

Working at the Landscape Scale:  
Lessons from the Desert Renewable Energy Conservation  
Planning Process

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## Abstract

The state of California has one of the most aggressive renewable energy portfolio standards in the country with a goal of renewable energy sources supplying 50 percent of utility retail sales by 2030. At the same time, the Department of Interior has a goal of producing 20,000 megawatts of clean energy from public lands by 2020. The Desert Renewable Energy Conservation Plan (DRECP) was a 22.5 million acre joint federal-state planning effort by the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service, California Energy Commission, and California Department of Fish and Wildlife to streamline the permitting process for renewable energy projects proposed in the California desert while allowing for the conservation and improvement of ecological and social resources. Due to its geographic scale and level of governmental and stakeholder collaboration, the DRECP was one of the most ambitious attempts at landscape-scale planning to date.

As a requirement for the University of Michigan's School of Natural Resources and Environment (SNRE) Capstone Master's Project, four SNRE students performed an evaluation of the six-year planning process that created the Draft DRECP. Drawing from data collected from over 60 interviews of individuals involved, this report analyzes the six-year process by which the Draft DRECP was created to produce a series of lessons learned. These lessons are categorized by major elements of the process, including (1) *Governance Structure*, (2) *Science and Analysis*, (3) *Public and Stakeholder Engagement*, and (4) *Tribal Consultation*. The report concludes by making a series of recommendations for future landscape-scale planning processes.

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## List of Acronyms

<b>ACE:</b> Areas of Conservation Emphasis	<b>GCP:</b> General Conservation Plan
<b>ACEC:</b> Area of Critical Environmental Concern	<b>GIS:</b> Geographic Information System
<b>BLM:</b> U.S. Bureau of Land Management	<b>HCP:</b> Habitat Conservation Plans
<b>CBI:</b> Conservation Biology Institute	<b>ISAP:</b> Independent Science Advisory Panel
<b>CDCA:</b> California Desert Conservation Area	<b>LCC:</b> Landscape Conservation Cooperative
<b>CDFW:</b> California Department of Fish and Wildlife	<b>LUPA:</b> Land Use Plan Amendment
<b>CEC:</b> California Energy Commission	<b>MOA:</b> Memorandum of Agreement
<b>CEQA:</b> California Environmental Quality Act	<b>MOU:</b> Memorandum of Understanding
<b>CESA:</b> California Endangered Species Act	<b>NCCPA:</b> Natural Communities Conservation Planning Act
<b>CFLRP:</b> Collaborative Forest Landscape Restoration Program	<b>NCCP:</b> Natural Community Conservation Plan
<b>CPUC:</b> California Public Utilities Commission	<b>NEPA:</b> National Environmental Policy Act
<b>CSLC:</b> California State Lands Commission	<b>NPS:</b> National Park Service
<b>DFA:</b> Development Focus Area	<b>OHV:</b> Off-highway Vehicle
<b>DFG:</b> California Department of Fish and Game	<b>REA:</b> Rapid Ecological Assessment
<b>DOI:</b> Department of Interior	<b>REAT:</b> Renewable Energy Action Team
<b>DOD:</b> U.S. Department of Defense	<b>REPG:</b> Renewable Energy Policy Group
<b>DOE:</b> U.S. Department of Energy	<b>RETI:</b> Renewable Energy Transmission Initiative
<b>DRECP:</b> Desert Renewable Energy Conservation Plan	<b>RMP:</b> Resource Management Plan
<b>EEMS:</b> Environmental Evaluation Modeling System	<b>RPS:</b> Renewable Portfolio Standard
<b>EIS:</b> Environmental Impact Statement	<b>SEZ:</b> Solar Energy Zones
<b>EO:</b> Executive Order	<b>Solar PEIS:</b> Six-State Programmatic Environmental Impact Statement or Western Solar Plan
<b>EIR:</b> Environmental Impact Report	<b>TLC:</b> Tribal-Federal Leadership Conferences or Tribal Leadership Forums
<b>ESA:</b> Endangered Species Act	<b>USFWS:</b> United States Fish and Wildlife Service
<b>FLPMA:</b> Federal Land Policy Management Act of 1976	<b>USFS:</b> United States Forest Service
	<b>WEMO:</b> Western Mojave Plan

# **SECTION 1:**

## **Introduction**

The DRECP was a 22.5-million-acre landscape-level conservation plan aimed at streamlining the permitting process of renewable energy projects in the California desert while providing conservation for a set of selected species, resources, and activities. The land covered in the plan was private, state, and federal land. The DRECP planning area extended over all or part of seven counties - Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego - and 21 cities. The entire aim of the DRECP was to create a more efficient way of permitting renewable energy projects in the southern California desert while conserving important ecological and cultural resources.

The process began in late 2008 and saw its draft document released in late 2014. This draft plan identified development focus areas that were determined to be well-suited for renewable energy projects thanks to their high energy resource concentration and lower social and ecological resource values. The plan covered dozens of species and natural communities in addition to recreation, cultural, and other human resources.

This process was very significant because it represented a paradigm shift in the way the BLM approaches land management. Previously, uses of the land would be evaluated in an individual, project-by-project manner with little attention paid to the cumulative impacts of these uses on a landscape. The DRECP attempted to survey the landscape first to identify places well-suited for certain uses (renewable energy development, recreation, conservation) and then designate areas for each given their cumulative effects on ecological and cultural resources across the landscape. This new “smart from the start” landscape-level approach seen for one of the first times in the DRECP is a strategy BLM is interested in replicating in the future.

This report examines and analyzes the process by which the DRECP was created and what lessons and recommendations can be gleaned from it. The findings of this report attempt to extrapolate lessons from this process and make recommendations based on these lessons for how future landscape-level planning processes may be done more efficiently and effectively. The authors were asked by the Bureau of Land Management (BLM) California state office to answer three primary questions:

1. *Can landscape-level planning at this scale and complexity be successful and meaningful?*
2. *What about the DRECP has been effective and can serve as a good model for future efforts?*
3. *What could be done differently to improve future landscape-level planning efforts?*

## Purpose and Need

Today’s conservation challenges are larger than any one person or entity can handle alone. They require coordinated action across jurisdictional boundaries and among many parties. They require a greater understanding of the complexity and interdependence of ecological and social systems. They require immediate action as well as long-term planning. As a society, we do not have the systems in place to combat environmental problems at the appropriate ecological scale in a comprehensive and effective way. Consequently, large and often intense conflicts occur between local, state, and federal governments, as well as private and public entities living and working in these regions (Yaffee, 1996; Wondolleck & Yaffee, 2000; McKinney and Johnson, 2009; Heikkila and Gerlak, 2005).

Landscape-level conservation planning has emerged as one of the primary strategies to holistically address these scenarios for effective and enduring outcomes. The primary goal of landscape-level conservation planning is to manage natural resources at a scale that transcends jurisdictional lines

through ecoregional collaborative planning processes in order to restore and maintain ecosystem function while allowing human use on a sustainable basis (Yaffee, 1999; Mckinney and Johnson, 2009). The benefits of this approach are many. They include multi-benefit outcomes, increased financial, technical and institutional capacity, and greater ability to deal with cumulative impacts and uncertainty (Mckinney and Johnson, 2009; McKinney, Scarlett, & Kemmis, 2011).

Despite these benefits, landscape-level planning processes also present many challenges. Due to their scope and scale, they are much more time and resource intensive for all parties involved. This approach also requires “rethinking many basic assumptions of management, including such sacrosanct notions as management boundaries, the primacy of use versus protection, and the amount of decision-making power shared with outside groups” (Yaffee, 1999). Such shifts are not simple to achieve and are often thwarted by clashes in fundamental beliefs, laws and policies, agency cultures, a lack of a clearly articulated coordinated strategy, absence of sufficient policy and legal tools, and fragmented financial investments (Mckinney and Johnson, 2009; McKinney, Scarlett, & Kemmis, 2011).

While landscape-level conservation planning initiatives have occurred in the past - the Northwest Forest Plan, the Chesapeake Bay Program, and the CALFED Bay-Delta Program - there is renewed interest in using this approach. At the federal level, landscape-level conservation planning has increasingly become the focus of Obama Administration natural resource initiatives. The U.S. Forest Service has implemented the Collaborative Forest Landscape Restoration Program, the U.S. Fish and Wildlife Service (USFWS) has initiated Landscape Conservation Cooperatives as a part of its Strategic Habitat Conservation program, and the BLM has been employing Rapid Ecoregional Assessments to look at landscape-level environmental and land use conditions since 2010. Further, in 2012, a network of practitioners, called the Practitioner's Network for Large Landscape Conservation, was created to begin building the capacity for large landscape conservation at various scales and across sectors.

These and other landscape-scale efforts represent a move away from traditional project-by-project methods of conservation planning and natural resource management - in which agencies primarily created plans within individual administrative units - to planning across multiple units and public and private lands using an “all lands approach” (Charnley, 2015; Jacobson, 2012; Mckinney and Johnson, 2009; Wondolleck & Yaffee, 2000).

Research on past processes have shown that there are several key aspects that help make landscape-level planning successful. For instance, the use of collaborative decision-making approaches, specifically ones with effective public and stakeholder involvement, is the best indicator for success (Yaffee, 1996). A history of trust and communication among actors facilitated by strong leadership can help build a shared understanding of the problem and mobilize collective action, also helps foster effective landscape-level planning processes (Yaffee, 1996; Heikkila & Gerlak, 2005). The development of “knowledge pools,” or effective networks for creating and sharing information, is another important factor in successful landscape-level planning processes (Yaffee and Wondolleck, 1996). Processes that were educational, innovative, and adaptive were more successful because they were able to alleviate public opposition and overcome problems with agency culture (Yaffee, 1996; Heikkila & Gerlak, 2005). In addition, when all stakeholders involved in a landscape endeavor had mutual understanding of the ecological problems facing the region, the process tended to be more effective (Yaffee and Wondolleck, 1996). Finally, the most successful efforts did not emerge organically or spontaneously. They often evolved on the heels of prior attempts, planning processes, and concerted efforts by national and state leaders. “These prior organizational efforts gave the



various stakeholders experience in working together and in many ways allowed leadership to crystallize in the regions, paving the way for the larger collaborative arrangements," (Heikkila & Gerlak, 2005).

These past and current conservation initiatives vary widely in process, scale, and outcome (Heikkila and Gerlak, 2005; Mckinney and Johnson, 2009). This is the result of several key distinctions among landscape-level planning processes, such as: (1) the issue, or range of issues, under consideration, (2) the degree of acceptance and understanding of the issue or issues, (3) the geographic scale, (4) the ecological context, (5) the type of governance structure, (6) the strength of existing collaborative partnerships and relationships, and (7) the method for establishing long-term applicability (Mckinney, Scarlett, and Kemmis, 2011). Due to this variability, a gap in understanding still exists between the theory and practice of landscape-level conservation planning.

The DRECP is an example of this “all lands approach” and provides an opportunity to close the gap between the theory and practice of landscape-level conservation planning. It represents one of the most ambitious attempts at collaborative, landscape-level natural resource planning ever undertaken and the first to have a focus on planning for renewable energy. It saw intensive collaboration among state and federal government agencies as well as a highly diverse range of stakeholders. Academic literature exists about landscape-level and collaborative planning, however little research has been done on processes of this scale. With growing interest from the Obama Administration and Department of Interior in using landscape-level conservation planning for the management of public lands, the DRECP was selected for study in order to produce lessons and recommendations that may help improve the efficiency and effectiveness of similar processes in the future.

The goal of this report is to provide the BLM with a set of recommendations for future landscape-level collaborative planning efforts that are informed by lessons gathered from the DRECP process. It is the hope of the authors that this report will provide the BLM as well as the broader audience of practitioners and interested parties with a review of the challenges and successes of this process as well as helpful ideas about how to approach similar situations in the future.

## Structure of the Report

This report is divided into five sections. Section 1 consists of the table of contents as well as the methodology used over the course of the project. It contains a comprehensive overview of the process by which the final set of lessons, conclusions, and recommendations were created.

Section 2 is the background of the DRECP process. This section aims to orient the reader with what exactly the DRECP was, how it was set up, and how it evolved over time. This section was written for the reader not familiar with all aspects of the DRECP and therefore goes into the detail of events leading to the process and its outlook into the future. This section also covers background of the DRECP process. It provides an overview of the planning region, the catalyst for the plan, major events and components of the planning process, and its outcome.

Section 3 consists of four chapters each containing lessons gathered from the DRECP process. Chapter 1 discusses lessons about the governance structure. Chapter 2 covers lessons from the science and its analysis that informed decisions made during the process. Chapter 3 relates lessons

from the stakeholder engagement element of the process. Lastly, Chapter 4 consists of lessons revolving around the tribal consultation component of the DRECP.

Section 4 contains conclusions and recommendations, which are informed by the lessons in Section 3. The recommendations were created to be helpful to future landscape-level planning processes.

## Methods

Based on the composition of the project and the needs of the client, the research team identified a need to perform a literature review and create an evaluative framework; a set of questions to ask and determine whether the DRECP adequately fulfilled its roles and needs. To inform this report, the research team conducted over 60 hour-long interviews with people representing federal, state, local, and tribal governments, consultants, scientists, and a range of stakeholders. These interviews were mostly performed over the phone with a handful being completed in person in California and Michigan. Overall, these interviews were used to validate ideas and concepts from the literature, the Draft DRECP, as well as our evaluative framework.

The scope of the report was determined in large part by the necessity of timing. The DRECP was an ongoing process at the time the research team needed to finalize the scope of the report and as a result a cutoff point for research needed to be established. The decision was made to analyze the DRECP up through the splitting of the plan into its phased approach in March 2015 as this allowed for a review of the six-year process leading up to the release of the Draft DRECP and its public comment period.

### Development of Evaluative Framework and Research Questions

Early on in the process of creating this report an evaluative framework was created. The evaluative framework was a matrix of topic areas (such as science and its analysis) and questions related to landscape-level collaborative planning within these topics. It was informed by scoping interviews as well as the literature review and can be found in Section 5.

<b>Overall Research Questions</b>	
	WHAT WAS THE NATURE OF THE DRECP PROCESS?
	WHAT WERE ITS MAIN BARRIERS, CHALLENGES AND SUCCESSES?
	HOW DID CAPACITY AND RESOURCES IMPACT THE DRECP PROCESS?
	HOW DID THE DRECP RECONCILE ISSUES OF SCALE?
	UNDER WHAT CONDITIONS COULD COMPONENTS OF THE PROCESS BE TRANSFERRED TO OTHER SITUATIONS?

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<b>LENSES OF ANALYSIS AND CHAPTER RESEARCH QUESTIONS</b>	
<b>GOVERNANCE STRUCTURE</b>	How were the challenges created by interagency collaboration at the landscape scale addressed?
	How did the DRECP reconcile differences between local, state, and federal laws, policies, and procedures?
	How did the ebb and flow of capacity and resources impact the REAT agencies?
	What strategies were used to organize and staff this landscape-scale, multi-year process?
<b>SCIENCE &amp; ANALYSIS</b>	What was most effective about building a database for the DRECP and how did it alter the planning process?
	What did the planners of the DRECP do to increase understanding throughout the planning process and how did these steps shape the plan?
	How did the DRECP attempt to increase the legitimacy and credibility in its science and analysis and which aspects were effective or ineffective for a process of this nature?
	How did the DRECP incorporate the scale of the planning area with the usable scientific knowledge and how did this affect the DRECP?
	What steps did the DRECP take to ensure the plan included an adaptive management element and how effective was this in allowing for future iterations of management strategies?
<b>STAKEHOLDER ENGAGEMENT</b>	What did the DRECP do to achieve early public and stakeholder participation?
	How did the DRECP structure itself to foster meaningful engagement?
	What has been done to cultivate collaboration throughout the DRECP process?
	What was done the DRECP use to integrate local governments in the DRECP?
<b>TRIBAL CONSULTATION</b>	What did the DRECP do to ensure early and committed tribal engagement?
	How did the DRECP structure itself to engage in an effective and legally sound government-to-government consultation relationship with tribes?
	How did the DRECP’s relationship with tribes demonstrate a true “good faith effort?”
	What methods did the DRECP use to integrate tribes’ Traditional Ecological Knowledge (TEK) into the Plan?

## Creation of Contact Database

An initial list of interviewees was created by reviewing those listed on the DRECP website as being members of the Stakeholder Committee. This list included over 40 individuals and was input into a database containing titles, contact information and history, topic area for questioning, and lead contact from the group. Following this initial list of contacts, snowball sampling techniques were used at the end of every interview to generate additional contacts.

## Literature Review

A literature review was conducted to help generate research questions, inform the creation of the evaluation framework, and enhance the overall knowledge of the research team. Articles were selected in the categories of landscape-level conservation, landscape-level planning, collaborative planning, California desert ecology, planning for renewable energy, and California and federal natural resource management laws and policies. Each member of the team would read unique literature and at weekly meetings present their findings as well as share written summaries.

## Scoping Interviews

Scoping interviews were conducted to build a greater understanding of the DRECP process before research questions were finalized. Nine interviews were performed between March and May of 2015 with individuals from state and federal government agencies, stakeholders, and environmental consultants. These conversations also helped improve interview questions and techniques. Each interview was recorded so that it could be transcribed, coded, and reviewed by the group.

## Development of Interview Questions

Following the scoping interviews, an initial set of interview questions for all interviewees was developed during team meetings and brainstorming sessions. These questions were drafted by the authors and approved by the advisor as being representative of how to analyze this process. These were utilized for the first round of interviews. After this, specific questions were generated for each interviewee depending on their expertise and involvement in the DRECP process.

The scoping interviews used a rough draft of the finalized questions that were going to be asked and was used to see which questions were beneficial. The final interview questions were developed during team meetings and brainstorm sessions following the scoping interviews with the input of all research team members. The main points of analysis for interview questions revolved around the politics, science, and stakeholder engagement of the DRECP. The questions posed were selected based on the involvement of the interviewee and how their role impacted the DRECP process.

## Primary Interviews

Primary interviews were performed in the spring, summer, and autumn of 2015. These semi-structured interviews represented the bulk of the data collection for this report. There were 65 individuals interviewed during this phase of our process. These interviews were mostly over the phone but about one third were performed in-person during a site visit. Most interviews were performed with one interviewee but several consisted of multiple respondents at once. Each

interview was recorded, transcribed, coded, and summarized for the benefit of team members who could not participate in the interview.

Because of the magnitude and diversity of individuals involved in the DRECP, the team sought to include an array of perspectives when setting up interviews. This included federal and state government personnel as well as representatives of major stakeholder groups, local government officials, and Tribal spokespersons. The team also attempted to speak with individuals from the executive level to the community level. Due to time and resource restrictions representative sampling was used to obtain viewpoints from stakeholders involved with creating the DRECP.

## Site Visit

A site visit was performed in August 2015 in which team members visited Sacramento, CA and the DRECP Planning Area. In-person interviews were performed with federal, state, and local government officials as well as stakeholders. Wind and solar energy facilities within the planning region were observed from publicly accessible vantage points. Off-road vehicle recreation areas and conservation lands were also observed.

## Data Analysis

Following the completion of primary interviews, the data was analyzed in order to create a set of lessons and recommendations. Data analysis consisted of three parts: (1) transcriptions, (2) coding of transcriptions, and (3) memorandums. In total, over 60 in-person, hour-long interviews were performed to gather data for this report.

*Transcriptions.* Following each interview (scoping and primary) the recording was transcribed by the individual who led the interview. This transcription included timestamps of important topics and quotes for easier reference in the future.

*Coding of Transcriptions.* Each transcription was coded with tags relating to topic areas such as “stakeholder committee,” “science,” or “funding,” as it related to the DRECP. These codes were used by the research team for reference during the synthesis of findings. The full list of these codes can be found in the Appendix.

*Memorandums.* After each interview written and verbal memorandums were created. These included high level insights and points from each interview. Then after each interview was transcribed and coded, the memorandums were fleshed out to include a background of the interviewee, a “notes and quotes” section including the main points brought up during the interview with relevant quotations, and the transcription of the interview.

## Synthesis of Findings

Once all the data was collected it was organized so as to begin shaping the report. To synthesize findings every memorandum and the coded transcripts were utilized to find points that were triangulated by three or more interviewees because this meant it was significant enough to include in the report. Points that were not triangulated were noted and brought up during the follow-up interviews. The significant points were then organized based on their topic area (governance

structure, science and its analysis, stakeholder engagement, or tribal consultation) and delegated to the group member taking the lead on each chapter within Section 3.

## Follow-up Interviews

In order to fill knowledge gaps and triangulate points for the report, follow-up interviews were performed in the fall of 2015 and winter of 2016. Seven additional interviews were conducted with individuals from state and federal agencies, non-profits, utility companies, stakeholders, tribes, and environmental consultants. Identical to the first interviews, each interview was recorded, transcribed, coded, and summarized for the team.

## Internal Review

Having gathered all the necessary data for synthesis and analysis, brainstorm sessions and workshops were held by the authors to generate ideas and content for the lessons and recommendations sections of the report. The sessions and workshops consisted of the creation of lists and points of analysis to include in Sections 3 and 4 of the report.

## Presentations

*Michigan.* An initial presentation of findings was made to the School of Natural Resources and Environment faculty and students in April 2016. This presentation outlined the scope and methodology of the report as well as stated preliminary lessons and recommendations.

*California.* A comprehensive presentation of findings was delivered in July 2016 in Sacramento, CA. Audiences included BLM and other interested DOI individuals.

## **SECTION 2**

### **What was the Desert Renewable Energy Conservation Planning Process?**

Process is important. The reasons and ways a planning process is structured, and the context in which it emerges all have a great influence over the outcomes it is ultimately able to produce. To understand the Desert Renewable Energy Conservation Planning (DRECP) Process it is important to understand its natural and social context, the reasons it came about, and the key events that unfolded throughout its six years.

This section will cover the ecological, social, and legal context that existed in the southern California deserts and how these factors helped shape the DRECP planning process. It will then tell the story of the events leading up to the DRECP, the catalyst for the plan, and the major events that occurred during its creation. The section will conclude by summarizing key elements of the Draft DRECP Document and its plan for implementation. More detailed overviews and accounts of the four aspects of the DRECP analyzed – Governance Structure, Science and Analysis, Public and Stakeholder Engagement, and Tribal Consultation – can be found in Section 3.

*Note: As was covered in Section 1, this report studied the DRECP from the time of its inception in 2008 to the March 2015 announcement that the process was proceeding in a “phased approach.” Information and ideas presented here pertain to this period of time and the Draft DRECP document that was released in September 2014.*

## THE DRECP & ITS CONTEXT

**What is the DRECP Planning Process?** The DRECP process was a six-year joint federal, state, and local landscape-level planning process with two main goals: (1) to facilitate utility scale renewable energy and transmission development and (2) to conserve desert natural and cultural resources. Instead of only focusing on a single land designation type, the process tried to apply an all-lands approach; an approach that would cover all lands regardless of ownership. The ultimate product was supposed to be a joint federal-state-local land use plan intended to guide the development of renewable energy projects on 22.5 million acres of private and public lands in the southern California deserts – an area that is roughly one-third of California’s total land mass or roughly the size of Indiana.

Legally speaking, the final product was intended to be an Environmental Impact Statement/Environmental Impact Review (EIS/EIR) under NEPA and CEQA that would include a Land Use Plan Amendment (LUPA), a General Conservation Plan (GCP) as required by the Federal ESA, and a Natural Communities Conservation Plan (NCCP) required by the state NCCPA (see Legal and Policy Context below). In addition, the DRECP process was supposed to assist and align with each of the counties’ local land use planning processes approach to renewable energy development, although this goal was not as clearly articulated throughout the process.

Even though the plan ultimately split in March 2015 into two separate processes – one for federal lands and another for state and private lands – thanks to its great geographic size and comprehensive approach to collaboration among government agencies and stakeholders, the DRECP was one of the most ambitious landscape-level planning efforts ever undertaken.



**DRECP Governance Structure.** While many state and federal government agencies participated in the DRECP process, the primary collaborative agencies were the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFWS), California Energy Commission (CEC), and California Department of Fish and Wildlife (CDFW). Two main governance structures

were created to manage the DRECP: (1) the Renewable Energy Action Team (REAT) and (2) the Renewable Energy Policy Group (REPG). The REAT was a formal collaboration between the BLM, USFWS, CEC, and the CDFW. The REPG was an executive board comprised of senior leadership from the Department of the Interior, the California Governor's Office, and the REAT agencies. The BLM, USFWS, CEC, CDFW, DOI, and State of California signed multiple Memoranda of Understanding (MOUs) establishing these structures and signaling their commitment to working together in the DRECP process. Over the six years of the process the REAT and the REPG became the primary venues in which leadership staff from each of the agencies would meet to build mutual understanding of issues related to the DRECP, resolve outstanding conflicts, and otherwise make decisions.



**Figure 2.** The DRECP's Planning area covering 22.5 million acres and seven counties. *Map courtesy of [www.drecp.org](http://www.drecp.org).*

**The DRECP Planning Region & its Boundaries.** The DRECP was not only complex due to its commitment to an all-lands approach and the joint federal-state-local collaboration, but also due to the immensity of its Planning Region – a seven county area situated in the southeastern corner of the state of California.

It covered over 22,500,000 acres (about 35,000 square miles) in what was primarily a desert landscape (see Figure 2). Unlike some planning efforts, according to the agencies that worked on the plan, the Planning Region's boundaries were created by first removing the political boundaries. A BLM manager explained, "At the beginning we took all of the lines off the map... We started with

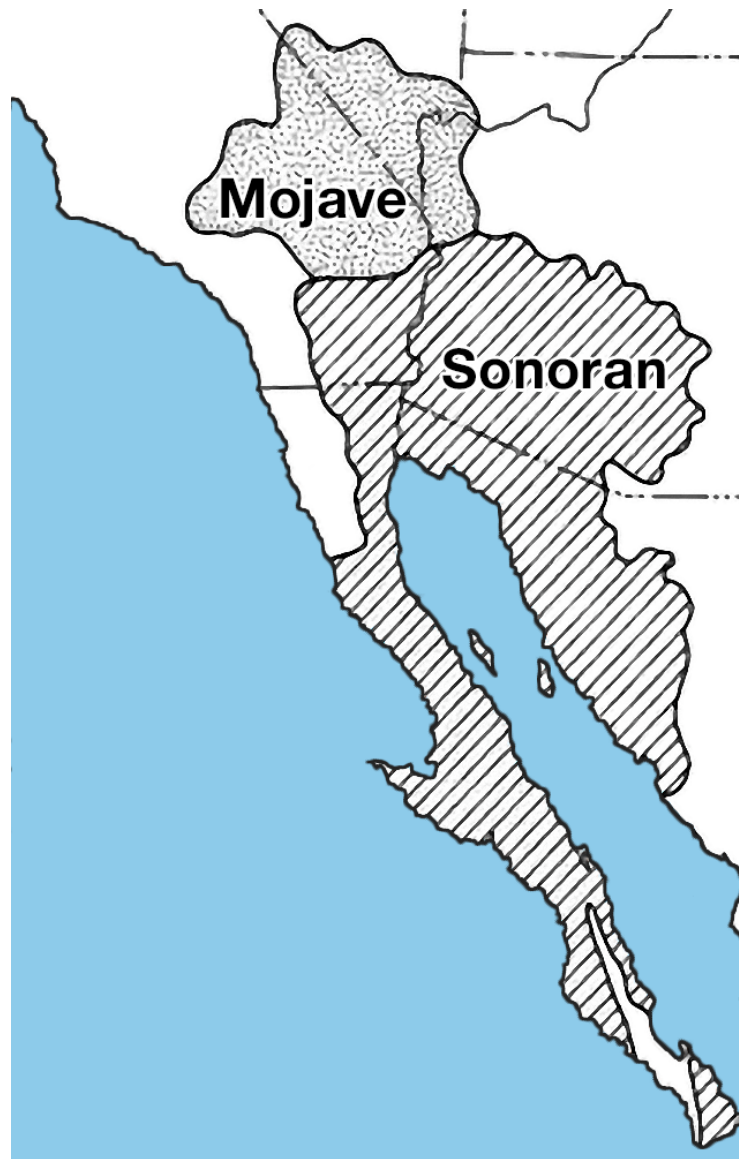
the basics... [asking] what do we need biologically to have ecological function and to conserve the natural communities in the desert? Then we [started] to layer on the legal and regulatory layering.”<sup>1</sup>

As a result, the DRECP’s initial boundaries were defined by two main ecoregions – the Mojave Desert and the Sonoran Desert (see Figure 3). The Sierra Nevada and Tehachapi mountain ranges then created the Plan’s north and northwest edges, and the Peninsular and Transverse mountain ranges lay on its western side. The REAT agencies paid special attention to ensure the Plan’s boundaries included migration corridors of key species in the region and aligned with existing habitat conservation plans.

To maintain the desert integrity of the landscape, they also specifically did not include the urban areas of Los Angeles or the more forested areas managed by the U.S. Forest Service (USFS) on the Western side of the state.<sup>2</sup> They next layered on political boundaries. The southern border was defined by the US-Mexico border, and its eastern boundary stopped at the Arizona and Nevada state borders. The Plan Area was further tweaked to ensure it included areas with high renewable energy resource potential, major transmission lines, and areas with high cultural resources to the area’s tribes.

**Ecological Context.** The Plan Area was rich in biological diversity. It was home to 2,000 species of plants and 500 vertebrates, many of which were listed at the federal and/or state level as threatened or endangered. Some of the most notable of these listed species were the Desert tortoise (*Gopherus agassizii* and *Gopherus morafkai*), Mohave ground squirrel (*Xerospermophilus mohavensis*), Big horned sheep (*Ovis canadensis*), Golden eagle (*Aquila chrysaetos*), and the Mohave fringe-toed lizard (*Uma scoparia*).

Due to this great biodiversity, the DRECP Planning Region was one of the most studied desert regions in the world.<sup>3</sup> An incredible amount of data and research from universities, nonprofits, and federal and state agencies existed across the region. However, at the time each entity had their own ways of storing and collecting data and there was little coordination among these resources. The



**Figure 3.** The DRECP’s Planning Area’s boundaries included two ecoregions: the Mojave and Sonoran deserts. Map courtesy of [www.wikimedia.org](http://www.wikimedia.org).

Planning Area further contained many threats to the ecological health of the landscape, including - among other things - habitat loss from mining, off-road vehicle use, wildland fire, the release of hazardous materials from industrial and agricultural activities, landfill development, and renewable energy development.<sup>4</sup>

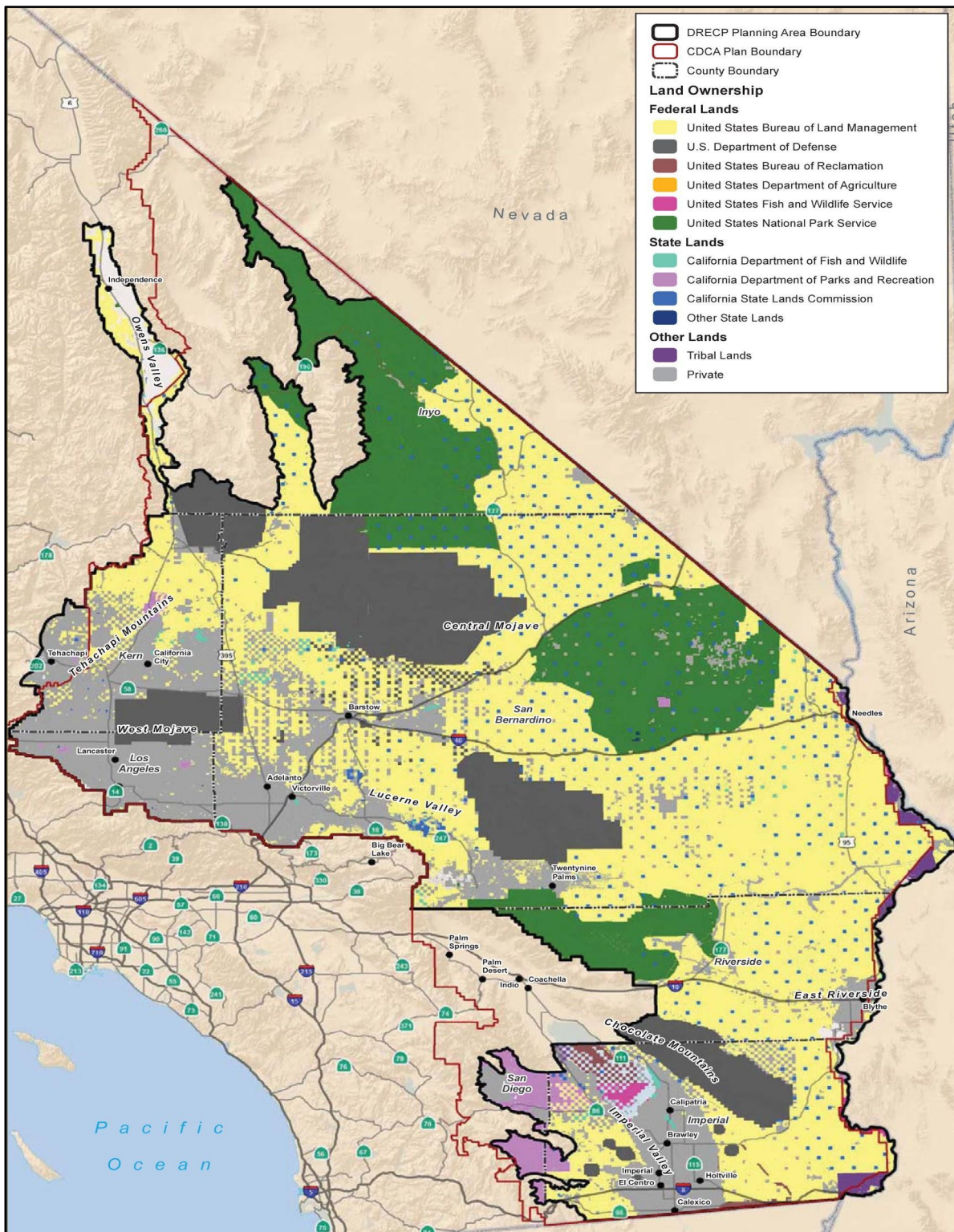
**Social Context.** Lands within the DRECP Plan Region were a patchwork of ownership and use. As shown in Figure 2.x, numerous federal, tribal, state, and local governments were responsible for managing the DRECP Planning Region lands. Each of these governmental entities maintained their lands according to their own missions, mandates, and regulatory standards. For federal lands, designations included two National Parks, one National Preserve, one National Historic Site, 11 military test and training areas, 5.9 million acres of Wilderness Areas, one Wild and Scenic River, three National Scenic and Historic Trails, and two Special Recreation Management Areas.<sup>5</sup> On the state level these designations included wildlife areas, ecological reserves, state parks, recreation areas, and natural reserves.

At the local government level, the Planning Area extended over all or part of seven counties – Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego – as well as 21 cities. All use and development of private lands within these counties or cities was subject to the authority of those local governments.

Among these cities and counties, significant variability existed between demographics, income, economy, land ownership, and land use. For example, San Bernardino County's population was 51 percent Latino in comparison to Imperial County's 80 percent Latino population. Most counties maintained a more rural character with large tracts of agricultural and publicly owned lands, though some had a higher percentage of privately owned lands with major residential, commercial, and industrial development. Some counties had well-developed renewable energy projects and programs prior to the DRECP while others had not yet integrated renewable energy into their local land use plans and zoning codes. Additionally, residents and local government officials across the counties differed in their ideological support or opposition to renewable energy development.<sup>6</sup>

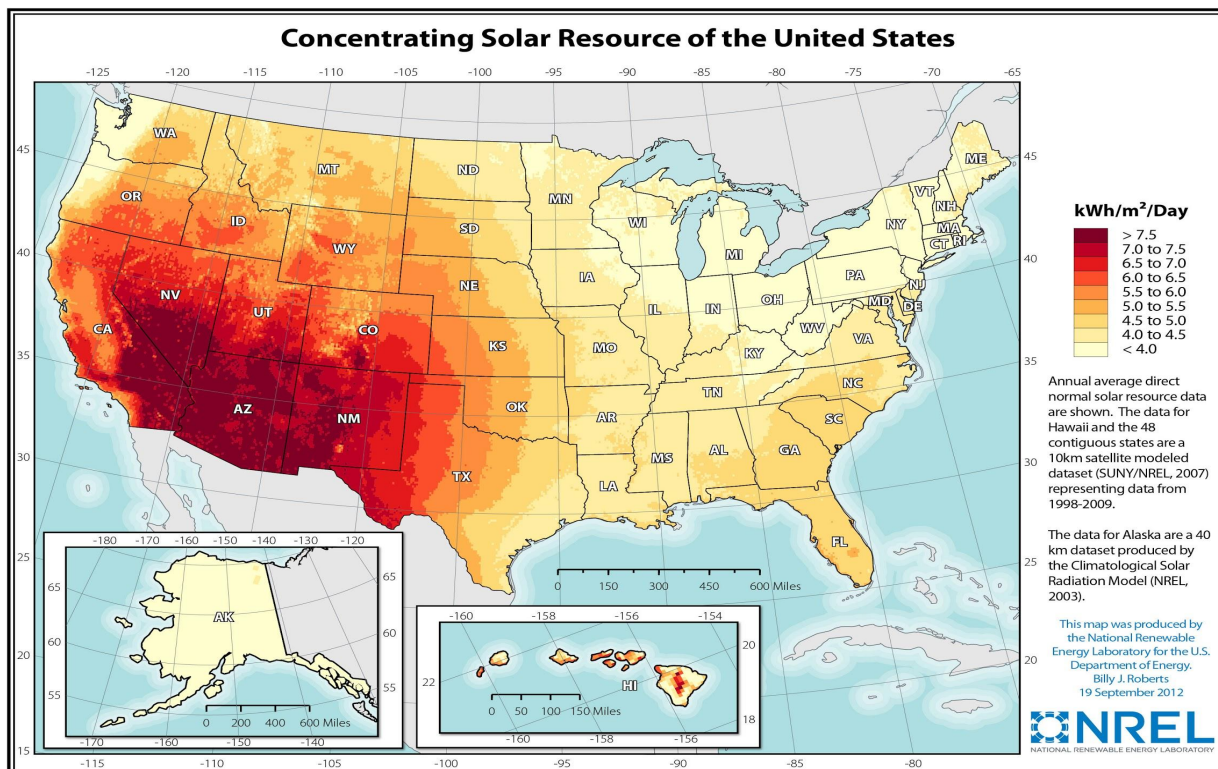
Tribal lands accounted for 0.6 percent of the total DRECP Planning Area, but their cultural resources spanned a much greater area throughout the region. Forty-four federally recognized and nine unrecognized tribal communities fell within the Planning Region. Thanks to their legal designation as sovereign nations, which placed them at the same legal level as another nation, the roles and responsibilities for tribes in a process like the DRECP greatly differed from that of other stakeholders. Further, the tribal communities were highly diverse – each with their own governance structure, population size, history, culture, financial resources, technical expertise, traditional ecological knowledge, and connection to the land.

Working at the Landscape Scale:  
 Lessons from the Desert Renewable Energy Conservation Planning Process



**Figure 4.** Map of land ownership throughout the DRECP's Planning Area. *Map courtesy of [www.drecp.org](http://www.drecp.org).*

**Renewable Energy Resources.** In addition to the great biological, social, and cultural diversity of the region – the DRECP Planning Region contained significant potential for renewable energy production. As shown in Figure 5, the California deserts contained some of the best solar energy resources in the nation. The region was also home to some of the best wind energy resources in the state, and has multiple concentrations of areas known to have potential for geothermal energy production. These resources are located in close proximity to both Los Angeles and San Diego, two of the largest electricity-consuming centers in the state. This high concentration of resources, combined with relatively short transmission distances, helped make the region highly desirable for renewable energy production.



**Figure 5.** Map of United States solar energy resource map. *Map courtesy of National Renewable Energy Laboratory.*

**Legal and Policy Context.** Because the DRECP was supposed to guide both public and private lands, it wrapped each of the local, state, and federal land use planning processes into one large, integrated process. Accordingly, it had to navigate the procedural and content requirements of the applicable laws and policies for all three levels of government.

In the case of the DRECP, the primary laws affecting the process were the National Environmental Policy Act (NEPA), the California Environmental Quality Act (CEQA), the federal Endangered Species Act (ESA), the California Endangered Species Act (CESA), and the state Natural Communities Conservation Planning Act (NCCPA).

**Definition of ‘Take’ under**

**ESA:** In general, take is defined as harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting a listed species.

Both ESA and CESA were designed to protect species from going extinct as a result of economic growth and development. To prevent extinction, these laws prohibit the intentional or unintentional “take” of any species listed as threatened or endangered. Despite their general association as being “green” projects, this legal standard applied to renewable energy development as well.

Under the ESA and CESA, businesses or government agencies can apply to receive incidental take permits that allow a specific set of development activities even if they result in take. To receive a permit, applicants must develop a plan for minimizing or mitigating the impacts of the proposed development on listed species. Because implementation of the DRECP was deemed by the agencies to potentially result in significant impacts to the environment, the full set of requirements under NEPA and CEQA were required to be fulfilled.

In addition, as a joint federal/state plan that would allow developers to simultaneously apply for federal and state incidental take permits, both the ESA and CESA requirements would need to be met. In general, California’s laws were more stringent than the federal counterparts, leading the process to often be driven by the need to meet their standards. Together, CEQA, CESA, and NCCPA usually defined the planning process procedures, including many related to public and stakeholder outreach. They also heavily influenced substantive elements of the plan, such as the covered species list and standards for mitigation of ecological impacts.

The final plan would represent an application for state and federal incidental take permits through the creation of a Natural Communities Conservation Plan (NCCP) and General Conservation Plan (GCP) respectively.

Finally, the DRECP Planning Region was made up of three main BLM resource management areas – the California Desert Conservation Area or the (CDCA), the Bishop Resource Management Area, and the Caliente-Bakersfield Resource Management Area. The DRECP would need to complete a

**Draft DRECP Resource Management Plan Types**

**General Conservation Plan (GCP).** Rather than focusing on the impacts of a single project, GCPs cover an umbrella of listed species and types of actions that could result in their take. The GCP portion of the DRECP covered activities related to the construction, operation, and decommissioning of renewable energy facilities. USFWS has final authority to approve or deny the issuance of take permits to applicants given the quality of the GCP’s impact assessment and mitigation strategies. For the DRECP, applicants included the CEC, California State Lands Commission, and the California Public Utilities Commission, however other agencies or entities (such as counties) could later apply to receive permits under the GCP as well if they agreed to implement its mitigation strategies.

**Natural Communities Conservation Plan (NCCP).** Similar to GCPs, NCCPs are designed to take a bigger picture approach to protecting endangered species by looking at the impacts of types of activities on multiple species within a planning region rather than those of individual projects on individual species. The NCCP portion of the DRECP also covered activities related to renewable energy development. Importantly, while NCCPs are designed to work at a large scale, as of August 2015 none of the nine approved NCCPs covered land in more than one county. This made the DRECP process rather novel to the agencies and stakeholders alike. CDFW has final authority to approve or deny an NCCP and its resulting take permits. CEC and California State Lands Commission were applicants for the NCCP.

