

U.S. Institute for **Environmental Conflict Resolution**



Morris K. Udall Foundation

CALIFORNIA STATE UNIVERSITY
SACRAMENTO
CENTER FOR COLLABORATIVE POLICY

Desert Tortoise Situation Assessment Findings and Preliminary Recommendations



Desert Tortoise Management Oversight Group
August 15, 2006

Background

- U.S. Institute for Environmental Conflict Resolution – independent federal agency
- Initial inquiry from FWS – August 2005
- Internal FWS Assessment
- Center for Collaborative Policy selected to conduct CA portion of assessment
- Assessment initiated at MOG – March 2005



Assessment Team Members

- U.S. Institute for Environmental Conflict Resolution (AZ, NV, UT)
 - **Mike Eng (Project Lead)**
 - **Pat Lewis**
 - **Joan Calcagno**
- The Center for Collaborative Policy (CA)
 - **Austin McInerny (CCP Team Lead)**
 - **Dale Schaffer**
 - **Greg Bourne**



Purpose and Scope of Assessment

Gauge receptivity for concept of Regional Working Groups

Evaluate feasibility

Determine key obstacles

Identify needed assurances to participate

If appropriate, recommend way to proceed



 106 interviews conducted May - August

California: 51 Utah: 14

Nevada: 37 Arizona: 4

 Interviewees: federal, tribal, state, local agency and elected officials; conservation, recreation, scientific, commercial, ranching, utility, and mining interest representatives

Web survey: 23 responses



Approach to Feasibility Analysis

Key elements in assessing feasibility of collaborative Regional Working Groups:

- **Potential for creating shared goal**
- **Potential for jointly crafting solutions**
- **Information available to inform deliberations**
- **Adequate funding and staff resources**
- **Support of agency & organizational leadership**
- **Willingness and incentives to participate**
- **Availability of conveners, neutral forum, impartial facilitation, process management**



Feasibility Assessment Scorecard Exercise

MOG Feasibility Scorecard Exercise Worksheet Tabulation

Form #	Question Number													Total
	A	B	C	D	E	F	G	H	I	J	K	L	M	
Average	3.7	3.6	3.4	3.3	3.3	2.3	3.7	3.7	3.6	3.3	3.4	3.8	3.7	44.90244
Std Dev	0.7	0.7	0.7	1.0	0.8	0.9	0.9	0.8	1.0	0.9	0.9	0.7	0.8	5.6
Mode	4	4	4	3	3	2	4	4	4	4	4	4	4	

Feasibility Assessment Scorecard Exercise Results

Incentives Identified:

- **Avoid litigation**
- **Potential regional delisting opportunities**
- **Opportunities for meaningful participation**
- **Continue use of areas along with designation of closed areas**
- **A more quantifiable plan**
- **Get current data on the table**
- **Having a voice**
- **Partnership building to conserve listed species**
- **Regulatory relief**
- **Pool funds and expertise**
- **Buy-in**



Feasibility Analysis Conclusions

Not recommended to proceed directly with convening Regional Working Groups

Collaborative process may be feasible using a stepwise approach to....

Create foundation for constructive engagement

Design process collaboratively

Identify credible base of information

Build joint ownership and confidence in process

Develop shared accountability for making progress

Establish required organizational structures



Recommendations for Proceeding Towards Collaborative Process

1) FWS Reaffirm Commitment to Collaboration

- ✓ **Articulate meaning of “collaboration”**
- ✓ **Confirm “Basic Principles” to guide process**
- ✓ **Proposed roles of other federal, tribal, state, local agencies and nongovernmental stakeholders**
- ✓ **Indicate level of agreement being sought and/or required, and with which entities**
- ✓ **Establish overall timeline, realistic milestones and deadlines**
- ✓ **Indicate fallback process if collaboration not successful**



Spectrum of Engagement in Shared Decision-Making

INCREASING DEGREE OF INFLUENCE

Involve

FWS engages directly with interested stakeholders to ensure their issues and concerns are understood, seriously considered, and directly reflected in the proposal being developed. Feedback is provided on how their input influenced the final decision.

Collaborate

FWS engages directly with others who are interested in working together to jointly develop solutions to achieve the shared goal of desert tortoise recovery. The mutual commitment is to work hard to seek agreement on solutions, if possible. while recognizing that FWS cannot delegate its authority and ultimately retains responsibility for making final decisions.

Partner

FWS and other governmental entities who have management authorities and shared responsibility for endangered species partner directly to jointly address the challenges of recovering the desert tortoise. These partners hold themselves mutually accountable for achieving the goal of recovery.



Recommendations - continued

2) FWS Reiterate and Clarify Recovery Planning Policies, Parameters, and Possibilities

- How will RU, DPS, DWMA concepts be utilized (or not) in recovery planning process?
- Basis for geographical boundaries of Regional Working Groups
- Relationship between Sec. 10 Take Permits and recovery responsibilities
- Clarify possibility for:
 - Revising Critical Habitat, Recovery Unit, DWMA designations
 - “Safe Harbor” agreements
 - Delisting by Recovery Unit as Recovery Criteria are achieved



Recommendations - continued

3) Reinvigorate the MOG

- ✓ Clarify and confirm purpose of MOG
- ✓ Clarify relationship between MOG and DMG
- ✓ Clarify and confirm role and responsibilities of various MOG participants
- ✓ Reaffirm commitment of agency leadership to MOG process
- ✓ Document mutual understandings and expectations in MOU



Recommendations - continued

4) FWS & Partners Address Resource Requirements

- **Staffing support**
- **Travel support for participants (as required)**
- **Neutral process design and facilitation**
- **GIS Decision Support Tools and Models**
- **Additional joint fact-finding (as required)**
- **Negotiate cost-sharing arrangements**
- **Identify stakeholder contributions (if any)**



Recommendations - continued

5) Establish organizational structure for collaboration



Proposed Organizational Design for Collaboratively Developing Revised Recovery Action Plan

**U.S. Fish & Wildlife
Service**

**Management
Oversight Group**

Range-Wide Planning Team

**Range-wide
Interagency Recovery
Planning Team** + **Range-wide
Recovery Planning
Stakeholder Advisory Team**

Region X Working Group

**Interagency
Planning Team** + **Stakeholder
Advisory Team**

Region Y Working Group

**Interagency
Planning Team** + **Stakeholder
Advisory Team**

Region Z Working Group

**Interagency
Planning Team** + **Stakeholder
Advisory Team**

**State/Local
Workshops**

**State/Local
Workshops**

**State/Local
Workshops**



Suggested Next Steps

Solicit feedback on Draft Situation Assessment Report

Interested parties review Draft Report; discuss internally their willingness to support proposed approach; provide feedback and comments to USIECR

USIECR develops Summary of Comments

FWS considers feedback and proposes to MOG how to proceed

If agreed, MOG appoints Range-Wide Interagency Recovery Planning Team



Proposed Timeline

Draft Situation Assessment Report – September 15

Comments due on Draft Report – October 27

USIECR issues Summary of Comments – Nov. 10

FWS/DTRO proposes how to proceed – February
MOG Meeting ??

MOG appoints Range-Wide Interagency Recovery
Planning Team – March 2007 ??

Range-Wide Interagency Planning Team appoints
Stakeholder Advisory Team – April 2007 ??



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