facilitators, success came from the ability of the facilitator to maintain a neutral role despite the affiliations of the organization.

Case Study Resources

East Contra Costa County Habitat Conservation Plan Association (HCPA)

<http://www.cocohcp.org/>

California Department of Fish and Game: Habitat Conservation Planning Branch

http://www.dfg.ca.gov/hcpb/conplan/fed_hcp/fed_hcp.shtml

California: Yolo County HCP

Background

The Yolo County HCP addresses impacts resulting from 11,672 acres of development within a 403,052 acre plan area in eastern Yolo County. The plan encompasses growth that could occur if the lands within four cities in the County (West Sacramento, Woodland, Davis, and Winters) and within four smaller unincorporated communities (Clarksburg, Knights Landing, Esparto, and Dunnigan) are developed in accordance with their respective general plans. The HCP also establishes a long-range strategy for the conservation and enhancement of the habitats of the plan's 26 Covered Species. The plan's conservation program has been developed to be consistent with the principles of conservation biology. These approaches will ensure that a coordinated, biologically sound system of habitat reserves is established and will provide greater assurances for the survival of the target species in Yolo County. These and other key features of the HCP are derived from months of public discussion and community involvement in which the interests and issues of Yolo County citizens were identified and debated.

(Source: <http://www.yolocounty.org/>)



USFWS initially advised Yolo County to develop a conservation plan. The County moved forward with development, but did not consult adequately with USFWS. When the County released a draft HCP, USFWS rejected it. Conflict also arose when it was discovered that the County misappropriated funds to pay for the HCP documentation. Funds collected for land and mitigation for impacts on the Swainson's hawk paid for the rejected draft.

The Gaining Grounds Committee, a group of publicly appointed representatives from local governments, stepped in at this point to facilitate County compliance with USFWS. They spent over a year on this effort, but let go of the process when the County received 2003 funding. The soon established Joint Powers Agency (JPA) then managed funds for the plan. The JPA comprises members appointed by the incorporated cities and serves as the ultimate decision-making body for the HCP. The JPA has been tasked with identifying members for a technical advisory committee (TAC), writing the planning agreement, getting their cities to review the agreement and to approve it. The JPA provides a crucial communication link between the cities and the agencies.

The TAC will update the biological information and produce a planning agreement. With this information in place, the public forums will open again. The planning group will include more key stakeholders in the public forums, for example, U.C. Davis. To comply with the NCCP standards and provide credible science, a Science Advisory Committee needs be established. They will fill biological information gaps on covered species and habitat.

Since the Yolo County HCP has not used a facilitator, comment included below relate to expected issues and facilitation preferences for the future.

Involvement of Facilitator

a. Presence of Facilitator

To date, the Yolo County HCP has not used any form of facilitation. The Gaining Grounds committee stepped in briefly to facilitate the compliance process, but did not administer the overall planning process. The Joint Powers Agency will review drafts and manage the planning process, but will not serve a separate facilitative role. Since stakeholders from the respective cities make up the JPA, it is a less than ideal facilitator. The members of the JPA have little experience with conservation planning and are new to the HCP model.

b. Point of Entry

Not applicable.

c. Characteristics of HCP Favoring Facilitation

The Yolo County HCP demonstrates the following complexity criteria:

- Public Applicant (Yolo County)
- High Community Involvement
- Multi-Species (26 covered species)
- Large number of parties involved (8 local communities)
- Extensive planning area (403,052 acres)
- ITP and EIS

d. Selection of Facilitator

The JPA will likely hire a facilitator, with input from the agencies and the counties.

e. Approach & Experience of Facilitator

Most importantly, the planning group needs a facilitator familiar with conservation planning. The facilitator would also benefit from experience with agricultural, environmental and developer needs and issues.

Facilitators appear to need an educational phase with the HCP process before they achieve maximum effectiveness. Based on experiences with past facilitators, the group needs a facilitator who engages the parties in constructive conversations, who captures significant issues and returns to them until resolution.

f. Obstacles to Facilitator Involvement

HCP implementation involves many interpretations and numerous public interest groups. The main obstacle to facilitator involvement is finding someone familiar with large-scale planning process.

g. Payment for Facilitation

Yolo County received \$395,000 from the U.S. Fish and Wildlife Service in September 2002. These monies come from federal funds from Section 6 of the Endangered Species Act. The Joint Powers Agencies could use the funds for facilitation, as part of the HCP planning effort; however, a decision has not been made.

h. Issues in Facilitation

Interviewees mentioned a general lack of knowledge among traditional facilitators regarding biology and conservation issues. HCPs need a facilitation resource with public experience and exposure to large scale planning processes. The agencies suggest training sessions for inexperienced facilitators who plan to work in conservation planning.