**Land Use Plan Amendment (LUPA).** The Draft DRECP contained a third resource management plan called a Land Use Plan Amendment. Because BLM was looking to designate preferred areas for renewable energy development, as well as conservation areas to offset their impacts, a LUPA was required to make these changes to the existing resource management plans within the region. The BLM Land Use Planning Handbook provides the agency with policy guidance regarding how to conduct a LUPA, which encourage a collaborative approach with active public participation and tribal consultation throughout the process.

Land Use Plan Amendment (LUPA), for each of these management areas.

Congress directs BLM to prepare and implement a comprehensive and long-range plan for the management, use, development and protection of the public lands within each of these three management areas. In order to modify any of the three management plans, the BLM has to do LUPA.

When the DRECP first began in 2009, it was only going to be an amendment to the CDCA Management Area Plan – but by 2011 it had evolved into an all-lands approach that affected both public and private lands across the 22.5-million-acre area.

The largest of the management areas was the CDCA – a 25 million-acre area, designated by Congress in 1976 through the Federal Land Policy and Management Act (about 10 million acres are managed by the BLM). It's original management plan was created during a large-scale effort in the 1980's that included over 70 meetings and hearings, 9,000 written responses and 40,000 individual comments. The CDCA plan has been updated dozens of time to reflect the complexity of the changing region and guides the management of the CDCA.

The overarching goal of the DRECP was to create a process that would satisfy each of these laws and policies concurrently. In the end, the agencies would have a final plan – a joint EIS/EIR – containing the elements of a USFWS Habitat Conservation Plan (HCP), BLM Land Use Plan Amendment (LUPA), and a CDFW Natural Communities Conservation Plan (NCCP). Some of the laws –specifically NEPA and CEQA - were easy to integrate since the laws had been created to align and the agencies had created joint EIS/EIR documents together before. Some, like the NCCPA, were also written for application at the landscape-level. However, none of the agencies had experience.

## Draft DRECP Relevant Laws

**National Environmental Policy Act (NEPA).** Enacted by Congress in 1970, NEPA requires federal agencies to undergo a public decision-making process when an action is determined to potentially significantly affect the quality of the human environment. The goal of the NEPA process is to produce an informed decision, not necessarily “good” environmental outcomes. The act accomplishes this by requiring procedures aimed at producing sound analysis of the potential environmental impacts of a reasonable range of actions the agency may take. The Draft DRECP represented the Draft Environmental Impact Statement (EIS) step of the process. The EIS must include an analysis of the environmental, economic, recreational, cultural, and other impacts that would occur for each of a range of reasonable alternative actions the agency could take. Reasonable alternatives are described as those that are practical or feasible from a technical, economic, and common sense standpoint.

**California Environmental Quality Act (CEQA).** Enacted by the California legislature in 1970, CEQA is similar to NEPA in its intent to produce informed decisions by government agencies. The act requires a similar process of reviewing potential environmental impacts of agency decisions, including an analysis of potential alternatives. The Draft DRECP represented the Draft Environmental Impact Report (EIR) stage of this process. Similar to NEPA's Draft EIS, the Draft EIR is used to show the environmental impacts of reasonable alternative actions an agency could take. Public comments are solicited and responded to for the document.

**California Endangered Species Act (CESA).** Enacted by the California legislature in 1970, the CAESA is similar to the federal ESA in its intent to protect species from extinction as a result of state-agency decisions. The act prohibits the taking of a threatened or endangered species without an incidental take permit. Take is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The act is administered by the California Department of Fish and Wildlife.

## Local Laws

**County Development Plans.** Seven counties had land that fell within the DRECP planning area (Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and San Diego). Each of these jurisdictions had their own land use plans and regulations that guide development within their borders, most commonly referred to as General Plans. Land types include those that are both publicly owned (schools, parks, police stations, etc.) and privately owned. There are also utility services that comprise local land use plans, including water and sewer facilities, pipelines, and energy facilities and their corresponding transmission and distribution lines. Local land use plans do not inherently apply to federal or state owned lands, however in practice federal and state agencies often take local regulations under consideration when making decisions.

## THE STORY OF THE DRECP PLANNING PROCESS

There were many events and processes in California and throughout the nation that paved the way for the DRECP to materialize. It was the result of external events, political influences, strategic partnerships, national, state, and local leadership and policy priorities, and influential stakeholders. Given the above social, natural, and legal landscape of the region, the following highlights the events that led to the emergence of the DRECP, an overview of the DRECP as a joint federal-state-local planning process, its split in March 2015 into two separate processes, and a synopsis of the produced draft plan.

**Events Leading up to the DRECP [Prior to 2009].** Prior to the DRECP process, the federal government and State of California had already put in place policies promoting the development of renewable energy on public lands. At the national level, in the middle of the George W. Bush Administration, the Energy Policy Act of 2005 was passed by Congress. It called for the generation of 10,000 megawatts of renewable energy on public lands by 2020. Due to the Western states' ample renewable energy resources and their prevalence of public lands, by the end of Bush's second term energy developers were lining up with applications to place large scale projects on public lands throughout the Western U.S. However, while a renewable energy goal had been set, not much was being done by the federal government to achieve it. Prior to 2009, BLM had never approved a solar energy project on their land. And by the time President Bush left office over 400 applications for solar projects on public lands were waiting within the DOI for review.<sup>7</sup>

When President Obama came into office in 2009 his administration wasted no time in making the development of renewable energy on public lands a national concern.<sup>8</sup> In March 2009, Interior Secretary Ken Salazar issued Secretarial Orders 3283<sup>9</sup> and 3285,<sup>10</sup> establishing renewable energy development as a departmental priority, including achieving the goals of the Energy Policy Act and creating a Departmental Task Force on Energy and Climate Change.<sup>11</sup>

At the same time, California was in a prime position to take advantage of this new national emphasis.<sup>12</sup> In 2006, the state legislature passed the California Global Warming Solution Act (AB 32), mandating the reduction in greenhouse gas emissions to 1990 levels by 2020. Additionally, in 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08 mandating 33 percent of California's energy be generated from renewable resources by 2020.

Together these state and federal policies created a demand for increased production of renewable energy electricity. This demand, combined with the fact that the southern California desert was particularly rich in these resources, made the area a prime target for private energy developers looking to fill the need for new projects.

At this time, the BLM began shifting its attention to preparing for this new focus on large-scale renewable energy. Two processes that would have a particularly strong influence on the DRECP included the Solar Programmatic Environmental Impact Statement (Solar PEIS or "Western Solar Plan") and the Renewable Energy Transmission Initiative (RETI) process.

The RETI process began in 2008. It sought to bring together all of the renewable transmission and generation stakeholders in the state of California to participate in a consensus-based process to assess



renewable energy resources across the state. Results from this initiative gave an initial estimation of the amount of renewable energy development that would need to occur on public lands in order to meet California's renewable energy goals.

Also in 2008, BLM began its Western Solar Plan. The goal of this plan was similar to the DRECP: to create preferential zones for utility-scale solar energy development in an attempt to streamline project permitting and improve conservation outcomes. It did this by creating 17 Solar Energy Zones (SEZs) across six southwestern states, including some in California. However, unlike the DRECP, the Western Solar Plan only focused on BLM lands and only solar energy development.

Both of these initiatives helped provide a backbone for how the state of California would deal with large-scale renewable energy development going forward. The idea was that eventually the DRECP would build off both processes.

While these planning processes were taking place, renewable energy developers continued to submit permit applications into the BLM and other relevant agencies for access to California's public lands. However, prior to 2008 California and its agencies had very little large-scale renewable energy permitting activity or experience.

Up to that point in time, the agencies primarily responsible for permitting these projects – the BLM, USFWS, CDFW, and CEC – were working to address the influx of applications on a project-by-project basis. For each project application, California had the federal laws for environmental review, but they also had California's parallel laws, CESA and CEQA. The BLM would first analyze the developers' project proposals, and then propose certain projects that met the agency's mandates and biological objectives. They would then hand the applications to the USFWS for their review, and then the USFWS would send them to the CDFW. The BLM would receive comments back from each; and as an interviewee stated, "it was very laborious."<sup>13</sup>

Further, all of the mitigation – or the financial programs setup to offset the impacts a single development project has on resources at the site – was only being done on a project-by-project, and typically an on-site, basis. A BLM staff stated, "When the Plan began, BLM's policy on mitigation was that we were only allowed to do 'onsite' mitigation. We thought this was ridiculous. But it is what our policies and internal agency culture told us to do."<sup>14</sup> In other words, all mitigation dollars could only be used at the site of the development. There was nothing setup to ensure the funding went to the most biologically important areas in the region, or to take into account the cumulative impacts the developments were having across the landscape. Further, according to interviewees, at this time, little adequate mitigation existed for cultural resources.

Thus, the process of approving new projects was moving very slowly both for the agencies and for the developers – and both were fairly unsatisfied with the result.<sup>15</sup> A CEC staff member explained some of the concerns:

*In 2008 we were really a different place in renewable energy permitting in California. There were a lot of questions about whether the state was going to be capable of permitting large-scale renewable energy at all. Whether a 20 percent renewable portfolio standard was even doable.... At that time, you had the first wave of large-scale projects come into the state. We went from not having permitted one of these things in almost two decades to having ten very serious proposals in front of us.*

In response, the CDFW, BLM, USFWS, and CEC started holding regular interagency meetings to discuss the individual projects and the problems they had trying to review permits in a timely manner. At these meetings, they collectively realized the project-by-project review process was inefficient and not meeting their objectives.<sup>16</sup> It did not work from a conservation standpoint because it did not take into account the cumulative impacts of so many new projects being placed in the desert landscape. Nor was it efficient from an administrative perspective because each agency was processing applications individually before handing them off to the next.

To address these underlying problems, a CDFW biologist with significant experience in habitat conservation and landscape-level planning created a template for siting renewable energy projects on private lands. The goal of the template was to site projects on disturbed lands and keep them away from ecologically sensitive areas. The template proved to be a catalyst. It helped the CDFW and other agencies realize that to plan for renewable energy and conservation, they had to be planning at a larger scale, and that they needed to push forward a true federal-state approach to streamlining the renewable energy permitting process and conserving lands in a more connected and collaborative way.

After significant deliberation, in November 2008 the four agencies – the CDFW, CEC, USFWS and the BLM – drafted their first Memorandum of Understanding (MOU). The MOU created what was called at the time the Desert Energy Conservation Plan. The goal was to guide solar and other renewable energy projects in the Mojave and Sonoran Desert regions and to ensure the conservation of California’s natural resources – it was scheduled to be completed in two years. It was an attempt to shift the agencies to planning for renewable energy over the long-term, rather than being stuck in the more short-term mindset driven by the project-by-project approach.

During these early stages the plan was only going to be an amendment to the BLM’s CDCA (see Legal and Policy Context Section above), a Habitat Conservation Plan (not yet a General Conservation Plan), and an NCCP. In other words, the plan would have only covered state and federal public lands and would not have applied to private lands as they were under county government jurisdiction.

The MOU also created a formalized collaboration between each of the permitting agencies – the Renewable Energy Action Team (REAT) or the REAT.<sup>17</sup> Early on the REAT agencies realized that they each had their own laws, policies, and cultures that in many places were contradictory or conflicting with one another.<sup>18</sup> To try and iron out these differences, in October 2009, an executive planning body called the Renewable Energy Policy Group (REPG) was formed. It provided high-level decision making about how to integrate core agency policies that had not been written with integration in mind.

These working groups – the REPG and REAT – became the primary venues in which staff from the agencies would meet to build mutual understanding of issues related to the DRECP, resolve outstanding conflicts, and otherwise make decisions on how to move the process forward. Group meetings regularly included presentations from the state and federal agencies, the solar and wind industries, tribes, local government officials, environmental nonprofits, and others, all in an effort to educate the higher level policy staff on the issues the DRECP was addressing.

These were the first iterations of what would become the DRECP. Due to shifting political and economic pressures and a changing vision from within the agencies, the planning process would change many times over the next two years to eventually become a fully joint federal-state-local

landscape-scale planning process that would try to connect the region and span local, state, and federal lands.

**The DRECP's Early Years [Oct. 2009 to March 2011].** The next two years, between 2009 and 2011, were characterized by a lot of change and adjustment and, at times, confusion about what the DRECP would become.

Internally, during the first year of the DRECP (2009) the REAT agencies spent significant time completing their Planning Agreement, or the document that provided a framework for how the two federal and two state agencies would work together going forward. As a BLM staff member said, “We did some provisional high level discussions [during this time] to make sure, sure, sure – that we were on the same page with what we were trying to achieve.” Aside from the Planning Agreement, the rest of the year was spent determining the types of data needed, putting a consultant team together, finding someone to act as director for the process, and discussing the state of renewable energy technology and the amount of land that was needed in order to meet the federal and state renewable energy goals.

During this time the REAT was able to obtain significant funding from the Resources Legacy Fund – a conservation philanthropic foundation dedicated to building consensus on complex environmental policy issues. This allowed them to do a much more augmented collaborative process than they would have thought possible otherwise.

Aside from the many internal agency conversations, in 2009 the REAT staff also launched their initial Scoping Process for the DRECP. At this point, the DRECP was still just an amendment to the CDCA, and only had to adhere to the federal guidance of NEPA. As such, the BLM published a Notice of Intent and held a 30-day formal public comment period. In addition, the REAT agencies held four public meetings to gather input from the public as well as other agencies, tribes, and stakeholders. Though referred to as “scoping” meetings, these were not a formal part of the NEPA Scoping Process and feedback was not summarized in the DRECP Scoping Report. It was not until the DRECP evolved into a fully integrated joint federal-state endeavor in 2011 that the Scoping Process also had to adhere to the state level provisions of CEQA, which requires formal notification of the process, public meeting, and public comment period.

After the initial 2009 Scoping meetings, DRECP began its official Stakeholder Committee process in accordance with NCCPA requirements. The 50-person Committee was intended to provide meaningful information and expertise regarding affected community interests that were not otherwise readily available to the REAT agencies. It was comprised of individuals representing local county governments, electric utilities, renewable energy industry interests, environmental organizations, off-road vehicle associations, and a Native American tribal coalition group.<sup>19</sup> Other non-stakeholder individuals were on the Committee as well, representing DRECP staff, REAT agency staff, and non-REAT federal and state agencies. The Committee met 22 times between March 2010 and July 2012, becoming the primary channel for public involvement during the plan development process.<sup>20,21</sup>

Two major players throughout the Stakeholder Committee process were the environmental non-governmental organizations (NGOs) and renewable energy developer communities. The DRECP presented an interesting dilemma for the NGOs. While they unanimously supported the goal of mitigating climate change through the deployment of renewable energy generating technologies, some organizations argued this would be best accomplished through distributed generation in urban

areas (i.e. rooftop solar) rather than large-scale projects in the desert. This disagreement would pervade throughout the process and made it difficult for the NGO community to always present clear, unified proposals.

Renewable energy developers similarly saw disagreement among their ranks. Solar, wind, and geothermal energy technologies were all unique industries with their own short and long term needs and goals. Consequently, speaking as a coalition was not always easily accomplished. Local government involvement was another important constituency in the DRECP. During these early stages, due to their state NCCPA requirements, the BLM expected the CDFW and the USFWS to lead the individual outreach to the counties and cities located in the Planning Region. However, many interviewees noted that little substantive outreach effort was done to local governments in these first years. Adding to this, 2007 to 2012 were rough economic times and counties were often seeing declining budgets. As a result, many counties were hesitant to fully participate in the DRECP due to the great staff and financial commitment.<sup>22</sup>

The final major component of the first Scoping Process in 2009 was tribal consultation and engagement. While most of the 53 tribes in the Planning Region had experience working with BLM, USFWS, and some of the state agencies in different capacities, these primarily revolved around project-by-project consultations and rarely were conducted in a manner that included multiple tribes. In these early years, to initiate its tribal consultation efforts, the REAT convened a Renewable Energy Tribal Coalition, at the same time as the Stakeholder Committee. According to interviewees, most tribes in the Planning Region did not know about or expressed confusion about the Coalition's existence or how its tribal representative was chosen to represent them. Sometime in 2009, members of the Coalition stopped attending meetings and by 2010 it ceased to exist.

About a month after the first Stakeholder Committee Meeting the REAT agencies launched the first of two Independent Science Advisory Panels (ISAPs). The first panel was required by the NCCPA while the second was created upon request of the public. Aiming to minimize the adverse effects of the energy development in the desert communities, the Panel's task was to look at the Plan Area, covered species list, solar projects, wind projects, and transmission lines in order to identify what the scope of the planning process should be, and to address information and data gaps. The first Panel was comprised primarily of university researchers and it released its findings in October 2010, which included strongly worded recommendations concerning what were seen as flaws in the DRECP process.

Despite accomplishing these first legal requirements, in these first two years many in the DRECP's Stakeholder Committee, Tribal Coalition, and the Independent Science Advisory Panel expressed significant confusion about the DRECP's objectives, what it intended to accomplish, and how it differed from the individual large scale renewable energy project approvals.

This confusion was particularly fueled by the passage of the American Recovery and Reinvestment Act (ARRA) in late 2009. ARRA contained significant funding for grants and low interest loans for companies looking to develop renewable energy projects. In order to qualify for ARRA funding, projects needed to begin construction prior to October 2011. Overnight ARRA shifted the agencies' focus away from the landscape-scale planning and back to project-by-project approvals as new project applications flooded in.<sup>23</sup> Some projects emerged from this madhouse to receive top priority in the permitting process, becoming commonly referred to as "the fast track projects."

Despite the REAT agencies' aspiration to focus on the larger landscape-scale planning effort of the DRECP, thanks to strong pressure from the Governor's Office and Secretary of the Interior's Office to meet state and federal energy policy goals and see positive outcomes from the ARRA funding, the next two years would see much of their attention focused on reviewing the fast track projects.<sup>24</sup> Within four months of ARRA's passage, CEC approved nine utility-scale projects. By the end of 2010, DOI had approved nine more.<sup>25</sup> Environmental groups and others began filing lawsuits as the projects emerged, contending the agencies did not complete adequate environmental reviews before approving some of the projects.<sup>26</sup>

For example, a lawsuit was filed shortly after BLM's 2010 approval of a concentrated solar thermal plant 40 miles southwest of Las Vegas called Ivanpah. This facility had a capacity of 392 megawatts and spanned 3,500 acres (roughly the equivalent of 2,600 football fields). It was also sited on lands identified to be habitat for the endangered Desert Tortoise. Similarly, CEC's approval of the Calico Solar project approval was hit with a lawsuit arguing the agency did not do enough to minimize the project's impact on desert wildlife. Tribes also filed lawsuits during this time over the federal government's approval of six solar farms, including Ivanpah, claiming the federal government did not do enough to protect cultural resources such as burial sites while reviewing the projects.<sup>27</sup>

Outside the negative consequences of the "fast track" projects and the fact they shifted the REAT agencies' focus away from their attempt to address renewable energy development programmatically – the agencies, tribes, and stakeholders collectively learned a great deal from them. Again, prior to 2008, the agencies in California had very little experience with large-scale renewable energy. So before fully embarking on the 22.5-million-acre DRECP planning process, the "fast tracked" projects allowed them to understand the types of environmental, cultural, and economic impacts the projects could have, and how the state's current legal system would apply.

Further, the most important lesson they learned was that in order to work effectively to conserve resources across the landscape - they could not just focus on BLM lands – they needed to be planning for renewable energy development using an all-lands approach – or one that more explicitly focused on the whole landscape – federal, state, *and private lands*. This realization came both from within the agencies and externally from the Obama Administration.

During 2009 to 2011 the Obama Administration was focusing its efforts on a larger, multi-jurisdictional, multi-dimensional perspective – the landscape-scale. The administration began tasking the federal resource management agencies, like the BLM, USFS, USFWS, and Environmental Protection Agency (EPA) to spearhead large landscape-scale initiatives. Instead of project-by-project or species-focused approaches, these initiatives would have a broader impact and encourage agencies to undergo initiatives not just on their lands, but those surrounding them as well.

In response to this new priority, in February 2010 Secretary Salazar issued Secretarial Order 3289, calling for the DOI to focus on climate change and renewable energy development from a broader, landscape-scale approach. The Order stated, "Given the broad impacts of climate change, management responses must be coordinated on a landscape-level basis." It also again cemented the idea that the production and transmission of renewable energy on public lands was a priority for DOI going forward.<sup>28</sup>

This combination of factors led the REAT agencies, but especially the BLM, to shift the DRECP into a process unlike any they had done before. The DRECP would no longer be just a Land Use Plan Amendment to their CDCA Management Plan. They were going to go much bigger – to a plan that

would cover the entire desert landscape, or as much of it as legally possible, in California. To do this, the BLM also needed to perform an amendment to their other resource management areas in the region – the Bishop and Bakersfield Resource Management Plans, in addition to the CDCA. The USFWS needed to perform a Habitat Conservation Plan under the Endangered Species Act. The CDFW needed to create a Natural Communities Conservation Plan (NCCP). They further realized that in order to create a process different than the project-by-project approach to permitting, updates would need to be made to local city and county land use plans and policies – and outreach to the counties needed to be a clearly stated and legally relevant priority going forward.

A BLM manager explained the shift in perspectives taking place during this time,

*At the beginning [of the DRECP], we [the four state and federal agencies] had to get through the tough periods of collectively seeing the pitfalls of project-by-project implementation... but then [we] realized that landscape planning [was] was the way to go... it was what we needed to do. We saw the need to move forward on a true landscape level planning approach. We had never done it with renewable energy. We also had never done it on the scale we were attempting with the public land-private land mix of this scale, but we knew it could work. We had done it on scales that were smaller. We were just upping the scale. It was going to be a challenge, but we knew the concepts were valid - but it was just a matter of convincing everyone else that it could work.*

Before 2011, the REAT agencies were trying to figure out the breadth and depth of what the DRECP would be. They were trying many different strategies – it was a time of evolution and experimentation. While this was important for the agencies – many of the tasks they were undergoing during this time, were not necessarily legally explicit.

However, after significant deliberation, in March 2011 the agencies attempted to make this distinction much clearer by signing another MOU. With this new MOU, they became a true 22.5-million-acre joint federal-state-local land management planning process. The USFWS and the BLM issued their Notice of Intent, merging the USFWS and the BLM processes. On the same day the CEC put out their Notice of Preparation under CEQA, effectively joining the federal and state processes into not just a continued EIR/EIS process, but a General Conservation Plan – one that addressed endangered species programmatically, but also one joint document – the *Desert Renewable Energy Conservation Plan*.

A BLM manager explained the importance of having renewable energy as a common focus to drive the process during this time:

*That [large scale renewable energy development] was the driver...that said, 'you guys have got to get together because the Secretary wants it, the Governor wants it and they want it now. So you guys need to work together to make this happen. Without that driver...renewable energy... we never would have done the DRECP like this. Renewable energy was the perfect vehicle to achieve the collaboration goals around conservation.*

**The DRECP as a Joint Federal-State Planning Process [March 2011 to Sept. 2014].** Now a true joint planning process, the REAT agencies underwent another Scoping Process, but this time, a joint federal-state-local one. As required by NEPA and CEQA, the REAT held a series of public scoping meetings. These meetings were designed to give a chance for the

agencies to inform the public about how the DRECP had changed, what they intended to produce, and give members of the public an opportunity to provide feedback. They were held throughout California.

Significant time was spent at the meetings explaining to the public understand what this new iteration of the DRECP would produce, and attempting to make sure the public understood how the federal and state processes would combine into a single, joint process. For example, each of the meetings was about three hours in length. They would start with a PowerPoint presentation explaining the DRECP process, the NEPA/CEQA scoping process, and the CDCA and BLM planning action. Following the presentation, the agencies would have an open house where the attendees could visit information stations that gave more detailed information on topics like (1) the DRECP, HCPs, NCCPs, and DRECP Covered Activities, (2) Covered Species and Biological Issues, (3) CEQA/NEPA Process and Non-biological Issues, and (4) CDCA Plan Amendment and Other BLM Planning Actions.

According to some interviewees, while these meetings were helpful, many felt too much time was spent discussing the legal integration of the Plan, at the expense of the substantive impacts the DRECP would actually have or the concerns of the stakeholders in the region about these potential impacts.

After the 2011 MOU was signed the roles of the Stakeholder Committee and Independent Science Advisory Panels remained similar to when they were first created in 2009. However, the focus of the DRECP had changed. And according to interviewees, most of this change was happening internally between the agencies, and was not as well articulated to other groups and stakeholders outside the REAT as it could have been. A BLM manager stated:

*As a planning team, the energy was focused on interagency collaboration between the staff and executives and in developing a set of alternatives all of the agencies could agree to and move forward with... this was a monumental task as it was. When we added others, it was overwhelming... We were trying to have a lot of things going on at the same time, but in hindsight, these might have been connection[s] we missed.*

Two years after the first Independent Science Advisory Panel, due to a perceived lack of follow through by the agencies on the first panel's recommendations, in 2012 a second panel was convened. In response to a desire to have broader representation, unlike the first panel, which included primarily independent scientists from universities, this one included scientists from federal agencies, non-profit organizations, universities, and museums. However, when their report was released in November 2012, deep concerns were again expressed about the quality of the scientific products, methods, and documentation that had so far been demonstrated in the process. The panel unanimously concluded that the "DRECP is unlikely to produce a scientifically defensible plan without making immediate and significant course corrections."<sup>29</sup>

After their initial tribal consultation efforts with their Renewable Energy Tribal Coalition, 2011 marked a significant change in how the REAT approached tribal involvement in the DRECP. In 2011, they convened their first Federal-Tribal Leadership Conferences or Tribal Leadership Forums. All tribes in the Planning Region were invited to attend. Over the course of the planning effort, twelve different forums were held between federal, state, and tribal officials. Most of the forums lasted for a day, but some spanned the course of a couple of days up to a week.<sup>30</sup>

The end of the joint federal-state NEPA/CEQA Scoping Process was signaled by the release of the Description and Comparative Evaluation of Draft DRECP Alternatives in December 2012, more commonly referred to as the “December Document.” This document incorporated comments and feedback from the scoping meetings, Stakeholder Committee, Independent Science Advisory Panels, and tribal consultation process to create preliminary plan alternatives. However, it was not designed to be a full Draft EIR/EIS, with the agencies specifically leaving out many pieces of content typically found in these documents. Instead, this draft-of-a-draft was intended to provide another opportunity for public input on the content and direction of the planning process before formal plan writing began. This was not legally required and is not typical of most planning processes, but helped provide an important check in for outside stakeholders and agencies to see the product of three years of work.

The release of the December Document in 2012 marked the end of the Stakeholder Committee meetings and the beginning of the phase where the agencies hunkered down to write the actual Draft EIR/EIS document. The major task for the REAT agencies now was to combine their own internal information and priorities with information gathered from the Stakeholder Committee, Independent Science Panels, Tribal consultations, and comments on the December Document to create alternative options for the Draft DRECP. These alternatives would represent different paths for reaching the DRECP’s goal of increasing renewable energy development in the region while also improving conservation outcomes.<sup>31</sup> This phase was commonly referred to as the “Going Dark” or “Black Box” phase by stakeholders due to the relatively small amount of contact agency staff had with outside groups and the public.

During this time, internally, the main topics of discussion between the agencies included (1) the placement and boundaries of the Development Focus Areas within each of the alternatives; (2) the conservation strategy and the Biological Goals and Objectives; (3) avoidance and mitigation strategies; (4) the Conservation Management Actions; (5) the environmental impact analysis for development and transmission; (6) the development of the long-term governance framework; (7) the implementation plan including costs and funding mechanisms; and (8) the outline for adaptive management.

Another key aspect of this phase involved the counties and local jurisdictions. After 2011 the goal of the DRECP was to be a joint federal-state process – but the REAT agencies were also hoping by participating in the process, the counties and cities would simultaneously update their individual county and city land use plans and zoning codes related to renewable energy. However, in the middle of the draft writing phase the REAT agencies realized the local governments did not have the capacity to fully undergo these types of updates. Many counties had policies not updated since the 1980’s, and others simply had never created renewable energy ordinances or codes. Further, counties and cities were experiencing significant

**Development Focus Areas:** Development Focus Areas or DFA’s are the locations where renewable energy generation projects would benefit from a streamlined permitting process under the DREP. The Draft plan alternatives developed during this time varied in geographic distribution and size of the DFAs.

**Conservation Management Actions:** Conservation Management Actions or CMA’s are the actions developed in the DRECP that required the avoidance, minimization, and compensation for the effects of pre-construction, construction, operation, and decommissioning of the proposed renewable energy and transmission projects.



pushback from residents in their communities to the new renewable energy projects coming in - but did not have the staff, resources, or expertise to adequately address their communities' concerns.

To assist them in this process, while writing the Draft Document, the CEC made a number of county renewable energy planning grants available. These grants were described by many as invaluable and increased the counties' motivation and capacity to participate in the DRECP process. A county planner stated:

*They [the CEC] provided a very generous grant and those types of grants aren't typically available, especially for a small, rural county. A lot of the planning grants these days are aimed at urban areas. So that was a significant benefit to [us] to participate [in the DRECP]. And provided... a means to develop a comprehensive plan to develop renewable energy.*

The grants provided consultants and other resources to help in the drafting of ordinances and planning elements, developing each county's public outreach and comment process, creating maps, analyzing data, and providing general support to county staff. However, according to many interviewees, the grants were provided too late. Most counties did not start adjusting their renewable energy policies until the REAT agencies were writing the Draft EIR/EIS. As a result, much of the work the counties did during this time was not represented in the DRECP's Draft Document. Interviewees stated, if the grants had been provided earlier, it could have helped better integrate the local/regional planning processes into the state/federal planning process.

When performing a planning process on this massive of scale, another significant challenge the agencies faced was the huge amount of data and information across the desert, and no single repository or way to mutually access it or make sense of it. As a result, from the beginning of the DRECP through 2013, a large task for the agencies was to collect all of the data across the landscape into a single online GIS-based tool they came to call – the DRECP Data Basin or Gateway. This decision-making tool allowed the REAT agencies and interest groups to upload biological, cultural, and recreational data and maps to a single database. Models were then created that predicted how changes in land use designations – either for conservation, recreation, or development – would affect different covered species.

The highly visual, accessible, and comprehensive nature of the tool was reported to be transformative for agency staff as well as stakeholders trying to understand the current state of resources in the planning region and how different plan alternatives might impact them. The public could provide feedback directly through this tool while helping to build a shared understanding of the 22-million-acre landscape, and developing trust of the science between agencies and stakeholders. It was said to be “one of the greatest accomplishments of the DRECP.” Unfortunately, this tool did not arrive until late into the plan writing process – it was not created until 2013 and brought online until 2014 while the plan began in 2009.

Throughout the writing of the Draft, the REAT staff also made a historic change in how they performed mitigation for development projects. They made the shift from doing on-site mitigation, as they had done for decades, to regional or mitigation. This meant they were shifting mitigation from being done on a project-by-project and uncoordinated manner, to one where mitigation was being done across the landscape, regardless of land ownership. It allowed them to conserve lands in a contiguous, connected approach, rather than a piecemeal process only dictated by the placement of renewable energy projects. A BLM manager explained:

*When the Plan began, BLM's policy on mitigation was that we were only allowed to do 'onsite' mitigation. We thought this was ridiculous. [For the first few projects] we started doing off-site mitigation and this was a violation of BLM policy. But we found it worked. If you are going to do landscape level or regional mitigation, you can't just look at that small scale disturbance... you have to be looking at the whole landscape... Instead of getting 50 acres of land, you now get 500 acres of contiguous habitat that is better quality. Long term, it is a far better approach.*

This new regional mitigation strategy further gave the BLM the ability to do something they had not done before. It allowed them to designate mitigation lands for renewable energy projects on their *public* lands. In other words, it gave them the authority to make conservation on BLM public lands more permanent. Prior to the DRECP, due to the BLM's "multiple-use mandate" any BLM-owned lands, even if they were designated as "conservation" lands, were not permanent or durable. If the market shifted and a new use such as natural resources extraction or recreation needed the resources on the lands – the lands were essentially "up for grabs."

However, through the new regional mitigation strategy, for the first time in BLM's history, the "conservation designations" made by the DRECP would be given greater permanency than ever before. A BLM staff member explained, "The BLM was willing to yield on their philosophy that 'nothing is permanent.' When we put these mitigation lands into conservation, it will never come out. This is a huge agency culture change for the BLM."

The BLM's decision to not comply with their internal onsite mitigation policies soon influenced mitigation policy at the national level. Shortly after BLM-California started doing mitigation off-site, according to the BLM staff, their successes with regional mitigation made their way to up into the DOI. In April 2013, Sally Jewell was confirmed by the Senate as Secretary of Interior replacing Ken Salazar. Her first Executive Order (Order 3330 in October 2013) established a DOI-wide mitigation strategy that promoted the early integration of *regional mitigation* considerations into project planning and design. This was followed in April 2014 with a more detailed strategy for pushing the agency toward landscape-scale thinking for mitigation practices. The regional mitigation concept would be a hallmark of the DRECP process.

In sum, the DRECP was a highly complex and technical endeavor. To help with the writing of the Draft Document, the Data Basin tool, and much of the technical research needed to undergo the process, six different environmental consulting groups were contracted. In fact, in consultation with the REAT agencies, 90 staff members from these consultant groups wrote the bulk of the language that ultimately became the Draft DRECP.

**The Release of the Draft DRECP & "The Split" [Sept. 2014 to March 2015].** The Draft DRECP was finally released in September 2014 – five years after the process began in 2009. By this point it had officially been worked on by 186 individuals (96 agency staff and 90 consultants) and totaled more than 8,000 pages in length.

At this time – in order to meet California's energy needs through the year 2040 – the overarching goal of the DRECP was still to create designated areas or Development Focus Areas (DFA's) for the streamlined permitting of large-scale renewable energy projects. At the same time, it sought to place these renewable energy projects on the least biologically and culturally sensitive areas throughout the public and private lands in the Planning Region. Secretary of the Interior Sally Jewell reiterated these goals in the DRECP's 2014 press release for the Draft Plan:

*The draft plan released today will help provide effective protection and conservation of the California desert important for wildlife, recreation, cultural preservation and other uses, while encouraging streamlined renewable energy development in the right places. This is a strong and innovative blueprint that shows how federal and state agencies can collaborate to meet conservation and energy objectives on a landscape-scale while providing certainty to developers.*

These designations were chosen by assessing the ecological needs of 37 federally and state protected species including, among others, the Desert tortoise, Desert bighorn sheep, Mohave ground squirrel, Golden eagle, California leaf nosed bat, and Desert pupfish. The DFA and conservation area designations also took into account cultural and tribal resources, recreation interests, and other important resource uses.

The majority of the proposed DFAs in the DRECP's Draft Preferred Alternative were to be located on the Planning Region's least biologically and culturally sensitive areas. In the DRECP these areas were found primarily on the private lands within each of the seven counties, rather than on the BLM's more sensitive public lands.

The release of the Draft Document in September 2014 kicked off a public review period that lasted five months. More than a dozen public meetings and webinars were held during this time to help explain the contents of the massive document and its five years of work. When the public review period ended in February 2015, stakeholders, agencies, and members of the public had submitted over 12,000 public comments.

At this point in time – the ultimate technical outcome of the DRECP was to be three different resource management plans integrated into a single document: a federal Land Use Plan Amendment (LUPA), a federal General Conservation Plan (GCP), and a state Natural Communities Conservation Plan (NCCP). It was simultaneously also a Draft Environmental Impact Statement (as required by NEPA) and Draft Environmental Impact Report (as required by CEQA).

The BLM's LUPA would designate renewable energy development areas and promote conservation of wildlife, cultural, and recreational values across the 10 million acres of BLM lands in the Planning Area. The USFWS's General Conservation Plan would allow the agency to streamline the permitting process for renewable energy applications on non-federal and private lands that agreed to comply with the terms and conditions of the General Conservation Plan. The CDFW's Natural Communities Conservation Plan would identify and provide for the Plan-wide protection of plants, animals, and their habitat while also allowing for appropriate economic activity.

Unfortunately, each of these plan types had been created by different legislative and administrative bodies and had not been designed with integration in mind. Differences existed in the substantive requirements that needed to be met in order to be legally sound. Differences also existed in the very definition of words depending on which plan type they were being used for. These substantive and language differences created significant challenges for the agencies when trying to create a single planning document.

Further, many found the document difficult to follow and digest. For those hoping the Draft Document would provide clarity and assurances about the permitting process or mitigation, the plan fell short. One member of the Stakeholder Committee explained:

*They had one helpful tool out of the whole permitting process section for me, because otherwise the information was scattered around the whole 8,000- page document. It made it really challenging to understand what they were even proposing. I had to go through that flow chart so many times and ask the BLM a ton of questions just to feel like I understood what they were proposing. I think that this organization did not do them any favors in terms of helping people understand what they were proposing. Because by the time people got through the scavenger hunt of finding the information, they were already cranky.*

This confusion only served to bolster the suspicions and ill will that had been growing in the years leading up to the plan release when the Agencies “went dark.”

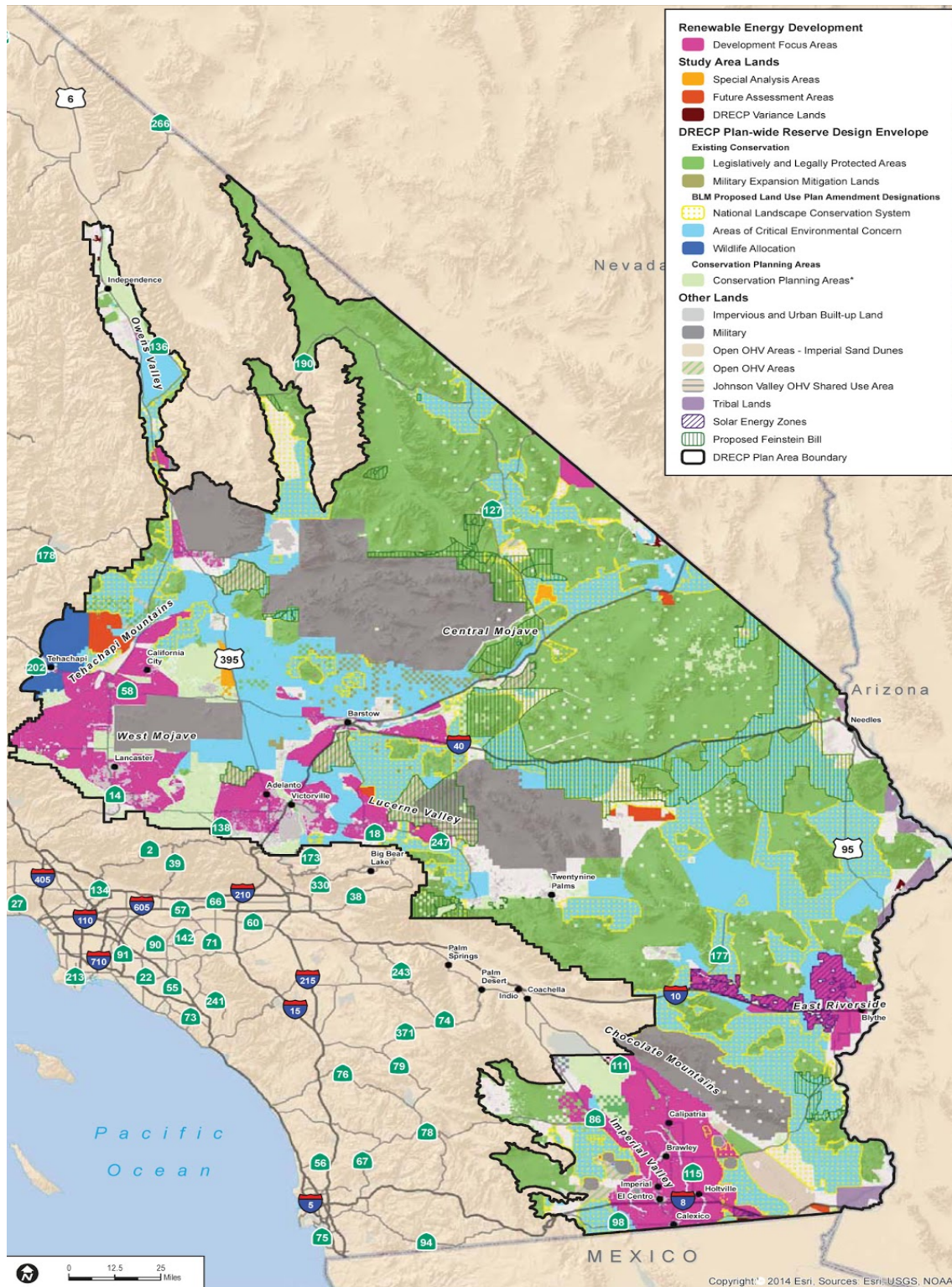
In part due to these challenges and differences, in March 2015, the REAT agencies announced that rather than continue down the path of creating a single state/federal planning document, a “phased approach” would be adopted in which the state and federal components would be completed separately from the BLM’s public process. This new approach would see the BLM’s Land Use Plan Amendment component completed first with the state’s NCCP component and individual county plans coming online later, and eventually integrating with the BLM’s federal plan for its lands throughout the Planning Region.

Another major factor speculated as causing the adoption of this phased approach was the deadline created by the ending of the Obama Administration in January 2017. The federal agencies would need to finalize their components of the plan before this time in order to ensure the next administration could not easily derail its creation or implementation. In large part because of the lack of county government involvement and support throughout the previous six years of the process, it did not appear the state component of the plan could be finalized before this deadline.

Had the DRECP not split into the phased approach, the next steps in the NEPA/CEQA process would have been to produce a Final Environmental Impact Statement/ Final Environmental Impact Report and eventually issue a Record of Decision/Notice of Determination. Public comment would have been solicited and updates made to the plan prior to the release of each of these documents. The length of time between producing these documents can vary widely, but it is not uncommon for a year or more to pass before their release.

**What the Proposed Draft DRECP Would Have Done.** Had the DRECP not split into two separate processes – the goal of the Plan was to create a one-stop shop for renewable energy permit applications throughout the 22.5 million-acre Planning Region, regardless of whether or not the applications were taking place on its private or public lands. While our analysis only covers the period of time up until the split – the following provides an overview of what the Draft Plan *would have done* had the plan *not split* into two separate phases.

Working at the Landscape Scale:  
 Lessons from the Desert Renewable Energy Conservation Planning Process



**Figure 6.** Map of land use designations from the DRECP's Preferred Alternative.  
 Image courtesy of [www.drecp.org](http://www.drecp.org)

**Renewable Energy.** A primary goal of the DRECP process was to increase the amount of renewable energy generated in the California desert. However, the DRECP as a plan did not approve any individual energy projects. Instead, the REAT agencies sought to accomplish their goal by streamlining the process by which these projects receive the permits necessary to build them.

The main strategy deployed to achieve this streamlining was the creation of a new kind of land use designation: Development Focus Areas (DFAs). DFAs were areas where high concentrations of renewable energy (solar, wind, and/or geothermal) existed in the same area as low-quality biological, cultural, and/or recreational resources. These were areas often described as being “low conflict” areas because it was assumed less disagreement would exist about whether or not they were good places to build.

