

Feedback on U.S. Institute's Preliminary Situation Assessment Recommendations

MOG Meeting August 15, 2006

Comment: Some parts of this [the organizational structure of the process presented by the Assessment team] exist. It would be helpful, to the extent that we can, if we use the same names for the proposed teams/committees (e.g., Science Advisory Committee (SAC) instead of the proposed Science Advisory Team (SAT)).

Mike Eng – *We struggled with the nomenclature of these proposed recovery planning teams. Based on what we heard during interviews, we had some concerns with the current makeup of the SAC which has been focused initially on developing biologically-based recovery criteria. The existing SAC may or may not be the most appropriate entity when the focus turns to habitat issues and development of recovery actions. We don't want to assume that the proposed SAT would necessarily be the current SAC.*

Question: Who is writing the recovery plan? Who would be the designated recovery planning team?

Mike Eng – *The proposed Range-Wide Interagency Recovery Planning Team would integrate the input that comes from the Regional Recovery Planning Teams and it would then provide input to the DTRO and FWS for writing the Revised Recovery Plan.*

Roy Averill-Murray – *The FWS is responsible for the Revised Recovery Plan. In the original proposal to the U.S. Institute, we anticipated developing Recovery Action Plans at the regional level which would then be forwarded to the FWS. This would provide an opportunity to flesh out and integrate the input and fold the information into the revised Recovery Plan. FWS would do the consolidating.*

Q. Where does guidance to the Regional Working Groups come from?

Mike Eng – *The Interagency Regional Planning Team would provide guidance for the process, which the DTRO would Chair.*

Q. Would there be a Federal Advisory Committee Act (FACA) problem with this proposed approach of involving nongovernmental stakeholders?

Mike Eng – *We're confident this process would be FACA exempt under Section 4 of the Endangered Species Act, which provides an exemption from FACA for recovery planning teams. This same approach has been utilized by FWS numerous times. With that said, we would encourage FWS to consult with its solicitors regarding FACA issues.*

Q. How long do you think it would take before we can move on and begin convening the Regional Working Groups? We would need to be converting funds for this effort. How long until we would have a suitable product?

Mike Eng – *This is one of the challenges with collaboration – they are emergent processes that are difficult to predict. If it's determined that there's a high need for building consensus, it's hard to determine how long that would take. We're thinking the process would continue through the end of 2008. How long it will take FWS & Desert Tortoise Recovery Office to have their discussions about the proposed recommendations and assess the funding situation, we don't know. Another unknown is how much additional groundwork in developing technical/scientific information the range-wide team would need to develop before proceeding.*

Q. Considering our limited resources – how do you anticipate identifying these teams?

Mike. Eng – *The interagency teams, both at the Range-Wide and Regional levels, would essentially be self-identified and determined by the agencies. The Range-Wide Interagency Recovery Planning Team might include a BLM representative from each state and, perhaps, a Fish & Game Department representative from the states involved. Other team members might include someone from an HCP; on the nongovernmental stakeholder side, members would include representatives of the major stakeholder interests.*

Comment – Regarding the Interagency Range-Wide Recovery Planning Team – it sounds like the former MOG Technical Advisory Committee (TAC).

Comment – *We did away with the MOG TAC.*

Q. How do you determine leadership of each proposed team? Democratically?

Mike Eng – *We would not recommend that the leadership of the teams be determined democratically, if you mean voting to elect a Chair. We would assume Roy Averill-Murray of the DTRO would serve as the Chair of the Interagency Recovery Planning Team. For the regional teams, the representatives from the State Fish & Game departments might perhaps be appropriate chairs. We assume the Working Group meetings would be facilitated by a third-party neutral; however, the Interagency Recovery Planning Team may be able to operate on its own after one or two initial facilitated meetings.*

Q. You have some original concepts of the MOG Technical Advisory Committee with some expansion of MOG that would include stakeholders. Are you proposing only three Regional Working Groups?

Mike Eng – *The three proposed Regional Working Groups are used only as examples. There could be as many as six (representing the six recovery units), but there would probably need to be at least three.*

Comment – Regarding the list of interviewees, there was an omission in not including the recreation grouping on your slide presentation. We [OHV users] have a large influence. The proposed plan seems to be a workable process; I hope it's achievable.

Mike Eng – *This was an oversight in putting together the slide. We interviewed many individuals representing OHV users groups in the regions and we would definitely anticipate their representation on the stakeholder teams.*

Q. – Could you give us an example of a success story from a similarly structured process that will help us build confidence in this proposed process?