Other parties also suggest stakeholder education, but from a source other than the agencies. The agencies often feel strongly about species and habitat protection, and may inadvertently inflame other stakeholder groups with their language. A good facilitator could educate the interest groups in a neutral environment. The stakeholders need to understand the issues at hand, how the plan addresses their issues, but without additional provocation. With education, the stakeholders begin to care about conservation issues, and to see the mutual benefits available.

As with many HCPs, the agriculture community needs additional attention from the planning group. To fully understand agriculture concerns, the planning group should include someone who works one-on-one with the agricultural community and who has direct experience with their business.

i. Contributions & Perceptions of the Facilitator

Ideally, the partners should perceive the facilitator as an objective interpreter of the dialogue between the agencies, the public and stakeholders. Each group needs to learn more about the conservation planning process and open communication benefits this process. As conservation efforts grow in complexity, it would help to have facilitators that understand the process and focus the group on it.

j. Evaluation Process for Facilitation

Not applicable.

k. Evaluation of Success

The next step requires review of drafts and eventual approval of an HCP. Once Yolo County agrees on the documentation and receives an ITP, they can better evaluate the success of the effort.

l. Recommendations

The interviewees recommend that the Yolo County HCP embrace facilitation moving forward. The planning effort has yet to arrive at the negotiation stage, and the parties anticipate that significant conflict will arise at this stage without facilitation. The agencies suggest following the model of the San Diego multi-species HCP. The San Diego multi-species HCP recently earned approval and the partners involved commented on the ease of development due to facilitation.

Conclusions

A lack of communication between USFWS and Yolo County contributed to the misuse of funds and considerably lengthened the planning process. Facilitation could have connected the partners on a neutral playing field and prevent numerous problems. In spite of the break down of communication, the Yolo County planning group has brought the appropriate interests to the table. They appear ready to proceed with a more open, collaborative process. We agree with the agencies that it is in the best interests of the group to move forward with facilitation, to prevent further abuse of monies and loss of time.

Case Study Resources

Yolo County Draft Habitat Conservation Plan

<http://www.yolocounty.org/HCP/hcp.htm>

Yolo County Draft HCP – PDF

<http://www.yolocounty.org/HCP/toc.pdf>

Colorado River Basin: Lower Colorado River Multi-Species HCP

a. Presence of a Facilitator

The individual interviewed stated that a facilitator was being used.

b. Point of Entry

Because of the vast scope and complexity of the Lower Colorado River Program HCP, the approximately 35 parties involved decided from the outset to hire a facilitator.



c. Characteristics Of HCP Favoring Facilitation

The size of the planning area, the importance of the project and number of stakeholders were all characteristics that contributed to the use of facilitator.

d. Selection of a Facilitator

The collaborative decision to involve a facilitator was among the top issues on the agenda, was achieved through consensus, and was met with unanimous support.

e. Approach & Experience of Facilitator

No information.

f. Obstacles to Facilitator Involvement

No information.

g. Payment of Facilitator

In the case of the Lower Colorado River Program HCP, the facilitator was paid for with NFW Foundation money. The interviewee mentioned that the Foundation serves as a “banker” during the process. According to the interviewee approximately 50% of the foundation money came from the involved states and the other 50% came from the Bureau of Reclamation.

h. Issues in Facilitation

No Information.

i. Contributions & Perceptions of the Facilitator

No information

j. Evaluation Process for Facilitation

The interviewee stated that no formal tool exists for evaluating the facilitators or the facilitation process. It was said, however, that a facilitator's success is based almost exclusively on whether or not their contract is renewed at the end of each year. In essence, if the parties involved are pleased with the mediation process, they will vote to renew the contract. For example, the interviewee mentioned that a contractor who was initially hired was later let go, due in large part, to client dissatisfaction.

k. Evaluation of HCP Success

The interviewee also mentioned that no formal document exists to evaluate the success of the HCP. He stated that success, as far as the USFWS and other involved parties are concerned, is simply a measure of whether or not a final agreement is reached.

As far as the interviewee knew, the USFWS did not typically provide facilitation services or make recommendations, and in this case did not formally recommend a particular facilitator. Rather the facilitator was chosen through group consensus.

Case Study Resources

Interview resources only were used.