One way DFAs were designed to streamline the renewable energy permitting process was by improving the agencies’ ability to prioritize high-quality project applications. Without DFAs the agencies had no mechanism to prioritize the processing of one project application over another. Even if an application was clearly of very low quality and entirely speculative in nature (a common occurrence at the start of the DRECP process), it would need to be reviewed by agency staff. Even if fatal problems were discovered with an application, they could not be rejected outright. Instead, staff would need to communicate with the applicant what those shortcomings were and how to improve the application. This meant significant staff time could be consumed processing applications that clearly never had a chance of being built.

By creating DFAs, the agencies could then create rules that allowed them to prioritize the processing of applications within these preferred development areas. Projects submitted outside the DFAs would still be processed, but they would receive less priority than those looking to be built inside the preferred development zones.

DFAs also attempted to improve the permitting process by reducing costs for project developers. Because these areas were supposed to be designated due to their “low conflict” nature, it was assumed not only would project applications be produced and processed more quickly thanks to less of a need to mitigate environmental damage, but the mitigation costs themselves would also be lower. Stakeholders would also theoretically be less likely to oppose these projects in court thanks to their location within a DFA – an area created through a rather comprehensive stakeholder input process (the DRECP process).

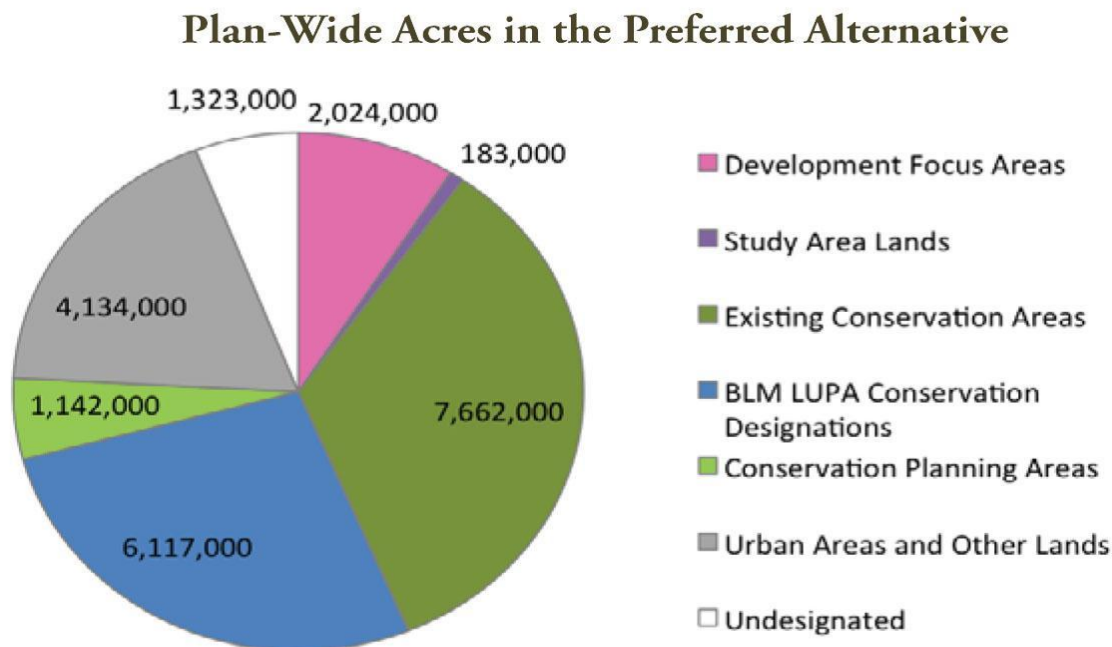
While DFAs would allow the prioritization of project applications, they would not inherently exclude projects from being built in other places.

Lands outside of DFAs fell into two categories: exclusion lands and variance lands. Exclusion lands were areas such as national parks, wilderness areas, military lands, and other areas where the characteristics of their designation meant energy projects would not be approved there regardless of the DRECP. Variance lands were the areas in between DFAs and exclusion lands. Projects could still be built in these areas, but they would receive less priority and more scrutiny due to their lack of “low conflict” characteristics.

In addition to DFAs, the DRECP planned to streamline permitting by creating an interagency plan implementation structure called the DRECP Coordination Group. This group would have been comprised of the REAT agencies and others in order to review project applications in a more

concurrent manner rather than each agency reviewing them one at a time in isolation. For more information, see “Implementation” below.

To decide how many acres of DFAs would be needed to meet the federal and state long-term energy goals, the CEC developed a “Renewable Energy Acreage Calculator.” This tool was used to develop scenarios demonstrating how much renewable energy might be needed in the future to meet these long-term goals given different predictions for the growth of California’s population and economy. Using the acreage calculator, the agencies eventually settled on 20,000 megawatts needing to be built in the plan area by 2040. With this number in mind, ranges of DFA acres were produced.



**Figure 7.** Acreage allotments within the preferred alternative. *Image courtesy of [www.drecp.org](http://www.drecp.org).*

While individual renewable energy projects were reviewed and approved by the REAT agencies at the same time the DRECP was being created, the DRECP as a plan did not review or approve any projects. Instead, covered activities included those related to pre-construction, construction, operation, maintenance, and decommissioning of wind, solar, and geothermal power plants located within DFAs.

The covered activities were chosen to help improve the permit streamlining process. However, according to a number of interviewees in the renewable energy industry, by the time the DRECP had released its Draft EIS/EIR, the renewable energy markets had shifted, and many in the renewable energy industry did not believe an incentive remained to stay invested in the process. The main motivation for the renewable energy industry to participate in the DRECP was the hope that it would streamline the project permitting process. However, after the Draft DRECP, many voiced they did

not feel they had the legal or economic assurance that the zone-based approach would allow the renewable energy industry to perform enough development on public lands in the future. Further, another concern voiced by stakeholders is that the majority of the DFA's are located in the areas with the highest Latino populations.

**Conservation.** Another primary goal of the DRECP was to maintain and/or improve the ecological conditions for the biological species covered by the plan. The main strategy used to accomplish this was the identification and protection of large blocks of contiguous, high-quality habitat. The identification of these lands was to be achieved during the planning process, while protection of them was accomplished by either guiding energy projects away from these areas or designating them with more restrictive land use classifications.

The DFAs were the primary mechanism for guiding projects away from high quality habitats. Their size and locations were designed in large part to overlap with areas of lower quality ecological value. Out of 22.5 million acres in the planning region, the Preferred Alternative designated about two million as DFA lands. On the new protected lands designation side, the Preferred Alternative designated just over five million new acres for conservation (in addition to the 7.6 million acres within the plan area that already held some kind of conservation designation).

**Implementation.** The implementation structure envisioned by the Draft DRECP mirrored the planning process in multiple ways, in particular with the creation of a REAT-like day-to-day implementation body and an REPG-like executive-level conflict resolution body. Additionally, a Stakeholder Working Group and independent scientist panel would also have been engaged to feed information and comments into the implementation bodies. A program manager position would also have been created (similar to the DRECP Director) to coordinate meetings and facilitate the flow of information between implementation participants.

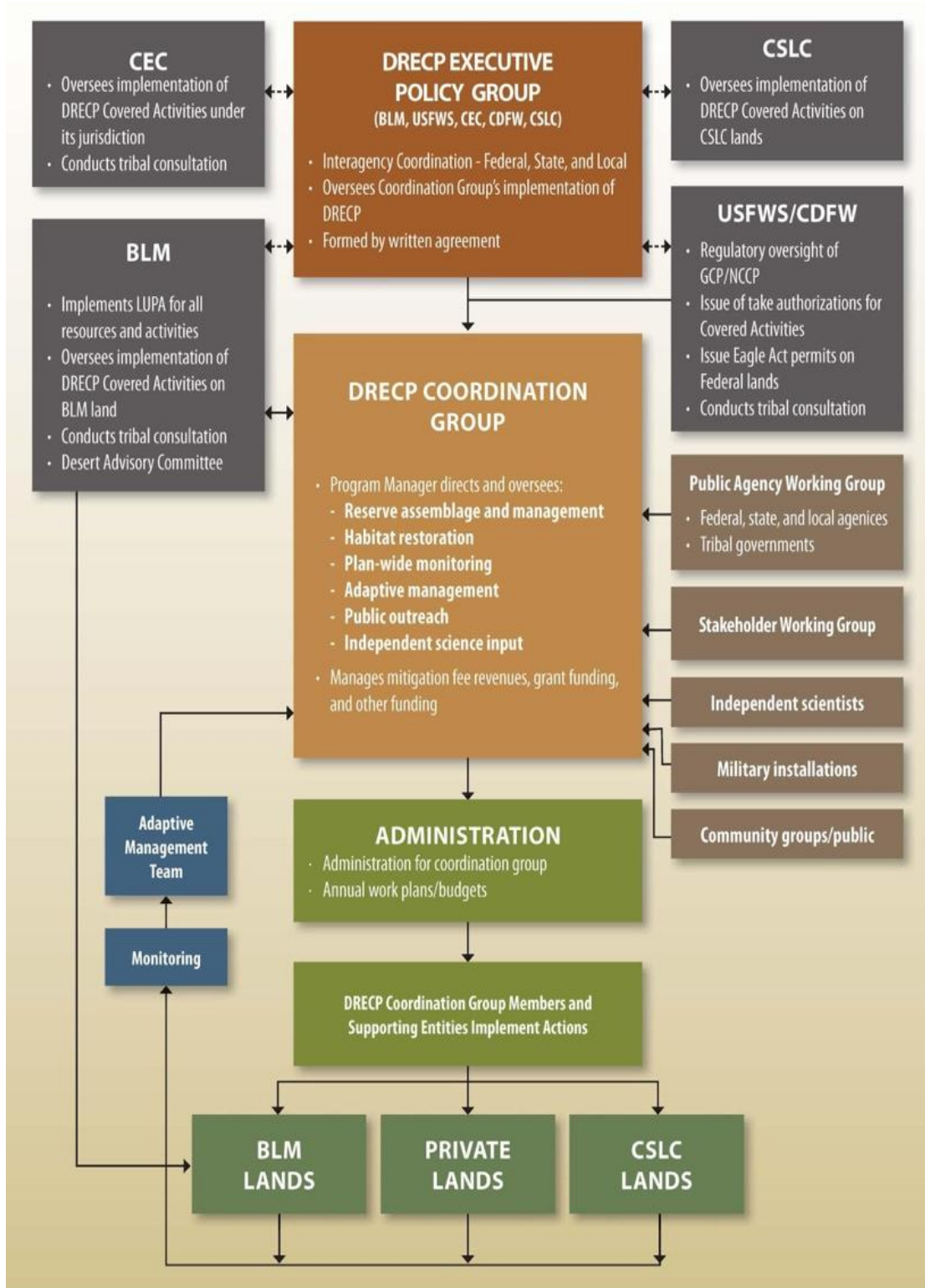
The day-to-day implementation mechanism for the plan was the creation of a REAT-like interagency body known as the DRECP Coordination Group. This group was to be comprised of the REAT agencies as well as counties or tribes that had created their own land use management plan that "tiered" off of the DRECP. It was charged with ensuring coordination among participating agencies in implementing the plan, including securing and managing funding, implementation of conservation actions, renewable energy project permit reviews, and obtaining stakeholder input to inform decision making.

The Coordination Group was to be overseen by an REPG-like interagency body known as the DRECP Executive Policy Group. This group would have been made up of a senior designee from the governor and the Secretary of Interior, as well as the BLM-California director, the regional director of USFWS, a CEC commissioner, the director of CDFW, and the executive officer of the California State Lands Commission. It would have been the conflict resolution body when the Coordination Group had issues it could not resolve on its own. Similar to the Coordination Group, any public agency that completed a land use management plan that tiered from the DRECP would be invited to join the Executive Policy Group.

A visual of the implementation structure envisioned by the Draft DRECP can be found in Figure 8.



Working at the Landscape Scale:  
Lessons from the Desert Renewable Energy Conservation Planning Process



**Figure 8.** Proposed implementation structure for the DRECP. *Image courtesy of [www.drecp.org](http://www.drecp.org).*

**What is Happening and What Might Happen Going Forward.** As of July 2016, the BLM still had yet to release its Final EIS/LUPA outlining what exactly the new phased approach of the DRECP would look like. And even though the focus of this report’s analysis primarily stops after the plan split – this section will focus on what has happened since the split, and given what interviewees and press releases have stated, will speculate on what the Phased approach might look like going forward.

Again, the initial conceptualization of the DRECP was a one-stop shop for renewable energy applications regardless of whether the proposed developments were on private or public lands in the DRECP’s Planning Region. However, with the split in the process, the DRECP will be moving forward in two separate phases.

The first phase (Phase I), would only include the BLM public lands. They propose to move forward with their Land Use Plan Amendment (LUPA) on ten million of the original 22.5 million acres of the entire Planning Area. There would not be an overarching NCCP or GCP – just a LUPA. The lead agencies are currently in the process of preparing a Final EIS/LUPA document that should cover renewable energy and conservation designation only on BLM lands. This would include a range of alternatives that would closely resemble the alternatives in the DRECP’s Draft Plan – not including private lands – only BLM’s lands.

The proposed designations in Phase I include 388,000 acres of DFAs, 5.4 million acres of conservation designations, 3.8 million acres of recreation designations, 40,000 acres of Variance Lands that could potentially be available for energy development, and 800,000 acres of Unallocated Lands (not designated for conservation or renewable energy development)

An environmental stakeholder, among other interviewees explained that ultimately the new Phase I LUPA would act very similarly to what was outlined in the original DRECP plan – the main difference would be its focus only on BLM’s lands:

*For BLM lands, the permitting is streamlined by giving DFA projects priority, providing certainty on how to deal with endangered or*

<b>Highlights of the Proposed BLM Plan (Phase 1)</b>	
<b>Development Focus Areas</b>	388,00 acres for solar, wind, and geothermal development on BLM’s lands
<b>Conservation Designations</b>	5.3 million acres of conservation designations to conserve biological, cultural and other conservation values. These areas will be closed to renewable energy development
<b>Recreation Designations</b>	2.5 million acres of special Management Areas. These will be closed to renewable energy development.
<b>Variance Lands</b>	40,000 acres that would potentially be available for renewable energy development
<b>Unallocated Lands</b>	800,000 acres not designated for renewable energy or conservation

*threatened species, committing to specified timeframes to provide predictability... like committing to approve an application within 30 days and permitting within a year...and hav[ing] a 'DRECP standard permit application' rather than hav[ing] to fill out multiple permit applications for each agency.*

The next phase, or Phase II, proposes to focus on the private and county lands throughout the Region. This phase would include county-by-county discussions with each of the seven counties in the Planning Region to determine the best options and timing for how to deal with renewable energy development and the private land components within each county.

These efforts propose to build on the progress individual counties made after receiving the Renewable Energy Conservation Planning Grants awarded to them by the CEC during the DRECP's first process. These county planning efforts are critical because counties have the primary land use and permitting authority on private lands located within their counties. Unlike the DRECP, where the REAT agencies tried to create one massive NCCP/GCP for the entire region – in Phase II each county would be producing their own NCCP at their own pace and on their own terms.

However, the hope that the framework and conservation strategies the BLM creates in Phase I for its lands would help act as a model for the counties and local jurisdictions as they individually move forward to figure out how they will deal with large scale renewable energy within their individual NCCPs/HCPs, land use plans, and zoning ordinances.

While the engagement with each county would be individualized, all counties would have access to a similar menu of options and resources. For example, the BLM is hoping to have a county-based Data Basin tool, similar to the DRECP's large Plan-wide Data Basin tool. This would allow each of the counties to customize their tool for their own use, and provide their own county-specific data.

Further, in the first time around, the BLM did not create official MOU's with each of the counties to make coordination of project review legally relevant. This is something they hope to do during this new phased approach. This would make county participation a stated priority, and ensure both the counties and the federal/state agencies each have their individual interests and legal needs met. They also hope to look at county-based mitigation strategies that would each build off the DRECP-wide conservation strategy.

After the DRECP's split, many of the goals it initially set out to accomplish had to change – and the REAT agencies found other ways to achieve them through different pathways and strategies. One example of this is the DRECP's implementation structure and interagency collaboration.

According to the BLM, the agency would attempt to maintain the interagency coordination that was created during the DRECP. They would continue to try and work collaboratively with the federal and state agencies to maintain a common mechanism for data and modeling, maintain their embedded personnel, and also preserve the overall renewable energy and conservation framework the DRECP created for public lands. However, according to some interviewees, the once regular REAT and REPG meetings between the agencies and executives where many of these important collaborative conversations took place have become infrequent and almost non-existent after the Plan split into its two phases. A BLM manager explained:

*When we segregated off, it changed the dynamics of communication between the agencies. That was weird. We went from meeting weekly to infrequent meetings. Mostly it is just calls between*

*the state directors. We are not collaborating at the level that makes me feel comfortable. [Its] more informal. We have only had one REPG meeting since March [2015].*

The BLM manager went on to explain that while the high level interagency collaboration has not been as strong, significant collaboration is still happening at the staff level between the agencies. In fact, according to others, much of the collaboration and cooperation established between the agencies during the six-year DRECP process has been spilling out into other areas and issues. For example, the BLM and other agencies are working on similar collaborative projects and processes throughout California such as along the coast performing collaborative management with the state parks and the national monuments, and in the Central Valley to determine how to use mitigation to block off large tracts of land for wildlife management.

The only problem with many of these new collaborative projects is that they do not have the executive buy-in like they had within the DRECP – which makes them much slower. A BLM staff member reiterated this point, “It doesn’t matter what the issue is – high speed rail, renewable energy, migration corridors, etc....you have to have that executive buy-in in a mission statement that directs the staff what you want and by when...you have to have this or else it will languish in the bureaucracy.”<sup>32</sup>

According to the BLM, conservation protections and new conservation designations will still be made in the new phased approach and will include National Conservation Lands, Areas of Critical Environmental Concern, Wildlife Allocation (designated for special management of species), and Special Recreation Management Areas (to protect recreational uses). However, similar to the interagency collaboration, after the DRECP’s split, it appears that conservation at the large scale – one of the stated goals of the DRECP – is happening through other methods.

For example, right before the “DRECP Split” announcement was released, in February 2015 President Obama, using his authority under the Antiquities Act and encouraged by California Senator Diane Feinstein, designated two million acres in the DRECP’s Planning Region as the Mojave Trails, Sand to Snow, and Castle Mountains national monuments.

The designated monuments were created to link already protected land and wilderness areas, “permanently protecting key wildlife corridors and providing plants and animals with the space and elevation range that they will need in order to adapt to the impacts of climate change.” The lands will continue to be open to a variety of uses like recreation, hunting, and rock collecting – but all explicitly eliminated the threats of industrial scale renewable energy development.

While there were no direct connections to the DRECP, much of the land designated in these national monuments significantly overlapped with the areas proposed for conservation designation in the DRECP Proposed Draft Plan’s Preferred Alternative. While some stakeholders initially came out saying that this political move by Obama was unnecessary because most of these lands were already designated in the DRECP – just a month after the monuments were designated, the REAT agencies announced the DRECP Plan had split.

The DRECP represented the changing nature of landscape-scale collaborative planning. It set out to pioneer a new way for state and federal agencies as well as counties go about balancing energy production with conservation. The next section of this report will go into detail about the challenges and successes of the DRECP as well as document the key findings synthesized from those interviewed about the plan.

# **SECTION 3**

## **Key Findings from the DRECP Process**

This report analyzes the DRECP’s six-year planning process from its inception in 2008 to the March 2015 announcement that the process was proceeding in a “phased approach.” To evaluate the DRECP as an example of a large-landscape planning process we used four main lenses or methods of analysis which include: (1) the Governance Structure of the DRECP, (2) the Science and Analysis of the DRECP, (3) Stakeholder and Public Engagement in the DRECP, and lastly, (4) Tribal Consultation in the DRECP.

Section 3 is a summary of the key findings, challenges, and successes of the DRECP using each of these four lenses. All of the findings are extracted and draw from our sixty+ interviews, document review, and literature review on collaborative and landscape scale planning. Each of the key findings has a lesson learned associated with it that could be applied to a future landscape scale planning process. All of the lessons can be found in Section 4 of this report. The section is divided into the following four chapters and associated sub-sections:

### **Governance Structure**

- I. Overview of Governance Structure in the DRECP
- II. Governance Structure Key Findings
  - a. Interagency Collaboration
  - b. Organizing and Staffing the Process
  - c. Resources

### **Science and Analysis**

- I. Overview of Science and Analysis in the DRECP
- II. Science and Analysis Key Findings
  - a. Data Collection and Analysis
  - b. Data Organization
  - c. Independent Scientific Review
  - d. Making Science Based Decisions

### **Stakeholder and Public Engagement**

- I. Overview of Stakeholder and Public Engagement in the DRECP
- II. Stakeholder and Public Engagement Key Findings
  - a. Achieving Early Participation
  - b. Structuring for Meaningful Engagement
  - c. Cultivating Collaboration
  - d. Partnering with Local Governments

### **Tribal Consultation**

- I. Overview of Tribal Consultation in the DRECP
- II. Tribal Consultation Key findings
  - a. Getting Tribes to the Table
  - b. Acknowledging Tribal Sovereignty
  - c. Creating a Meaningful Partnership
  - d. Integrating Traditional Ecological Knowledge [TEK]

# CHAPTER 1

## Governance Structure

“Executives will say, ‘We should really team up on something.’ And they’re like, ‘Yeah, that’s great. That shouldn’t be too hard.’ But when you look at things like NEPA, you can’t use the term ‘significant’ except in a very specific way. Under CEQA, it does not have that specialized connotation. That’s one word that gives us so much heartburn every time we team with someone from the state. There are a thousand examples like that for just terminology and process alone that make it so incredibly difficult to do interagency work. It doesn’t mean we shouldn’t do it, but it means go into it with your eyes open and know that it will be hard work and take five times longer than you think it’s going to.”

– Agency Interviewee

Planning processes are designed to gather information and make decisions. In landscape-scale processes, the amount and complexity of this information as well as the decisions to be made can be enormous. Ecology, sociology, economics, law, politics, and public policy are just some of the categories from which this highly complex quantitative and qualitative data emerges. Governance structures are tools constructed to organize and facilitate the flow of this information so that it reaches decision makers in a timely and helpful manner.

In the DRECP, which was nearly unprecedented in geographic and administrative scope, the governance structures created were critical to the process being able to continually move forward. These structures consisted primarily of the Renewable Energy Policy Group (REPG) and Renewable Energy Action Team (REAT). These newly created structures were the venues in which information would be gathered and shared and decisions would be made in an interagency, collaborative manner. They were the venues in which shared understanding of issues were developed, cross-agency working relationships were built, problems were identified and worked through, resources were allocated, decisions were made, and the process was generally pushed forward.

The REAT and REPG governance structures were created and held together by formal agreements - such as Memorandums of Understanding and a Planning Agreement - between the highest officials from the primary state and federal government agencies. The agencies were given clear reminders of the priority of their work thanks to administrative orders and personal attention from their highest ranking officials. They were also given clear goals at which to orient themselves thanks to numerically-based state and federal renewable energy policy mandates.

Adding to the complexity of the DRECP process were the differences in cultures between the primary agencies as well as a monumental shift within BLM. Each REAT agency had its own laws, policies, and historical way of carrying these out. Sometimes they complimented each other, but often they were in conflict. The REAT and REPG governance structures were integral to leveraging their helpful overlaps while navigating their differences.

The first part of this chapter will give background and details about the governance structures themselves, their formal motivating forces, and the differences in cultures that created conflict. The second part of the chapter will detail key findings related to governance structure and interagency collaboration as generated by interviewees.

Several research questions were used to guide interviews for this chapter, including:

- 1) *How were the challenges created by interagency collaboration at the landscape scale addressed?*
- 2) *How did the ebb and flow of capacity and resources impact the REAT agencies?*
- 3) *How did the DRECP reconcile differences between local, state, and federal laws, policies, and procedures?*
- 4) *What strategies were used to organize and staff this landscape-scale, multi-year process?*

## Overview of DRECP's Governance Structure

### New Interagency Collaborative Structures Created to Respond to Unprecedented Applications for Renewable Energy Projects.

In 2008-2009, the volume of renewable energy development applications being submitted in the southern California desert was hitting unprecedented levels. The agencies primarily responsible for permitting these projects - BLM, USFWS, CDFW, and CEC - collectively realized the standard project-by-project review process they had always done in the past was inefficient and not meeting their objectives. It did not work from a conservation standpoint because it did not take into account the cumulative impacts of so many new projects being placed in the desert landscape. Nor was it efficient from an administrative perspective because each agency was processing applications individually before handing them off to the next agency. In this serial processing manner, if an application contained unacceptably substandard material critical to the third agency in line to review it then the first two agencies would be spending fruitless time reviewing an application that was going to need to change significantly anyway. These issues were true for both renewable energy generating projects as well as new transmission line applications.

In response, these agencies started holding regular interagency meetings to discuss individual projects and the problems that arose while processing permits. To begin addressing the underlying problem, biologist Vickie Campbell, who was working on the new permits and had significant experience in habitat conservation and landscape-level planning, created a template for siting renewable energy projects on private lands with the goal of showing it was possible to guide projects toward disturbed lands and away from highly ecologically sensitive areas. It proved to be a catalyst and helped the agencies realize that to account for the cumulative impacts of these new renewable energy projects they had to be thinking at a larger scale.

In November 2008, the four agencies signed their first MOU creating the Renewable Energy Action Team (REAT). However, early on it became clear each agency had its own laws, policies, and cultures that in many places were contradictory or conflicting with one another. In October 2009, an executive planning body called the Renewable Energy Policy Group (REPG) was formed in response



to this issue to provide high-level decision making about how to integrate core agency policies that had not been written with integration in mind.

These working groups - the REPG and REAT - became the primary venues in which staff from the agencies would meet to build mutual understanding of issues related to the DRECP, resolve outstanding conflicts, and otherwise make decisions on how to move the process forward. Group meetings regularly included presentations from the state and federal agencies, solar and wind industry representatives, tribes, local government officials, environmental nonprofits and others all in an effort to educate the higher level policy staff on the issues the DRECP was addressing. Communication continued between meetings as group members exchanged emails, phone calls, and/or were involved in small group meetings.

The REAT was comprised of BLM, USFWS, CEC, and CDFW, however when it was formed in 2008 it was not an entirely straightforward decision which agencies should be core members. Both CEC and California Public Utilities Commission (CPUC) had jurisdiction over permitting renewable energy projects. CEC had permitting authority over thermal power plants of 50 megawatts and larger as well as associated facilities like transmission lines, fuel supply lines, and water pipelines. Importantly, this distinction of thermal power plants meant CEC could permit solar technologies like parabolic troughs and power towers, but not photovoltaic technologies. Meanwhile, CPUC had authority to permit transmission lines not actively associated with a specific power plant, an ability that would be potentially crucial for adding transmission access to Development Focus Areas.

In the end, CEC was chosen instead of CPUC in large part due to the outlook at the time for the type of renewable energy technology that was going to be deployed in the desert. In the 2008-2009 timeframe, solar thermal projects represented most of the applications for the desert region and seemed to be where the industry was headed. CEC was the agency with permitting authority covering this technology.

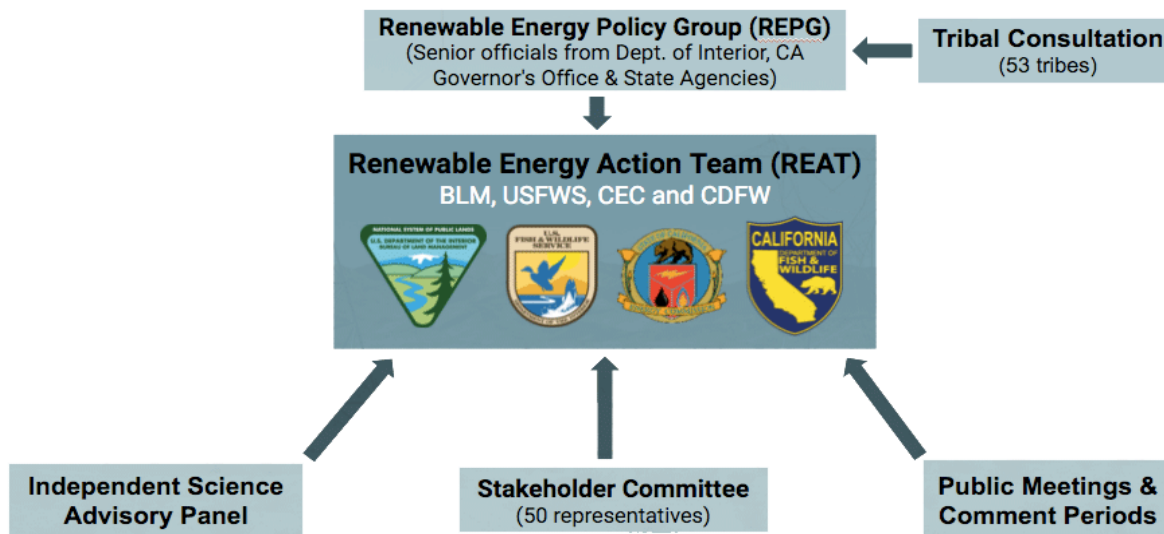
While the four REAT agencies covered much of the physical and legal ground within the DRECP planning region, they did not cover it all. Most notable among other agencies not serving as full participants in the REAT were the National Park Service, Department of Defense, California State Lands Commission, and the United States Forest Service. Together these entities held almost 32 percent of the land area. A BLM staff person noted the logic behind some of these decisions:

*We did not include National Forests due to the large number of species we were already dealing with, so we did not involve the U.S. Forest Service. The National Park Service self-selected not to participate in the process because the boundaries of their parks are created by Congress and do not have the ability to change these boundaries. They instead elected to provide comments on the plan, but were not part of the REAT. The military chose not to participate because the process was out of the scope of their mission. However, they provided data, maps and input throughout the process when the project impacted their work.*

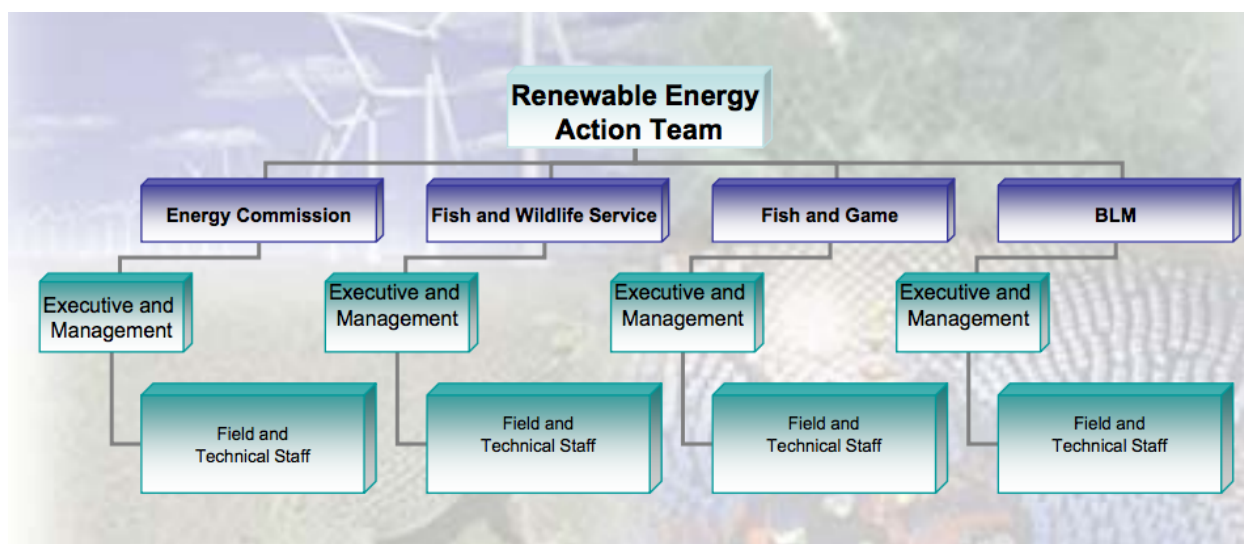
The Renewable Energy Policy Group (REPG) was created in a 2009 MOU signed by Governor Schwarzenegger and Secretary Salazar and was designed to give guidance and resolve conflict amongst the REAT. It was comprised of executives from each of the REAT agencies as well as senior political appointees from the Department of Interior and the California Governor's office. If questions or conflicts emerged that could not be resolved in REAT meetings, they would be moved up the chain of command to the REPG where guidance would be generated and passed back down.

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The REPG also played an important role in facilitating the flow of information between agencies and the range of stakeholders involved. Meetings were open to the public and would sometimes include 40-50 people. Presentations would often be given from renewable energy industry representatives, environmental advocacy organizations, or other stakeholders. At times developers would voice their concerns about the permitting process to the executive staff and a troubleshooting process would take place. As a demonstration of commitment to the DRECP and renewable energy development, meetings would often be held in the governor's office.



**Figure 8.** Outline of planning structure of the DRECP. The REAT and REPG represent the plan writing and decision-making bodies. *Image courtesy of www.drecp.org.*



**Figure 9.** Structure of the Renewable Energy Action Team (REAT). *Image courtesy of www.drecp.org.*

## Formal Agreements and Orders Identified Goals, Drove Collaboration.

Formal interagency agreements helped solidify the commitment to collaboration of federal and state agencies. In particular, these included Memorandums of Understanding (MOU) and a Planning Agreement.

Multiple MOUs were signed during the DRECP, however three stand out as shaping the governance structure of the planning process. First, a November 2008 MOU created the REAT and called for the creation of the “Desert Energy Conservation Plan.”<sup>33</sup> This agreement also called for the agencies to form interagency working groups to ensure consistency and coordination in the permitting of renewable energy facilities while the development of the larger plan was taking place. Second, with the arrival of the Obama Administration, an October 2009 MOU between Secretary of the Interior Ken Salazar and Governor Arnold Schwarzenegger reinforced the federal and state joint commitment to the DRECP. It also created the REPG and more clearly detailed the outcome of the process by calling for the creation of renewable energy development zones. Third, following the election of Governor Jerry Brown and the reelection of President Obama, a January 2012 MOU between DOI and the State of California renewed the commitment to both the plan and the process.

Another key formal arrangement that helped shape the DRECP was a Planning Agreement. Signed by the REAT agencies in May 2010, the agreement outlined the roles, responsibilities, goals, and commitments of agencies in the DRECP process in greater detail than the MOUs. Specific guidelines were outlined for public participation in the process, importantly including the need for an independent scientific review. Federal agencies were not technically required to participate in the creation or signing of the Planning Agreement because it was only a requirement of the California law. However, they did participate heavily in the creation of the agreement and eventually signed it in the spirit of cooperation.

In addition to these interagency agreements, formal demonstrations of support for the renewable energy development achieved through collaborative decision-making processes were made by the highest level of the Department of Interior.

During the DRECP two individuals held the position of Secretary of the Interior and both issued Secretarial Orders impacting the DRECP. Secretary Ken Salazar’s first order of his tenure (Order 3285, March 2009.) established renewable energy production, development, and delivery as a top priority for the department. It also encouraged federal agencies to work with state, local, and tribal governments to identify the best places for this development on public lands.<sup>34</sup> This was the first time renewable energy resource development had been formally made a priority for the department.

Later, in October 2013, newly appointed Secretary Sally Jewell also used her first Secretarial Order to give direction to the DRECP. Order 3330 established a department-wide priority for looking at the landscape-scale when making plans for mitigation activities. It called for the identification of areas of high ecological value so development could be guided to less valuable areas. This was a direct message of support for the DRECP’s goal of designating of renewable energy Development Focus Areas in order to guide projects toward areas of lower ecological value.

**Excerpt from Secretary Salazar's First Secretarial Order (3285, March 2009)**

“Encouraging the production, development, and delivery of renewable energy is one of the Department's highest priorities. Agencies and bureaus within the Department will work collaboratively with each other, and with other Federal agencies, departments, states, local communities, and private landowners to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation's water, wildlife, and other natural resources... [including] identifying and prioritizing the specific locations in the United States best suited for large-scale production of solar, wind, Geothermal, incremental or small hydroelectric power on existing structures, and biomass energy (e.g., renewable energy zones).”

The DRECP effectively saw two California governors and one president during the process. Both of these offices issued executive orders that signaled to those involved in the DRECP process that the highest executives of both levels of government were supporters of its goals. In November 2008, Governor Schwarzenegger issued Executive Order S-14-08, calling on California to generate 33 percent of electricity from renewable sources by 2020.<sup>35</sup> In March 2012, President Obama issued Executive Order 13604, specifically directing federal agencies to better communicate and collaborate with state and tribal governments in order to streamline the federal permitting process, including “conducting reviews concurrently rather than sequentially to the extent practicable.”<sup>36</sup> These were again direct messages of support for the goals of the DRECP.

## **Collisions and Shifts in Agency Cultures Create Challenges.**

Each of the REAT agencies had different missions, laws, and policies that shaped their internal cultures. In general, BLM was charged with managing its vast land holdings in a multiple-use, sustained yield manner. USFWS and CDFW managed for the wildlife on the land with a main goal being keeping these populations off of endangered species lists. CEC was the state's primary energy policy and planning agency while also regulating some energy siting and generation, but only for a specific set of power plants (thermal generating plants over 50 megawatts in capacity). As one environmental consultant noted of these differences:

*[The agencies] have different mandates, different regulations, different agency goals. The BLM was all focused on how could we streamline permitting on their lands. The wildlife agencies are mostly concerned about protecting rare and endangered species. The energy commission is also interested in how quickly they can ramp up renewable energy. So their goals based on regulations, mandates, agency culture, were not necessarily aligned with the overarching goal of conservation of desert ecosystems while achieving renewable energy goals.*

In particular, the wildlife agencies brought cultures to the process that were quite different than the CEC or BLM. While CDFW came with experience doing land use designations, USFWS was in mostly unfamiliar territory. Said one state official, “CDFW is a land manager. They seemed to have a little more zeal for actually getting more land designations during the planning process. Whereas USFWS, and their attorneys in DC, mostly focuses on broad conservation goals.”

The varied levels of experience with renewable energy and land use planning - key components of the DRECP - meant not everyone at the REAT table was starting from the same place. The wildlife

agencies' relative lack of experience with the messiness that comes with land use planning and permitting processes may have created inefficiencies, as one interviewee lamented:

*The DRECP could have moved more effectively if everyone had a better understanding of what land use planning is all about. Not just the technical part, but the political and social aspects as well. The BLM was focused on multi-use. Most of their experience with outcomes involved everyone being upset with them. Most of the other agencies were focused on the idea that the wildlife get everything. They don't compromise. But planning requires compromise. It is a social decision every time we allocate land use designations. We need science to inform our decisions, but that ultimate decision is a political one.*

Not only was each agency coming into the process with different expertise, but also different opinions about the cultures of the other agencies. Conflict would sometimes originate from agencies questioning each other about their legal abilities under their respective statutes and policies - what they could and could not do for the DRECP. As a BLM staff person recalled:

*I think the biggest challenge is that each agency has statutes that drive what it does, but statutes are written by legislative bodies that are difficult to interpret. What happens with statutes is that you then get agency policies and guidelines. Sometimes agency people can get stuck in thinking that policies and guidelines are the statutes and they are not. Tied in with that is agency culture. So I think there was a lot of angst in the definitely first three years, probably angst all the way up until now as we are still dealing with changing of culture. Changing of culture is actually much more difficult than changing of statutes.*

While the unprecedented size and complexity of the DRECP meant each agency was attempting something relatively new, perhaps the REAT agency most pushed outside its previous comfort zone was BLM. The agency had spent much of its existence prioritizing extractive and otherwise consumptive uses of the land. Major conservation efforts were considered and carried out when necessary to accommodate extraction and development, but generally not before. The DRECP reversed this by designating millions of new conservation acres before any development project had even been approved. This was a major change in the agency's usual mode of operation, as one BLM interviewee noted:

*When I first started at the BLM it was consumptive uses - like oil, gas and mining, livestock grazing - that dictated how lands would be managed and conservation had to fight its way in to say why certain areas should be conserved. The DRECP flips that. Instead, we say, 'These are the areas that should be conserved and the consumptive uses have to prove they can be done compatible with conservation.' That is a mega-shift for BLM.*



**Figure 10.** BLM's original logo (left) heavily emphasized the extractive potential of the land. The current logo (right) removes these references for a more scenic view.

While some in the agency may have found this change refreshing or invigorating, others found it challenging. It created discomfort for some either thanks to its philosophy or perhaps the new and unfamiliar requirements it was putting on previously well-known tasks. As one BLM staff person noted of the DRECP,

*We pushed the boundaries within the culture - that made some people uncomfortable. And so they pushed back. I think if there had been early discussions and continual discussions to let people know that we are going to push the boundaries and it's ok and we want everyone involved in the creative process to push the boundaries. I think that might have actually given folks a level of comfort and permission that it was ok. There might have been less resistance and less frustration on everybody's part by pushing the boundaries.*

In many ways, BLM's internal struggles were the result of a never ending attempt to interpret and enforce the multiple-use, sustained yield mandate found in their organic act. Not only might this be a more difficult mandate to execute than most other agencies, but it can fuel interagency conflict. As a federal official noted,

*(National) Park Service has an Organic Act that really covers two things and it's really not a dual mandate - although the Park Service will tell you that - because it's preserve and protect the resources and provide for recreation. But you're supposed to provide for that recreation in a way that doesn't impair those resources. Two missions. They got that mission in 1917 and they're still trying to figure out how to do two missions. BLM has multiple-use and that is a really hard place to live. What that means is at the end of the day you walk out of the room and if anybody is happy you didn't do your job. And if you walk out of the room and everybody is pissed off at you, you did your job. You got close to doing your job. It was actually pretty easy with CEC because they're more of a traditional user kind of group. Easier for them to understand how they fit within our elements. It was complicated with (CDFW) and USFWS because they are inherently more of a preservationist type mission and anything that wasn't 100 percent type preservation they felt that they were losing. That's not the context of multiple-use.*

## Key Findings

### I. Interagency Collaboration

“The projects were coming at a very high rate of speed. There were big expectations coming from the White House and it forced [the REAT] to work together. The REAT was created to address these issues on a weekly basis on the individual projects. The trust developed. Understanding of each other’s agency language and culture and personality developed. We started to learn from each other. Trust started to develop.”

– Federal Agency Interviewee

- ✓ **Finding # 1.** The REAT and REPG interagency collaborative structures were critical for overcoming serious challenges of the DRECP process.
- ✓ **Finding # 2.** Substantive and language differences between California and Federal laws and policies created significant challenges for the DRECP.
- ✓ **Finding # 3.** Interagency agreements and clear indications of support from high-level officials helped overcome conflict.
- ✓ **Finding # 4.** Ambitious deadlines helped keep the process moving, but were too aggressive and ultimately detrimental to work products.
- ✓ **Finding # 5.** Landscape-scale planning requires participation of many people and organizations, making meeting management and accountability difficult.