Mike Eng – *One project that is not completely analogous but that comes to mind is an Everglades Restoration Project that was precipitated by ESA issues. That process began as an interagency negotiation process to develop an interim agreement while a longer-term solution could be developed. The participating agencies agreed to pursue a highly collaborative NEPA process that involved jointly developing hydrologic and biological models, developing and analyzing alternatives together, and developing agreement on a recommended preferred alternative. Parallel to the interagency process was a stakeholder process that provided feedback on draft products of the interagency team. The interagency process was FACA-exempt because it only involved government employees. The stakeholder advisory team process was FACA-exempt because it was established by the Everglades Task Force, which Congress established as FACA-exempt.*

Bob Williams – *If we build this organizational structure now, it could also serve as the structure for implementing the recovery action plans.*

Comment – You say this is a conceptual model, but you're saying we're not quite ready to proceed with it . . .

Mike Eng – *There are things that have to be accomplished up front before embarking on any collaborative process, especially establishing the integrity and credibility of the information base that will be used to inform deliberations. We believe there needs to be additional up front discussion with and among a broad range of stakeholders in building ownership of the process and in collaboratively designing it, before proceeding immediately to convening the proposed Regional Working Groups.*

Comment – Regarding the Upper Virgin River Recovery Unit – it's different. We already have a recovery unit in place. It needs to be handled differently. We already have five active working groups similar to those proposed. All of the stakeholders would be the same.

Also, we are already beyond fiscal year 2007 budget. That budget has already been submitted. Changing funding mid-stream is not going to happen. We need to keep this reality in mind.

Mike Eng – *The Upper Virgin River Unit currently in place, could become one of the proposed Regional Working Groups. However, we would want to be mindful of the potential for burn-out among the participants who have been working on this issue for an extended length of time.*

Comment – It's important that you don't restructure something that's already working well, but at the same time, those units should not be working in isolation [under the proposed plan]. The work they're doing should ultimately be integrated with the work of others.

Bob Williams – In Nevada, there are also similar ongoing activities in Lincoln County.

Mike Eng – *These kinds of already existing activities could be integrated into the Regional Working Group process or through targeted workshops to get their input.*

Q – Would you explain the roles of the range-wide and regional teams as proposed in the draft report? Conceptually, it's a good model, but we would need to take a look at what our capabilities are at the local level.

Mike Eng – *One way to increase efficiencies is making relevant information available through a GIS-based database. Such a tool could greatly enhance participants' analytical capabilities and efficiencies.*

Regarding staffing capabilities, we aren't assuming that our proposal will necessarily be the final process that is adopted. Today we're seeking your feedback on a draft process design. We would plan to give you advice on what kind of tradeoffs may be required due to budget and resource constraints. Our goal is to help you be able to make an informed decision about what you could realistically expect to accomplish with the available resources. This proposal is an ideal approach to collaboration under the circumstances – you may decide you don't have the necessary resources to pursue this approach and may have to go to Plan B.

Bob Williams – Is there a way to “ballpark” the cost?

Mike Eng – *Our cost estimate in the initial Scope of Work was \$500,000, based on the assumption of six Regional Working Groups. Now, having conducted the assessment and better understanding the complexities of the issue, we would estimate the cost closer to \$750,000. However, there could be potential ways to reduce the cost. For example, if you decided to continue working with the U.S. Institute, we would ordinarily contract with private sector facilitation teams. Their hourly rates vary, but can result in significant costs over the course of a long-term project. Their availability to work on a project can also be impacted over time by other contracts. Alternatively, the U.S. Institute could consider working with the parties to hire a dedicated team to work full-time on a term appointment for this project only. The facilitation team would be supervised by the U.S. Institute and would be accountable to all the participants. This approach would likely cost less than contracting with facilitators on an hourly basis, while helping ensure continuity and timely progress.*

Steve Thompson – What is the difference between the MOG and the Range-Wide Interagency Recovery Planning Team?

Mr. Eng – *We would anticipate that the proposed Range-Wide Interagency Recovery Planning Team would be appointed by the MOG. They would serve as the MOG's designated delegates. Based on what we heard during our interviews, some feel that the MOG's role should reflect that they are executive decision-makers. The MOG members themselves probably do not have the availability and time required to develop and directly oversee the range-wide recovery planning process. Instead, the MOG would be available to make decisions when necessary to keep the*

process moving and to resolve issues that come up that the Range-Wide Interagency Recovery Planning Team are unable to resolve on their own.

Steve Thompson – We’re currently working with budgets and timelines. If we don’t go this way – we need to go another route. Everyone is going to have to live with this plan for a long time. It should be incorporated into a long-term approach. This might be a great way to go.