Georgia: Red Cockaded Woodpecker HCP

Background

Before the Endangered Species Act was passed in 1973, the Red Cockaded Woodpecker could be found in the original red book as a threatened species. In Georgia the majority of red cockaded woodpecker populations are found on large tracks of private land. These tracks of private land are owned by very wealthy families, and are primarily maintained for the purposes of quail hunting. Maintaining the land for the purpose of quail hunting has done two things. First, the land provides prime habitat for woodpeckers, and secondly the land objectives do not conflict with the presence of the woodpecker.



However, smaller populations of the red cockaded woodpecker also appear on small tracks of private land (approximately 100 acres or less). These smaller plots of privately owned land can be referred to as “mom and pop” operations. While the “mom and pop” operations are land rich they are often cash poor. A conflict arises when mom and pop operations want to harvest their resources as a means to acquire cash, but are prevented from doing so because of the woodpecker’s presence. Unlike the larger tracks of privately owned land, the bird’s presence on the mom and pop plots is often in direct conflict with land objectives.

In response to this problem, the USFWS initiated a state-wide conservation plan. To accomplish this aim a scientific advisory board of about 8 people and a steering committee of about 15 people were formed. The scientific advisory board consisted of individuals from state, federal, and private groups.

Ultimately, a plan was developed that established a state wide HCP for the mom and pop operations. Because it was felt that the woodpeckers on these smaller plots of land were “demographically isolated”, the landowners were given the right to utilize their resources so long as they filed under the already established HCP. As mitigation, the state established a “mitigation bank” of 30,000 acres, 10,000 of which are set aside for the woodpeckers. It should be noted that the pre-established HCP only applies to small landowners, and does not apply to land owners with large tracks of land. The large landowners whose actions stand to threaten the woodpecker must file for their own HCP.

USFWS did not recommend a formal/paid neutral, rather a employee of the USFWS informally filed the role (largely because this employee initiated the entire process).

The group attempted to come to consensus but would sometimes put issues to a vote. Success is largely considered to be a measurement of the number of landowners involved, the number of acres set aside, and the number of birds saved.

Case Study Resources

Interview resources only were used.

Nevada: Clark County HCP

Background

In 1989 the desert tortoise was emergency listed as a federally endangered species under the Endangered Species Act (ESA-1973). In response to the emergency listing, several parties including the state, homebuilders and the city of Las Vegas in Clark County, Nevada filed suit against the US Fish and Wildlife Service. In pursuit of a resolution, Clark County rose above the fray and sought a solution through a Habitat Conservation Plan. The county, working together with the Nevada Department of Transportation, and five municipalities in the greater Las Vegas area worked to develop a Desert Conservation Plan. According to the NCEDR, “the plan establishes tortoise reserve areas, allows for the development of over 100,000 acres of habitat, and attempts to balance the multiple uses of public land with tortoise conservation”.



Involvement of a Facilitator

a. Presence of a Facilitator

All three parties interviewed confirmed the involvement of a paid facilitator. It should be noted that the facilitator was retained by the county and not by the Fish and Wildlife Service.

b. Facilitator Point of Entry

All parties interviewed stated that it was agreed from the outset that a facilitator would be hired.

c. HCP Characteristics favoring facilitation

The parties interviewed stated that a facilitator was agreed upon from the outset because of the scope and complexity of the HCP. The stakeholders unanimously agreed that given the amount of interests a facilitator would be necessary.

d. Selection of the Facilitator

According to the interviewed parties the county chose and paid for the facilitator.

e. Approach & Experience of Facilitator

The facilitator was attorney named Paul Seltzer. One interviewed party felt that Paul was chosen because of his expertise with facilitation, and in part because of his reputation.

f. Obstacles to Facilitator Involvement

The parties interviewed did not speak of any specific obstacles to facilitator involvement. The absence of obstacles to facilitator involvement was due largely to the fact that the facilitator was decided upon from the outset, was agreed upon by all parties, and was paid for with county funds

g. Payment for Facilitator

All interviewed parties stated that the facilitator was awarded a contract paid for with county funds.

h. Issues in facilitation

The facilitator was paid to identify conflict and direct the meetings. One interviewee mentioned that as the meetings progressed, participants became concerned with the amount of control they perceived the facilitator to have. As a result, the county eventually took over with the intention of limiting the amount of control the facilitator had. Following the intervention of the county, it became the role of the facilitator to identify conflict only. It was also stated that the perception of bias was a concern among the participants and stakeholders.