Resource management within the DRECP planning region was far from uniform. In order to plan across the landscape regardless of administrative boundaries, the federal, state, and local government agencies needed to work together. However, each government agency had different missions, goals, policy requirements, authorities, interests, and resources available to participate.

**Finding #1. The REAT and REPG interagency collaborative structures were critical for overcoming serious challenges of the DRECP process.** One of the main strategies deployed by the federal and state agencies to overcome differences between them was creating interagency planning structures: the Renewable Energy Action Team (REAT) and Renewable Energy Policy Group (REPG). Having these venues to build shared understanding of the resources found within the planning region, develop shared goals and objectives, identify and work through challenges in the planning process, and generate trust between the agencies greatly benefited the DRECP.

When the process began, renewable energy projects were still a relatively new land use activity for the REAT agencies. California’s agencies had permitted these projects before, but not in the volume they were facing. BLM, on the other hand, had not permitted a solar energy facility on its land prior to 2009.<sup>37</sup> As an additional challenge, the technologies and economics of the renewable energy

industry changed throughout the process. In 2009, concentrating solar technology looked like it would be the primary solar energy power plant in the future, but by 2014 solar photovoltaics had taken over. At the same time, management of solar and wind companies was changing hands rather often as businesses were bought and sold to ever changing ownership groups.

The combined novelty and fluidity of the industry meant a tremendous amount of education needed to take place to keep agency staff up to speed about the technical, legal, social, and ecological issues of renewable energy development. The REPG became a major venue for this education, particularly for agency executives. Representatives from the renewable energy industry, NGOs, and other stakeholders made presentations about issues they were facing or concerns they had for both individual projects and the DRECP. One federal REPG attendee recalled:

*The REPG meetings had 45 people in the room. There would be executives; key staff. They would invite stakeholders in, as well as renewable energy industry, to do presentations about issues. We would talk about the DRECP and renewable projects concurrently at these meetings. We would invite the NGOs to come in and they would come in and give their perspective on things. So all of the executives heard it at the same time so there could be a give and take conversation.*

The REAT also acted as a venue for the development of shared understanding of the issues at hand. Each of the four agencies had a dedicated DRECP Program Manager who would attend these weekly, in-person meetings (along with other agency staff). Email exchanges, one-on-one phone conversations, and smaller group meetings were held between meetings, creating regular and consistent information exchange and problem solving between the agencies.

These venues became particularly valuable during the early years of the process when the agencies were facing an unprecedented number of project applications and did not have the luxury of putting them on hold until the DRECP was completed. The REAT acted as a space in which the application review process could be coordinated while the planning process continued, allowing the agencies to continue to fulfill their short-term duties of processing applications while also working on the long-term landscape plan. This helped to quickly build a shared sense of understanding of the technical and policy issues involved with these relatively new technologies. It also helped build trust among REAT participants. One BLM official recalled:

*The projects were coming at a very high rate of speed. There were big expectations coming from the White House and it forced [the REAT] to work together. The REAT was created to address these issues on a weekly basis on the individual projects. The trust developed. Understanding of each other's agency language and culture and personality developed. We started to learn from each other. Trust started to develop.*

**Finding #2. Substantive and language differences between California and Federal laws and policies created significant challenges for the DRECP.** The DRECP was intended to be a single planning document that simultaneously acted as a federal Land Use Plan Amendment, federal General Conservation Plan, and state Natural Community Conservation Plan. However, each of these resource management plan types originated from different legislative and administrative bodies. Each had their own requirements as well as languages used to describe them. Ultimately, trying to produce the DRECP as a single, comprehensive state/federal document proved to be a major barrier for the DRECP.



Because each of the plan components were created through separate legislative processes the definitions of words used within them sometimes differed. For example, the term “land use authorization,” “permit,” and “lease” all have different definitions in federal law compared to California law. As one federal official noted, “Terminology becomes really key because you just can’t make assumptions that you can throw a word out there. It can actually confuse people rather than clarify.”

Fundamental laws to the process like NEPA and CEQA only added to the confusion. As one BLM staffer pointed out:

*Executives will say, ‘We should really team up on something.’ And they’re like, ‘Yeah, that’s great. That shouldn’t be too hard.’ But when you look at things like NEPA, you can’t use the term ‘significant’ in NEPA except in a very specific way. Under CEQA, it does not have that specialized connotation. That’s one word that gives us so much heartburn every time we team with someone from the state. There are a thousand examples like that for just terminology and process alone that make it so incredibly difficult to do interagency work. It doesn’t mean we shouldn’t do it, but it means go into it with your eyes open and know that it will be hard work and take five times longer than you think it’s going to.*

These language differences made even basic steps like setting up the structure of documents difficult. Said one environmental consultant, “The four lead agencies come from such different perspectives that it was very hard to get them to speak one language - between CEQA and NEPA - to even come up with an outline and structure for the document that would fit all of their regulatory requirements much less feel like a document that anyone had ever seen before.”

Not only did differences exist in definitions of words within these policies, but they also differed in substantive requirements. As one CDFW staff person recalled about the process for deciding on covered species:

*There was a feud between BLM and CDFW over rare plant designations. The state prescribes to the California Plant Society list designations and the BLM was prescribing to another method, which didn’t necessarily align. For example, a species could be very rare in California, but common outside California. From California’s perspective, we need to conserve that species in California. Whereas with BLM’s scheme, which is a global ranking, some of the very same species could be given a low rank of deserving conservation and protection. So there was some back and forth in terms of whose method should prevail and I think BLM was saying that for BLM land we’re going to use this global ranking. There was also an issue whether under NCCPs you can include species that are not listed under [CESA] as covered species. However, there was some pushback from USFWS and BLM over whether species that were not listed could be covered. That was a problem there, whether conservation measures toward species not listed under [ESA] could actually be included.*

Agreeing on elements of the plan implementation was also difficult thanks to substantive differences in policies. For example, a state agency official pointed out:

*For CESA, one of the issuance criteria for incidental take is full mitigation. In practice that means any mitigation addressing the effects of incidental take authorization is to be provided in perpetuity. So if land is set aside as mitigation for loss of habitat of an endangered species,*

*that land needs to be managed specifically under conservation easement funding to maintain and protect that land, restore, enhance, maintain the habitat in perpetuity. That became a problem when it came to BLM. BLM, according to federal solicitor's, said that BLM could not ever agree to something in perpetuity. They are legally constrained - at least that was the opinion. That was an ongoing source of irritation between the state and federal agencies. It's also an issue in the implementation agreement for the HCP/NCCP. BLM, the solicitor's advised, that BLM could not sign the implementation agreement. Which is kind of odd because there is plenty of precedence of federal agencies signing implementation agreements with state agencies, at least in California. That sort of friction there was not helpful in terms of giving the sense that we're all working together and totally committed. So that was kind of an unfortunate dynamic from the beginning.*

These language and substance-based differences between state and federal laws and policies made communication and ultimately decision making difficult and time consuming when trying to create a plan that all four lead agencies could feel comfortable signing off on.

**Finding #3. Interagency agreements and clear indications of support from high-level officials helped overcome conflict.** Multiple interagency agreements, including MOUs and a Planning Agreement, were used to demonstrate commitment to the goals of the DRECP by the state and federal agencies. These documents were helpful for acting as baseline guidance that the plan was a high priority. They demonstrated official buy-in from the highest levels of each of the agencies and gave a common place to stand when challenges with the process became daunting. As a federal agency official recalled,

Basically you have the top dogs at both agencies saying 'We will do this.' And ultimately when things got tough and people would say 'We can't make this work,' we would point to [the MOUs] and say, 'We have already been given the word by the executives. The chiefs of both agencies. We will make this work.' And that kept the process moving. I think that it was absolutely critical that whoever is the highest decision maker within your organization has a buy-in and a commitment to 'We will do this.'

Similarly, the Planning Agreement acted as a more detailed outline of the commitments each agency was making to the process and demonstrated buy-in among the four agencies at a very high level. It gave another layer that could be pointed to as an example of the how the agencies had already agreed to work together in order to complete the task.

While these agreements provided written demonstrations of commitment by the heads of the agencies, perhaps of greater significance was the personal attention shown by these leaders to the DRECP. At the state level, REPG meetings were held in the governor's office, both demonstrating their importance



**Figure 11.** Left to right: General Counsel to the Secretary Steve Black, Secretary Ken Salazar, Governor Arnold Schwarzenegger *Image courtesy of Department of Interior.*

and allowing Governor Schwarzenegger to occasionally sit in on meetings.

At the federal level, a Department of Interior staff person recalled the involvement of high-level officials in the department,

*MOU's are a dime a dozen. What was significant was the commitment of resources by the state and by us to make those MOU's real. I recall like it was yesterday going with [Secretary] Ken Salazar to a meeting with [Governor] Jerry Brown and his people - [Senior Advisor to the Governor] Michael Picker and others - with 50 state and federal reviewers, regulators, etc. from all the relevant agencies, giving them a pep talk about what they were doing. So you had personal, high-level involvement by the secretary, the deputy secretary, the counsel to the secretary, the head of BLM, the head of FWS, and the similar high-level folks in California all doing this. That's the difference. Not the MOU per se. It is the level of commitment and what that means.*

Leadership from the agency directors also helped push the process forward and kept conflicts from ending the process. One federal agency executive described it as state and federal agencies standing “shoulder-to-shoulder” to get it done. Another recalled,

*All of our high level managers have been committed to this project from the very beginning. If that had not been the case, if they had been lackluster about it, it would have fallen apart years ago...and there have been examples over the years of other big interagency planning efforts that did fall apart and collapse. The reason the DRECP didn't is because the executives said, 'No, we are going to stay the course. So you guys have to learn how to play together.'*

While formal interagency agreements and attention by leaders kept agencies at the table, they did not create procedures to follow when interagency conflict arose. None of the four agencies had authority to unilaterally make decisions, meaning conflicts needed to be resolved in a more informal manner. In the DRECP this meant raising conflict issues higher in the chain of command within the interagency structures. Often this manifested itself in the raising an issue from the level of DRECP Program Managers at the REAT to the agency executives and representatives of governor and secretary at the REPG. Said a BLM staff person of these officials ability to give necessary guidance,

*There were a couple of times we actually elevated issues to the Secretary and the Governor that we could not resolve. They stepped in and said, 'Here is what is going to happen now.' That only happened a couple of times, but that was a message that those top executives bought into this. They were committed to it and they would make the decisions necessary to keep it going. If we didn't have that I think there were times that the DRECP could have unraveled because the senior executives were saying, 'Due to our policies and laws we aren't going to be able to make this work.' Those political leaders at the governor's level and the secretary level said, 'We can and need to take the risk, so this is what we will do.'*

**Finding #4. Ambitious deadlines helped keep the process moving, but were too aggressive and ultimately detrimental to work products.** The early years of the DRECP saw it operating under highly ambitious timelines that ultimately became detrimental to the production of plan materials. The Draft DRECP was released in September 2014, however the original MOU in 2008 called for its completion by 2011. As one BLM employee noted, “In my experience, the other HCPs/NCCPs the

state has been involved with were clearly never done in a timeframe anywhere close to two years. They were long, drawn out processes.”

Subsequent MOUs similarly set timelines that proved to be highly over ambitious. The 2009 MOU set the goal for June 2012. Even the January 2012 agreement, which came at a time when a draft document was still seemed well far off, called for total completion of the plan by mid 2013. One BLM official recalled part of the source of these unrealistic timelines: “There was some level of misunderstanding associated with size and scope of the task, especially associated with some of the original timelines that were proposed from the Governor’s Office and agreed to in terms of the target date for completing the plan.”

While these timelines may have helped combat the notion in the early days that the plan might never actually reach the finish line, in the end they turned out to be detrimental to the process. In attempting to hit these timelines work products would often become rushed and completed at suboptimal levels. A USFWS staff person recalled environmental consultants in particular having a hard time meeting these timelines:

*The consultants were always getting their direction from very high levels in the agencies - way up in Sacramento - and their overriding priorities were meeting the deadlines and the schedule. And you’re probably aware that the schedule slipped and had to be re-determined I don’t know how many times because those schedules were never realistic. A lot of deficient products were produced to meet those deadlines and then when those deadlines got re-negotiated not enough time or priority was given to go back and fix the problems in the products that had to be finished to meet the unrealistic deadline. Consultants had to move on and generate more tasks so it became a compounding problem of having crummy products, no time to fix them, and overriding need to come up with next products to meet the next deadline. It was a repeating pattern in that way where there was never time to go back and fix things that needed to be addressed.*

**Finding #5. Landscape-scale planning requires participation of many people and organizations, making meeting management and accountability difficult.** The large geographic and administrative scale of the DRECP created project management challenges due to the volume of people and information involved. For example, while the REAT provided a good forum for interagency communication and relationship building, meetings early in the process often suffered from having too many participants. Said one REAT participant:

*We actually had to make the meetings smaller over time so that we could make decisions. Sometimes what we needed to do was ask the agencies to have discussions internally about how to resolve an issue and only one or two representatives at the meeting to discuss how to approach it. So we had very large meetings with lots of people - it was difficult to get throughout our agenda.*

In addition to the challenge posed to productive meetings by large numbers of participants, issues arose with keeping everyone on the same page regarding how and why decisions had been made. Said one REAT meeting attendee:

*There were meetings that we had three or four years ago that every meeting we would almost be starting from zero with the other agencies. We would agree to something at one*

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*meeting and a week or two weeks later we would have another phone call and it was like they had forgotten everything we had told them. They had given up on all the decisions we had made and [we] would sit there and go over it one more time. 'Here it is. Here's what we're going to do. Here's the decision we made last time.' And it got to where I was taking extensive notes because I was getting confused.*

Even when a decision was reached there was still the matter of following through on commitments. In the REAT, no agency had authority over any other, making accountability difficult for work products or other commitments. Said a CDFW staffer:

*It's that dynamic where at these meetings you make a decision or an agreement to do something and there's no follow through at the lower ranks. And so there was just a basic lack of accountability in making sure that these things got done as they were agreed to...we could agree at this table that we're going to do something but then I have to go on and make sure my department does it. So, I'm not in charge of the department and I can't tell everybody what to do. I could put it out there that we want to try and do it this way so that we're consistent over here, but then we've got a whole department full of individuals and they're, some of them are opinionated, some of them are not.*

## II. Organizing and Staffing the Process

“You’ve got to have enough of a relationship already built by the time you hit them that you can have an honest conversation that’s content based, not personal, and not combative so you can actually explore the alternatives that are on the table, and it’s a little trite, but sort of reason together.”

– Federal Agency Interviewee

- ✓ **Finding # 1.** Staff members having diverse professional experience and relationships can help improve their effectiveness.
- ✓ **Finding # 2.** Coordinators of interagency collaboration are critical; hiring experienced consultants from outside the agencies can help them be seen as impartial.
- ✓ **Finding # 3** Problems due to staff turnover can be mitigated through clear written records and deliberate work to manage transitions.

At the core of the DRECP process were individuals who brought with them a diverse range of professional skills and experiences. Some individuals participated in the process full-time, while many had other ongoing responsibilities that limited their capacity. Over the course of this multi-year process some individuals left while others joined it already in progress. All of these staffing dimensions created different opportunities and challenges for the DRECP process.

**Finding #1. Staff members having diverse professional experience and relationships can help improve their effectiveness.** The professional experience agency staff members bring to the table are important, particularly for leadership positions. As a BLM staff person noted, “In a collaborative effort, it is not enough to say you have read the agency’s policies and laws. Unless you actually have experience in implementing those laws you don’t appreciate it.”

A helpful strategy deployed by BLM in preparation for the DRECP was assigning a staff member as DRECP Program Manager who had previous experience working on landscape scale plans as well as for more than one federal agency. Vicki Campbell had 26 years of federal agency experience, working as a wildlife biologist, Endangered Species Act specialist, and landscape-scale planning specialist. Much of her experience came while working with USFWS on planning processes like the Northwest Forest Plan and multi-state pipeline projects. This professional experience gave Campbell a high level of familiarity with the regulations and policies of other agencies, allowing BLM to better work with the other agencies involved.

However, to take full advantage of staff experience and expertise they need to be assigned to positions where their skills will be best utilized. This can be the case with individuals or entire agencies, as one USFWS respondent noted:

*The executives decided early on which agencies were going to take the lead on which species and which species some of the agencies were not allowed to work on. Which makes no sense at all because those decisions were not based on which agencies and personnel had species specific knowledge and primary responsibilities. It’s an abrogation of the law in a sense that we need to treat all these species on an equal basis to issue a take permit for them and they*

*need to meet the same standards as listed species. Yet, CDFW was given lead on key species that we weren't allowed to work on and we were given direction to just accept blindly whatever CDFW came up with even though CDFW in many cases had no expertise, no knowledge, no real insight into the species that they were assigned to take the lead on. So that was just a major problem in the whole process.*

In addition to professional experience, the relationships people bring into a planning process are also important. Having established relationships between those who will be working together can allow for a more free and direct flow of information. It can also improve the ability to have honest dialogue about agency strengths, weaknesses, capacity, resources, and motivations, which can lead to conflicts being overcome quicker. Said one interviewee of the benefits of strong relationships ability to overcome conflict, “You’ve got to have enough of a relationship already built by the time you hit them that you can have an honest conversation that’s content based, not personal, and not combative so you can actually explore the alternatives that are on the table, and it’s a little trite, but sort of reason together.”

**Finding #2. Coordinators of interagency collaboration are critical; hiring experienced consultants from outside the agencies can help them be seen as impartial.** During the DRECP process there were two non-agency positions that added capacity and acted as impartial coordinators: the DRECP Director and Assistant Director. They acted as conduits and coordinators of agency-to-agency, agency-to-consultant, and agency-to-stakeholder information, including helping coordinate Stakeholder Committee meetings. They also became overall “champions for the plan,” people who would work closely with the agencies to keep them focused and on the same page while pushing forward issues that needed to be resolved.

The added capacity these positions brought to the process also helped with the complex task of coordinating the environmental consultants. Due in part to the number of consultants involved (six consultant groups totaling 90 staff members), coordinating the flow of information and expectations between the agencies and the consultants was challenging and time consuming. The DRECP Director and Assistant Director became organizers and conduits for this task, at times holding weekly meetings with the consultants to make sure tasks for the week ahead were understood and not duplicative. To make these meetings productive, significant effort was put in to produce materials ahead of time and make sure agendas were structured with the goal of reaching specific guidance rather than just talking generally about issues.

This additional coordination capacity brought by these positions was a benefit to the process, as noted by one BLM interviewee:

*Those were individuals who were not necessarily over their head in other permitting activity related to projects. They provided a rudder and carried a lot of the early workload in terms of stakeholder involvement, county involvement, identifying and helping the various entities what DRECP needed to look like in terms of the content of the document and appropriate places for agency and stakeholder involvement.*

Important to the helpfulness of these positions was that they were not federal or state employees. Instead they were consultants funded by Resources Legacy Fund, a non-profit organization based

in California. This status as non-agency staff improved their ability to be conduits for information as they were seen as impartial coordinators rather than biased agency participants.

**Finding #3. Problems due to staff turnover can be mitigated through clear written records and deliberate work to manage transitions.** A unique element of natural resource management plans is that they are meant to guide decisions for decades to come, resulting in the likely situation where staff in the future are implementing a plan they were not involved in creating. Those creating the plan may find its directions and reasoning clear and understandable, but others in the future may not. One strategy deployed by BLM to counter this effect came during the plan writing phase. Direction was given to staff to keep a constant focus on writing for a future audience other than themselves. As one BLM manager described:

*You write to the future as if it is not me or [someone you know] implementing this. It's our predecessors 10 years from now implementing this plan and they have no idea what our intent was when we wrote those words, but they need to know by reading them what we meant. So don't write to our personality. Write to whoever is going to implement it in the future. That's sometimes difficult because you sometimes see people's personalities play out in how we write. We can't help that. But you can minimize it if you keep in mind that you are writing for somebody other than you to implement it.*

Turnover can also become an issue during a multi-year process, creating disruptions when departing staff take institutional knowledge with them. It can also be difficult for new staff members stepping into the later stages of a process to contribute in a positive manner. Decisions have often been made that cannot be revisited, leaving new staff to work within conceptual boundaries they did not create. BLM addressed this issue by giving clear guidance to late entrance staff members on how to participate and create products. As reported by one BLM interviewee:

*I came in even further at the very tail end here. I was feeling...completely lost and didn't even know where to look, but [my manager] has had very clear guidance come out each time you want something. She's like, 'You will look at this. You should look at this first. You should respond this way in this place.' And so it's been very clear that I'm not coming into the creative phase. Don't throw in your ideas now because we already have something down. But it has helped to have that direction because otherwise I would have been spinning my wheels and pissing people off. I think having very specific direction and making clear what phase we are in. We are not in creative phase, we are in this phase, here's where you go and how you do it.*



### III. Funding

“Suddenly Fish and Game...their whole team was just gone. For some reason some of that stuff they were working on kind of disappeared. When the document went out for draft and the public comments came in is when we realized that stuff somehow just disappeared. I don’t know what happened, it just fell through the cracks, because we were missing a part of this team there. That was a little bit difficult.”

– Federal Agency Interviewee

- ✓ **Finding # 1.** Multiple agency partners can provide leverage to access a wider array of resources, including funding and data, and can help increase the willingness of partners to engage.
- ✓ **Finding # 2.** CDFW losing funding created an unbalanced process that made it more difficult to adequately satisfy state requirements.

The amount and consistency of resources available for a planning process can have a significant impact on its outcomes. These resources can include among other things staff time, expertise, and access to technology.

**Finding #1. Multiple agency partners can provide leverage to access a wider array of resources, including funding and data, and can help increase the willingness of partners to engage.** An advantage of having multiple lead agencies from the state and federal level was the opportunity to bring a greater diversity of funding sources to the process. CEC brought significant financial resources secured from the state legislature that would not typically be available to a federal-only process, including providing funding for the creation of the DataBasin tool. Leveraging state with federal resources was a major benefit to the DRECP process. Said one interviewee:

*Because of the joint interests of state and federal government and the fact that the state put a lot of money into this that the BLM would not have had the information, sophistication to help the DRECP’s development...A lot of modeling that we now have is tremendously helpful and provides a level of sophistication for the plan that you probably won’t find in other places.*

Much of this information and modeling was the result of a successful application for a one million dollar “Section 6” grant under the ESA. Creating the grant was a cooperative process between USFWS - the agency with the most Section 6 grant experience - and CDFW - the agency that would end up implementing the resulting data collection program. The grant was the catalyst for the mapping of natural communities, vegetation, and resource transport corridors as well as studies about key species like the Golden Eagle and Mohave Ground Squirrel. Commenting on the grant, one USFWS interviewee noted:

*The money goes from USFWS to CDFW and then they did the mechanics of finding contractors and dispensing the funds. Our role was basically to sit down and work with CDFW on what should be prioritized and how the money should be spent. That’s where we provided a lot of value added because the people working on it for CDFW had no previous*

*experience in the desert. We were lucky that they coordinated with us as much as they did, because they needed help and they didn't mind admitting it. It turned out pretty well in the scheme of things.*

This additional data was used to inform among other things the Data Basin tool, a GIS-based decision aiding tool that was funded by the CEC and seen as one of the most significant and beneficial outcomes of the entire process (see Science and Analysis chapter for more discussion of this tool). CEC also brought funding to the table that resulted in grants to county governments to facilitate their participation in the planning process. These grants were designed to allow county planning staff to complete updates to their land use plans in order to include renewable energy development. The planning grants were seen as major catalysts toward getting county involvement in the planning process.

Without access to the resource opportunities created by the joint state/federal planning process, it is uncertain if these valuable outcomes would have been achieved.

**Finding #2. CDFW losing funding created an unbalanced process that made it more difficult to adequately satisfy state requirements.** While the state/federal nature of the DRECP brought additional resources to the planning process, it did not inoculate it against the immense difficulties created by a lead agency losing almost all of its planning funding. CDFW had been granted funding from the state legislature prior to the DRECP to work on renewable energy projects. This funding was set to expire in December 2013. The renewal deadline came and went without action and the agency's staff working on the DRECP was immediately reduced from at least seven full-time to three part-time positions.

Interagency collaboration was suddenly well out of balance as BLM, USFWS, and CEC had remained the same but CDFW's involvement had now nearly vanished. Said a CDFW staffer, "It's one of those decisions where you pull the plug on the funding, you pull the plug on the project. That's essentially what happened."

Losing CDFW meant the NCCP component of the plan was unexpectedly without its expert and champion. Consequently, the Draft DRECP ended up geared more toward satisfying the requirements of the federal Land Use Plan Amendment than the state conservation plan. As one BLM staff person recalled, this included missing some whole pieces the CDFW team had been working on:

*Suddenly Fish and Game...their whole team was just gone. For some reason some of that stuff they were working on kind of disappeared. When the document went out for draft and the public comments came in is when we realized that stuff somehow just disappeared. I don't know what happened, it just fell through the cracks, because we were missing a part of this team there. That was a little bit difficult.*

## Conclusion

Landscape-scale planning processes inevitably require the gathering of a large and diverse set of complex ecological and social qualitative and quantitative data in order to make decisions. In addition, if it is truly crossing all administrative and political boundaries, a landscape-scale plan will need to navigate a large and diverse set of local, state, and federal laws, policies, and agency cultures. Governance structures - and the people and resources that comprise them – are necessary for managing these highly complex processes of data gathering and decision-making.

The REAT and REPG collaborative structures allowed for the building of a shared understanding of the goals, challenges, and solutions between the agencies. While there were certainly shortcomings in the interagency collaborative process, it is highly unlikely the Draft DRECP could have been produced in five years (or at all) without these governance structures.

## Chapter 2

### Science and Analysis

“In putting and collecting all this data for the desert, we’re now a site to locate this information that is also now public. That is huge. It allows not only agencies but also local cities and counties to look at this information and make decisions or help make decisions. That is giant, that’s a real positive out of the DRECP.”

– Agency Interviewee

The DRECP planning area covered a vast expanse of desert landscape in southern California, which was highly diverse in the number and types of species present as well as the potential renewable energy capacity for a growing population. At over 22 million acres, the DRECP represented too large a region to perform scientific analysis at a project by project scale but instead evolved to a landscape scale analysis. At this scale, biological and ecological factors came into play that were not present at smaller scales. These factors included species corridors, whole ecoregional assessments, and the ability to determine future lands impacted by a changing climate. Additionally, whole tracts of land were able to be designated for particular uses such as off-road vehicles, renewable energy project development, or species conservation, which led to fewer small patches of land for multiple uses.

In order to build authority and trust in science, the credibility of the vast amounts of data collected and used for the plan had to be demonstrated, vetted, and made available to the public. The analysis of this data would have to be adequately and extensively performed so that all knowledge gaps might be filled and it could be shown that even on such an enormous scale, the plan accounted for as many acres and natural communities as possible, whether by using actual data or running models. For this planning process, a lot of existing data was utilized while knowledge gaps were filled with new data and the use of environmental models. Tools such as GIS and species distribution models with the help of institutional knowledge led to the land designations described in the previous section (*See Section 2*).

Scientific input and analysis on a landscape-level scale required multiple factors to fall into place in order to be successful. These factors were (1) data collection and analysis, (2) data organization, (3) independent scientific review, and (4) making science-based decisions. In addition to the analysis of data, it had to be organized so that proper land designations could be constructed for uses such as conservation, recreation, and renewable energy projects. Independent scientific review was included to ensure the legitimacy of the science as well as its durability. Ensuring adequate and proper funding and personnel was important for creating science-based decisions throughout the plan as well.

This chapter will present lessons from the DRECP process revolving around the science and its analysis. The major facets of this are how data was collected and analyzed, how it was presented to both the agencies and the public, and how the DRECP process led to informed decision-making. This chapter will conclude with a discussion of the strategies that might work best in the future for landscape-level collaborative processes with emphasis on the science and its analysis.

## Overview of Science and Analysis in the DRECP

The DRECP was a multi-faceted, multi-jurisdictional, and intricate plan revolving around conservation and the need to create renewable energy projects in the California desert. It involved decision-making and outcomes that would impact a vast landscape, natural and human communities, and had to be rooted in sound science. All science and analysis decisions made in the DRECP had to be made by the DRECP's Renewable Energy Action Team or the REAT agencies. The REAT consisted of the California Energy Commission (CEC), the California Department of Fish and Wildlife (CDFW), the Bureau of Land Management (BLM), and the U.S. Fish and Wildlife Service (USFWS). Each agency brought their own culture, laws, data collection methods, mandates, and staff when making decisions about how science would be analyzed and used in the DRECP process (*for more information on the REAT agencies and responsibilities see Section 2*).<sup>38</sup>

The CEC was the primary energy policy and planning agency in the state of California and was therefore responsible for aspects such as forecasting future energy needs, some transmission corridor designation, and facilitating renewable energy development. The CDFW was the trustee for the state's wildlife and rare and endangered plants and was responsible for administering and enforcing the Fish and Game Code. The CDFW could enter agreements with entities for the conservation of species and habitats as well as authorize the Take of species listed as threatened or endangered by the California Endangered Species Act (CESA). The BLM managed and regulated multiple-use activities on federal public lands under the Federal Land Policy and Management Act of 1976. The BLM also permitted renewable energy facilities on federal public land. Lastly, the USFWS was authorized to enforce the Endangered Species Act (ESA) for wildlife, insects, plants, and to conserve these species while authorizing Take under the ESA.<sup>39</sup>

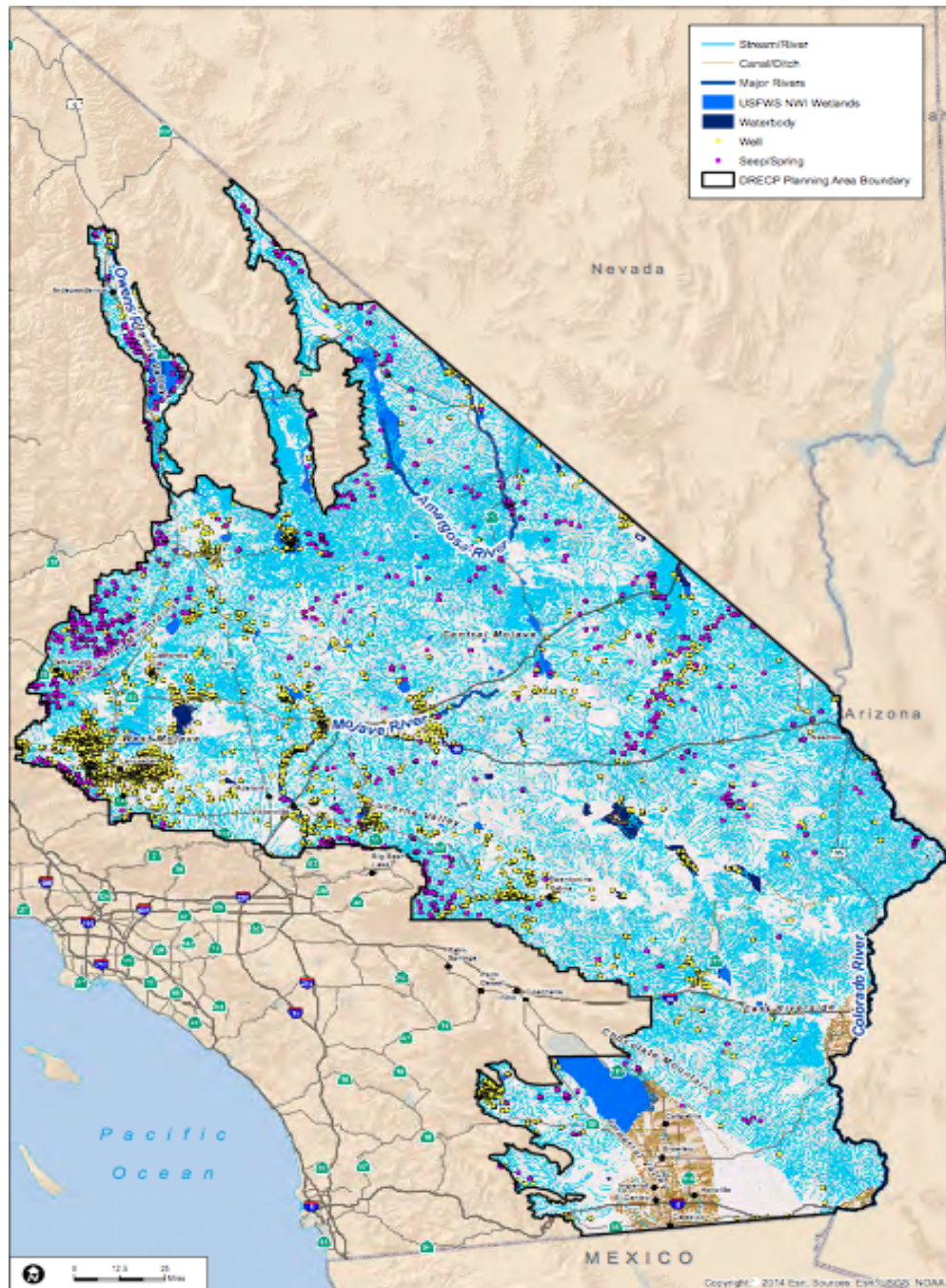
The DRECP's large geographic scale required science to be coordinated and used in different ways than on similar plans on smaller scales. The REAT agencies were forced to examine various spatial scales in order to analyze as much of the planning area as possible without physically collecting data on each of the 22 million acres. From scientific literature to data-driven models, the DRECP viewed the available science as the cornerstone of its conservation goals and objectives from the beginning.<sup>40</sup>

A Memorandum of Understanding (MOU) was signed on November 27, 2012 between the BLM and California Department of Fish and Game (later renamed California Department of Fish and Wildlife). This document outlined the cooperation and coordination commitments of the two agencies as well as their procedures and responsibilities relating to streamlining the renewable energy project permitting process while conserving biological and natural resources within the plan area. This document outlined the use of the best available science, which according to the DRECP Planning Agreement included, "principles of conservation biology, community ecology, landscape ecology, individual species ecology, climate change, and other appropriate scientific data and information; thorough information about all natural communities and proposed Covered Species within the Planning Area; input from well-qualified, independent scientists; and integration of relevant scientific and ecological research results from efforts currently underway in the Planning Area."<sup>41</sup>

For the DRECP, best available science was a combination of maps, aerial images, photographs from photo points, field reconnaissance maps, GIS data layers, field surveys, technical peer-reviewed reports and articles, and published literature.<sup>42</sup> This could include data going back decades or data from brand new studies. The experts analyzing the data used GIS, habitat models created by

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consultants, and technical and institutional knowledge to come up with the best strategies and conservation measures to ensure environmental impacts were minimal while allowing the construction of large renewable energy projects in the California desert. These conservation measures included allocating buffer zones to keep renewable energy projects away from covered species, conservation actions, and to help with land designations such as areas of critical environmental concern (ACEC).



**Figure 12.** Example of Map of Best Available Science from Draft DRECP Showing Hydrology. *Image courtesy of [www.drecp.org](http://www.drecp.org).*

One way science was integrated into the DRECP was through the use of environmental consultants, which included Aspen Environmental Group, Recon Environmental, ICF International, Dudek Consulting, and the Conservation Biology Institute. The role of the consultants included anything from analyzing the biological data, using GIS to construct visuals, looking at mitigation cost and funding, mapping, authoring sections of the document, and including climate change and adaptive management information.<sup>43</sup>

Another way science was integrated into the planning process was through the use of two independent science advisory panels (ISAPs). The first independent science advisory panel was required by California's Natural Communities Conservation Planning Act (NCCPA), which required obtaining independent scientific input to guide planning decisions.<sup>44</sup> The second panel was convened by the DRECP director following the review of public comments and dissatisfaction with the direction of the process.<sup>45</sup> There is no specification in the NCCPA regarding the number of times an ISAP must be convened during NCCP development. Therefore, while the first DRECP ISAP was legally required, the second ISAP was voluntary in response to disagreement surrounding the first ISAP and as part of an attempt to increase transparency in the DRECP process.<sup>46</sup>

From its inception it was understood that the DRECP would utilize the best available scientific research and information to support desert communities as well as the plants and animals reliant upon these communities. The end goal of the ISAPs was to create a document listing all of the consensus recommendations from independent scientific experts on the desert communities in the DRECP planning area.<sup>47</sup> Both of the ISAPs were responsible for determining the validity of the data used in the DRECP. In particular, the ISAPs were engaged to provide feedback on:

- (1) Conservation strategies for species and natural communities covered by the DRECP.
- (2) Conservation actions addressing the needs of species, ecosystems, and ecological processes in the DRECP planning area.
- (3) Reserve design principles and processes capable of adapting to a changing climate and capable of providing for the needs of species, landscapes, ecosystems and ecological processes.
- (4) Management principles and conservation goals to develop a framework for the monitoring and adaptive management component of the DRECP.
- (5) Gaps in the data and uncertainties in evaluating risk factors.<sup>48</sup>

One ISAP representative described the process as providing overall scientific guidance for the plan. However, recommendations provided by ISAPs were not legally binding to the agencies and individuals involved in planning process.<sup>49</sup>

The first ISAP met from April 22-23, 2010. Reviewing previous ISAPs from similar processes, the REAT agencies and stakeholders created a list of potential panel member candidates. This list was then reduced by the lead advisor. This panel was led by Dr. Wayne Spencer of the Conservation Biology Institute, who was contacted by representatives of CEC and USFWS in 2008 and was brought in to advise the ISAP in late 2009. Dr. Spencer was tasked with identifying the final list of panelists in 2010.<sup>50</sup>

The final panel was made up of 12 independent scientists from federal agencies, non-profit organizations, universities, and museums as shown in Figure 13. Its composition was such that a variety of independent scientific experts were included to cover the perceived important ecological and biological factors associated with large-scale renewable energy construction including experts in

botany, wildlife biology, desert ecology, hydrogeology, and the conservation of natural communities.<sup>51</sup>

<b>Desert Renewable Energy Conservation Plan Science Advisors 2010</b>			
	Scientist	Affiliation	Role/expertise
1	Wayne Spencer	Conservation Biology Institute; Corvallis, OR	Lead Scientist, Science Facilitator to DRECP
2	Scott Abella	School of Environmental and Public Affairs, University of Nevada, Las Vegas	Restoration ecology
3	Cameron Barrows	University of California Riverside – Palm Desert Campus	Desert ecology, reptiles, risk assessment
4	Kristin Berry	U.S. Geological Survey Box Springs Field Station; Riverside, CA	Desert wildlife ecology, tortoise, Mohave ground squirrel
5	Todd Esque	U.S. Geological Survey, Western Ecological Research Center, Las Vegas Field Station	Desert community ecology, vegetation, fire, invasive species, desert tortoise
6	Kimball Garrett	Natural History Museum of Los Angeles County	Birds
7	Chrissy Howell	PRBO Conservation Science, San Francisco Bay Research Center; Petaluma, CA	Spatial analyses, GIS, predictive modeling, bird ecology
8	Robin Kobaly	The SummerTree Institute; Morongo Valley, CA	Botany & plant ecology
9	Reed Noss	Conservation Science, Inc.; Chuluota, FL	General conservation biology, reserve design
10	Richard Redak	Department of Entomology, University of California, Riverside	Invertebrates
11	Robert Webb	U.S. Geological Survey; Tucson, AZ	Desert disturbance & recovery processes
12	Ted Weller	USDA Forest Service, PSW, Redwood Sciences Lab; McKinleyville, CA	Bats and wind turbines

**Figure 13.** Science Advisors from the 2010 Panel. *Image courtesy of www.drecp.org.*

Aiming to minimize the adverse effects of energy development in the desert communities of California, the panel's task was to, among other things, look at the plan area, covered species list, solar projects, wind projects, and transmission lines in order to identify what the scope of the planning process should be and to address information and data gaps.<sup>52</sup> Moreover, the panel wanted to promote greater knowledge about both desert and non-desert communities as well as contribute to the conservation and recovery of desert biota and ecosystem functions.<sup>53</sup> The ISAP completed its review of the DRECP and produced their report of recommendations in October 2010.

This report gave a summary list of recommendations the panel had reached a consensus on and believed to be important for moving forward in the process. At this point in the planning process, the ISAP was able to, and did, review a draft covered species list, a draft covered communities list, and draft maps of areas considered highly biologically sensitive/insensitive.<sup>54</sup> The report includes strong recommendations on anticipated flaws in the DRECP process, some of which were taken into consideration more than others.<sup>55</sup> Following the creation of this report, the Stakeholder Committee relied on the panel recommendations to determine the important aspects to focus on in developing the plan.<sup>56</sup> It is important to keep in mind that the panelists were not asked to review the entire DRECP up to this point, only the sections provided to them by the lead agencies.

Two years later from June 25-27, 2012, the DRECP convened a second ISAP. As noted, this panel was not required under the NCCPA. Rather, it came about due to dissatisfaction in the lack of action taken following the first panel and the direction the scientific portion of the process.<sup>57</sup> Additionally, there was a perceived lack of scientific leadership and consultation with outside expertise with respect to certain modeling and mapping aspects of the process. The second panel was put together because it was believed that the best available science was not being utilized to its full extent and appropriate methods were not being used to develop the plan.<sup>58</sup> As a result, this panel's main goal



was to review how well the agencies were implementing the 2010 panel recommendations and what additional improvements could have been made.<sup>59</sup> Similarly, a second ISAP member said that their role was “to evaluate whether the plan has considered the best available scientific information, has been prepared using the initial [ISAP] 2010 recommendations to the extent practicable and appropriate, and has planned for climate change effects to extent practicable.”<sup>60</sup>

The second ISAP was made up of 15 independent scientists from state and federal agencies, non-profit organizations, universities, and national laboratories. The panel was led by Dr. Steven Schwarzbach of the Western Ecological Research Center, which is part of the U.S. Geological Survey. Dr. Schwarzbach was assisted by Dr. Wayne Spencer, the lead of the first ISAP in 2010. Similar to the first ISAP, the second ISAP members (Figure 14) were chosen by the lead advisor, in this case Dr. Schwarzbach. Four members from the first ISAP were also on the second ISAP.<sup>61</sup> To ensure the DRECP’s scientific defensibility, the focus of their work was around draft consultant work products, biological descriptions, species models, a climate change appendix, reserve design methods and associate maps along with other supporting documents.<sup>62</sup>

<b>Desert Renewable Energy Conservation Plan Science Advisors 2012</b>			
	<b>Scientist</b>	<b>Affiliation</b>	<b>Role/expertise</b>
1	Steven Schwarzbach	Western Ecological Research Center, U.S. Geological Survey	Lead scientist
2	Wayne Spencer	Conservation Biology Institute	Reserve design and conservation of biodiversity
3	Julie Yee	Western Ecological Research Center, U.S. Geological Survey	Biostatistics, avian monitoring
4	Lesley Defalco	Western Ecological Research Center, U.S. Geological Survey	Desert plants, desert restoration
5	Scott Abella	University of Nevada, Las Vegas	Restoration ecology
6	Kristin Berry	Western Ecological Research Center, U.S. Geological Survey	Desert tortoise and the Mojave desert landwayscape
7	Ted Weller	U.S. Forest Service	Bats and wind energy
8	David Stoms	Public Interest Energy Research, California Energy Commission	Connectivity, biodiversity and approaches to decision support
9	Todd Katzner	West Virginia University	Wind and birds
10	Dave Bedford	U.S. Geological Survey	Dust/desert geomorphic features
11	Ted Beedy		Ornithology
12	Dan Cavan	Scripps Institution, U.S. Geological Survey	Climate change
13	Ken Nussear	Western Ecological Research Center, U.S. Geological Survey	Desert tortoise habitat suitability
14	Jim Stritholt	Conservation Biology Institute	Conservation and computer mapping technology
15	Scott Haase	National Renewable Energy Laboratory	Renewable energy

**Figure 14.** Science Advisors from the 2012 Panel. *Image courtesy of www.drecp.org.*

The panel produced an ‘Initial Recommendation’ document in August 2012. The document provided recommendations for (1) the application of scientific advice, (2) scientific expertise and senior science leadership, (3) analytical framework and science component integration, (4) document clarity, (5) transparency, (6) covered species and communities, (7) scientific foundations, datasets, and analyses, (8) species distribution models, (9) reserve selection and design, (10) interacting stressors and future conditions, (11) climate change, and (12) adaptive management and monitoring.<sup>63</sup>

In September 2012, this panel released a ‘Review Draft’ of their final recommendations. This draft was a follow-up to the Initial Recommendations document, discussing how their scientific advice had been applied during the process, reviewing new plan documents, and providing additional recommendations. After this draft, a final report was released in November 2012. The independent scientists were deeply concerned with the scientific quality of the DRECP products, methods, documentation, and processes. At the time of publication of the final report, the independent scientists unanimously concluded that the “DRECP is unlikely to produce a scientifically defensible plan without making immediate and significant course corrections.”<sup>64</sup>

In addition to incorporating recommendations from the two ISAPs, the main ways the DRECP integrated science into its process and the plan were through the environmental models created by consulting groups and the creation of the DRECP Gateway and Data Basin by the Conservation Biology Institute (CBI). The role of the consultants was anything from analyzing the biological data, using GIS to construct visuals, looking at mitigation cost and funding, mapping, authoring sections of the document, and inputting climate change and adaptive management information.<sup>65</sup>

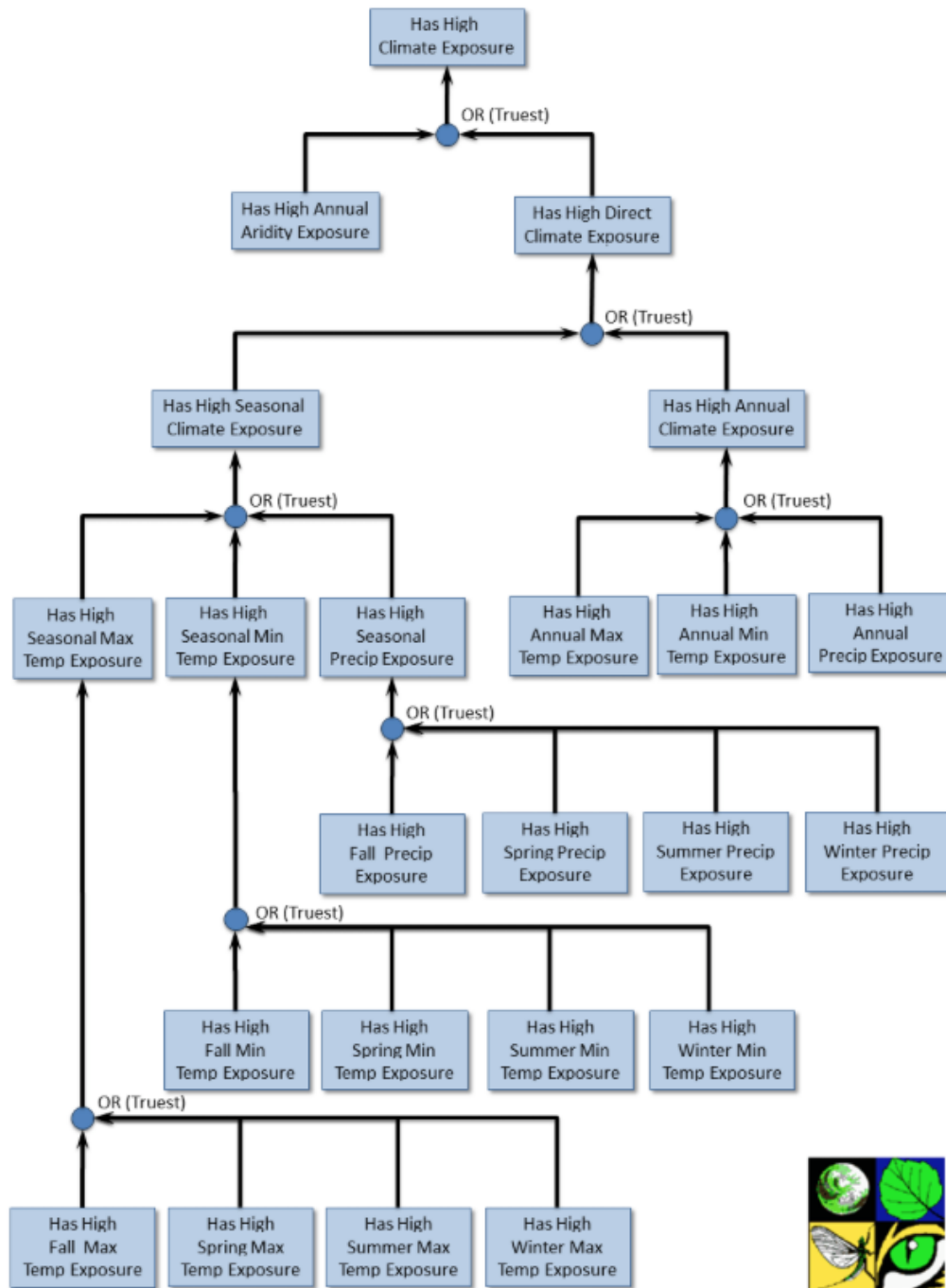
The most influential models were the environmental models created by the consultants, such as those included in the Data Basin tool on topics ranging from species distributions to connectivity of lands. The logic trees were also used in the Data Basin tool in the form of the Environmental Evaluation Modeling System (EEMS) developed and created by CBI. The institutional knowledge came from the agency officials working on the plan who had the experience and authority to use what they had learned throughout their careers to expedite the decision-making process.

The power of Data Basin decision-making tool lay in its transparency with how it came to a decision. In addition to using MaxEnt (modeling software for species distributions), the CBI used the EEMS, developed by Tim Sheehan, one of their employees. EEMS uses fuzzy logic and a series of queries and decision trees to come up with a final decision about land designations, for example. The DRECP requested its gateway contain applications for further user-friendly tools and this is where EEMS was utilized.<sup>66</sup> Fuzzy logic uses ‘degrees of truth’ rather than the standard ‘true’ or ‘false’ such that an output can be a certain degree of true and a certain degree of false.<sup>67</sup> Figure 15 shows one of the decision trees utilizing fuzzy logic in EEMS, specifically for climate exposure.

The DRECP Gateway (which many refer to as Data Basin, as this report will now call it) was constructed by the Conservation Biology Institute, a non-profit organization based in Corvallis, Oregon.<sup>68</sup> The Data Basin tool was a decision-making tool on a GIS-based computer platform. The tool housed biological, physical, and socio-economic datasets and was open and free to the public. The guiding principles of the tool were (1) improved access to valuable, scientifically credible spatial data, (2) easy integration of spatial data from many sources, (3) overall usability, and (4) integration of powerful collaboration features.<sup>69</sup>

This tool was funded by the CEC and according to its website:

*[The] DRECP Gateway was created to support final development of the Desert Renewable Energy Conservation Plan. The Gateway provides a means to assist in the public review process and will support adaptive management activities throughout the region (including implementing mitigation policies) now and in the future. The DRECP Gateway was constructed to promote scientific quality while supporting high levels of transparency, flexibility, and information dissemination required for implementing a fully-functional adaptive management strategy. The Gateway will be used to engage and inform all interested parties about ongoing planning and management issues in the California desert and, equally important, to provide the means for anyone interested to contribute to ongoing planning and management in meaningful ways.<sup>70</sup>*

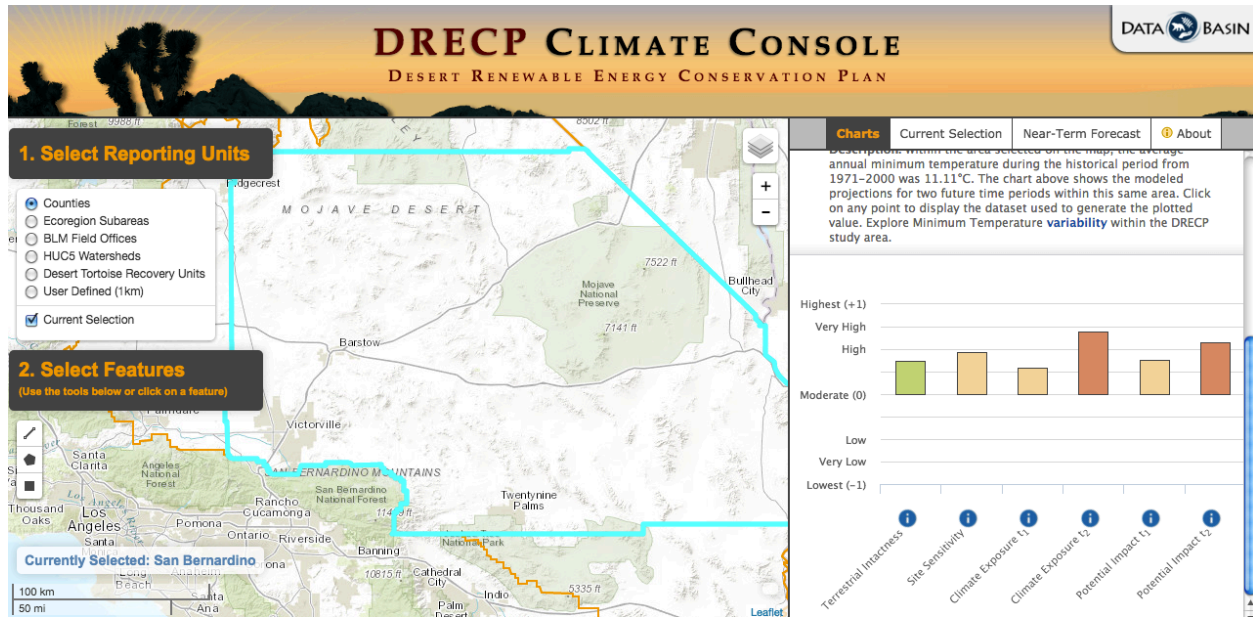


**Figure 15.** Screenshot EEMS Model for Climate Exposure  $t_1$  (2016-2045) from DRECP Gateway. *Image courtesy of www.drecp.org.*

In addition to EEMS, the Data Basin tool contained two applications, which were requested from the DRECP to increase the transparency in decision-making.<sup>71</sup> The two applications were the ‘Climate Console’ and the ‘Site Survey Analyst’ application. These applications demonstrated to users how

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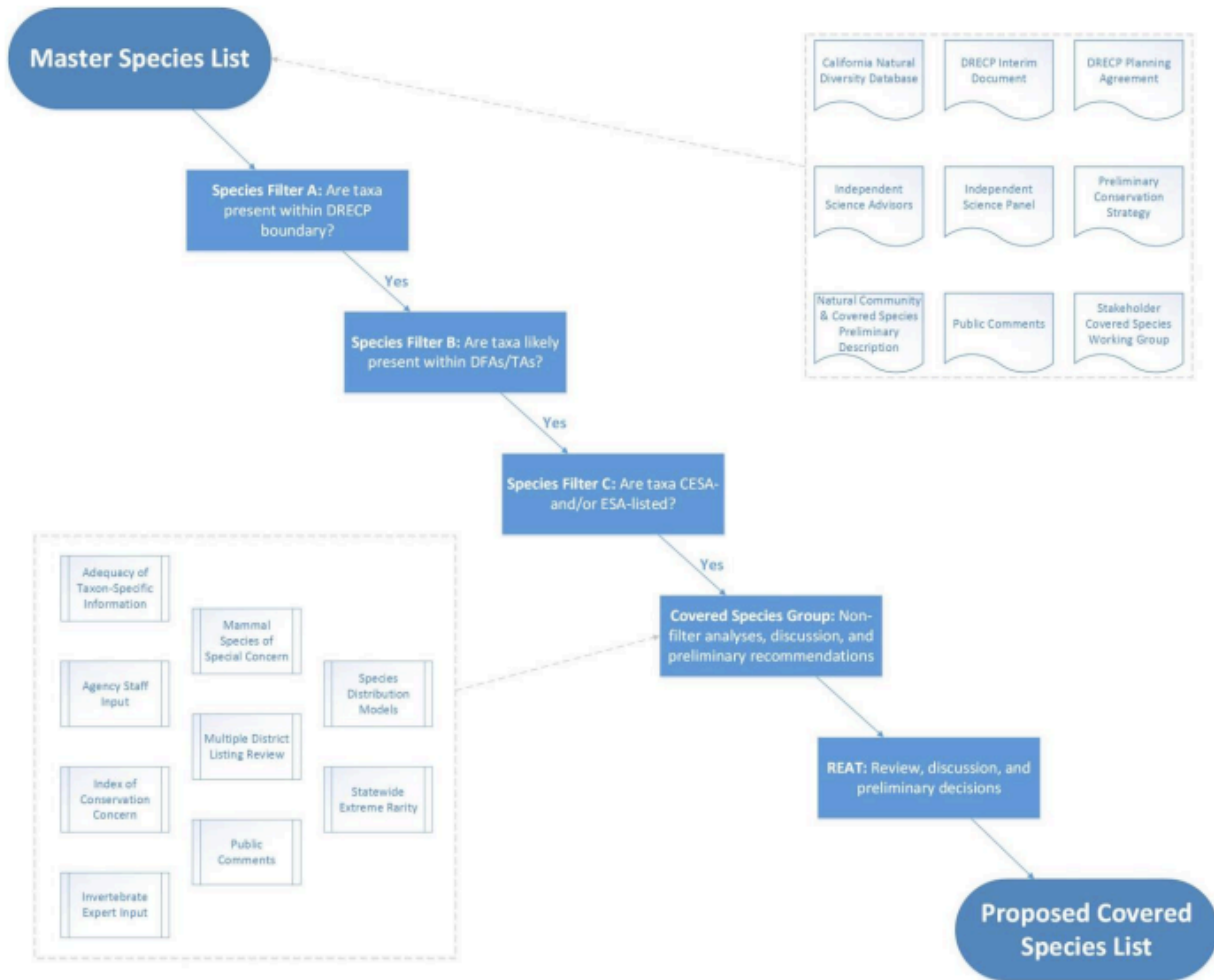
land designations were made and what data and information went into them. They also include various buttons and toggles for users to alter environmental conditions to see how their lands of interest would be altered years into the future.



**Figure 16.** Screenshot of DRECP Climate Console Application. *Image courtesy of www.drecp.org.*

The draft plan also included a list of Covered Species. The Covered Species were “plants and animals identified in the Plan for which conservation and management are provided and ‘take’ will be authorized over a long-term permit period.”<sup>72</sup> The final list began as a larger list of potential species and was reduced using a series of screens and filters. The List of Covered Species went through a rigorous methodological process.<sup>73</sup> Agency officials worked with public comments and the series of filters seen in Figure 17 to narrow down the Covered Species List using collaboration along the way.

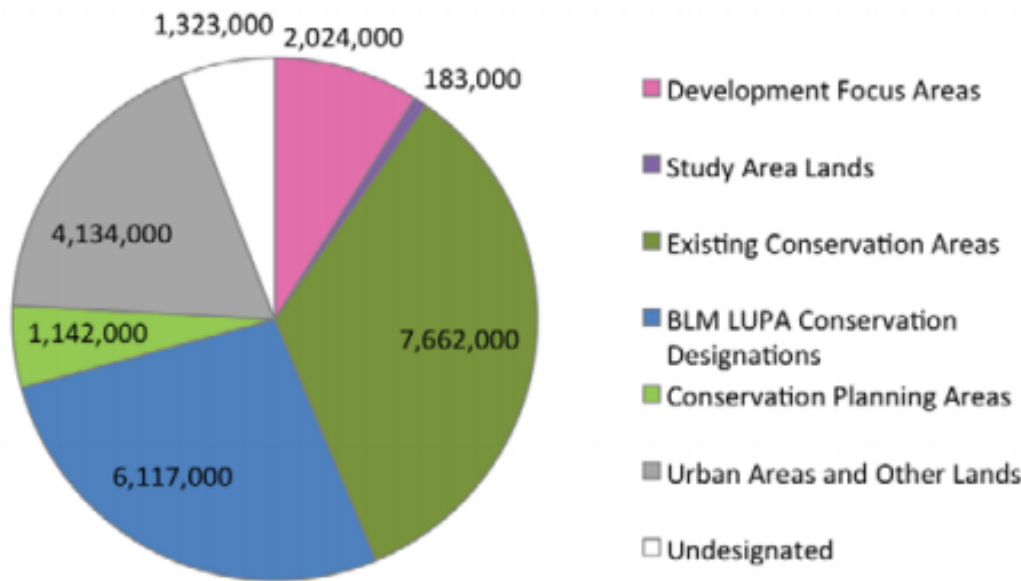
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**Figure 17.** Overview of Covered Species Process. *Image courtesy of www.drecp.org.*

The Draft DRECP contained several alternatives in addition to the preferred alternative. In order to create the various alternative options for the Draft DRECP as required by National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the REAT agencies utilized environmental models and GIS maps. These each contained detailed maps and acreage amounts for lands to be conserved, used for renewable energy projects, and conservation and management actions.<sup>74</sup> The ‘no action’ alternative was the scenario in which agencies would make no new decisions while maintaining the management and policies currently being performed. The Preferred Alternative was the plan the REAT agencies believed to be the most promising attempt of meeting the goals of the DRECP. The four action alternatives were created to explore the range of possible paths the DRECP could take to reach its ultimate goals. Figure 17 below outlines the allotment of acres in the Preferred Alternative and the summary of the draft DRECP alternatives.

Figure 18 lays out the acres of the preferred alternative, alternatives one through four, and the no action alternative. This is taken directly from the draft DRECP. The DRECP plan area is a combination of National Conservation Lands, Areas of Critical Environmental Concern, Lands with Wilderness Characteristics, Recreation Areas, Development Focus Areas, Variance Lands, and Unallocated Lands.



**Figure 17.** Preferred Alternative Acreage Breakdown. *Image courtesy of www.drecp.org.*

The areas that became designated as National Conservation Lands, Areas of Critical Environmental Concern, Lands with Wilderness Characteristics, and certain Recreation Areas were used in the process to eliminate areas open to renewable energy development. The BLM would not accept applications in these areas so these regions could “conserve biological, cultural, recreational, and other values.”<sup>75</sup> Development Focus Areas would be open to solar, wind, and geothermal project development and transmission while benefiting from the DRECP’s streamlined permitting process. Variance Lands would be open to renewable energy development and transmission but more information and additional scrutiny would be placed on these projects prior to the REAT making a decision. The Un-allocated lands were not covered under any of the aforementioned designations and would maintain their current management methods.<sup>76</sup>

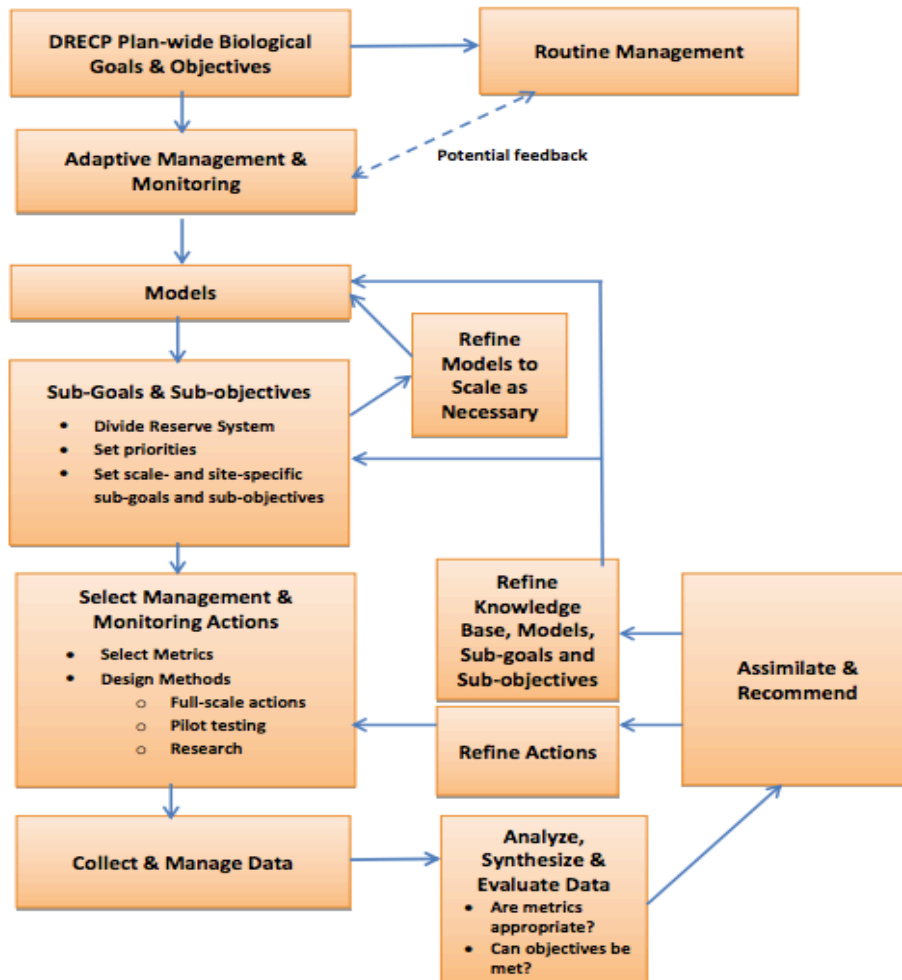
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		PREFERRED ALTERNATIVE	ALTERNATIVE 1	ALTERNATIVE 2	ALTERNATIVE 3	ALTERNATIVE 4	NO ACTION ALTERNATIVE
<b>Renewable Energy Development</b>							
Total acres of Development Focus Areas <sup>1</sup>		2,024,000	1,070,000	2,473,000	1,405,000	1,608,000	6,285,000
Total acres of public land within Development Focus Areas <sup>1</sup>	Federal	392,000 (19%)	99,000 (9%)	743,000 (30%)	231,000 (17%)	276,000 (17%)	2,854,000 (45%)
	Nonfederal	64,000 (3%)	55,000 (5%)	81,000 (3%)	62,000 (4%)	61,000 (4%)	188,000 (3%)
Total acres of private (Nonfederal) lands within Development Focus Areas <sup>1</sup>		1,569,000 (78%)	916,000 (86%)	1,649,000 (67%)	1,113,000 (79%)	1,272,000 (79%)	3,244,000 (52%)
Total estimated footprint impacts (all RE technologies and transmission) <sup>2</sup>		177,000	182,000	169,000	182,000	177,000	158,000
Study Area Lands <sup>3</sup>	DRECP Variance Lands <sup>4</sup> (acres)	13,000	37,000	—	—	588,000	588,000
	Future Assessment Areas (acres)	128,000	—	109,000	11,000	—	NA
	Special Analysis Areas (acres)	42,000	—	—	—	—	NA
<b>Conservation</b>							
Existing Conservation		7,662,000	7,662,000	7,662,000	7,662,000	7,662,000	7,662,000
BLM LUPA Conservation Designations <sup>5</sup>	National Landscape Conservation System lands	3,984,000	1,682,000	5,124,000	3,845,000	3,012,000	NA
	Areas of Critical Environmental Concern	1,976,000	3,609,000	1,104,000	2,272,000	2,148,000	2,966,000
	Wildlife Allocation	157,000	799,000	14,000	144,000	446,000	NA
Conservation Planning Areas <sup>6</sup>		1,142,000	1,287,000	1,183,000	1,238,000	1,210,000	NA
Estimated Compensation for footprint impacts <sup>7</sup>		284,000	237,000	499,000	259,000	275,000	Project-by-Project
<b>Recreation<sup>8</sup></b>							
Areas Managed for Recreation Emphasis		—	—	—	—	—	1,465,000
Existing Special Recreation Management Areas		193,000	193,000	193,000	193,000	193,000	193,000
Proposed Special Recreation Management Areas		2,531,000	2,537,000	2,463,000	2,531,000	2,489,000	—
Proposed Extensive Recreation Management Areas		879,000	—	—	—	—	—
Open Off-Highway Vehicle/Special Recreation Management Area		321,000	321,000	321,000	321,000	321,000	321,000

**Figure 18.** Summary of Draft DRECP Alternatives. *Image courtesy of www.drecp.org.*

Adaptive management is important for the success of a management plan. Complex interactions in biology and social processes occur at this scale that cannot be analyzed using normal hypothesis testing about the future. These interactions required flexible techniques of monitoring, evaluating, and correcting in the form of an adaptive management plan.<sup>77</sup> The DRECP included an adaptive management and monitoring plan, which was based on the guidance document, “Designing Monitoring Programs in an Adaptive Management Context for Regional Multiple Species Conservation Plans” authored by the U.S. Geological Survey, CDFW, and the USFWS.<sup>78</sup> The adaptive management framework from the Draft DRECP can be seen in Figure 19.

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**Figure 19.** Draft DRECP Adaptive Management Framework. *Image courtesy of www.drecp.org.*

The development of the DRECP represented distinct and unique challenges. These led to circumstances where the DRECP process performed well for such a large conservation process as well as places that showed room for improvement. As time went on the DRECP learned and evolved to changing mandates and stakeholder input while focusing on its original goals and objectives. The next section of this chapter will look at the specific lessons gleaned from the DRECP process related to the science and its analysis. The main questions this chapter focused on were:

- 1) *What was most effective about building a database for the DRECP and how did it alter the planning process?*
- 2) *How did the DRECP attempt to increase the legitimacy and credibility in its science and analysis and which aspects were effective or ineffective for a process of this nature?*
- 3) *How did the DRECP incorporate the scale of the planning area with the usable scientific knowledge and how did this affect the DRECP?*
- 4) *What steps did the DRECP take to ensure the plan included an adaptive management element and how effective was this in allowing for future iterations of management strategies?*



## Key Findings

### I. Data Collection and Analysis

“I think we talked early on about trying to standardize our methodologies and we weren’t successful in doing that...that’s what I would call a failure of leadership, that there needs to be somebody who says, ‘this is the way it’s going to be’ and then not accept anything else and that’s not what happened...I know that BLM and FWS had their own and there wasn’t any real coordination on methodologies.”

– Agency Interviewee

- ✓ **Finding # 1.** Differences in data collection and organization methods led to challenges in assembling data sets and making sense of the information.
- ✓ **Finding # 2.** It might have been more effective and efficient to consider species and conservation decisions according to keystone species when working at the landscape scale.
- ✓ **Finding # 3.** Differences in agency culture led to conflicts over how to analyze information.

The collection and analysis of data for the DRECP required collating information from multiple agencies and consultants, using the same methodologies, and overcoming differences in agency cultures. The DRECP aimed to incorporate as much science and data as possible while ensuring the REAT agencies and stakeholders could understand how these were analyzed and led to informed decisions.

**Finding #1. Differences in data collection and organization methods led to challenges in assembling data sets and making sense of the information.** The REAT agencies had four different data collection methodologies on how information was incorporated into the draft DRECP, which led to difficulties and disagreements in the analysis of the data collected. For the most part, institutional knowledge, the personal experience of agency employees knowing the land and the species that inhabit it due to years of working there, was a major factor in how data was accumulated for the DRECP and this hurt how well the data was understood. As one scientist reported, “Did I go through every project? No, that’s not practical. That’s why you have me as a species specialist. [Sometimes] I can give you an exact reference, most of the time it’s the ‘Hey this is how we’ve done it before and this is how it worked.’”<sup>79</sup>

The scale of the plan, spatially and temporally, created challenges that hurt the DRECP because as time went on, more data was needed to fill in knowledge gaps and each agency had its own way of going about this process while there was no clear procedure in place for the DRECP as a whole to collect and incorporate new data. One interviewee said,

*I think we talked early on about trying to standardize our methodologies and we weren’t successful in doing that in my opinion and I think, again that’s what I would call a failure of leadership, that there needs to be somebody who says this is the way it’s going to be and then*

*not accept anything else and that's not what happened...I know that BLM and USFWS had their own and there wasn't any real coordination on methodologies.*

It was important to define early on in the process which agencies would utilize their own data as well as how to collect new data to fill in knowledge gaps in order to increase the understanding of how the science was analyzed. The DRECP was unsuccessful in implementing a standardized data collection methodology and the plan suffered as a result. As an agency scientist discussed early data methodologies:

*At that stage we were primarily arguing with CDFG, who has now changed their name to CDFW. The fish and game folks had particular standards that they wanted met that BLM did not believe was supported by data. So most of the beginning was arguing over what data did we actually have? What decisions were being made by what assumptions? What kind of data was supporting those assumptions? A lot of it boils down to risk and risk tolerance and I think people don't really understand that and the different agencies acceptance of risk or risk tolerance.*

In addition to the four lead agencies, multiple consulting groups were brought on board the project to collect data, create models, and write sections of the draft document. These consultants also had their own data collection and analysis separate from the REAT agencies. This added complexity led to confusion in how the data was collected/interpreted as well as how decisions were made based on this data:

*[Consultants] were the ones who pulled together all the land cover mapping and the natural communities mapping. [We] filled some gaps in the land cover mapping in the plan area and that was a several million dollar effort if I recall by those folks so as we got new data we always incorporated it. We assembled the initial land cover map from the existing available data and then gaps were filled as some of that mapping information came in and we did the same thing with the current data, pulling together all the existing available resources including anecdotal observations from others.*

Additionally, with multiple inputs of data, differences in the perception of who was the expert on each subject became apparent and led to conflicts:

*When we were trying to develop a conservation map, the areas of high biological value versus the development areas. We were pointed to certain data that we had and we felt that we were the experts really in biological value of areas based on the data that we have, on individual species distribution and habitats and we had just finished developing a model that was called ACE (Areas of Conservation Emphasis) and we kept pointing the discussion towards using ACE together with another mapping project called the corridor map...That could be sort of like the starting point, the basis for future analysis and we got push back from CEC and they're not really the experts in my opinion. Then the consultants, they had their own GIS team that they wanted to use and so, I don't know if they were just looking for billable hours or what but they kind of went off on their own...that's another example of how we were saying we should do it this way, this is something we have confidence in, we're the experts.*

With data coming into the plan from so many sources, the consolidation or standardization of data collection methodologies could have led to expedited decisions and a decrease in the conflicts that arose between the agencies and sometimes consultants related to data collection.

**Finding #2. It might have been more effective and efficient to consider species and conservation decisions according to keystone species when working at the landscape scale.** The DRECP planning area was home to hundreds of plant and animals species.<sup>80</sup> With so many possible candidates for the Covered Species list, scientists and agency officials found it more effective and efficient to consider species and subsequent conservation decisions using keystone species when working at this scale. A keystone species is a plant or animal species that plays a critical role in its ecosystem and without which the ecosystem would differ dramatically or not even exist.<sup>81</sup> By narrowing down what species to consider for the plan, the DRECP benefited from a more effective decision-making process.

Examining and using keystone species represented a new way of figuring out which species should be covered:

*Generally speaking though I think there was shift in that we went to the keystone species. We focused on the big five, whatever they were, and then looked to see whether or not any additional conservation would be warranted for other species that were anticipated to be listed including the tri-colored blackbird and the burrowing owl. That was a shift, rather than overlaying the whole area, which was one of the approaches that the consultants used, with the ranges of all the species that had a special status, we shifted toward looking at the big five species and see if there's anything remaining that needs to be done to attend to other species.*

In addition to making the decisions more effective, by saving time, the budget was reduced and could be implemented in other parts of the plan. Saving money may not be the ideal solution however as this can limit the number of species, but agency employees involved with the DRECP saw the smaller list of Covered Species as a benefit:

*One of the driving considerations fueling the need to reduce that number had a lot to do with budget and how expensive the plan needed to be and what was politically possible...I'm not faulting the process ultimately for winnowing the list down to a smaller group because frankly most of these big regional plans have way too many covered species because there is never enough budget to adequately monitor and manage them under the adaptive management plan. That is just a major failing in every plan, so it is actually better to have a smaller group of species....If you identify the right species strategically and the ones that are umbrellas drive the overall conservation strategy as opposed to the other species that are barely affected and suck off a lot of the monitoring and management budget because even though there is very little benefit to the plan.*

However, not all those involved with creating this list of Covered Species believed that narrowing down the list was helpful. It was seen that by dramatically removing the number of species decreased legitimacy in the process and how the final species were chosen. If one part of the plan was seen as not being scientifically sound, it could detract from the plan as a whole as one agency official thought:

*[There] was a meeting where we went from, we had a list of covered species, I think we had seventy-one species on the list and we went from that to like thirty species in an hour and this is like 'Okay, this isn't serious. This isn't going to be an effective conservation plan.' I think that's probably when everybody decided that this isn't going to hit the mark of what the expectation was for a multi-species conservation plan for the desert. It just wasn't following the scientific rigor, it was very narrow in what it was going to cover and we weren't getting any support.<sup>82</sup>*

The Covered Species list represented a subset of all the possible species present in the Planning Area but those involved with the plan found it helpful for the most part to utilize keystone species as a driving factor. Defining early on how species were being chosen and what factors were leading to these decisions could resolve any conflicts that might arise.

**Finding #3. *Differences in agency culture led to conflicts over how to analyze information.*** As described in the beginning of this chapter, the land designations defined where renewable energy projects could be sited and where they were off limits. This was one strategy used in the DRECP to attempt to make the permitting process more efficient. If a proposed project was placed where it could not be built, that project was automatically denied. There were additional decisions made about how these land designations came to be that were not entirely scientific in nature. The differing policies of the agencies involved sometimes played a larger role in determining land designations than the science itself and the DRECP was challenged in balancing the two factors.

For instance, the federal Endangered Species Act (ESA) and California Endangered Species Act (CESA) both required consideration when designating species as more or less important than others in the Planning Area. Some agency officials noted this conflict:

*[There] were some structural issues between CESA and NCCPA versus ESA. For CESA, one of the issuance criteria for incidental take is full mitigation. In practice that means any mitigation address the effects of incidental take authorization is to be provided in perpetuity. So if land is set aside as mitigation for loss of habitat of an endangered species, that land needs to be managed specifically under conservation easement funding to maintain and protect that land, restore, enhance, maintain the habitat in perpetuity. That became a problem when it came to BLM. BLM according to federal solicitors said that BLM could not ever agree to something in perpetuity. They are legally constrained. At least that was the opinion. That was an ongoing source of irritation between the state and federal agencies.*

Combining state and federal agencies inevitably led to issues where differences in language of agency culture could slow down the plan. An example of this was the designation of rare plants in California:

*There was a feud between BLM and DFW over rare plant designations. The state prescribes to the California Plant Society list designations and the BLM was prescribing to another method, which didn't necessarily align. For example, a species could be very rare in California, but common outside California. From California's perspective, we need to conserve that species in California. Whereas with BLM's scheme, which is a global ranking, some of the very same species could be given a low rank of deserving conservation and protection. So there was some back and forth in terms of whose method should prevail and I think BLM was saying that for BLM land we're going to use this global ranking. There was also an issue whether under NCCPs you can include species that are not listed under CESA*

*as covered species. However, there was some pushback from USFWS and BLM over whether species that were not listed could be covered. That was a problem there, whether conservation measures toward species not listed under ESA could actually be included.*

It is important for landscape-level conservation processes to not rely too heavily on the policy of one particular agency for its decision-making criteria as this will not lead to the most informed decisions, according to agencies and stakeholders. Those involved with the plan became aware of this decrease in informed decision-making throughout the process. Also, when agencies determined which employees within each agency should examine the science or make decisions, disagreements became evident:

*[Just] as important as the science and the background knowledge are the implementing mechanisms in the plan itself. ...[The Conservation Management Areas] enter into it and they were kind of slapped together and ended up being dramatically changed at higher levels with succeeding drafts. Again all of that ultimately ends up being a really important tool in how and where things get conserved or not, which has everything to do with science and biology. But that was ultimately done by the mid-level managers and the agency executives not the biologists and those with a conservation bent. So the versions that we were allowed to work on and suggest changes to and try to improve were totally re-written without our input later on. Some of them survived and ended up pretty good, but a lot of key things changed.<sup>83</sup>*

Adjusting the policies of agencies involved in a landscape-level conservation process is somewhat unrealistic, however, increasing the collaboration and communication between agencies might allow for increased interagency approval as well as durability of the decisions being made.

## II. Data Organization

“That was really critical, to have the science that people can trust and rely on. One of the most important things about this was the Data Basin.”

– Agency Interviewee

- ✓ **Finding # 1.** Compiling data into a single decision support system or database facilitated joint understanding of a landscape as well as identified data gaps.
- ✓ **Finding # 2.** Consolidating data into a collective database allowed a greater amount of data to be used more effectively to inform the final plan.
- ✓ **Finding # 3.** A public database for compiling and analyzing information increased scientific transparency.

### Data Basin

#### What is it?

- Data Basin is a GIS-based computer platform housing biological, physical, and socio-economic datasets.
- It is home to hundreds of datasets, maps, and visual tools.

#### Who made it?

- The Conservation Biology Institute (a consultant group) built Data Basin using scientists, software engineers, and educators.

#### What does it do?

- This tool allows researchers, managers, teachers, students, and the public to create, comment on, and discuss maps and alternatives to the DRECP.

#### What is it used for?

- The platform is used to house all of the data used in the decision-making and analysis portions of the DRECP.
- The public may go in and create unique visuals for their interests.
- Anyone can view datasets and see what data led to certain decisions of the plan.

**Finding # 1.** Compiling data into a single decision support system or database facilitated joint understanding of a landscape as well as identified data gaps. Since the DRECP was led by the REAT agencies, there were four different sets of mandates, cultures, leaders, and personnel working on the plan. Inherent with four agencies is a lack of communication at times that could detract from building trust and authority in the science. The DRECP struggled with having four agencies creating this plan and those involved noticed. As a USFWS staff person put it, “There were four agencies involved, you know the REAT team...I don’t really have an answer for it but when you have four

agencies together, you need some very clear structure. How the decisions are made and what that process is and I think the process for making some of those decisions and moving forward with all four agencies was...I think it was slow to develop.”<sup>84</sup>

One of the most praised aspects of the scientific portion of the DRECP was the Data Basin tool because of the vast amounts of new data accessible to the public and its transparent nature. The Data Basin tool allowed all the data used in the plan to be housed in one location in a format that the public could access; a visual, map-based, interactive platform. Prior to the DRECP, scientists had little data for much of the undeveloped areas of the California desert. The planning process of the DRECP led to the accumulation of a lot of new data as well as its consolidation into the Data Basin tool, which is administered by the CEC.

Individuals working on the plan struggled with integrating four sets of data into a plan of this scale until the DRECP Gateway was constructed. The collection of data and its integration into the plan was hindered prior to the implementation of the Data Basin tool as a result of this lack of a single data entry protocol. As one interviewee said, “I think it helped with reporting. The data collection, you have to do this standardization at the data collection phase and that wasn’t happening and so by putting it all into Data Basin you could enter that information into the various fields to at least have some not standardization but at least it would be organized in a more efficient way to report out. I think it helped in that regard.”

Scientists expressed their gratitude for this tool as well as how much it has helped to view data layers and create different scenarios for future endeavors in the planning area. For example, “The tool that has been created is one of the best I have seen in 20 years of dealing with the state government and natural resource management.”

The Data Basin tool has now increased the collaboration from federal to local jurisdictions for future planning processes. The Data Basin tool also removed some negative effects of not having a standardized data collection methodology among the REAT agencies and assisted with reporting to the agencies and the public how the plan was moving along. At the time of this writing the DRECP Gateway was home to 1,002 datasets outlining land designations and various scenarios, 452 member-created maps portraying spatial information, and 24 galleries created by members to showcase maps and data.<sup>85</sup>

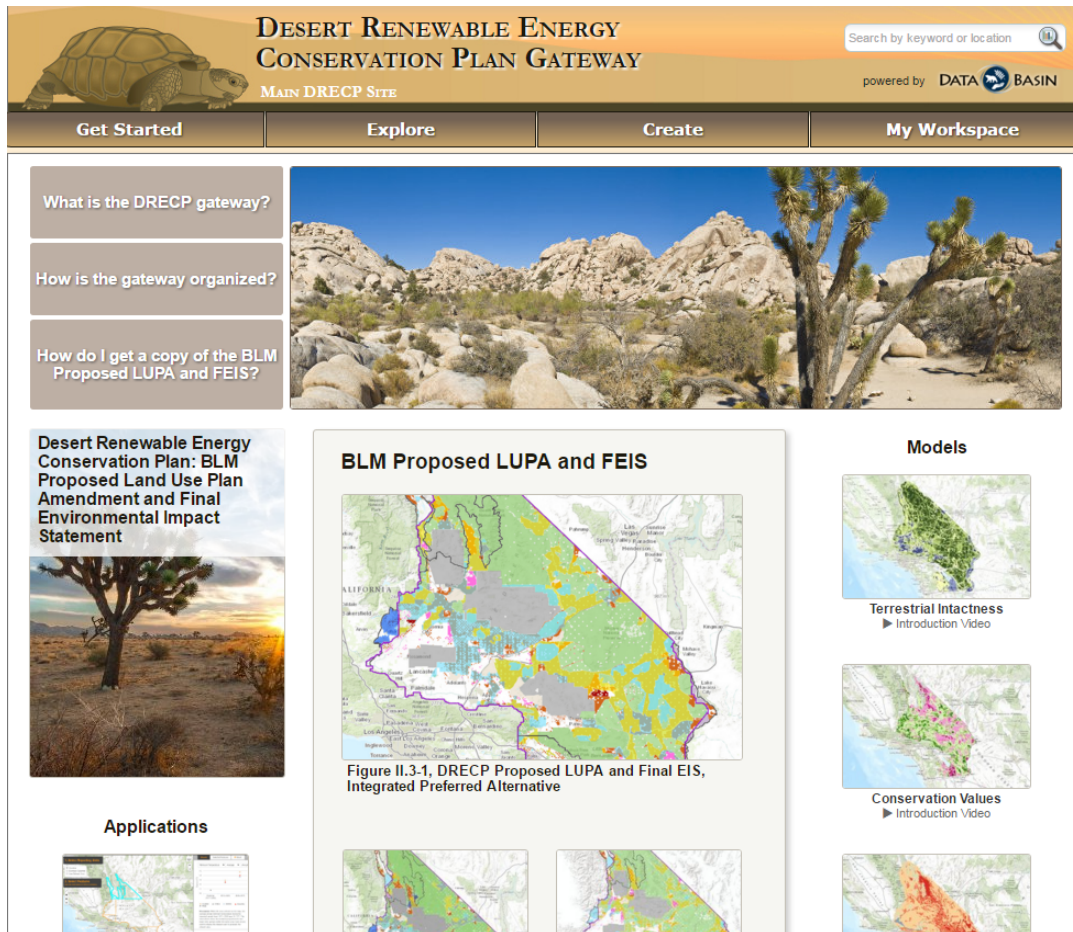
The Data Basin tool went online in the middle of 2014 and was immediately seen as a positive of the process. The REAT agencies were hesitant at the start to supply their data but when they discovered the transparent nature of the tool they became more open to the sharing of information.<sup>86</sup> The public also began to utilize the tool for everything from looking at the hundred of datasets to creating their own maps for their interests to easily uploading public comments during the public comment period.<sup>87</sup>

Proponents of the tool agreed that it should have been started earlier and more weight should have been given to the decision-making capability built into the platform. One interviewee said,

*So, it just goes to show that it’s hard to plan something and do the research and do the legal stuff all at the same time. You have to think about these things in phases and not rush through it. Everyone thought we were going to get through this in a couple years. And just the ambitiousness of it prevented us from doing it in a logical manner. So I think finishing up those data gathering processes early on would have been helpful.*

The sheer size of the plan led to complications such as the timing of various aspects but including this technology earlier could have increased the trust and authority of the science used in the plan.