i. Contributions & Perceptions of the Facilitator

As mentioned, the facilitator contributed by identifying and managing conflict as well as steering the meetings.

h. Evaluation Process for Facilitation

All interviewed parties stated that there is no formal document that exists for evaluating the facilitator. One party stated that a facilitator's ability is largely a question of perception, while another party stated that renewed contracts are an indicator of satisfaction.

i. Evaluation of HCP Success

Both interviewed parties stated while there is no formal tool used to evaluate the success of an HCP. The interviewed parties stated that success is largely a measure of whether or not the terms and conditions of the HCP were met.

j. Recommendations

For complex HCP's such as Clark County, efforts should be made to include a facilitator as early on in the process as possible.

Conclusions

The Clark County HCP provides a good example of a HCP that fulfills all the criteria for complexity and benefited from the use of a facilitator. We can conclude that complex HCP can be assessed from the outset and serve as prime candidates for the involvement of a facilitator.

Case Study Resources

Interview resources only were used.

Wisconsin: Karner Blue Butterfly HCP

Background

The U.S. Fish and Wildlife Service listed the Karner blue butterfly as an endangered species in 1992. Since then, a diverse mix of public and private partners developed a statewide HCP to help the population recover. Ideally, all Wisconsin landowners and land managers will continue to conduct routine land use activities in areas where the butterflies live and still comply with the Endangered Species Act (ESA). The group aims to protect butterflies through habitat conservation in ways that prove economically reasonable for landowners. (Karner Blue Butterfly, Partners in Protection, published by the Wisconsin Department of Natural Resources)



Wisconsin Department of Natural Resources (DNR) applied for the permit. The permit includes 26 partner parties. The plan divides the partners into the following five groups:

Source: <http://midwest.fws.gov/endangered/insects/kbb/kbbhcpqa.html>

Industrial Forest Companies	Wisconsin State Agencies	County Forests	Utilities	Non-Profits
Consolidated Papers, Inc.	Department of Natural Resources	Burnett County	ANR Pipeline Co.	The Nature Conservancy
Nekoosa Papers Inc. (Georgia-Pacific Corp.)	Department of Agricultural, Trade, and Consumer Protection	Clark County	Lakehead Pipeline Co.	
Johnson Timber Company	Department of Transportation	Eau Claire County	Northern States Power Co.	
Wausau-Mosinee Paper Corporation		Jackson County	NW Wisconsin Electric Co.	
Thilmany Division-International Paper		Juneau County	Polk-Burnett Electric Co-op.	
		Monroe County	Wisconsin Gas Co.	
		Washburn County	Alliant Energy - WI Power and Light	
		Wood County	Wisconsin Public Service	
			Wisconsin River Power Co.	

The HCP development took six years and used a facilitator throughout. The facilitator also serves as the HCP coordinator. Together with a member of U.S. Fish and Wildlife (USFWS), a butterfly biologist, forestry biology and an attorney, these people comprise the core KBB HCP development team. Sub-teams exist to focus on other interests, like education and outreach.

Involvement of Facilitator

a. Presence of Facilitator

The KBB HCP has used the current facilitator for the past four years. He serves as both the HCP coordinator and as the facilitator. The Wisconsin Department of Natural Resources (DNR) sponsors the facilitation role for this HCP.

b. Point of Entry

The Karner Blue Butterfly HCP used a facilitator from the beginning of the process. The initial facilitator served for two years, and the current facilitator has worked on the KBB HCP for the past four years. Both of the facilitators came from within the Wisconsin Department of Natural Resources (DNR). The parties perceived facilitation to be crucial from the outset, due to the complexity and long-term nature of the project.

c. Characteristics of HCP Favoring Facilitation

The KBB HCP possesses the following complexity criteria:

- Public applicant
- High community involvement
- Large number of parties involved (26 partners)
- 7,000,000 acres (entire state of Wisconsin)
- ITP and EIS permits issued

d. Selection of Facilitator

The DNR focused on internal facilitation options, due in part to funding concerns, but also because it would limit the number of outside parties involved. They did not want to bring in additional party, who was unfamiliar with the project and who would increase complexity. DNR posted an announcement for the position and sent prospective applications to USFWS and other partners for review. DNR considered their feedback and chose the facilitator. The partners felt satisfied with the choice and did not have issues with the selection process.

e. Approach & Experience of Facilitator

The partners felt communication and facilitation were key skills. A facilitator needs to know how to handle people and the partners need to trust the person and their objectivity. Since the facilitator came from an applicant group, he needed to demonstrate an unbiased commitment to the success of the group. The facilitator established his commitment to the team and described the process instead of controlling it. He worked for the collective success of the team and of the species. He listened carefully to the concerns of the partners.

f. Obstacles to Facilitator Involvement

The facilitator faced potential opposition due to his internal role at DNR. In the end, this position offered more benefits than difficulties. The facilitator had increased access to state resources and a clear understanding of the required processes. He maintained a high degree of objectivity; when asked, “Who do you work for?” his response was “the partners”, not DNR.