Related to building trust and authority, the creation of the Data Basin tool allowed those individuals not involved with the actual decision-making processes or data collection to view the best available science and see how borders and labels were being put onto parcels of the planning area. Those who were curious about how the GIS maps were made were now able to view on their own where this information was coming from.



**Figure 20.** Opening Page of the DRECP Gateway. *Image courtesy of [www.drecp.org](http://www.drecp.org).*

**Finding #2.** Consolidating data into a collective database allowed a greater amount of data to be used more effectively to inform the final plan. One of the benefits of the Data Basin tool was its intuitive and user-friendly design.<sup>88</sup> CBI constructed the tool so that anyone might be able to understand what visuals and data they were viewing. Another use of this user-friendly tool was its ability to allow public comments to be input directly online instead of reading through the entire Draft DRECP. Users of the tool recognized this ability:

*I really appreciated just how well organized the information was. The DRECP website, I have found it incredibly easy to navigate in terms of finding the information I need as well as*



*finding public comments. The fact that we had to submit comments through the CEC docket process made it really easy to not only submit comments, but to also find and view the comments of others. Often when you submit comments they go in and it can be hard to find the comments of other parties, which I think is important to understanding where others are coming from and their priorities.*

The birth of this tool allowed more data to be amassed in a central location easily available to the public. This was a major benefit for the DRECP planning process because housing all the available data in one location allowed data gaps to be identified, demonstrated more clearly how sections of the planning area were determined to be more beneficial for conservation or renewable energy projects, and added legitimacy to the analysis of the science because it provided the science used to make the decisions. As someone close to the Data Basin tool commented,

*[Conservation Biology Institute] developed a database and gateway for the REAT agencies to develop the database and gateway and I think that was a real positive development, even if it wasn't sufficiently employed in some of the decision-making, it was greatly appreciated, at least my impression is greatly appreciated by the stakeholders and the agencies for making the data and maps and materials more accessible, more understandable, more transparent, and just available. Previously it wasn't available.*

The Data Basin tool came about as a reaction to the public and independent scientists wanting more transparency as to how the maps being published by the DRECP were made. The Conservation Biology Institute was contracted by Aspen Environmental to create this decision-making tool for those interested parties to go on-line and view the data layers.<sup>89</sup> Prior to the release of the draft document, the second Independent Science Advisory Panel could not figure out how the maps were constructed and wanted answers, “[After] we got hammered by the second [Independent Science Panel] that basically said ‘Nobody can explain to us why the maps look like they do’ which frankly, I couldn’t disagree with, I couldn’t figure it out either. [We] pulled on a group called Conservation Biology Institute as a contractor. [They] have an incredibly good crowd based platform.”

Additionally, prior to the implementation of the Data Basin tool, those who were making decisions concerning the DRECP and scientists on the ground collecting data had a more difficult time trying to communicate how areas were chosen and how they related to what decision-makers required; clarity. As one decision-maker put it:

*I would look at a map and I would say, ‘I don’t understand why everything on this map is green. Are you saying everything on this map has to be conserved? Are you saying that it’s all equally important? Why is this green? Why is this a different shade of green?’ And to answer questions like that triggers a weeks long research project because what they have to do – if I really stomped my foot and insisted on knowing why this place was this shade of green – was go back and deconstruct the analysis and figure out which model and which data was theirs and specifically why this area was green. So the analysis and the data was actually really good, but the ability to communicate that data even to decision makers was not very good... You had information coming in from different agencies. You had different levels of understanding about what was coming in. When something was based on CEC data I had a pretty good idea of where it came from and how much I trusted it. When something came in from [USFWS] data I wouldn’t really know, ‘Where is this from? Is the be all end all or is this negotiable?’ And you just really would not know why the choices you were given looked the way they did.*

By not only allowing users to view all the data but provide public comments, the Data Basin tool both effectively used data and increased the public involvement and engagement.

***Finding #3. A public database for compiling and analyzing information increased scientific transparency.*** As previously mentioned, the public could utilize the Data Basin tool during the public comment period using an intuitive interface whereby they could read through the draft documents, look at the proposed maps and alternative maps, and easily upload comments at various points where they had comments or questions.<sup>90</sup> At the time of writing over 2,750 unique IP addresses have been registered as having viewed the Data Basin tool.<sup>91</sup> This is demonstrative of the power of transparent and user-friendly decision-making tools as these individuals might not have accessed the data or been involved to the extent they were due to the presence of the tool.

Data Basin drastically increased the transparency behind what data was being used, how it was being incorporated, and even what logic and modeling went into decisions. For example, one agency official said, “In putting and collecting all this data for the desert, we’re now a site to locate this information that is also now public. That is huge. It allows not only agencies but also local cities and counties to look at this information and make decisions or help make decisions. That is a giant, that’s a real positive out of the DRECP.”<sup>92</sup>

Many interviewees also reported the ease with which data could be incorporated into the Data Basin tool and how helpful it was to have everything from the agencies and consultants in one place. Several themes arose around the creation of this database, namely (1) the ability for any interested party to go in and review the current planning decisions from the centralized location of all of the data used to make land designation and planning decisions and (2) the increased level of detail pertaining to scale of resolution for analysis of data.

### III. Independent Scientific Review

“One of the issues was that the [panel] members were from academia and they were applying a standard of scientific research to a conservation plan, which is not an experiment. It typically is not presented in terms of scientific method hypotheses and testing those hypotheses.”

– Agency Interviewee

- ✓ **Finding # 1.** A greater mix of agency and academic scientific expertise on the independent science panel would help to make feedback and recommendations both scientifically rigorous and implementable.
- ✓ **Finding # 2.** Those writing the DRECP documents did not adhere to the recommendations of the Independent Science Advisory Panels as well as they could have.

#### Independent Science Advisory Panels

##### What is it?

- An independent group of scientific experts reviewing portions of the DRECP and providing recommendations

##### Who comprised them?

- Comprised of 12 (2010 panel) to 15 (2012 panel) experts in desert ecology, wildlife biology

##### When did they meet?

- April 22-23, 2010 (first panel)
- June 25-27, 2012 (second panel)

##### What did they do?

- Each panel released a report of recommendations for the DRECP to consider implementing

##### How were members chosen?

- Agencies submitted master lists
- Finalists interviewed and chosen by lead scientist

To increase validity in the science behind a landscape-level process such as the DRECP, as well as allow those not involved in the plan’s decision-making processes to understand how decisions were made, the use of independent scientists was helpful. The DRECP convened two independent scientific advisory panels to look at pieces of draft material leading up to the release of the Draft DRECP to recommend any changes that needed to be made.

According to an independent scientist, the purpose of the ISAPs was to provide “overall scientific guidance for the plan.”<sup>93</sup> For the vulnerable species in the desert communities the ISAPs would provide recommendations on how best to avoid, mitigate, and minimize impacts on them as well as how to design reserves for some species and a framework for adaptive management monitoring. The first ISAP was formed to “address information gaps, data gaps, how best to design a reserve system that addresses these issues, and how to design an adaptive management monitoring plan.”<sup>94</sup> The main goal of the second ISAP was to identify whether recommendations from the first panel were being implemented.

The difference between the 2010 and the 2012 independent science advisory panels was best explained by one of its members:

*The 2010 panel is really a science advisory process, which is required under the NCCP act, which front loaded upfront before the plan develops, how should you develop it, how do you pick your covered species, how do you design your reserves, how do you fill data gaps. So it's a how to kind of advice. The 2012 panel was actually asked to sort of peer review the previous two years of work and determine how well the plan was appearing to the 2010 body. So it's more a review of what has been done up to that time, more peer review.*

**Finding #1. A greater mix of agency and academic scientific expertise on the independent science panel would help to make feedback and recommendations both scientifically rigorous and implementable.** While adding a second ISAP demonstrated a desire to increase trust in the science behind the plan, not everyone involved with the process was satisfied with the makeup of the panels, how it evolved between the two, and what followed as a result of the second panel. This second panel was composed of 15 scientists as explained by someone involved with the process:

*We wanted to bring in more fresh blood or fresh perspectives and one other difference was there was greater emphasis on using, especially USGS as a federal science informing agency. So less emphasis on, if you will, academic or university scientists and attempting to get more USGS scientists in the mix because for federal employees they didn't have to be paid for their time and partly, I don't know what all the background was but there was some sort of political might not be the right word but there was some conscious decision that having more USGS, because that is their role in the federal government involvement, probably would engender more trust with some of the agencies or something to that effect.*

It quickly became apparent that if political forces were influencing the ISAPs, then their authority would be diminished. Other officials involved with the ISAPs noted that the makeup was not conducive to achieving tenable goals and objectives set forth by the DRECP. The inclusion of academic or university scientists, as mentioned in the previous quote was seen as detracting from the ability of the panels to provide adequate recommendations.

Additionally, several others involved with the ISAPs noted the difficulty of having these types of scientists on board. “One of the issues was that the [panel] members were from academia and they were applying a standard of scientific research to a conservation plan, which is not an experiment. It typically is not presented in terms of scientific method hypotheses and testing those hypotheses. They were presenting their criticisms along those lines saying ‘you need to do certain research and studies for 10 years before you can embark on this plan.’ Another interviewee put it more bluntly, “Keep the

damn universities out of it. Their sense of academic debate has no place in public policy decision making.”

Some stakeholders reported that the DRECP lost some credibility by bringing in an independent science advisory panel in 2010 and not following their recommendations. However, agency employees have their own view on the matter,

*One of the issues was that the ISP members were from academia and they were applying a standard of scientific research to a conservation plan, which is not an experiment. It typically is not presented in terms of scientific method hypotheses and testing those hypotheses. They were presenting their criticisms along those lines saying ‘you need to do certain research and studies for 10 years before you can embark on this plan,’ which is not real. But, that’s where they were coming from.*

Since the budget was an issue for the second, discretionary, ISAP, those chosen for the panel were chosen based on their employment agency because government employees did not need to be paid for their work.<sup>95</sup> The number and scope of scientists was also limited due to only wanting to use government employees for the second panel, which further decreased the trust, authority, and legitimacy of this panel.

**Finding #2. DRECP documents did not adhere to the recommendations of the ISAPs as well as they could have.** Each panel produced a report outlining recommendations for DRECP should have made at that point in time. The first panel released its report in October 2010 and provided many recommendations to the authors of the DRECP. According to people on this first panel as well as agency officials, the recommendations it seemed were largely ignored,

*[For] instance the science advisory committee, they made some very clear recommendations including recommendations about integrating climate and it was pretty much ignored and so rather than use science that had already been developed and had already gone through the process of even publishing, so it’s peer reviewed and accepted, they kind of went off on their own and did their own little thing, their own little analysis, which was time consuming.*

### Excerpt of Recommendations from first ISAP

- “Obtain additional independent scientific input and review of data, models, maps, and other analytical tools and products at important milestones during the planning process. Given the huge scope of the plan, the complexity of the issues, and the limited time we’ve had to research and prepare this report, we suggest that additional scientific input and review of interim products will help reduce uncertainties, avoid costly errors, build public support, and increase the potential to meet DRECP goals.”
- “Make all analyses and decision-making processes as transparent and understandable as possible, and avoid maps that compile multiple data inputs into a single data layer without adequate documentation and justification.”
- “To the greatest degree possible, site all renewable energy developments on previously disturbed land (areas where grading, grubbing, agriculture, or other actions have substantially

altered vegetation or broken the soil surface); and site linear facilities within or alongside existing linear rights-of-way, paved roads, canals, or other existing linear disturbances, so long as this does not create complete barriers to wildlife movements or ecological flows.”

The DRECP was successful in soliciting the involvement of an independent science panel as well as creating a second panel to further increase validity and understanding of the science and its analysis. However, this process was challenging in adhering to the recommendations of both of the panels, which many felt detracted from the DRECP, leading to further disagreements between those writing the plan. As someone involved with the panels stated, “[The DRECP] recommended immediate course corrections or the plan would not be defensible and [had] many strong recommendations for improving leadership, improving documents, improving transparency, improving scientific defensibility of products all along the line and, but...very few improvements appear to have been made.”<sup>96</sup>

The second ISAP released their report of recommendations in November 2012 with a major facet of the report dedicated to the authors of the plan not following the recommendations of the first panel. The first overall recommendation referenced how the first panel’s recommendations were not followed.

#### **Excerpt of Recommendations from Second ISAP**

- “To ensure the plan’s scientific defensibility, planners should strive to apply scientific information and recommendations in a more substantive way than demonstrated to date, and to clearly explain why specific recommendations of independent science advisors were not, or won’t be, followed”
- “We recommend that DRECP immediately create a process that provides ongoing, senior scientific leadership to the consultants and agencies and promotes more frequent and substantial engagement with the scientific community, perhaps in the form of a technical advisory committee to guide all scientific tasks and their integration and documentation in the plan.”
- “We recommend immediately developing and vetting a more clearly thought-through analytical framework and system-integration strategy that will explicitly guide how plan components will be synthesized into a defensible, coherent plan that can be refined over time through adaptive management.”

A common theme in the independent scientific analysis/review of the DRECP focused on either beginning the process too late or not heeding their advice as well as it could have been. As one panelist put it:

*[What] happened in 2010 should have happened several years earlier and there are forces at these state governments trying to get independent science advisory panel going right away but instead they had their what you call the pre-DRECP REAT meetings and the scoping*

*phase. They did a whole thing and before they had their own scientific advice to our role should have been probably defined earlier so they didn't waste those several years of planning without benefit of advice. At least they got us engaged in 2010 and we did what we could to try and offer them some course correction.*

The second ISAP was convened at the request of DRECP Director David Harlow due to his perceived lack of professional products and his interest in adhering to the recommendations from the 2010 panel. This narrative was expressed by one panelist:

*Dave Harlow got involved and started reviewing products and process and progress...He was very dissatisfied with consultants that were doing the conservation planning part of the work. He did not think that their work products were up to par and that was one of the motivations that he went back to the 2010 report which very clearly said this is a complex science-based process, we need good scientific leadership and pretty intensive hand-holding with scientists to do this right, it's not going to be easy. We recommended kind of continuing scientific engagement and bringing in outside expertise to assist with very important things like species distribution modeling and coming up with the coverage, coming up with a reserve design process. [Dave] Harlow was dissatisfied but he didn't quite know how bad it was so that's why he convinced the other agencies, and that took some arm twisting, to convene the second panel, the 2012 panel to do this review of how well they were doing at implementing the 2010 recommendations and what other improvements could be made.*

Those affected by the recommendations of the ISAPs also felt that the scientists sometimes exceeded their role or were not clear as to what they were allowed to do:

*[The panel] went outside their mandate in many cases, which they tend to do, Blue Ribbon Panels in general. They are given certain terms of reference and of their own volition they get outside that box. There were some issues with the [panel] making public statements and throwing the DRECP under the bus, which was not helpful and frankly not professional. Other than that I don't have much to say about that. They did come up with some recommendations that some of the stakeholders grabbed onto that were really not in their purview and not appropriate, but nevertheless they did it and once the cats out of the bag you have to deal with it.*

## IV. Making Science-Based Decisions

“Well I think it has to be sort of agreed at the beginning that that what this is going to be, this is going to be an adaptive management plan and then kind of put that. Instead of that being the fourth step start with what’s our adaptive management plan going to be and then build around that instead of the other way around.”

– Agency Interviewee

- ✓ **Finding # 1.** Consultants provided added capacity and expertise, but oversight of their work needed to better reflect the multi-agency nature of the process.
- ✓ **Finding # 2.** Funding for data management and analysis was important and needed to be committed throughout the course of planning process.
- ✓ **Finding # 3.** While the DRECP acknowledged the importance of adaptive management, its adaptive management plan component was poorly developed.

**Finding #1. Consultants provided added capacity and expertise, but oversight of their work needed to better reflect the multi-agency nature of the process.** Environmental consultants were contracted to assist with the process as time went on. While this in itself was not novel, the fact that the consultants were tasked with handling so much information while writing sections of the plan to align with state and federal laws was new to several of the lead agencies. Six environmental consulting groups were engaged in the creation of the draft DRECP, collectively contributing 90 staff members to the process. Their areas of expertise ranged from BLM lands and realty to environmental justice to GIS to document production.<sup>97</sup> They would do the bulk of the writing of the language that ultimately became the draft document.

While the REAT agencies would directly communicate with the consultant teams, not all agencies had the same level of communication. Many of the consultant contracts were signed with the CEC and BLM, which may have made those agencies feel more entitled to direct consultant behavior than the wildlife agencies. As a USFWS employee put it:

*[The consultants] were under contract with CEC and BLM so a lot of times even though the REAT was set up theoretically in a way that CDFW and USFWS were supposed to be treated equally, we really weren't. We were excluded from a lot of those behind the scenes discussions between the consultants and CEC and BLM. There were power dynamics going on there. That complicated things too since we didn't know exactly what was going on behind the scenes a lot of times and we were on the outside looking in.*

This division in access and ability to give direction to the consultant teams may have diminished trust and cohesion between the agencies as well as reduced the quality of final products. With an unclear chain of command the consultants were attempting to create products with various types of input and guidance. One official put how the consultants were directed in this way, “Coordinate goals, objectives and work between the involved agencies and the consultants working on the project. During the [plan writing] phase they ran into difficulties trying to provide guidance to the consultants



who were writing the documents. The consultants were receiving different types of guidance from different agencies.”

Other interviewees found similar issues with the consultants answering to multiple agencies while working on large portions of the plan,

*Because our colleagues working in the region not only had their day jobs, it was hard to bring them in - to tie them in or get their input - as a result this was largely seen as a Sacramento project. A lot of the data collection and leg work was done by the consultants and our staff would be asked from time to time by the consultants for information that they were trying to source on different species, but a lot of that work, as it should be, was done by consultants.*

Their colleague continued, “The consultants did the heavy lifting on this. They would bring us something and we would review it and discuss it and then have them go back and make changes. That was a pretty consistent refrain.” Finally, the first interviewee added, “They had their own GIS person who would actually provide the DFW, which has its own information on species occurrences, and we would prepare maps and send those to the consultants and they would in turn use those for their models.”

**Finding #2. Funding for data management and analysis was important and needed to be committed throughout the course of planning process.** An instrumental aspect of the DRECP was funding. Having funding to collect new data, contract consultants to help analyze the data, or purchase an online decision-making tool for the public to access the data, money is key. The DRECP demonstrated the importance of money and led to the finding that if something is not funded, it is not a priority:

*Well I think something like this there has to be support, not just monetary support, of course monetary support, but within the agency and you're not going to get that without the monetary support. It's not going to be a priority if people aren't willing to pay for it. If the legislature isn't willing to pay for it then it's not a priority. So I think that's what I would tell them. Are you supported within your agency and through funding? That tells you how serious to take the effort. If it is strongly supported then I think you can be pretty bold and go forward and represent your agency and do the best you can but otherwise it's kind of a waste of time.*

The largest example of this finding comes from the CDFW losing funding at the end of 2013 and drastically reducing their staff to two people who continued to attend meetings to represent the agency (for more narrative on this see Chapter 1: Governance Structure).<sup>98</sup> As one CDFW employee stated:

*What happened was the funding that we were using for the program had a sunset date, it was given to us but it had a sunset date on the appropriation and by that time, by the time we got to the legislature to re-up that appropriation, everybody was pissed off at the process and they didn't want to have anything to do with it so they didn't re-up the appropriation and so we had a shut down the program and so with the shutdown of the program it left basically me and one other person to kind of carry the load and all we were doing was really I was continuing to go to the, to some of the tail end meetings we were looking at the final*

*conservation strategies and the species lists and the mitigation requirements and sort of finalizing that.*

This narrative within the DRECP story shows both the fragility of the REAT agencies to change as well as what other agencies thought about one another. Ideally each of the four agencies would be committed to assisting the others during the plan and fight to not lose one of the partners. Officials within CDFW felt otherwise, “They’re talking about wildlife in California and there’s not a representative from CDFW and so they wanted to be able to have that covered and say that everybody participated. But I think when we pulled out I don’t think anybody shed a tear about it.”

Another example of funding demonstrating priorities was with climate change science and the future climate scenarios of the plan. While this type of science is still quickly changing and expanding, those involved with the plan were not satisfied with the level of funding it received or its attention to detail:

*The science that was available was pretty limited. We did have, CEC had provided funding for some studies that provided some bits of information but there was nothing comprehensive and so we had climate models where we could some projections but there was, I don’t really think that it was, it wasn’t like a climate vulnerability assessment or an assessment where you looked at the no analog kind of scenarios that are probably what we were going to be facing. It’s hard to predict those kinds of things given limited amount of data and so it was pretty basic in my opinion, pretty basic analysis for climate.*

A third example of funding and priorities revolved around the Data Basin tool. The DRECP Gateway (the website) cost \$100,000 for CBI to construct and a further \$50,000 per year in maintenance.<sup>99</sup> By allocating for and purchasing this product, those behind the draft DRECP documents demonstrated the importance of having this tool and providing for it as time went on.

Related to funding new data, the USFWS had several employees working on a Section 6 grant from the Endangered Species Act in order to fund generating new data to fill in gaps in knowledge. The grant awarded to the DRECP was worth \$1,000,000 and was to assist the USFWS and CDFW to determine what species should be focused on, what data was needed, and how much money should be allocated to different priority species. These same officials believed the funding came along too late in the process to adequately inform the decisions in the plan.<sup>100</sup>

Lastly, the makeup of the science panels was previously discussed earlier in this chapter with an allusion to funding. The fact that panel members were ultimately chosen not based on their expertise but on their agency or institution led to a decrease in the overall number of possible scientists who could be chosen for the panels and could have impacted the recommendations provided by the panels.

***Finding #3. While the DRECP acknowledged the importance of adaptive management, its adaptive management plan component was poorly developed.*** The DRECP did not contain a comprehensive adaptive management plan according to those individuals interviewed on the subject. While framed around the Adaptive Management Framework, this part of the plan ended up being lackluster and without the necessary clout to accomplish its goals. As one interviewee said,

*So the adaptive management plan is supposed to all be about science and typical of these other big regional plans it always ends up being an add-on at the end. That sometimes*

*doesn't even get done before public review draft does. Typical to that pattern, this was literally slapped together at the bitter end before it went public. It was grossly incomplete in most respects and has a lot of problems in there that again we didn't have time to deal with initially.*

The adaptive management plan, while appearing to not only be compiled at the last minute, also was poorly written as another official put it, “Yeah, the adaptive management plan was horrible in my opinion. The monitoring and the adaptive management was, I don't know who wrote it but it was really bad...Yeah, it was maybe something you might be able to download off Wikipedia or something, it was that level.”

Additionally, the adaptive management plan was did not receive in-depth consideration from the beginning. As one agency staff person noted, “Well I think it has to be sort of agreed at the beginning that that what this is going to be, this is going to be an adaptive management plan and then kind of put that. Instead of that being the fourth step start with what's our adaptive management plan going to be and then build around that instead of the other way around.” By not planning for a major aspect of the report from the beginning it was destined to not be a comprehensive as it could be and could potentially limit the effectiveness of the DRECP.

## Conclusion

This chapter has demonstrated some of the struggles and successes of performing scientific analysis at the landscape-scale. From collecting data using varying methodologies and implementing an online visualization tool for the public, to incorporating independent scientific review and planning for future climate scenarios, the DRECP attempted to cover a multitude of scientific realms. The DRECP aimed to incorporate conservation and science from the start in order to make a more sound draft plan, which is how landscape planning should be completed. However, at such a massive scale, some aspects of the plan began to lose priority in the form of staff or funding and other aspects were designated as more important.

Overall, a major theme in the scientific analysis was that giving earlier priority toward performing more data collection, increased monitoring, and creating adaptive management guidelines would ease some of the conflict and tension surrounding the plan.

## CHAPTER 3

### Public and Stakeholder Engagement

“Number one...I think the Stakeholder Committee was a fantastic process. It was a very good process and it created for me career long relationships with people who I didn’t see eye-to-eye with before and I had no desire to reach out and get to know these people. As a result, I’ve made a lot of good friends in the conservation community and we’ve been able to work together on some terrific issues since then.”

– Stakeholder Interviewee

Public and stakeholder opposition is one of the most common barriers to any agency-led planning process.<sup>101</sup> For this reason, processes for public and stakeholder participation have become a staple in environmental policy and decision-making. However, often wary of federal overreach and disillusioned by the public process, it is no easy task to achieve meaningful public and stakeholder participation, particularly at the scale of the DRECP. While in the past there have been some public and stakeholder engagement efforts around large-scale land management planning, few have affected the diversity of interests encountered at scale of the DRECP.

Public and stakeholder engagement is not only necessary for a legally sound process, but is also essential for the creation of robust, high quality, and long-lasting plans.<sup>102,103</sup> Community members and interest groups have insight and expertise related to the natural, cultural, and economic resources across the landscape. Further, genuine public and stakeholder participation increases the likelihood that decisions are viewed as comprehensive and fair.<sup>104,105</sup> To accomplish, the DRECP needed to carefully structure engagement to meaningfully work with the full array of affected parties and to ensure that the entire multi-year process was open and transparent.

Over the first six years of the DRECP process, public and stakeholder engagement was met with both appreciation and criticism. To first understand the DRECP’s efforts to involve affected parties, this Chapter starts by outlining the major components of the public and stakeholder engagement process. With this context in mind, the Chapter will then evaluate the key successes, challenges, and findings associated with *Achieving Participation*, *Structuring for Meaningful Engagement*, *Cultivating Collaboration*, and *Partnering with Local Governments*. The conclusions in this section reflect statements made by interviewees as well as analysis of public comments and documents from the DRECP process.

## Overview of Public & Stakeholder Engagement in the DRECP

Before the DRECP got underway, the governments, businesses, organizations, and residents in the planning region were familiar with agency-led planning processes. In the past, the federal and state

agencies provided opportunity for public and stakeholder engagement whenever making land designation and management decisions in the in the region. Most often, these opportunities for engagement were only performed according to minimum federal and state policy requirements. Further, public and stakeholder engagement in these prior processes typically occurred on a project-by-project basis at the local scale, though there were also a number of larger-scale, programmatic initiatives dealing with land use, conservation, and renewable energy development. The DRECP was the next evolution in the many disparate conversations around the management of California's deserts.

Driven by the federal and state renewable energy policies of the late 2000's, there was a sense across the planning region that the renewable energy development "gold rush" was starting. Many worried that major decisions were about to be made concerning the deserts in which they lived and that they would have little say or control in those decisions.<sup>106</sup> There were many conflicting opinions about expanding renewable energy production. While some were open to the prospect of large utility-scale project development, others were adamantly opposed. Either way, seeing their interests at stake, stakeholders and community members had significant motivation to commit time and resources to participating in the DRECP process.

The agencies immediately began to coordinate public and stakeholder engagement once the DRECP came into existence in 2009.<sup>107</sup> The REAT agencies used a mixture of traditional engagement methods for the DRECP including a joint NEPA and CEQA scoping process, a 50-member Stakeholder Committee, official public notice and comment letters, public meetings and workshops, and a number of informal and individual meetings. Over the course of the process, the timing, frequency, location, and structure of these methods were adjusted for working at the landscape level.

Right off the bat, the agencies hosted a series of four public meetings in Sacramento, Palm Springs, and Victorville. Though advertised as "scoping" meetings, these were not a part of the DRECP's formal NEPA/CEQA scoping process. One primary purpose of these meetings was to introduce the Governor's Renewable Energy Executive Order (EO) as well as the purpose, activities, and schedule for the DRECP process.<sup>108</sup> The other focus of these early meetings was to write and receive comments on the *Best Management Practices and Guidance Manual: Desert Renewable Energy Projects*.<sup>109</sup> Creating this manual - a guidance document for developers on renewable energy project design and acceleration of the environmental review process - was a stipulation of the EO.

These first public meetings were relatively well attended by representatives of environmental organizations, renewable energy associations, renewable energy developers, and county governments. There were even a few desert residents who participated. Many of those who chose to be involved in these meetings provided extensive written feedback on specific ways to streamline the permitting process and criteria for siting renewable energy projects.<sup>110</sup>

In addition, a number of the stakeholders and community members also wrote to the agencies, emphasizing the need to appropriately balance the protection of sensitive lands and resources with any development.<sup>111</sup> The Director of the San Bernardino County Department of Land Use Services wrote in a 2009 public comment letter, "Due to our solar insolation and wind conditions, the County is the prime target for solar, and to a lesser degree, wind energy proposals ... Our desert is a fragile ecosystem ... It is apparent that many of the renewable energy proponents are not concerned with the local ecosystem and are not sensitive to the unique qualities of the desert."<sup>112</sup>

Around this same time, monthly meetings of the Renewable Energy Policy Group (REPG) started to take place in Sacramento. The primary intent of these meetings was to help agency staff to discuss and come to agreement on issues, opportunities, and data needs for the DRECP.<sup>113</sup> However, renewable energy projects were discussed concurrently.<sup>114</sup> In particular, conversations often included the immediate needs for reviewing and permitting of specifically the review and permitting of the American Recovery and Reinvestment Act (ARRA) projects.

Held at the Governor's Office, executives and key staff took part in these meetings. Certain stakeholders were often invited to participate. Specifically, representatives of renewable energy industry and environmental NGOs in the area were asked to present and provide their perspective on renewable energy development in the desert. There were often forty to fifty people at each of these meetings.<sup>115</sup> Regular REPG meetings continued through 2011 and turned out to be a highly valuable for developing a shared understanding of renewable energy technology and development impacts for both agencies and stakeholders.

*“The department shall establish, in cooperation with the parties to the planning agreement, a process for public participation throughout plan development and review to ensure that interested persons, including landowners, have an adequate opportunity to provide input to lead agencies, state and federal wildlife agencies, and others involved in preparing the plan. The public participation objectives of this section may be achieved through public working groups or advisory committees, established early in the process.” (California Fish and Game Code, Division 3, Chapter 10, Section 2815)*

understand that we were there to learn how to work together with them.”<sup>116</sup>

In March 2010, about five months after the release of the EO, the agencies formed the 50-member DRECP Stakeholder Committee (See Table 1 for a full list of members). Though the Stakeholder Committee was extremely time and resource consuming for managers and participants alike, many interview respondents considered the process one of the most effective aspects of the DRECP's stakeholder and public engagement process, “Organizing and getting the stakeholders to come in ... was a lot of work. But, it was good because it got us sitting in the room talking to each other and understanding each other's concerns. Each meeting helped them a little bit more to

Formal stakeholder committees – particularly of this size – are not typical of federal agency planning processes. Rather, the stipulations of California's Natural Community Conservation Planning Act (NCCPA) were the primary driver for the creation of this group. The NCCPA requires an engagement and outreach process that emphasizes, “obtaining input from a balanced variety of affected public and private interests.”<sup>117</sup> Advisory committees or public working groups are recommended in order to fulfill this objective. Explained by one agency interviewee:

*The planning stage was designed from the state perspective to follow the NCCPA process here in California. We chose that because it has some pretty good components that it requires by law, one of those being ... extensive stakeholder involvement in the process that leads to the plan. This is not prescribed normally, but in terms of this a little bit of the process is laid out in law and requires it to take a form where stakeholder involvement is called upon rather than normal individual project permitting, which, from the state perspective, is not necessarily a public process.”<sup>118</sup>*

This advisory group was the most defining aspect of public and stakeholder engagement in the DRECP.

**Table 1. Members of the DRECP Stakeholder Committee<sup>119</sup>**

**Local Governments**

Imperial County *Lessons from the Desert Renewable Energy Conservation Planning Process*  
Inyo County  
Kern County  
Los Angeles County  
Riverside County  
San Bernardino County  
City of Lancaster

**Renewable Energy Project Developers**

BrightSource  
EnXco  
First Solar  
Iberdrola Renewables  
K Road  
SunPower Corporation  
Terra Gen

**Renewable Energy Industry Associations**

California Wind Energy Association (CALWEA)  
Geothermal Energy Association  
Large Scale Solar Association

**Non-Governmental Organizations**

California Council of Land Trusts  
California Native Plant Society  
Center for Biological Diversity  
Center for Energy Efficiency & Renewable Technologies (CEERT)  
Defenders of Wildlife  
Friends of the Desert Mountains  
Natural Resources Defense Council  
Sierra Club  
The Nature Conservancy  
The Wildlands Conservancy

**Electric Utilities**

Imperial Irrigation District  
Los Angeles Department of Water and Power  
Pacific Gas & Electric  
Sempra Energy Utilities  
Southern California Edison

**Native American Organization**

Desert Renewable Energy Tribal Coalition

**Off-Highway Vehicle Associations/Recreation**

California Off-Road Vehicle Association  
Off-Road Business Association

**Federal and State Agency Participants (Non-Stakeholders)**

DRECP  
Bureau of Land Management  
California Dept. of Fish and Wildlife

California Dept. of Parks and Recreation  
California Energy Commission  
California Independent System Operator  
California Public Utilities Commission  
California State Lands Commission  
Governor's Office  
National Park Service  
U.S. Dept. of Defense  
U.S. Dept. of the Interior  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service

The Stakeholder Committee consisted of representatives from affected local governments, businesses, and interest groups in the DRECP Planning Region including renewable energy industry associations, environmental organizations, and county officials.<sup>120</sup> Representatives were identified based on past experience with similar types of processes.

“Some team of us had ideas for names and organizations that were sent to the consultant team [DRECP staff]. They pulled together a roster of names. They went back and forth on it and then we started inviting people,” said a state official describing the process for putting together the Committee. From there, each member was approved and appointed to the Stakeholder Committee by the DRECP Director and REAT agencies.

Also a part of the Stakeholder Committee were DRECP staff, REAT agency staff, and staff from cooperating or collaborating federal and state agencies. Official meetings of the full Stakeholder Committee were held monthly from 2010 through 2012. A majority of these meetings took place in Ontario, CA – outside of the Planning Region. While Ontario was more accessible for the agency staff traveling from Sacramento each month, this location was a major barrier to participation for many of the local interest groups.

The main purpose of the Stakeholder Committee was to gather information on broad topics of special interest to the development and future implementation of the DRECP.

*In the NCCP the stakeholder groups have quite a bit of influence ... [they] literally negotiate aspects of the plan with the governments at the table. That's not what this stakeholder group was designed to do. This group took issues on at a much higher level.*

Maintaining this landscape-level perspective rather than focusing on individual interests was particularly important given the unusual size of the group. To facilitate these conversations and provide stakeholders with more authority in the process, topic-specific working groups were created within the Stakeholder Committee soon after its formation. Each of the four working groups – Covered Species, Covered Activities, Resource Mapping, and Transmission – was co-chaired by stakeholder representatives from the environmental community and the renewable energy industry.<sup>121</sup>

Through the working groups stakeholders were able to take part in the technical analyses and decision-making that formed the foundation for the DRECP plan.<sup>122</sup> A number of agency



representatives were assigned to each working group to provide additional guidance and answer questions. To a lesser degree environmental consultants contracted through the CEC were also made available to the working groups to provide technical assistance.<sup>123</sup>

Most of the Stakeholder Committee meetings lasted an entire day. Typically, the meetings included presentations from the agencies about the DRECP's general progress as well as mapping and data needs, conservation strategies, species profiles, modeling parameters, activities impacts, renewable energy production goals, and more.<sup>124</sup> As needed, the working groups would give updates on their efforts as well.

While informative, with fifty people sitting at the table it was not always easy to have substantive conversations. On occasion, to provide space for more in depth discussion, the afternoon session of the meetings would include breakout sessions. Further, the agencies would host public workshops, field visits, and receptions to complement the formalized Stakeholder Committee meetings. These more informal opportunities to engage and talk with both agency staff and other stakeholders about the DRECP were valuable to the process because they built relationships and trust between the stakeholders and agency staff at the same time they allowed for more candid interactions.

The Stakeholder Committee was more than an organized forum for stakeholder input. Subject to the requirements of the Bagley-Keene Open Meeting Act, the general public could also take part in all the Stakeholder Committee meetings. Therefore, it also provided a regular and ongoing opportunity for engagement with the general public. However, because nearly all of the meetings were held in Ontario few residents from the local communities ever participated in these meetings. Though the BLM field offices would webcast the meetings for any who wanted to participate, holding the meetings in Ontario would turn out to be a sticky issue for the agencies later in the process.

*“There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping.”  
(40 CFR 1501.7)*

A full year passed after the formation of the Stakeholder Committee before the agencies initiated the DRECP's formal scoping process in August 2011. “Scoping” is a term in both NEPA and CEQA law, referring to the formal public involvement process agencies use to solicit input from the public as well as other agencies, tribes, and stakeholders on the issues, impacts, and potential alternatives to be addressed in a planning document.<sup>125</sup> In this case, the feedback received during the scoping process would define the array of issues the DRECP would include in its Final Plan.

At a minimum, agencies are required to provide public notice and offer opportunity for public comment as a part of scoping under NEPA. However, as the DRECP evolved into a fully integrated landscape scale endeavor, the scoping process also had to adhere to the state level provisions of CEQA. Baseline scoping requirements of each law are easily combined into a joint process with one change: the lead agencies would have to hold at least one public meeting. This is a requirement of CEQA law for projects “that are of statewide, regional, or area-wide significance.”

Accordingly, the joint scoping process held by the agencies in 2011 began with the publication of NEPA Notice of Intent (NOI) and CEQA Notice of Preparation (NOP). The NOI and NOP announced three public scoping meetings that would also take place. Two of these meetings were held in Sacramento at the CEC headquarters, but one meeting was held near the DRECP planning

area in Ontario. In total, only fifty-nine people attended all three meetings, a majority of which attended the meeting located in Ontario.

During these meetings, attendees learned about both process and content aspects of the DRECP from agency staff and hired consultants.<sup>126</sup> In particular, presentations and information stations at these meetings provided descriptions of the purpose and process of the DRECP, planned land uses, guiding policies, environmental impacts and mitigation, and biological, cultural and recreational resources. Representatives of CDFW did participate in these meetings because of their role as a REAT agency; however, the agency was not involved in coordinating and managing the scoping process.

Two years after it came together, the Stakeholder Committee met for the last time in July 2012. The end of this process roughly coincided with the release of the *Description and Comparative Evaluation of Draft DRECP Alternatives*. More familiarly known as the “December Document,” this interim report presented a series of draft alternatives that the agencies were planning to move forward with in the for the DRECP’s Final Plan. All of the information and input collected over the course of the public and stakeholder engagement process up to this point informed the content of this document.

Releasing the December Document was not legally required, but it offered an additional opportunity for public review and comment on the DRECP as a comprehensive plan. Since the agencies were ready to move forward with writing the final draft plan, this was one of the last times for stakeholders and the public to significantly alter the content and direction of the document. In the absence of the Stakeholder Committee, there was no public meeting to accompany the release of this draft. However, a number of written comments were submitted to the agencies, which were important for creating the DRECP Final Plan.

Following the release of the December Document, the DRECP public and stakeholder engagement process became less open and transparent. At this time the agencies’ primary focus was internal on performing final analyses and writing the final draft plan. While some stakeholders continued to interact with the agencies individually over the phone and during one-on-one meetings throughout the planning region, there were only a few larger public meetings. These meetings were held by the executive level agency staff involved in the DRECP, specifically BLM Director Jim Kenna and CEC Commissioner Karen Douglas. There was no pre-established process for broader public and stakeholder engagement during this time.<sup>127</sup> With the sudden change in the level of engagement many were curious about what was happening and grew suspicious of what was going on. This period, often referred to by interviewees as the “black box,” became an insurmountable hurdle for the DRECP’s public and stakeholder engagement process.

There was a last flurry of public meetings with the release of the final draft plan in the fall of 2014. Recognizing the need to introduce the draft across the affected landscape, the REAT agencies hosted a total of eleven meetings throughout the planning region and in surrounding population centers. The format and staffing of these meetings were designed to help the public understand the draft plan and facilitate public comment. As neither NEPA nor CEQA stipulate action beyond giving public notification of the final draft and allowing time for a public comment period,<sup>128</sup> this process was above and beyond the legal requirements. Additionally, given the size and complexity of the document, these meetings were a helpful primer. At this same time, the official public review and comment period was opened per NEPA and CEQA regulation. Answering requests, the planned public comment period was extended for 45 extra days to give commensurate to the scale of this plan.

By the time the draft DRECP plan was released in 2014, the agencies had provided notification for documents and public meetings through multiple mediums, hosted more than sixty public meetings in a broad array of formats, and made as many data sets, reports, and documents available to the public as possible. This was an unprecedented amount of public and stakeholder involvement compared to project-by-project agency-led planning processes. Many of our respondents were positive about this new level of engagement. Still, there were significant criticisms about the degree of participation at different points in time and the openness of the process to substantive dialogue. To understand the effectiveness of public and stakeholder engagement in the DRECP process the next section will ask:

1. *What did the DRECP do to achieve early public and stakeholder participation?*
2. *How did the DRECP structure itself to foster meaningful engagement?*
3. *What has been done to cultivate collaboration through the DRECP process?*
4. *What methods did the DRECP use to integrate local governments in the DRECP process?*

## I. Achieving Public and Stakeholder Participation

“Well I would say for a large complex process like this doing a lot of homework upfront in terms of establishing what the mutual goals are for the various participants is really important ... Identifying what needs to happen for them to support the plan. Make sure that early milestones in the planning process are met. And, if they’re not met that there is an evaluation of why they were not met.”

– Agency Interviewee

- ✓ **Finding #1.** Early meetings that brought agencies and stakeholders together to learn about renewable energy development helped identify key interests and issues.
- ✓ **Finding #2.** The content and method of initial outreach to stakeholders was too broad – direct and individualized contact was more effective at bringing key parties to the table.
- ✓ **Finding #3.** Managing the variety of stakeholder interests was a challenge from the start of the DRECP and led to divergences in expectations over time.
- ✓ **Finding #4.** Commitment from stakeholders increased when agencies held public meetings at locations within the Planning Region accessible to those most affected by the plan.
- ✓ **Finding #5.** The DRECP effectively built off of some established planning processes, but did not pull in others often creating confusion.
- ✓ **Finding #6.** When agencies provided strategic incentives stakeholders, engagement was more equal and meaningful.