Funding for outside facilitation could have posed an issue, but DNR did not seek outside services. The partners never mentioned an issue with the choice of facilitator.

g. Payment for Facilitation

The DNR pays for the facilitation, out of its own budget. Facilitating and coordinating the KBB HCP is a full time position.

h. Issues in Facilitation

Several issues arose during the HCP development process. The political background at the time, with the stability of the Endangered Species Act (ESA) called into question, reduced the motivation to engage. The facilitator worked towards engagement by cultivating a feeling of unity, “We're all in this together”. Once achieved, this sense of responsibility prevented any single partner from failing to meet their deliverables. It was important to recognize different values and to identify common goals.

Initially, the partners exhibited a high level of distrust, for one another and for the DNR. The partners perceived DNR as only a regulatory agency and not a partner. The facilitator built a critical environment of trust and focused the partners to work on a mutual solution. They later perceived the DNR as a partner, but maintaining this delicate relationship was difficult.

During the initial meetings, the partners had issues with a corporate lobbyist. His presence prevented them from speaking openly and engaging in the process. Removing the lobbyist from the proceedings became a priority, which the facilitator accomplished with the help of the sponsoring corporation.

The most contentious issues developed later in the process, when the agencies pushed for an HCP that included recovery. One of the partners strongly opposed including recovery. Although the group repeatedly visited the issues, the adamancy of the partner caused the group to drop the issue.

i. Contributions & Perceptions of the Facilitator

The facilitator wrote and edited drafts of the environmental impact statement (EIS) and the HCP. This had a two-fold effect on the development process. First, having an outside party write the documentation saved the partners time and money. This simplified the process and provided an important incentive for getting on board early. The partners only had to show up to meetings and give feedback. Second, the public nature of the documentation encouraged partners to reveal

their perspective. Many players began the process with a single agenda, but group review of the documentation brought a variety of concerns to light and created an opportunity for common understanding.

The facilitator also improved the communication of the group and initiated processes that kept the team informed and moving forward. He employed various methods to sustain progress, including detailed agendas, comprehensive meeting minutes, internet information, email communications and structured feedback loops.

The facilitator also created an important atmosphere of goodwill among the partners. To minimize partner focus on separate agendas, the facilitator defined a structured group process, with clear steps and achievable milestones. Once the partners had a defined process and mutual goal, it improved cooperation. The facilitator also encouraged building personal relationships outside of meetings to shore up team dynamics.

Overall, the facilitator contributed to an environment of trust and mutual respect. Several parties cited his fair dealings with the partners as key to project success.

j. Evaluation Process for Facilitation

The facilitator actively sought feedback from the partners. At the end of every meeting, he questioned the partners on the agenda, the facilities and whether the next meeting should be similar or different. The partners felt comfortable communicating with the facilitator and offering suggestions, compliments or criticism.

k. Evaluation of Success

The approval of the HCP represents success, as does the continued commitment and compliance of the partners with the terms set out in the HCP. The KBB HCP includes methods for making amendments, clarifications, exceptions and an elevation procedure. It also includes a formal evaluation process. Every six months the HCP Coordinator/Facilitator of DNR, as the administrator of the HCP, conducts a compliance audit on one third of the partners. Each partner has a separate species and habitat conservation agreement (SHCA) that describes the conservation and mitigation measures taken. The audit reports track changes to the partners, their understanding and implementation of the documentation, and includes field surveys on implementation. The partners view audits as an opportunity for education and use them as a means of airing issues and sharing information. None of the partners have exhibited gross negligence of compliance. The audits keep the process on track, encourage new partnerships through the success of the HCP and inform both agencies and partners on problems and best practices.

l. Recommendations

All of the parties viewed facilitation as critical to the future success of habitat conservation planning. Even with reduced budgets, the parties believed that facilitation was a necessary expense to create an efficient and effective process. Members of the agencies recognize that

voluntary stewardship has more value than enforced regulation, and facilitation offers an opportunity to understand the mutual benefits of new relationships.