When trying to partner with the public and stakeholders it is important for agencies to work to understand the motivations and interests of the range of public groups as well as how to engage each of them in an effective way.<sup>129</sup> It is also helpful to allow for active public and stakeholder involvement in defining the goals and scope of the process. This is important for developing a shared understanding and ownership over both the issue at hand and the way to address it.

Though the DRECP offered more opportunity for early public and stakeholder participation than is typical in project-by-project permitting, there remained significant cultural and structural barriers to achieving effective early engagement. Affected parties in the Planning Region had genuine concerns about having a voice at the table and the ability to participate on equal footing as other parties. Interviewees felt that while the DRECP had helpful information exchange about the process between agencies and stakeholders in the urban areas of Sacramento, without a similar process within the Planning Region, the DRECP was not able to gain public support. Additionally, because renewable energy was a relatively new industry to California, many did not understand the implications of the DRECP in their lives. Further, many parties had already invested significant resources participating

in other regional efforts that they felt were satisfactory. As a result, important issues and perspectives were not reflected in the goals and objectives of the DRECP or in the final draft plan.

**Finding #1. Early meetings that brought agencies and stakeholders together to learn about renewable energy development helped identify key interests and issues.** As a relatively new technology and industry, there was significant uncertainty around the costs, benefits, and legal process for developing large utility-scale renewable energy projects in California. Interviewees agreed that early educational meetings with both agency and stakeholder representation were helpful for providing transparency and identifying key issues to address in the DRECP.<sup>130</sup>

Though expanding quickly, the renewable energy industry, and solar in particular, was relatively new to California as the DRECP was getting underway. “The industry was new to California; there wasn’t a lot of big solar development yet. So, we had a whole lot of people and start-up companies wanting to do solar thermal [projects], but were new companies building in other countries and [they] didn’t know a lot about how to develop in California or about California processes,” described one agency interviewee.

Outside the official DRECP scoping process, one of the ways stakeholders and agencies started to learn more about renewable energy development and conservation early on was through the monthly REPG meetings at the Governor’s Office in Sacramento that occurred between 2009 and 2011. At this point, the REAT agencies were struggling to work through a lot of controversial issues – determining the array of species to analyze, what methods to use for standardizing data, and how to align federal and state policies. The meetings mostly had to do with active renewable energy projects, but also helped inform the objectives underlying DRECP.<sup>131</sup> It was at the REPG strategy meetings where these issues were discussed and sorted out.

Though primarily for high-level leadership and core staff involved in the DRECP, representatives of renewable energy industry groups and environmental organizations were often invited to take part in these meetings. According to one agency staff person:

*The REPG at times had 45 people in the room. There would be executives, plus some of the key staff. They’d invite stakeholders in to present their concerns. The solar and wind industry would come in to give presentations on issues ... We would invite the NGOs to come in – Natural Resources Defense Council, Sierra Club, Wilderness Society – and they would give their perspective on things.*

For these two interest groups involved, this was a beneficial opportunity to help the REAT agencies, and most importantly the high-level executives, understand their concerns before major decisions related to the DRECP were finalized. An agency interviewee explained, “We ... had the developers present their projects lots of times so that we could learn and understand their technology and the nature of their siting needs from their perspective.” Stakeholders brought up issues like the time necessary for permitting projects, substantive guidance on mitigation requirements, and siting criteria to limit impacts on desert resources.

However, without an equivalent process within the Planning Region, many local interests did not benefit from this early learning process. For many this meant there was not a clear picture of what

large-scale renewable energy development meant for the residents of the Planning Region. Without an understanding of how renewable energy development would affect their interests, the public and major stakeholders – like local governments, agriculture, and mining – did not take part in official early engagement opportunities for the DRECP process.<sup>132</sup> As an agency interviewee remembered:

*I made a point of attending the public scoping meetings and they were very poorly attended. There was not much interest. The meetings were attended by contractors, a few officials. The public just did not take an interest until the projects started to be constructed ... So it was kind of the typical public engagement: they engage when they can see it and feel it ... The public interest groups and the public didn't get engaged until development was well under way.*

In fact, only 59 people attended the three NEPA/CEQA public scoping meetings.<sup>133</sup> For the most part, comments considered during the 2011 scoping period came from national environmental and recreation organizations, renewable energy developers and industry associations, and other agencies.<sup>134</sup> Because of this residents and stakeholders in the Planning Region never became fully engaged in the DRECP and many felt the process never reflected local interests.<sup>135</sup>

To bring the public and stakeholders to the table early on, the costs, benefits, and challenges of renewable energy at the local level need to be understood and discussed. Providing a clear picture of the potential impacts as well as the potential opportunities can help incentivize key players to become involved by demonstrating what they would get out of participating in the process. The DRECP emphasized the importance of using early meetings to bring the public, stakeholders, and agencies together in an educational process.

**Finding #2. The content and method of initial outreach to stakeholders was too broad – direct and individualized contact was more effective at bringing key parties to the table.** The DRECP struggled to get public and stakeholder engagement during initial public meetings. Interviewees suggested that this was due to the focus on wide scale notification and the use of large media outlets for initial outreach, which did not signal the importance of the process within the Planning Region.

For a process covering an entire landscape, some form of broad outreach is necessary to ensure that information reaches the entirety of affected individuals and groups. Extensive outreach was performed to announce the formal NEPA/CEQA scoping meetings and comment period in 2011. Following BLM policy guidance, in addition to the legally required announcements in the Federal Register and State Clearinghouse, the REAT agencies created a supplemental news release that was posted to the DRECP website and to USFWS social media accounts.<sup>136</sup> This news release was also sent directly to over three hundred news reporters and outlets for publication.<sup>137</sup> Despite this effort, very few people attended the NEPA/CEQA scoping meetings and only 38 written comments were received.<sup>138</sup>

Interviewees have indicated that the focus on broad media outreach contributed to this lack of participation.<sup>139</sup> According to one agency representative, “There was the original communications plan [that] was really heavy on media ... It was like ‘We’re going to talk to the New York Times, we’re going to talk to the Washington Post, and all these national papers’ ... I thought it was too media heavy and too focused on outlets ... we were leaving out some of the local interests, some of the community organizations, some of the non-media aspects, and some of the non-national aspects.”

Others noted that the content of these initial process notifications was too broad. Interviewees and public comment letters indicated that the REAT agencies did not clearly communicate the extent and relative importance of the DRECP planning effort. Because of this many stakeholders felt like they did not become a part of the process until it was too late for their interests to be heard. A stakeholder said, “I made a particular note in my individual comments to the agencies that I felt ... [the DRECP] had not been noticed properly in the federal register ... [the] DRECP was being brought in as an overarching planning effort as it turned out ... I’m not saying that it was inappropriate for them to do ... what was inappropriate was the lack of notice.”

On the other hand, individualized and targeted outreach to stakeholders was a much more effective method for getting important parties involved early in the DRECP – especially when that contact is with executive level staff or with someone they already know. Making this direct contact showed stakeholders that their particular perspective and input was important to the REAT agencies and the process. An interviewee explained how they became involved in the Stakeholder Committee:

*I was approached by [someone] whom I had just met ... [they were] with the Governor’s Office ... and [they] asked me to serve on the DRECP Stakeholder Steering Committee. I had heard a little about what was going on, but at that time it hadn’t started. I just knew that there was some effort that was getting underway ... looking back on that I thought that they must want to have [our] participation.*

Describing outreach with local governments, an agency staff person noted, “Some of the counties never really engaged ... a couple counties did and a couple counties didn’t. [Later] we did have some counties with experience [in the DRECP] meet with the other counties to explain that. When we did that, it was beneficial.”

The way in which outreach is performed can determine whether stakeholders choose to engage in the process. While a landscape scale endeavor necessitates some form of general outreach, the DRECP underscored the importance of direct and individualized contact with stakeholders in order to clearly communicate the purpose and importance of the process.

**Finding #3. Managing the variety of stakeholder interests was a challenge from the start of the DRECP and led to divergences in expectations over time.** When the DRECP started, it was framed as a process for streamlining renewable energy permitting and conserving desert resources. Stakeholders and agencies interpreted these broadly defined goals differently. As the DRECP evolved over time, these slight differences in interpretation of the goals and objectives created particular challenges and issues regarding the expected outcomes of the process.

Increasing interest in renewable energy development in California spurred by federal and state policy incentives served as a good initial incentive for many to participate in the process. Environmental stakeholders wanted to limit the impact of land use on biological resources and protect large tracts of land. The renewable energy industry saw the DRECP as a way to quickly get projects under development in order to take advantage of the current market opportunity. Under the strain of economic recession, local governments were interested in the possibility of a new source of economic development and job creation. And, renewable energy associations were trying to expand the use of renewable energy resources to help reduce greenhouse gas emissions.

However, interviewees felt that the DRECP did not clearly and mutually define a set of goals and objectives with stakeholders. This led to widely varying interpretations of what the outcomes of the process would be. In general, stakeholders and agencies knew going in that the DRECP had co-equal of renewable energy development and conservation. Still, interviewees noted that it was clear everyone had their own idea or understanding of what that meant. As a state agency staff member described:

*If you mention what your goals were - we're doing renewable energy conservation or conservation for renewable energy - any way you said that you could get some agencies really excited and some stakeholders really excited ... Is it that we are regenerating the species and then poking in the renewable energy in after that wherever it fits? Or, are we also developing a rational strategy for renewable energy that makes available the highest value solar and wind resource zones in the plan area for development ... there were all of these things floating back and forth in the questions about what you're doing.<sup>140</sup>*

This became a particular challenge as the DRECP adapted over time. Having little experience with a process of this magnitude, the REAT agencies were learning as they went and the plan expanded to look into other types of land uses beyond renewable energy and conservation.

Recounting the DRECP's evolution one federal agency representative commented, "I don't know that in the beginning we knew that this was going to be what it is now. We didn't know it was going to change as much as it did ... Originally ... the way we designed the plan, the restrictions and mitigations were going to apply just to renewable energy. And we were like, 'that doesn't make any sense.' So as we worked through the plan and we were looking at everything holistically and at a really large scale, we were like, 'we really need to have this apply to more than just renewable energy.'<sup>141</sup>

While these changes were clearly communicated among the REAT agencies, they were not articulated to stakeholders. Without checking back in to ensure that stakeholders understood these changes, respondents felt like the draft DRECP plan did not reflect or incorporate their interests. In the case of the renewable energy, interviewees indicated that they did not feel the industry ended up having the expected legal or economic assurance through the DRECP that there would be renewable energy development on public lands in the future.<sup>142</sup>

Many other stakeholders similarly discussed similar frustration. As one stakeholder explained:

*During the process many ... received assurances. The developers received assurances that the plan would streamline development and that it would embrace the no surprises concept. Off-highway vehicle [groups] received assurances ... that the off-highway vehicle open areas would be excluded from renewable energy development and ... the plan would not close roads in the backcountry due to conservation. Yet, when all was said and done ... the [DRECP] did not live up to those assurances.*

In sum, the DRECP demonstrated how difficult it is to manage the many stakeholder interests across a landscape of this scale. To get key stakeholders involved, primary motivations for participation need to be understood and addressed early on. However, it is equally important to take the time to check back in to articulate changes in the process to prevent divergences in expectations and ensure the process is meeting stakeholder needs.



Discussing the importance of this an agency representative stated, “I would say for a large complex process like this doing a lot of homework upfront in terms of establishing what the mutual goals are for the various participants is really important ... Identifying what needs to happen for them to support the plan. Make sure that early milestones in the planning process are met. And, if they’re not met that there is an evaluation of why they were not met.”

**Finding #4. Commitment from stakeholders increased when agencies held public meetings at locations within the Planning Region accessible to those most affected by the plan.** The location of early public meetings was a common theme brought up during stakeholder engagement interviews. Almost all of the public meetings associated with the DRECP were held at locations outside of the Planning Region. Many felt this indicated that local involvement was not a priority for the REAT agencies at the beginning of the DRECP.

For example, the Stakeholder Committee meetings, which started in March of 2010, were some of the first significant opportunity for affected parties to become involved in the DRECP. Though a couple of these meetings were hosted across different communities – Riverside and Victorville – at first, the bulk took place in Ontario, CA.<sup>143</sup> Faced with budget constraints, to the REAT agencies coming down from Sacramento, this location was a logistical compromise as it was near both an airport and the Planning Region boundary. Like one agency representative described, “The state was going through a recession at that point, so the state budgets were cut ... resource wise, we were struggling to make ends meet ... we were scrambling to pay for it ... we could only meet in Ontario ... It wasn’t even in the planning area. It was affordable for us, but it wasn’t in the communities affected.”

While having meetings in Ontario made it less expensive and more convenient for the REAT agencies, the opposite was true for the parties within the Planning Region. According to stakeholder and agency interviewees, travel time and cost were large barriers to participation and meant that it was primarily paid professionals who were able take part in meetings.<sup>144</sup> “The desert is so vast we weren’t able to have adequate representation of all the local communities in the desert ... we had a harder time getting people ... to engage just because of the travel time to get to a meeting,” explained an agency interviewee.

To stakeholders within the Planning Region, not having meetings in accessible locations throughout the desert communities showed a lack of genuine effort to engage the parties that would be most affected by the DRECP. Many felt this was a signal that the REAT agencies did not value the opinions of those most affected by the project. This set the process off on the wrong foot and generated a large amount of resentment. Commenting on what this meant for local interests, one stakeholder noted:

*There has been a lot of criticism from the public about not having enough access. One example is when there was a series of meetings ... located in Ontario. Well, that’s like going to Venezuela to talk about the Vatican. It should have been in high desert where things [renewable energy projects] are going. [That] is where the people are who care most about it and have the most stake. They [the REAT agencies] took quite a hit on that and they didn’t budge.*

Another interviewee elaborated, “Initially they even had meetings in Sacramento ... which sort of shows you the centralization of the [Stakeholder] Committee ... because a lot of the renewable energy industry and the environmental groups are based in Sacramento or the Bay Area ... that kind of reflected that initially the interests locally were not being heard as much. Once I got involved we held all [the] meetings in Ontario, which is certainly in the desert, but not close enough to the people who want to be in a lot of the meetings necessarily.”

The first gestures an agency makes to involve stakeholders in a project can set the stage for how they will interact going forward. While the legal requirements for public and stakeholder engagement emphasize providing the *opportunity* for input, the DRECP showed that it is also important to provide true access to the process – even across a large landscape. Lack of a genuine effort to involve stakeholders during the DRECP’s earliest stages indicated that their interests and concerns were less important than those of the renewable energy industry, environmental organizations, and agencies. An agency interviewee summed up the importance of this, “I think early on it would have facilitated a lot of misunderstandings if we were able to do the stakeholder meetings throughout the [planning] area.”

***Finding #5. The DRECP effectively built off of some established planning processes, but did not pull in others often creating confusion.*** Before the DRECP, many stakeholders had been actively partnering with the federal and state agencies on numerous land management initiatives in the California deserts. These efforts produced relationships, networks, and information valuable to the DRECP planning process. The way the REAT agencies interfaced with these prior efforts greatly influenced early stakeholder engagement in the DRECP.

Specifically, a large number of stakeholders were heavily involved in the 2006 Western Mojave Route Network Project and Plan Amendment, also known as the West Mojave Plan (WEMO). WEMO was a comprehensive management plan encompassing nine million acres of private and BLM public lands in the western Mojave Desert – an area within the Planning Region.<sup>145</sup>

Similar to the DRECP, this plan was intended to provide for conservation in the desert while streamlining endangered species permitting. Over the course of several years and numerous public meetings, input from local governments, recreation organizations, environmental groups, and mining interests among others helped identify land designations for development and species protection.<sup>146</sup>

Many believed the DRECP would recognize these contributions and include the same array of stakeholders; WEMO would serve as a baseline to kick-start this new initiative.<sup>147</sup> A stakeholder wrote in a public comment letter, “We have a long history of leadership and involvement in desert land use planning efforts including the ... BLM’s 2006 West Mojave Plan [WEMO]. We strongly support the guiding principle of these plans ... While WEMO isn’t perfect, it recognized our allotment as an approved land use and gave us the right to continue our livelihood.”

Instead, there was significant confusion over how WEMO and the DRECP would mesh. Though the REAT agencies were struggling themselves to understand how the plans would be integrated, they did not take the time to work through this or clarify this to stakeholders.<sup>148</sup> As a stakeholder described,

*As we became aware and started asking the BLM for more information about what was going on with DRECP, the answers we were getting back were very nebulous. While we didn’t*

*know a lot about what was going on with the DRECP we had a lot of experience with the West Mojave Plan [WEMO]. A lot of us have been involved with WEMO since before 2000, so we were asking the BLM how this [the DRECP] fit with WEMO ... The answer we got ... was 'we don't know' ... It was almost as if they were operating on a need to know basis.*

According to interviewees, interest groups felt it was not clearly articulated early in the process that the DRECP would take precedence over WEMO.<sup>149 150</sup> Nor did the REAT agencies use the established WEMO outreach channels to identify and connect with potential stakeholders.<sup>151</sup> Because of this key parties did not become involved in the formation of the DRECP, and as a result, were left behind in the process. Discussing what this meant for the mining community, as stakeholder noted:

*They came in late in the game and said: 'What's going on here? This is the first we're hearing about it and this is more important and bigger than WEMO. How could we have missed the boat? How could [the] BLM have missed the boat on telling us about something that is potentially bigger than WEMO that is out there that is going to affect our interests?' And then we're sitting there saying this is the same thing that has happened for other access groups that are realizing late in the game that there are significant things going on here.*

When stakeholders have already come together and put in the effort to work collaboratively with agencies, it is important to use these prior processes as access points for engagement. Without this, as the DRECP showed, key interests may be left behind and result in opposition.

**Finding #6. When agencies provided strategic incentives stakeholders, engagement was more equal and meaningful.** Participating in the DRECP as a stakeholder required significant expertise, time, and resources. Not all affected parties had the capacity to actively engage at the same level. Providing strategic incentives helped ensure greater engagement and long-term commitment from major interest groups.

Many interviewees referenced the fact that only paid professionals were able to be involved in the DRECP. Not only did stakeholders need the technical skills and financial backing to participate, they also needed the time to dedicate to reading dense materials and attending monthly Stakeholder Committee meetings. National renewable energy and environmental groups were experienced in participating in these types of processes and had the resources to do a lot of behind the scenes preparation to get their interests heard:

*It was back door work that had been done prior to the meetings ... that the rest of the stakeholders were not aware of. They were just professionals. They knew that you don't go into a meeting cold. You also never ask a question that you don't know the answer to already. It was different dynamics, different levels of professionalism.*

These groups were also able to hire outside staff and experts to help with the review of DRECP documents.<sup>152</sup> Without similar experience, expertise, or staff, other groups were left behind and not able to be as meaningfully engaged in the DRECP.

The REAT agencies used a number of strategies – formally recognized roles in the process, grants, technical assistance, and legally binding partnerships – to improve stakeholder participation in the DRECP from all interest groups. One method was giving parties an official role in the process as a member of the Stakeholder Committee. Doing so was a signal to stakeholders that the REAT

agencies valued their input and respected their interests. A member of the Stakeholder Committee stated, “I’m very honored to actually be picked to sit on this Committee.”

Additionally, official members of the Stakeholder Committee had to make “every effort to attend all meetings.”<sup>153</sup> If a representative missed three meetings within a six-month period, the REAT agencies could request new representation from the stakeholder group. These stipulations for becoming a member provided stakeholders extra motivation to remain actively involved over the course of the process.

There was also a small financial benefit to being a formal representative: members could petition for travel payments.<sup>154</sup> With stakeholders coming from all over to the meetings in Ontario, CA, covering travel costs was a particular issue for some members of the Committee. However, because most representatives were paid professionals none actually received travel payments.

Another strategy the DRECP used to foster greater involvement were the Renewable Energy and Conservation Planning grants offered through the CEC in 2011 and 2012 (*See Partnering with Local Governments, Lesson #3*). These grants helped cover the costs of technical and legal assistance that was greatly needed in some of the rural counties in order to take part in the DRECP. They also required that local government sign Memoranda of Understanding (MOUs) with the REAT agencies in order to receive funds, meaning the counties had to make a legally binding commitment to “participate in the development of the DRECP for the purpose of ensuring that the DRECP can achieve the goals set forth.”<sup>155</sup>

Interviewees extensively commented that local government participation significantly improved after these grants were provided and the MOUs signed. However, several noted that the grants did not go quite far enough because the funds did not help cover the costs of actually participating in the process. A county representative stated, “That grant funding was for renewable energy planning that was complementary to the DRECP, so it didn’t really pay for DRECP participation. It certainly helped, but it wasn’t a direct offset of DRECP costs. It would have been helpful to have something that directly offset the participation of the counties in the DRECP process.”

Incentives – technical, legal, and financial – help bring stakeholders to the table and increase stakeholders’ ability to meaningfully participate in a process. Moreover, providing incentives to particular stakeholders or at specific points in time in a process can help those with fewer resources participate to the same degree as larger groups with more resources at hand.

## II. Structuring for Meaningful Engagement

“I remember it was pretty-good sized table in a pretty-good sized room. But I do believe for the most part everyone that could have had any concept of being involved in this had some form of representation. Even just through the open meeting process. If they did not feel they were being represented they had the ability to present that to the committee itself so that when necessary they could be reached out to resolve that issue.”

–Stakeholder Interviewee

- ✓ **Finding #1:** Recognizing the diversity of affected interests across the landscape was a challenge, but was effectively addressed through the open Stakeholder Committee process.
- ✓ **Finding #2.** Frequent and open communication with the agencies was important and stakeholders became suspicious of times when the agencies “went dark.”
- ✓ **Finding #3.** At the scale of the DRECP it was most effective to use both general, large-scale and interactive, small-scale meeting formats to facilitate meaningful engagement.
- ✓ **Finding #4.** While challenging to integrate into the DRECP – the use of subject-specific working groups and meetings focused on major themes of the process made engagement more effective.
- ✓ **Finding #5.** Interim drafts and other checkpoints in the DRECP process helped increase transparency and understanding.
- ✓ **Finding #6.** Opportunities for engagement between stakeholders and technical staff led to greater understanding of decisions and the science behind it.

Structuring public and stakeholder engagement processes solely around minimum legal requirements is a typical pitfall of agency-led planning efforts. Traditional methods of engagement under these circumstances are often insufficient and those who choose to become involved struggle to find resources and time to participate, to feel as if their perspectives are heard and respected, and to understand and reconcile technical information.<sup>156</sup> The process will move forward with or without their participation, but will likely not result in effective, meaningful, and durable outcomes.

More appropriate forms of engagement are designed for frequent interaction, inclusiveness, and two-way dialogue.<sup>157</sup> However, structuring engagement to achieve these qualities at the landscape-scale is much more challenging than on a project-by-project basis. The DRECP used engagement and information-sharing strategies to encourage these types of interactions for a more open and transparent process, “I’m pretty proud of the fact that it was probably the most transparent plans of this type done anywhere.”

The Stakeholder Committee process was a helpful method for ensuring adequate representation of the array of interests at stake, while also providing a space for regular public involvement. Though

not always effectively implemented, strategies that broke the process into smaller, more focused and subject-specific components helped increase public and stakeholder understanding of the plan, which allowed people to give more informed and detailed input. Despite these opportunities for engagement, the format and staffing of public meetings often did not allow for substantive conversations.

**Finding #1. Recognizing the diversity of affected interests across the landscape was a challenge, but was effectively addressed through the open Stakeholder Committee process.** One of the greatest challenges facing the REAT agencies was how to handle the diversity of interests present in the Planning Region. It was very important for the DRECP to structure a process that recognized and reflected each distinct voice across the landscape without becoming unmanageable. One of the most useful strategies interviewees felt the DRECP used to include affected parties in an active and meaningful way was the fifty-person Stakeholder Committee.

The REAT agencies spent significant time coordinating membership for the Stakeholder Committee to ensure adequate representation across the region. Drawing from past experience, the DRECP staff and REAT agencies identified the broad interest groups to include on the Committee. As one CEC official described, “We looked at other landscape planning processes in California ... there were a couple in the desert before, so we looked at those and how those ran. We looked at the folks who participated in those as stakeholders in those efforts ... so we knew from our experience which stakeholders would want to be involved.”<sup>158</sup> Once identified, individuals were approved and appointed to the Committee by the DRECP Director.

At the same time, to prevent the Committee from becoming too large the REAT agencies had to make strategic decisions about representation. At the 22.5 million acre scale it is impossible to include everyone. This meant finding some ways to represent key interests while limiting participation. For instance, as outlined in the Committee’s Guidance Document, a stakeholder was defined as a group - or organization - with “direct stake” in the DRECP. In this case, “direct stake” meant that the group or organization would be affected by the objectives and outcomes of the process. Using this definition helped narrow the field, rather than broader definitions such as “those who are affected by or can affect a decision,”<sup>159</sup> which might include landowners or community members.

*“Any group or organization meeting the definition of a stakeholder in this guidance may ask to be appointed a member of the Stakeholder Committee by submitting a request to the DRECP Director by email or in writing stating the reason for the request and setting forth reasons supporting the conclusion that the interests of the requesting entity are not adequately represented by the existing membership of the Stakeholder Committee.” (DRECP Stakeholder Committee Guidance)*

On the other hand, limiting representation in this way can leave out important interests – particularly when dealing with a new technology or land use where all of the interests may not yet be known. A representative of the BLM noted:

*I think regardless of who was on the Stakeholder Committee we still would have heard of others who should have been on there or should not have been on there ... but I think that speaks to one of the big challenges of a process like this. You have so many people who have some kind of connection or stake ... you can’t create a perfectly represented Stakeholder*

*Committee because there are so many interests and someone is always going to have some issue with someone who is on there or someone who is not on there.*

However, using mechanisms to recognize new interests as the process evolves can make up for this. For example, the DRECP benefited from having an open avenue for stakeholders to solicit a seat on the Committee. When the Committee was first put together the off-highway vehicle (OHV) community was not identified as a stakeholder by the DRECP Director or REAT agencies. In California, recreation, which includes rock hounding, hiking, camping, wildlife viewing, and hunting as well as OHV use – is about an \$18 billion per year component of the economy.

Leveraging this process, this interest group was awarded two seats at the table. Explained by a stakeholder, “The OHV organizations worked independently through the Department of State Parks Division that handles OHV recreation ... and [were] able to negotiate two seats for representatives of motorized recreation. One of those seats was assigned to CORVA [California Off-Road Vehicle Association] and the second seat was assigned to the Off-Road Business Association.” As this experience suggests, creating an avenue through which groups could petition for a formal stakeholder position was an effective way to ensure adequate representation in the DRECP process.

Further, the open meeting process was also valuable to the DRECP according to interviewees. This allowed anyone to take part in all Committee meetings and provide official verbal or written public comments. Explaining the importance of open meetings one stakeholder said, “I do believe for the most part everyone that could have had any concept of being involved in this had some form of representation. Even just through the open meeting process. If they did not feel they were being represented they had the ability to present that to the Committee itself so that when necessary they could be reached out to resolve that issue.”

The DRECP demonstrated that it is important to have a structured way to involve major stakeholders that ensures an adequate representation of interests across the landscape. Yet, because participation must be limited to some degree, is it also important to have mechanisms – like processes to include new interests and open meetings - for a broader array of interests to be recognized and represented as the process evolves. As one agency representative said, “The problem with having a handpicked stakeholder group is that the people who are not on it can feel excluded. It is important to have a way to get on it and important for the group to do enough of the work in public, so there’s not just a sense that something is being cooked up behind closed doors.”

**Finding #2. Frequent and open communication with the agencies was important and stakeholders became suspicious of times when the agencies “went dark.”** Given the level of complexity when working at the landscape scale, it was difficult for stakeholders to stay on top of developments in the DRECP. With many moving parts to keep track of, interviewees expressed appreciation for the times during the process when there were more frequent interactions between the REAT agencies and stakeholders.

One way the DRECP was able to promote regular involvement in the DRECP was through the Stakeholder Committee, which met a total of twenty-two times between 2010 and 2012. At the first Committee meeting in March 2010, active members agreed to make “every effort to attend” all of the meetings.<sup>160</sup> This was a formal commitment spelled out in the mutually defined Committee Guidance Document that interest group representatives had to agree to in order to become an officially recognized stakeholder in the process.

Many respondents felt as if the commitment to meet on monthly basis was critical, due to the scale, complexity, and pace of the DRECP process. These regular meetings helped keep stakeholders engaged as the plan came together. With this level of engagement, stakeholders were more prepared for each meeting. This meant that there did not need to be as much review or clarification of issues at the meetings. Instead, meetings were able to focus on more in depth, subject-specific discussions and maintain forward momentum. Like one representative on the Committee said when discussing meeting frequency, “When you have such complex issues, you do have to be engaged. If you let the time span get too far apart there’s a tendency to forget, not be as engaged, and maybe not be as productive as you could be when you do meet.”

Furthermore, consistent interaction between the REAT agencies and stakeholders provided the opportunity to iteratively talk through solutions and get questions answered, which helped build trust in the final outcome. By 2014, this regular involvement proved invaluable with the release of the Draft EIR/EIS. An interviewee describing their experience as a representative on the Stakeholder Committee noted:

*I had the benefit of dozens of meetings ... I saw this document being created in an iterative manner, each and every month it got fleshed out more. In fact, the process started with a Table of Contents and then each month there would be another paragraph, another chapter. So I saw it come together ... at the end of that [Draft EIR/EIS] public comment period what I was hearing from others ... I wondered if they were reading the same things that I was, because that was certainly not what I took from the document.*

On the other hand, without regular involvement many stakeholders tend to become wary of agency decisions and decision-making. Specifically, one of the main criticisms interviewees had of the DRECP was what they referred to as the REAT agencies “going dark.” After the Stakeholder Committee ended with the release of the December Document in 2012, the REAT agencies became fully immersed in writing what would become the draft DRECP EIR/EIS. Though both REPG and REAT staff were having individual meetings with stakeholders on occasion during this time, there was no consistent form of broad engagement.

Lacking the regular engagement through the Stakeholder Committee meetings, interviewees indicated that they began to feel suspicious of the DRECP. In particular, they felt as if other more powerful interest groups might have access to the REAT agencies and be able to influence the content of the plan.<sup>161</sup> Commenting on this challenge a stakeholder said:

*I became suspicious of what I call the “going dark period” where the stakeholder meetings ended. When the Stakeholder Committee had done its job it was essentially dismissed and the process went dark for about a period of 18 months while the agencies went into their offices and got in front of their computers and actually started writing the document ... I became suspicious that there were interests that were still participating or some of the interests were still able to influence what was coming out and I felt kind of left out and that other people were still having input. So I didn’t like it when it went dark.*

Another stakeholder corroborated, “They got comment on that piece [December Document] and then started to write the whole thing in earnest and that was the time when people were really scratching their heads saying ‘what are they up to?’” While respondents acknowledged that the REAT agencies needed to be doing very focused work at this time,<sup>162</sup> many believed not having any method of



continued engagement was contrary to performing a transparent planning process. As a result, the DRECP lost significant support during these years.

Like the DRECP experience suggests, it is not only important to engage affected parties early on, but also often throughout the process. Regular involvement benefits agencies, stakeholders, and the public resulting in a more informed plan, while fostering stakeholder understanding of the plan, trust in the credibility of the analysis, and confidence in the final outcome. It also helps planning move forward more efficiently.

***Finding #3. At the scale of the DRECP it was most effective to use both general, large-scale and interactive, small-scale meeting formats to facilitate meaningful engagement.*** Early on, the DRECP primarily used large-scale, presentation style formats to structure public and Stakeholder Committee meetings. Stakeholder interviewees believed these were informative and showed respect by allowing for public comment to be put on the record. However, agency staff and stakeholders agreed that these did not provide space for “real” discussions.

The REAT agencies primarily used larger, more structured meeting formats to engage with stakeholders and the public about the DRECP at first. These meetings were open to the public and often took place in big conference rooms. Typically, they consisted of a series of agency presentations followed by a public comment period. The REAT agencies and stakeholders found that many of these larger-scale methods struggled to facilitate genuine two-way dialogue.

For example, interviewees found the formal NEPA and CEQA meetings held in 2011 to be inaccessible. These one- to two-hour long public meetings began with an overview PowerPoint presentation from the agencies focused on explaining the purpose and components of the DRECP process, the NEPA/CEQA scoping process, and the CDCA and BLM planning actions.<sup>163</sup> Following the presentations, there would be an “open house” where attendees were encouraged to visit information stations, which gave more detailed information on both process and content aspects of the DRECP.<sup>164</sup> Agency and environmental consulting staff were available at each of the information stations to help answer questions.

Overall, interviewees felt this format felt overwhelming, confusing, and unwelcoming.<sup>165</sup> As one interviewee described their experience:

*They had it set up like the agencies do these days: they had a little listening station over here and a listening station over here and this one's got a map of the OHV routes and this one's got transmission lines ... it's in this vast, dark convention center room and there are just people sprinkled about. There's nobody greeting you and telling you what's going on; you just walk in and you wander, you wander from place to place. There are people standing there next to a poster or something and people are supposed to figure out what's going on by going from poster to poster. It's impossible.”*

In this structure, it was challenging to have a genuine exchange of information. With so much ground to cover, interviewees generally thought that this large-scale, presentation-style format undermined their ability to give public comment. There was little opportunity to have a real discussion or get direct responses from agency staff. As one stakeholder expressed, it felt like the agencies decided to “receive public comment, but not to engage in discussions on the record” at these meetings.

Respondents agreed that the same was true for the large-scale Stakeholder Committee meetings. A Committee member described that in these bigger meetings, “it just felt like it was such a quick pace to get through things that you could make comments, but everything was moving so fast that it didn’t really matter much what your comments were.” Again, in this structure many felt that the REAT agencies were just telling them how things were going to be rather than having more interactive meetings.

Small group meeting formats – breakout sessions, workshops, and roundtables – also helped meetings be more effective. In particular, while respondents highlighted the value of the information provided during opening remarks, both agency and stakeholders thought the breakout sessions were the most productive aspects of Stakeholder Committee meetings. An agency official commented:

*For one or two of the [Stakeholder Committee] meetings we’d enter into breakout sessions where it was more interactive. People participated, we had note-takers, and we would come back at the end of the day and reported out. That format was more effective than just sitting around a table looking at each other.*

Compared to the large-scale meetings these breakout sessions were less intimidating. In them, stakeholders were able to have real discussions with the agencies as well as each other about the DRECP, conservation, and renewable energy development. Discussing the importance of this small group format another agency representative said, “The breakout groups were good ... Part of the problem is that when you have 50 people listening it’s easy to fall into a mode of everyone hates a different part of what you just said, so what you need is to get something participatory.”

No matter what the meeting format, however, it was extremely important to have clear and specific meeting agendas. Commenting on this, a DRECP staff person said, “I think the thing that helped was to have – because the plan was so large, the issues were so complex, the Stakeholder Committee was so large – it was really important to have very focused and organized agendas with information presented clearly so that [people] had something specific to actually provide input on.”

Both agency and stakeholders felt that this had a significant impact on the productivity of meetings. Stakeholders were able to review and digest relevant the often long, complex materials and come to meetings prepared to talk about a specific component of the plan. Explained one stakeholder:

*Having the advanced knowledge and some of the briefing notes and materials, I thought that was important ... the day was pretty focused on a particular piece of the project. I think that was helpful because you knew how to prepare yourself. You didn’t have to be concerned with something coming out of the woods that you might not be prepared for.*

Many also felt that this demonstrated respect for their time and energy, as they could identify times in the agenda that they could step away if necessary.

In processes of this magnitude, agencies have a difficult time getting specific and unvarnished input from stakeholders. With such a large group and so much to talk about it is easy for conversations to become sidetracked and for there to be no clear input on the issues at hand. To facilitate meaningful two-way dialogue, the DRECP found it was most effective to use small group meetings along with more traditional presentation-style formats.

**Finding #4. While challenging to integrate into the DRECP – the use of subject-specific working groups and meetings focused on major themes of the process made engagement more effective.**

In processes of this size and scope interviewees suggested that it was important to find ways to break the subject matter down into more manageable and understandable components. As one stakeholder commented, “With so much ground to cover, it was impossible for the representatives to be versed enough to entertain and discuss substantive questions.” Though not always effectively integrated into the DRECP, the subject-specific working groups of the Stakeholder Committee were a helpful strategy to focus in on important themes of the process.

By their third meeting in 2010, the Stakeholder Committee was forming into working groups around four major topic areas – Covered Species/Biological Goals, Covered Activities, Transmission, and Resource Mapping – identified by the REAT agencies.<sup>166</sup> The purpose of these groups, co-led by appointed stakeholder members of the Committee, was to create a more stakeholder driven process.<sup>167</sup> But the working groups also offered a good opportunity to focus on a single aspect of the plan in more detail, helping build understanding of the particular issue and allowing members to give more directed and informed feedback.

The Covered Activities working group – co-led by Laura Crane of The Nature Conservancy and Arthur Haubstock of Brightsource – worked particularly well, developing the primary list of covered activities used for the DRECP.<sup>168</sup> A state representative said, “The covered activities [working group] ... they were able to take ownership of what should be the risk and range of activities that would be covered under this process and covered under permits ... they got together and they came up with a list of the covered activities. And, we went pretty much with what they recommended.” Being able to see how their recommendations were directly integrated into the plan built confidence in the process among stakeholders.

However, the way the sub-committees were structured was a challenge for the DRECP. Some interviewees felt that they took up a significant amount of time without yielding much benefit.<sup>169</sup> Others commented that the groups could have used more leadership.<sup>170</sup> As a result, stakeholders became less collaborative and more focused on their own goals. Talking about the working groups a Stakeholder Committee said:

*It was a huge effort and you would need to drop everything just to keep up ... I had someone on my staff start to review things, but we really had to focus on what really affects on our interests and focus on those. We can't look at everything. We'll leave that area to the conservation organizations or that area to the renewable energy developers. I think people started to do that more - looking after their own interests.*

An agency representative articulated from other experiences, “Working groups are most effective when there is a very concrete outcome they are trying to get to that is reasonably manageable in a short time frame ... You need really good leadership in every working group. And, your [agency] stakeholder team needs to be closely involved with every single working group.”

Determining the most effective ways to utilize working groups was a constant challenge for the DRECP. However, when it is clearly articulated what topics agencies need input on, and what input the stakeholders want to provide, subject-specific working groups are an effective way to create a more stakeholder-driven process and provide opportunity for more detailed input on important

aspects of a process. A stakeholder suggested single-issue meetings would also be a good way to incorporate this in future processes.<sup>171</sup>

**Finding #5. Interim drafts and other checkpoints in the DRECP process helped increase transparency.** Interviewees expressed that the traditional format for plan review and comment required under federal and state regulation was not proportionate to the quantity and complexity of material under consideration for the DRECP. Adding extra checkpoints into the process was helpful for creating transparency and understanding.

For example, the length of the DRECP draft EIR/EIS was incredible challenging for stakeholders to read, understand, and review. One way the REAT agencies integrated checkpoints into the plan-writing process was through the release of an interim draft plan. The DRECP's December Document – published in 2012 – was the primary outcome of the Stakeholder Committee process. It summarized all of the public and stakeholder input as well as the agency data and analyses in a series of alternatives that would likely be included in the draft EIR/EIS.

Publishing this interim draft for review and public comment was not legally required, and, though time-consuming to put together,<sup>172</sup> both agency and stakeholder interviewees highlighted its value. In addition to giving stakeholders another opportunity to provide feedback, the December Document allowed them to see how their input was being considered and incorporated into the process. For agencies, the interim draft gave them a chance to gauge the response to how the plan was starting to take shape and make necessary readjustments. Said one state official about the December Document, “A lot of people were very, very, very critical of it for all sorts of different reasons. And we did calibrate and we did adjust to move forward into the draft. So putting it out was pretty important.”

Another aspect of the traditional planning process interviewees discussed was the public comment period. In order to thoroughly review a document of the length and complexity of the DRECP's draft EIR/EIS, stakeholders felt they need much longer than the normal public comment period timeframe. Recognizing this challenge, the REAT agencies did extend the public comment period following the release of the draft DRECP. While this was appreciated, many still felt this did not go far enough. Explained one stakeholder:

*I think the agencies should have had a second round of public comment and of public meetings ... with a project that is so complicated and with something as nuanced as the DRECP, there needed to be a checkpoint, a halfway point where the public and agencies could get together and see if people were getting out of the document the understanding of what the agencies had wanted the public to receive.*

While it takes extra time, the DRECP highlighted the value of setting up additional checkpoints for planning at the landscape-scale. When dealing with large amounts of complex and technical information, strategies that allow stakeholders and the public to see a plan develop increase transparency and understanding in the process.

**Finding #6. Opportunities for engagement between stakeholders and technical staff led to greater understanding of decisions and the science behind it.** Being able to understand the scientific rationale behind decision-making was a significant concern for stakeholders in the DRECP. Many stakeholder representatives believe it helped to have access to technical staff at key points to clarify and explain how the REAT agencies were thinking.

For instance, at the public meetings for the DRECP there were staffed information booths at both the NEPA/CEQA public meetings in 2011 and the eleven public meetings leading up to the release of the Draft DRECP EIR/EIS to answer specific questions. While in some interviewees' opinions these were helpful, many were frustrated because the staff was unable to explain technical details:

*They weren't competent to drill down the way the public wanted to drill down. They were competent to talk about the overall goals of the project, to look at their maps, and talk about things that affect certain areas in a general sense. But, they weren't competent to go into the software and do map overlays to explain how different things were coming into play in different areas. There's a difference between having people there and having people who are competent to do what the public would like them to do in that context.*

On the other hand, members of the Stakeholder Committee were able to become much more acquainted with the DRECP's driver science. As a part of the Committee working groups stakeholders were actively involved in analyzing data and making scientific recommendations. For example, one of the tasks of the Covered Species working group was to "add/delete proposed DRECP covered natural communities and covered species" using input from species experts, conservation organizations, research personnel, and literature.<sup>173</sup> This included consulting with REAT agency technical staff and environmental consultants.<sup>174</sup>

*They would develop the work product, let's say they were looking at a species or habitat, those 'ologists' with others would develop their data and information on a specific site ... and then bring that to the committee once they had it developed ... they may do a field trip, they may have done a conference call, whatever they determined they needed to develop that information. The point was to have the experts develop the expert information and bring it forward.*

This involvement not only helped improve stakeholder understanding of science in the plan, but also significantly increased trust in the DRECP. As one Stakeholder Committee representative expressed, "I think it's important ... because it wasn't just developed by agency staff, it had stakeholders that may have been from the CBD [Center for Biological Diversity] or from some other groups as a part of that Committee – so we knew that it was balanced ... and then there was always an opportunity for debate at the full table."<sup>175</sup> The diversity of perspectives on the sub-committees helped instill a sense that science and work products created for the plan were more reflective of the variety of interests in the Planning Region.