The parties also recommended designing a formal process for HCP development. Each HCP has unique characteristics, however, certain steps and issues arise repeatedly and it would help to capture the steps and lessons learned. Since HCPs represent a new step in large-scale planning processes, and many public and private partners are unfamiliar with them, a well-prescribed process would benefit all involved.

MISCELLANEOUS

Most agencies cannot use internal resources for facilitation. Due to the large size of the Department of Natural Resources in Wisconsin, they have many support staff and numerous trained facilitators. Smaller agencies often use outside facilitation instead.

Conclusions

Although the internal facilitation could have posed a problem for this HCP, it seems that the unique personal characteristics of the facilitator made this project successful. Despite a position as an applicant, he consciously focused on the process over the position of his organization or those of the partners. Since the DNR dedicated the position to servicing the coordination and facilitation of the HCP, this may have alleviated the potential for bias. The process defined by the DNR facilitator represents a significant step toward a common understanding among agencies of required steps. Of the HCPs studied, the KBB HCP offers the best example of a smooth development process with constructive facilitation.

Case Study Resources

Wisconsin Department of Natural Resources: Karner Blue Butterfly HCP

<http://www.dnr.state.wi.us/org/land/er/publications/karner/chap2a.htm>

Midwest Fish & Wildlife: Karner Blue Butterfly

<http://midwest.fws.gov/endangered/insects/kbb/index.html>

Recommended Readings

1. “Habitat Conservation Planning: Current Processes and Tomorrow’s Challenges” by D. Ostermeier, D. Bidwell, and S. Schexnayder. National Center for Environmental Decision-Making Research (NCEDR), June 2000.
http://www.ncedr.org/pdf/00_01Hcp.pdf
2. How to Make Collaboration Work: Powerful Ways to Build Consensus, Solve Problems, and Make Decisions, by David Straus. Berrett-Koehler Pub, September 2002.
3. “Roles & Responsibilities of Consultants in Developing NCCP/HCPs” by Ingrid Hogle. California Department of Fish & Game, Sustainable Communities Leadership Program, 2002.
<http://www.dfg.ca.gov/nccp/sclp.htm>
4. “Steps for Success in Rare Species Conservation: The Wisconsin Statewide Karner Blue Butterfly HCP” by J. Christenson and D. Lentz. Wisconsin Department of Natural Resources
5. “Wicked Problems and Fragmentation” by Jeff Conklin, Ph.D. From Dialogue Mapping: De-fragmenting Projects through Shared Understanding. 2001.
<http://cognexus.org/wpf/wickedproblems.pdf>

Web Resources

1. California Department of Fish and Game: HCP Branch
http://www.dfg.ca.gov/hcpb/conplan/fed_hcp/fed_hcp.shtml
2. National Center for Environmental Decision-Making Research (NCEDR)
Main Site: <http://www.ncedr.org>
HCP Case Summary: <http://www.ncedr.org/casestudies/summaries.htm>
3. U.S. Fish & Wildlife Service
Main Site: <http://www.fws.gov>
ECOS Database: <http://ecos.fws.gov/>

by Case Study

East Contra Costa County Habitat Conservation Plan Association (HCPA)

California Biodiversity Council
<http://ceres.ca.gov/biodiv/>

East Contra Costa County Habitat Conservation Plan Association (HCPA)
<http://www.cocohcp.org/>

County of Merced Natural Community Conservation Plan and Habitat Conservation Plan (NCCP/HCP)

County of Merced

<http://www.co.merced.ca.us/>

Merced County NCCP/HCP

<http://www.mercednccp-hcp.net>

UC Merced Planning

<http://www.ucmercedplanning.net/>

Wisconsin Karner Blue Butterfly Habitat Conservation Plan (KBB HCP)

Midwest Fish & Wildlife: Karner Blue Butterfly

<http://midwest.fws.gov/endangered/insects/kbb/index.html>

Wisconsin Department of Natural Resources: Karner Blue Butterfly HCP

<http://www.dnr.state.wi.us/org/land/er/publications/karner/chap2a.htm>

Yolo County Habitat Conservation Plan (HCP)

Yolo County Draft Habitat Conservation Plan

<http://www.yolocounty.org/HCP/hcp.htm>

Yolo County Draft HCP – PDF

<http://www.yolocounty.org/HCP/toc.pdf>

Thank You

Thank you to everyone who contributed to our study. We greatly appreciated your time and hope you find the information useful.

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