Connecting stakeholders to technical staff was also important from the REAT agency standpoint. A state official explained, "The biggest area of challenge at times was making sure the connection to the technical team was there so that they weren't terrified that we were off having meetings that were going to affect timelines, or meetings, or substance of the document without the technical being able to tell that 'can't be done, this can be done.'" It was critical for the REAT agencies to be able to ensure open channels of communication between technical staff and stakeholders to ensure they were making accurate statements and able to follow-through on assurances.

The DRECP demonstrated that it is important to engage technical staff at strategic points in time in a landscape level planning process. When involved, making these connections helps stakeholders see how decisions are being made and how feedback is being incorporated into the plan.

### III. Cultivating Collaboration

“On the field trips – I only missed one and I was sorry I missed it because it was a great one – but one of the things we did was people caravanned with their own cars. One of the things I did was switch cars every time we stopped, so I got about 45 minutes in the car with everyone who would go on the field trip. That was a really great opportunity to spend informal time with the stakeholders.”

–Stakeholder Interviewee

- ✓ **Finding #1.** The use of informal engagement strategies helped build relationships among stakeholders and agencies.
- ✓ **Finding #2.** Executive level outreach was used at times to indicate the importance of the DRECP, but it took a larger team dedicated to engagement to maintain these relationships.
- ✓ **Finding #3.** Agency terminology and document formats were difficult for stakeholders to understand.
- ✓ **Finding #4.** The Stakeholder Committee was made more effective by involving representatives willing to collaborate.
- ✓ **Finding #5.** Facilitation in the DRECP was too focused on meeting management – this often was a barrier to getting parties to collaborate.

Structure alone does not guarantee a truly meaningful and effective public and stakeholder engagement process. People are often more important as the driving forces for the partnership and creative problem-solving it takes to work with the diversity of interests present at the landscape-scale. Putting in the effort to build trusting and collaborative relationships is extremely valuable to ensuring the success of public and stakeholder engagement processes.

In the DRECP, informal engagement opportunities and an active stakeholder outreach team helped forge ties between agency staff and stakeholders that led to more open communication. Additionally, seeking out and involving stakeholder representatives as well as facilitators with qualities and skills to encourage trust and commitment to the process was beneficial.

***Finding #1. The use of informal engagement strategies helped build relationships among stakeholders and agencies.*** A number of interviewees emphasized the importance of dedicating time early in the process to build relationships among stakeholders and agency staff. This was particularly important for the effectiveness of the Stakeholder Committee since making personal connections helped foster open communication and collaboration. However, developing these relationships with stakeholders at the scale of the DRECP takes a significant amount of time.

Prior to the start of the DRECP, some stakeholders had experience working with the BLM and other REAT agencies, but many did not. Said one state representative, “It was a very big plan area. There

were a lot of local stakeholders that the [agencies] did not have ... relationships with starting out.” This was a challenge for the DRECP. Interviewees felt the Stakeholder Committee was not as productive at this stage of the process simply because everyone was still getting introduced.

Additionally, the large, formal Stakeholder Committee and public meetings were not effective avenues for creating relationships. As a stakeholder interviewee explained when talking about the Stakeholder Committee:

*I think setting a table with fifty people, the first half a dozen meetings were getting to know each other more than anything if you didn't have a relationship with someone else at the table. Once we got to that point, the work products began to flow pretty well because we knew what to expect from the other stakeholders: what they were representing, how they looked at things.*

Interviewees frequently commented that informal engagement opportunities were helpful for breaking down barriers to working together. More specifically, site visits were an effective strategy used by the DRECP to create these opportunities. There were four full-day Stakeholder Committee field tours to potential renewable energy development areas over the course of the DRECP process. Not only did the field trips allow stakeholders to get a sense of resources on the ground, they were also commonly cited as times when agency personnel and stakeholders were able to interact in a more casual atmosphere than formal meetings allowed.

Site visits offered the opportunity for participants to get to know one another personally and speak more candidly about their interests related to the DRECP. Describing the interactions on these tours one agency official noted:

*On the field trips ... people caravanned with their own cars. One of the things I did was switch cars every time we stopped, so I got about an hour or forty-five minutes in the car with everyone who would go on the field trip. That was a really great opportunity to spend informal time with the stakeholders.*

Receptions held after Stakeholder Committee meetings were another method used by the REAT agencies for informal engagement. As one stakeholder outlined, “Normally there would be a little bit of a reception of some type early in the evening for people to interact personally or with the agencies however they wanted to.”

When working with stakeholders at the large-landscape scale, fostering trust and understanding among agencies and interests groups can be a challenge. The DRECP underscored the value of using informal engagement opportunities. Strategies like field trips and receptions, which allow for personal and candid interactions, can help build relationships to overcome these barriers and establish long-term partnerships. In fact, by the end of the DRECP, many stakeholders had developed trusting and productive relationships that have benefited them going forward:

*Number one I think the Stakeholder Committee was a fantastic process ... and it created for me career long relationships with people who I didn't see eye-to-eye with before and I had no desire to reach out and get to know these people. As a result I've made a lot of good friends ... and we've been able to work together on some terrific issues since then.*

***Finding #2. Executive level outreach was used at times to indicate the importance of the DRECP, but it took a larger team dedicated to engagement to maintain these relationships.*** As the DRECP found, it was often difficult to have in depth conversations in the contexts of the large public and Stakeholder Committee meetings. Because of this many stakeholders requested individual meetings with the REAT agencies. In response to this appeal, agency leaders as well as mid-level and field office staff started playing a larger role in stakeholder outreach and communication.

For example, throughout the DRECP the BLM's State Director Jim Kenna and CEC's Commissioner Karen Douglas traveled around to have one-on-one meetings with stakeholders across the Planning Region to discuss stakeholder concerns and get feedback on the plan. This executive level involvement would ebb and flow, but their consistent face time with stakeholders in the desert was an important signal to stakeholders that the REAT agencies were committed to seeing the DRECP through. Explained by one state agency official:

*I think one of the most powerful parts of the way the DRECP worked was that Jim Kenna and [Karen Douglas] spent a lot of face time in the desert. [They] did a tremendous amount and [it] was a core part of the outreach team. When people see that level of commitment from an agency they pay more attention.*

In interviews regarding engagement, respondents consistently expressed appreciation for these one-on-one meetings and noted their value to the planning process. Many believed that during these interactions were much more productive than those at the larger-scale meetings because they were able to give individualized input and get direct responses to questions from agency staff. To them, this was an indication that the REAT agencies were willing to take the time to hear and address the opinions of different interest groups making the DRECP more transparent.

Discussing these meetings a stakeholder said, "What's been most useful is when we have met with the state and the federal people ... in non-open meetings ... It's been in those meetings that we have found out more about how [the process] intends to go forward ... that's where an awful lot of understanding has come from about how this thing is going to move forward or not."

However, in comparison to working at the project scale, it is impossible to take the time to meaningfully connect agency leadership with every stakeholder. "If we had attempted to build the relationships at a [local] level, this would have been a fifteen-year plus process," said a federal agency staff person, "From what we were facing ecologically, we did not have that kind of time. There were choices to be made. I am not saying it is not important, but ... I am going to sacrifice some level of relationship building because there is an urgency from an ecological standpoint here. If there was not this urgency, I would take the fifteen years to build those relationships."

One way the REAT agencies were able to maintain personal contact with the wide array of stakeholders was by using a team for outreach. Having a staff person primarily designated as a stakeholder liaison was particularly valuable according to both stakeholder and agency interviewees.

For instance, Terry Watt was hired by the CEC to perform this role in the DRECP. She was brought on to work specifically with stakeholders and local governments. When agency leadership could not be directly involved in outreach, Terry continued to have regular calls with interest groups. An agency representative explained, "When I was dialed out, she was dialed in ... the team part of it [was] critical."



Many stakeholders also expressed appreciation for her active role. As a liaison, Terry Watt ensured that stakeholders continued to remain engaged in the DRECP and informed of developments in the process. One county representative described:

*My primary liaison on the DRECP has been a gal by the name of Terry Watt. I have had numerous conversations with her and she was very helpful in keeping us apprised of what was going on ... I think it's important to have somebody like that. I know she worked with our county and the other counties, but I think it's important to have somebody like that ... the [person] who asked me to participate ... I never heard from again ... So I think it is important to have some kind of a coordinator ... to have some kind of centralized point of contact.*

The DRECP demonstrated that individual relationships were very important and should be a priority. Putting in the time behind the scenes can help build trust and commitment helping push a process forward. As one agency staff person said, “Really in my view 90% of the work ... happens outside of the meeting both before and after. If somebody has put in that additional 90% in a consistent way then the meetings go well and everyone says that it was wonderful and how amazing it was that it went so well.” However, as the DRECP learned it takes a team dedicated to outreach to maintain these relationships.

**Finding #3. Agency terminology and document formats were difficult for stakeholders to understand.** Distinct differences in communication exist among agencies, stakeholders, and the public creating barriers to developing shared understanding. Agencies often use terminology and document formats that are hard to digest, which make it difficult for stakeholders and the public provide informed feedback when given the opportunity to participate. This common issue in agency planning processes, was heightened when operating at the scale and complexity of the DRECP.

For example, stakeholder interviewees often talked about the length, structure, and language of the Draft DRECP Plan. Nearly all respondents indicated that the draft plan was extremely difficult for professionals – let alone the general public – to understand the impact the proposed alternatives would have on the ground, commenting that information was spread throughout the document. This led to a significant amount of frustration for stakeholders trying to contribute to the process. Describing their experience trying to read through the draft plan, a stakeholder noted:

*They had one helpful tool out of the whole permitting process section for me, because otherwise the information was scattered around the whole 8,000-page document. It made it really challenging to understand what they were even proposing. I had to go through that flow chart so many times and ask the BLM a ton of questions just to feel like I understood what they were proposing. I think that this organization did not do them any favors in terms of helping people understand what they were proposing because by the time people got through the scavenger hunt of finding the information, they were already cranky.*

Others noted that simple formatting decisions – such as not assigning Development Focus Areas (DFAs) names or numbers – created barriers to both discussing and commenting of particular aspects of the plan.<sup>176</sup>

According to stakeholders, the times when participants were able to get answers to questions or explanations about the draft plan in “plain language,” they were better able to understand the implications of the document. As one stakeholder commented, “When we had the opportunity ... [to] get layman’s answers to a lot of these questions it was absolutely amazing how clearly the points could be made as opposed to how they were being presented in the documents.”

The staffed information stations at public meetings were one example of when stakeholders felt they were able to discuss the DRECP in plain language. At several of the public meetings, presentations were followed by an open house where attendees could visit multiple information stations. At these stations the public and stakeholders could get direct answers from agency staff and environmental consultants about the plan and process in a way that was clear and concise. A stakeholder described, “The agency responses that were being offered at the stations ... were the layman’s answers. They were the real world language that people could identify with rather than going bleary-eyed looking at the document. The information was being provided in digestible quantity and quality.”

A number of interviewees suggested that instructional meetings might also be helpful methods for clarifying planning decisions and information for stakeholders. Elaborating on what this might look like in a future processes a stakeholder said:

*It would be really helpful if during the process someone would give a presentation and walk people through the ... process to say ‘this is how it would go’ ... I would suggest that ... [agencies] try to think about ways to have either webinars or meetings where you walk through the process as simply as possible.*

The webinar hosted by the REAT agencies explaining how to navigate and provide comment on the draft DRECP was an example of one of these instructional meetings. Many found this to be valuable when trying to review the draft document.

In sum, when the DRECP took the time to acknowledge differences in communication and communicate with stakeholders in plain language it helped build common understanding. This improved stakeholders’ ability to be a meaningful part of the process.

**Finding #4. Involving stakeholder representatives with experience and expertise as well as a willingness to collaborate was important to the effectiveness of the Stakeholder Committee.**

Leadership on the Stakeholder Committee was a topic that came up repeatedly during public and stakeholder engagement interviews. People have as much influence over the planning process as the process structure. Interviewees agreed that it was important for the DRECP to seek out and involve stakeholders who would help move the process forward.

For instance, the REAT agencies and DRECP Director targeted individuals as potential Stakeholder Committee representatives based on relevant expertise, established relationships with the agencies, and past experience in similar efforts.<sup>177</sup> Of equal importance, however, were personality- and leadership-based criteria.

In particular, the agencies looked for people who they felt would not only be good communicators and good representatives, but who would also want to actively participate throughout the entire process.<sup>178</sup> Explained one agency representative:

*There were certain individuals who we went after who had certain traits ... Are they constructive? Are they good negotiators? Are they willing to show up consistently? Do they read? Do they do work or do they just show up and say what they're used to saying? We didn't invite anyone who we didn't think would be at least somewhat constructive ... You pick the best people you can.*

A stakeholder interviewee elaborated, “I think the first thing ... you have to in any process bring the right people to the table at the right time in order for the process to work ... I would think that many of the people were asked [to be on the Stakeholder Committee] because of their previous interaction and ability to work on projects and move them forward. I think that’s key to picking the stakeholders. It doesn’t matter what world they come from, there has to be an ability to work and move forward.”<sup>179</sup>

While some interviewees felt as if the final Stakeholder Committee members were simply political appointees,<sup>180</sup> these criteria were important in the DRECP. Speaking of experiences with similar committees in the past, an interviewee said, “Stakeholder groups really depend as much on the experience and knowledge that are part of the group as it does on their personalities.” Past relationships, experience, leadership qualities, and personality all contribute to making advisory groups like the DRECP Stakeholder Committee effective because they help instill trust, understanding, and commitment into a process.

For the DRECP, it was important for the engagement process to ensure that the voices of the multitude of groups affected by land use changes in the desert region were heard in a manner that felt genuine, substantive, and organized. The Stakeholder Committee process was a useful strategy for the DRECP to include affected parties in an active and meaningful way. However, when there are a huge number of interests involved, it is very difficult to maintain forward momentum and work to find solutions that suit multiple needs. As the DRECP showed, having people with leadership qualities at the table who are focused on collaboration and finding creative solutions can help large stakeholder groups be more productive and effective.

**Finding #5. Facilitation in the DRECP was too focused on meeting management – this often was a barrier to getting parties to collaborate.** Facilitation was a critical aspect of the DRECP’s public and stakeholder engagement process. Given the number and diversity of participants, a skilled facilitator was needed to manage the progress of the process and to ensure the various interests at stake were being accounted for. However, according to both agency and stakeholder interviewees, facilitation in the public process was often a challenge for the DRECP.

Specifically, many felt that the Stakeholder Committee needed stronger facilitation.<sup>181</sup> The DRECP Director was primarily responsible for facilitating the Stakeholder Committee process and meetings. On occasion, interviewees noted that other agency staff might assist or take responsibility for facilitation if they had particular expertise regarding the topic under discussion.

Typically, facilitators are individuals who are able to build consensus and maintain the process. While interviewees felt that facilitation in the DRECP was effective at ensuring that the process remained on time and on topic, several felt it was not set up as a facilitated collaborative process to achieve a commonly identified objective. Instead, interviewees felt that the Committee members seemed to be guarded – protecting their interests and not speaking candidly. One stakeholder described:

*The agencies have to do a lot of stuff and they were running the show. They do some things well, but I don't know if facilitation is one of those ... There were a lot of meetings we had with the Stakeholder Committee and everybody traveling down there [to Ontario, CA] ... I don't know if an awful lot came out of it. If we had more of a consensus approach from early on we might have cut some of that out.*

Similarly, facilitation of the Stakeholder Committee did not effectively draw out and engage the array of interests represented. Some interviewees thought that the larger, more experienced stakeholder groups had greater influence over the Stakeholder Committee process because the facilitator was not actively soliciting comments from all groups. Often this meant groups less familiar and comfortable in these types of processes were drowned out. When talking about the relative influence of various interest groups on the Stakeholder Committee, a federal agency employee said:

*The more powerful NGOs definitely dictated – the Defenders of Wildlife, Sierra Club, Wilderness Society, Natural Resources Defense Council – they were very influential. They are professional. They've done this before. Most of them are lawyers by training, so they were comfortable in that environment. And, they tended to overwhelm those who were citizen groups like the OHV community and the Tribes ... as far as facilitation goes, it could have been facilitated differently.*

As the DRECP showed, a skilled facilitator is valuable for moving the process forward. However, the DRECP also highlighted the importance of having an active and high-powered facilitator who can encourage the diverse stakeholders at the table to collaborate and can effectively bring out less prominent voices.<sup>182</sup> Thinking of what this role in future processes would look like an agency official outlined, “It would be someone who was more effective at viewing the crowd and bringing everyone in, instead of just managing the conversation and staying on time ... so it wasn't just a handful of dynamic, confident people, [they] could bring the less confident, less comfortable into the conversation, too.”

## IV. Partnering with Local Governments

“The mutual misconception was ... that [the REAT agencies] were going to look at private and public lands equally, which didn’t prove to be true ... I don’t think ... [the REAT agencies] thought their effort to do this DRECP on public lands was going to run afoul or not be consistent with the fact that most of the projects were being done on private land.”

–County Interviewee

- ✓ **Finding #1.** The perception of the desert as open and empty was an enabling factor for the DRECP.
- ✓ **Finding #2.** Experiences with the smaller-scale ARRA projects informed the DRECP, but also created significant local opposition.
- ✓ **Finding #3.** County planning grants offered by the agencies helped local governments take a more meaningful role in the DRECP.
- ✓ **Finding #4.** Regional mitigation was a primary reason many counties became involved, but was a new idea that was not fully understood or developed.
- ✓ **Finding #5.** The role of local governments as primary decision-makers on private lands was underutilized in the DRECP.
- ✓ **Finding #6.** Changes to renewable energy policies provided opportunity for aligning federal, state, and local interests.
- ✓ **Finding #7.** Web-based tools helped provide stakeholders across the landscape access to the DRECP, while also allowing for communication targeted toward local interests.

One of the unique aspects of the DRECP was its “all lands” approach, considering both private and public lands at once in order to determine the most appropriate places to site renewable energy projects. Working with local governments, as this approach requires, is an enormous challenge in agency-led planning processes that are often viewed as federal overreach. However, working with local governments can provide unique opportunities to plan more successfully in the long-term across large areas and align interests.

The planning area of the DRECP is a seven county region including portions of Imperial, Inyo, Kern, Los Angeles, Riverside, San Bernardino, and Sand Diego counties. It is characterized by a patchwork of private county lands and public federal and state lands. This variety of regulatory structures, land and resource usages, and socioeconomic contexts was a particular challenge in the DRECP process – particularly since many of the most appropriate areas for renewable energy projects were on private lands under local government jurisdiction. The inability of the DRECP to effectively deal with the diversity of the counties was a major contributing factor leading to the phasing of the process.

**Finding #1. *The perception of the desert as open and empty was an enabling factor for the DRECP.*** The DRECP had widespread political and industry support not only because of the valuable renewable energy resources, but also because there was a perception that permitting projects would be easier in the desert ecosystem.

To many people living outside of the Planning Region, the desert was an ideal place for large utility-scale development to occur in California. Not only did the deserts offer the best renewable energy resources, there was also a common opinion that the deserts were vast and barren landscapes lacking the biodiversity, wildlife, and ecological value when compared with other ecosystems.<sup>183</sup> A renewable energy industry executive commented in a 2009 NPR interview that their company sited projects in the “flat and boring” areas of the desert.<sup>184</sup> One stakeholder further elaborated:

*The reason you had this gold rush – wind and solar – is because that is where the resource is, so it was a reflection of the fact that there is a resource there ... but there's [also] not a whole lot of biodiversity in the desert. I know there are some critters there that are really fragile, but would you rather have this up in Humboldt County where we have spotted owl and a million other critters ... it's a desert for god's sake. If you're going to put renewable energy somewhere, it's going to have less impact on species in the desert than it will if you mow down the forests of Humboldt County. So there was also the relative comparison of the impacts of putting renewables in the desert versus the High Sierra or the coast or the northern California forest.*

In reality, however, the deserts of southern California are extremely diverse not only ecologically, but also socially and culturally. The DRECP Planning Region encompassed seven different counties, each of which was very different from the next. The counties varied in character, size, land ownership, land use, demographics, economic base, and legal process. Additionally, residents and local government officials across the counties differed in their ideological support or opposition to renewable energy development.

For instance, only an estimated 680,000 acres of Los Angeles County's roughly 2.6 million acres were within the DRECP Planning Region.<sup>185</sup> As a highly urbanized area, a majority of the lands within the county are privately owned. It also had the largest amount of distributed renewable energy generation capacity of any county in California.<sup>186</sup> As a result, lands within Los Angeles County were not a focal point for the REAT agencies. However, the county was very interested in participating in the DRECP in order to limit development and attract conservation in the part of the county within the DRECP's boundaries.<sup>187</sup>

Other local governments maintain a more rural character and have a large quantity of federally owned lands, like Inyo County located in the most northern part of the Planning Region just over the border from Las Vegas, NV and home to Death Valley National Park.<sup>188</sup> Some had a history of renewable energy development such as Kern County, which produces more renewable energy than any other county in California,<sup>189</sup> while others wanted to learn how to establish renewable energy projects and programs like the City of Lancaster.<sup>190</sup> Several were more opposed to the prospect of renewable energy development and concerned with the protection of cultural resources as well as tourism- and agriculture-based economies.<sup>191</sup> Many had large minority communities and were struggling to find resources and funding in the middle of the recession.<sup>192</sup>

A number of interviewees suggested that the DRECP did not effectively engage the counties, residents of desert communities, and local interests because the REAT agencies did not understand the diversity across the Planning Region. An agency representative commented, “I think each county had a very different ... set of things that they care about and are motivating them and I think that ... was what has influenced ... [the] extent they got engaged.” Speaking more specifically about engaging particular populations, a stakeholder said:

*A lot of these counties are really low-income counties and I think organized labor hasn't really participated in this. The Latino community has not been outreached to hardly at all ... it's no secret, but these are majority-minority counties ... [where] more than half of the people are people of color or Latino, so very little was done for outreach to those communities.*

While at first the desert appeared to some to be empty land ripe for development, the DRECP learned with time that this was not the case. Rather, the Planning Region was highly diverse and contained significant economic, social, and cultural resources in addition to its many ecological resources. The DRECP demonstrated that it is important to take the time to recognize and understand the unique values and diversity of the landscape at the start of the process in order to effectively engage the public as well as local governments and interests.

**Finding #2. Experiences with the ARRA projects informed the DRECP, but also created significant local opposition to the planning effort.** Working on smaller-scale projects can help build a foundation to guide a landscape-scale planning effort. In particular, the DRECP gained a lot of new knowledge about desert resources from the project-by-project review and permitting of renewable energy facilities in California's deserts.

The “fast track” American Recovery and Reinvestment Act (ARRA) projects completed between 2009 and 2011 had a considerable impact on how the REAT agencies evaluated and handled the permitting of renewable energy projects. Review of these projects provided the REAT agencies with new knowledge of the resources within the Planning Region and highlighted the need for a framework to guide development into certain areas.<sup>193</sup> An environmental consultant involved in the ARRA projects and the DRECP explained:

*I think through the ARRA process one of the things they found out was a lot more on the ground information that showed there are some areas in this vast desert that more appropriate than others and that is in part what led into the DRECP, which has done a lot more on the ground work to really dig into what is in the desert. The ARRA projects kicked it off ... this information coming in from the ARRA projects meshed well with the DRECP.*

However, at the same time, these early projects led to significant and organized local opposition. The tensions that resulted from the ARRA projects characterized how local governments, interest groups, and residents came to perceive the REAT agencies and the DRECP. An example of such conflicts was the controversial Ivanpah Solar Electric Generating System. Located along Interstate 15 approximately forty miles southwest of Las Vegas in San Bernardino County was one of the first projects to be permitted. The project site was also some of the best desert tortoise habitat in the East Mojave Desert.

As a result, Ivanpah quickly became hugely controversial. One stakeholder remembered, “They were allowing projects to be built in places where those projects should never be built. Probably one of the most famous projects was ... the Ivanpah solar project. It is in some of the best desert tortoise habitat in the East Mojave section of its range ... the project was permitted and ultimately three or four square miles of tortoise habitat was destroyed. That was only one out of many so-called “fast track” projects that was going forward under an expedited timeframe ... local people were up in arms [and] the environmentalist community was greatly concerned that not enough attention was being paid to where these were being built.”

Many local residents were also concerned about the impact of these projects on economic, social, and cultural resources. In particular, there was a belief that the entire old desert was going to be developed to feed the energy needs of the nearby urban areas to the detriment of the culture and economy of local communities:

*If you go to almost any community they're going to start talking about all the negative impacts. This is one of the longest stretches of old Route 66. There are a lot of people who are really big on desert tourism. Joshua Tree National Monument gets over 1.5 million people a year. That area has a character. Many people believe that character is being ruined by inappropriately designed, developed, and wrong renewable energy technology - so they lose.*

These same communities were struggling with their own energy shortages and it was unclear whether these large-scale facilities would help address this concern.

As a result, renewable energy development quickly became a highly emotional issue at the local level by the time the DRECP process began. Describing the situation on-the-ground, a county interviewee noted, “This is the frontline of renewable energy development. This is the war zone ... There are people who are highly antagonized. They are exceptionally well organized and get more organized everyday. We are seeing it spill over into all kinds of other community development issues.”

When the DRECP was introduced, it was difficult for the public to understand the distinction between this new process and the ARRA projects. Residents of the area, already organized in opposition to permitted ARRA projects, became focused on opposing the DRECP. Said one federal agency representative, “You have a couple of groups that formed to oppose [a] specific project and ... it kind of got wrapped up into the DRECP ... you had these couple of groups that were able to bring hundreds of people to ... the public meetings we held and so I don't think we anticipated the reaction to be that strong.”

There is a lot of benefit to starting small: understanding the landscape, the data needs, the important local interests, and more. The information gathered from smaller-scale projects creates a good foundation for performing better landscape-level initiatives. However, as the DRECP showed it can also create hostilities. Therefore, it is important to acknowledge and demonstrate that you have learned from both the positives and negatives of smaller-scale projects in order to reduce opposition.

**Finding #3. County planning grants offered by the agencies helped local governments take a more meaningful role in the DRECP.** Local governments were very reluctant to become involved in the DRECP at first because many lacked the capacity and resources to fully participate in a planning



effort of this scale. The County Planning Grants provided access to funds, technical assistance, data sources, and outside staff that helped the counties play a more robust role in the process.

The DRECP started during an economic recession that was severely limiting counties' staffing and funding. At the same time, the counties were struggling to not only deal with an influx of renewable energy project applications, but also the resultant pushback from local constituencies over renewable energy development. On top of all this, several of the counties would need to significantly update local laws and policies to adequately engage in the DRECP. Though the counties within the Planning Region were interested in participating in the DRECP, most did not have the expertise, funds, staff, or, most importantly, time to engage in the process. Explained by one county representative:

*We are not a rich county down here, we knew that if we were going to embark on an effort to update our General Plan to better designate, or take a fine look at, where we are developing it would cost us a lot of money ... [and] we do not have technical expertise to properly evaluate or stay in touch with what's going on with this type of an effort ... we were inundated at that point in time with applications for energy projects. Our planning department didn't have time to send people up there [to public and Stakeholder Committee meetings].*

Another county interviewee further described, "We provided a lot of resources. It has been very expensive for us. That has been one difficulty especially in a small county like this. Spending all of that time ... is very difficult when you have limited resources ... we were sending staff to the meetings and they were very expensive to go to."

Further many counties' primary motivation for participating in the process was the possibility of future economic development and job creation. However, according to interviewees, it became clear early on that economic development was not a primary goal for the REAT agencies.<sup>194</sup> Without this, the counties had little incentive to dedicate their own resources to the DRECP, "I do think it's a question of motivation and whether each individual county felt like the DRECP could achieve something for them and if not, local governments have such limitations on staff and resources and funding that they wouldn't invest much if they didn't see something that they were going to gain out of it."

Renewable Energy and Conservation Planning Grants – also referred to as the county planning grants – provided the local governments with access to the resources, capacity, and expertise to engage in the DRECP in a more meaningful and robust way. In 2011, California's legislature updated the Public Resources Code allowing the CEC to award up to seven million dollars in grants to qualified

*“Provide up to seven million dollars (\$7,000,000) in grants to qualified counties for the development or revision of rules and policies, including, but not limited to, general plan elements, zoning ordinances, and a natural community conservation plan as a plan participant that facilitate the development of eligible renewable energy resources and the associated electric transmission facilities, and the processing of permits for eligible renewable energy resources.”*  
(Pub. Res. Code 25619)

counties to facilitate the development of renewable energy resources.<sup>195</sup> Five of the seven DRECP counties applied for and received county planning grants. The grant money was reauthorized in 2012 and several counties received additional funds.

County interviewees unanimously felt that these grants were essential for their full participation. Each county utilized the county planning grants in a different way and at different points during the process.

The grant funding helped the counties hire consultants and other experts to assist in the drafting of local ordinances and planning elements, development each county's public outreach and comment process, creation of maps, analysis of data, and provision of general support to local government staff.

A county official said when discussing the grants, "After they made these grants available we could go out and hire consultants and experts to help us draft our plans." Another commented, "In the beginning the counties provided all of their own funding, but then the CEC provided the grants and several of the counties took advantage of that including us. They provided a very generous grant and those types of grants aren't typically available, especially for a small, rural county ... so that was a significant benefit to the county. And provided a means to develop a comprehensive plan to develop renewable energy."

Though eventually beneficial for the DRECP, interviewees agreed that these funds were offered too late in the process to be truly effective. Because of when the grant money became available, local renewable energy planning processes and policy updates were just getting underway as the REAT agencies were writing and finalizing the draft DRECP plan. As a result it was difficult for the local governments to ensure the consistency of their efforts with the DRECP.

Describing how difficult this was one county interviewee said, "It was difficult to align. There were a lot of areas we had identified that they had not. It was difficult for them to add [these] ... [and] there was some frustration. We went through our whole public process during the 'black box' ... we shared our mapping from our process, but they didn't incorporate it." Further talking about the mismatch in planning efforts one agency interviewee said:

*I think it was more just an issue of timing. What I mean by that is you have at least three or four of the seven counties doing their own renewable energy planning ... obviously we want whatever they come up with to match closely with what we come up with and we want whatever they come up with to not compromise any of the biological goals or objectives of our plan ... [but] when we went to them in early 2014 and said "let's work together, let's figure out how we can make our efforts align" ... they didn't really have anything to share with us ... I think we just kind of needed them to get a little bit further down the road and start hearing from their own constituencies what they wanted to see in their own plan.*

A state representative corroborated saying, "The counties in particular, and some cities too, were concerned that they had not caught up in their own planning processes to understand what the conflicts could be with DRECP." These concerns were a major contributing factor in the decision to split the DRECP into phases giving local jurisdictions more time to work on their planning efforts.

Access to legal, financial, and technical resources can enhance local governments' ability to actively engage in large-scale planning initiatives and, according to interviewees, it is important to learn what county resources are at the start of a process to identify what resources are needed to participate. However, as both agency and county representatives repeatedly emphasized – offering these resources at the beginning of the process is most important.

**Finding #4. Regional mitigation was a primary reason many counties became involved, but was a new idea that was not fully understood or developed.** One of the unique aspects of the DRECP was its approach to mitigation. In contrast to the BLM's traditional methods, the DRECP proposed using

regional mitigation. This was a major shift for the BLM and, according to interviewees, an incentive for local governments to become involved in the process.

When the DRECP began, the BLM's policy was to do only "onsite" mitigation, meaning that developers would perform onsite land improvements to replace damaged habitat.<sup>196</sup> In lieu of mitigation, developers could purchase private lands for protection – a much more common alternative among developers.<sup>197</sup> Since the extent of mitigation is tailored to the impact of each individual project on the land, it would take a significant amount of land purchases to offset the effects of large utility-scale renewable energy projects.

This was a significant concern for local governments as there was little private land available for purchase within some of the counties. Many were worried that any local land within the desert would be acquired for the mitigation of renewable energy projects and no longer available for potential county development projects. As one interviewee stated:

*At one point, there was a whole list of potential large utility-scale projects being proposed. We did a calculation on the amount of private land that had decent habitat in the desert [for mitigation] and there was not enough land. You could buy it all up and set it aside in mitigation and you'd be done with private land in the desert. So, we had a huge concern that the future of other kinds of development for local cities and towns would be terribly impacted by the fact that there wouldn't be any land left to mitigate impacts because it all got gobbled up with the large solar projects.*

The DRECP mitigation strategy proposed something new: regional mitigation. This approach went against BLM policy at the time and allowed for "offsite" mitigation. In particular, it would authorize developers to make public land improvements to mitigate for private land impacts.<sup>198</sup>

Many of the counties participated in the DRECP because of this approach. They believed that this type of mitigation would offer them win-win opportunities. It was also an opportunity for the REAT agencies to effectively incorporate the unique interests of the each local government into the draft DRECP plan. Specifically, it would allow some counties to pursue land protections and others to encourage development.

For example, Los Angeles County was interested in protecting some unincorporated lands within their jurisdiction. They saw the DRECP as an opportunity to attract conservation to the area through mitigation. A federal staff person said, "Trying to attract conservation ... to that part of the county ... they saw the DRECP ... would be outlining these priority conservation areas and so there was potential for basically the state to be telling companies to go to Los Angeles County for their mitigation."

Inyo County, comparatively, was interested in increasing recreational – rock collecting, horseback riding, and more – opportunities as a means of economic development. Regional, offsite mitigation would allow the county to restore and enhance lands for these purposes through invasive species management and trail development. A county representative commented, "We were hoping that ... rather than acquiring private land or eliminating multiple uses on public lands ... mitigation [could be used to] ... go in and enhance the lands."

Some suggested that the REAT agencies and DRECP significantly advanced the concept and use of regional mitigation. It even helped drive Secretary Jewell's order on landscape level mitigation.<sup>199</sup>

However, as a new approach, it was still controversial within the agencies and county interviewees felt that as a result the DRECP did not end up fully developing this mitigation strategy.

Instead, local governments thought the DRECP's mitigation strategy came together at the end of the process and did not accommodate their interests. Speaking about mitigation one stakeholder representative said:

*Well it was part of the original design of the DRECP. The first stuff they wrote about they talked about needing to have a mitigation key in the DRECP, so it was very early on. But, the actual structure only came out with the draft document ... Mitigation is kind of an element of the plan, but it's not the most important element, so it's seen as something that can be handled later on. First, you need to figure out where the species are, the DFAs are, and where to introduce conservation, then we'll think about mitigation. I think that's what happened, but I think mitigation is important.*

Another more noted more directly, "We did not get what we wanted. We clearly voiced that we wanted this incorporated into regional mitigation and it wasn't there."

The potential opportunities offered through regional mitigation initially attracted many counties to the DRECP. It also offered an innovative avenue for incorporating the diversity of local interests into the process and plan. Yet, as a nascent and controversial concept still at the state and federal government level, counties did not feel as if their were effectively met through the DRECP's mitigation strategy.

**Finding #5. The role of local governments as primary decision-makers on private lands was underutilized in the DRECP.** The county governments were treated as stakeholders in the DRECP. All of the counties within the Planning Region – except San Diego County – were members of the Stakeholder Committee. However, these local governments have final permitting authority over private lands, which is where a majority of the DFAs in the final Draft DRECP are located. Interviewees universally agree that the REAT agencies underestimated the role of the local governments. This was frequently cited as a reason for the split in the plan in 2015.

One of the main objectives of the REAT agencies was to place renewable energy in the least biologically valuable areas. These locations were primarily the private lands within each county. To accomplish this objective, the REAT agencies needed to have the counties' support for the DRECP process since they have decision-making authority over development on private lands.

Instead, interviewees extensively commented that the REAT agencies underestimated and underutilized the role of the local governments in the process. Though the NCCPA provides that the CDFW can enter into an agreement with any person or entity "in cooperation with a local agency that has land use authority over the activities proposed to be addressed in the plan," no local governments are included in the Planning Agreement with the other REAT agencies. Though public comments from 2010 suggested the counties were recognized as full partners in the process,<sup>200</sup> the DRECP tended to treat the counties in a more advisory role – as members of the Stakeholder Committee – rather than full partners in the process.

This level of inclusion was not equivalent to the degree of influence the local governments had over the success of the DRECP's efforts. In the words of one stakeholder representative:

*Because [the agencies] invited the counties, I thought that ... they were going to be looking at things that the counties have jurisdiction over. I don't think they did. Or, at least, [they] didn't understand that there would be such a heavy reliance on private lands for the development of these projects ... The mutual misconception ... from the get-go ... [was] that they were going to look at private and public lands equally, which didn't prove to be true ... I don't think ... they [REAT agencies] thought their effort to do this DRECP on public lands was going to run afoul or not be consistent with the fact that most of the projects were being done on private land.*

Many believed that not getting the counties more closely involved in the DRECP was one of the main reasons the process ended up splitting into a phased approach in 2015. Relying only on official comments and recommendations from the counties throughout the process, the REAT agencies assumed there was more local support for the DRECP. As an interviewee explained, “The other reason we have a phased approach now is because it was assumed we would have more support at the local government level than we did. And because we didn't, we had to shift the approach.” An agency respondent further elaborated:

*They just bit off far more than they could chew with ... all the counties needing to agree. And that's the other big part of this ... to not have the counties involved the minute you started thinking about this was a big mistake. We came back hat in hand asking if they wanted to participate and they were like 'why would we want to do that now that you've just plunked down the planning for us?'"*

The role of the counties in the DRECP did not reflect their authority over private land development. As a result, potential partners and advocates in the process were barriers to its effectiveness as an “all lands” plan. As this shows, understanding the appropriate role of local governments in the process and making their engagement a priority from the start is very important, preventing problems in the long term when planning for both private and public lands.

**Finding #6. Changes to renewable energy policies provided opportunity for aligning federal, state, and local interests.** When working across multiple counties, a challenge the REAT agencies faced was ensuring local renewable energy laws and policies were consistent with the DRECP. Changes to renewable energy policies, provided incentives to participate in the DRECP as well as opportunities to align federal, state, and local regulations.

At the start of the DRECP, each of the seven counties had vastly different regulatory structures – General Plans, Zoning Codes, and Renewable Energy, Geothermal and Wind Energy Ordinances – set up to address renewable energy siting. Some had established renewable energy programs and already started permitting projects within their jurisdictions, while others had not updated their local renewable energy plans since the 1980s. Most counties had to undergo a process to update local ordinances, general plans, and zoning codes to support renewable energy development in a manner that aligned with the DRECP's efforts. Yet, many did not have the capacity to make these regulatory adjustments and several were not open to the prospect of increasing renewable energy development.

As described in *Finding #3*, the CEC's Renewable Energy and Conservation Planning grants were one effective strategy the REAT agencies used to incentivize local government involvement and help local governments perform necessary regulatory updates. For example, Inyo County used its

\$700,000 initial grant funds to develop a revision of the county's formerly withdrawn Renewable Energy General Plan.<sup>201</sup> The county also created an overlay in their zoning code in order to comprehensively zone an area specifically for renewable energy development.<sup>202</sup> The new laws and policies gave the counties a sense of urgency and direction regarding renewable energy. They also provided motivation for both the REAT agencies and local governments to align interests.

Another reason counties cited as motivation for initially becoming involved in the DRECP was the potential for economic development. According to state regulation, all solar energy development in California is exempt from state property taxes. While these incentives were a boon for developers, the local governments where projects were built were afforded little benefit despite significant public service impacts and costs. As described by one federal agency staff member, "Solar projects were exempted from the [state] property taxes as part of encouraging them to be put in, so that means the projects being installed didn't enhance the finances for the counties. So, by that very nature [the counties] were less interested in promoting renewable energy and that's been a problem."

Some of the counties saw the DRECP as an avenue to reform the property tax exemptions to increase revenue to communities from renewable energy developments.<sup>203</sup> One local government representative said, "A lot of people thought they could deal with the property tax exemptions, and then it dawned on them that these projects do have ... impacts and the property tax exemptions are making [it so the projects] cost the counties money ... This is something that the counties have been bringing up." However, interviewees indicated that this issue was not a priority for the REAT and leadership within the DRECP. And in fact, during the process, California extended the tax exemptions on solar energy development projects.

The DRECP had to deal with an added level of legal complexity, taking into account the differing regulatory structures of the counties as well as state and federal policies. However, changes to laws and policies can be used as an incentive for participation. And, as the DRECP showed, if updates are made they can help drive a process forward and help align interests across every level of government.

***Finding #7. Web-based tools helped provide stakeholders across the landscape access to the DRECP, while also allowing for communication targeted toward local interests.*** A significant challenge for the DRECP was the sheer geographic size of the Planning Region. It was important for the REAT agencies to find ways to create access points to the process for stakeholders – often in very isolated communities – across this massive landscape. A number of interviewees believed web-based tools were a helpful way to provide opportunity for participation.

In particular, stakeholders commented on the value of the project website as a means of accessing project information and providing input. A well organized, one-stop-shop website made it easy for anyone to learn about the DRECP and access planning documents at anytime. Even more importantly to interviewees was the simple process for submitting public comments online as well as the ability to read through public comments from other individuals and organizations.

*I really appreciated just how well organized the information was. The DRECP website, I have found it incredibly easy to navigate in terms of finding the information I need as well as finding public comments. The fact that we had to submit comments through the CEC docket process made it really easy to not only submit comments, but to also find and view the comments of others. Often when you submit comments they go in and it can be hard to find*

*the comments of other parties, which I think is important to understanding where others are coming from and their priorities.*

The DataBasin tool was equally valuable. It offered a way for stakeholders to better understand the data being used to make decisions and build a share understanding of the resources across the landscape. Describing the importance of the tool, a state official said, “A DataBasin-like tool allows for significant improvements in transparency and perhaps project management. Decision-making becomes more transparent as it can now be documented in a more public and accessible way both for people inside the agencies and outside stakeholders. Of particular note here for project management is that it sounds like decisions can be kept track of better, which is a major complaint of multiple people. Also, all stakeholders can be on the same page in terms of what the planning area looks like and what is contained there in terms of resources.”

While in some interviewees’ opinions the tool was difficult to learn to use, a majority felt that the DataBasin was easy to learn and provided another important avenue for making public comments. An interviewee explained:

*I really feel like the use of the DataBasin platform was a game-changer for the public comment period. I’m not a GIS expert, but to be able to go in and really explore the layers to understand where the blobs of color touch down on the areas that I know. That was helpful for informing comments. That worked really well and I would recommend that they have that level of transparency and access to data in future landscape-level plans.*

Another stakeholder elaborated, “Having a common and relatively easily accessible online repository of data and information that could be used is really helpful. Having that information online ... and allowing people to use it and suggest options based on that DataBasin material is a really useful thing.”

Further, using WebEx and Webinars helped stakeholders participate in DRECP meetings. Almost from the start of the process in 2009, the REAT agencies streamed the audio and video of all public and Stakeholder Committee meetings. Recordings of each of these were posted to the project website. The BLM even opened up the field offices to allow people to come watch these webcasts. A number of interviewees commented that this helped them participate if travel was too difficult, “If I couldn’t go I did try to call in using Webex or whatever phone conference, but we are somewhat isolated here geographically.”

For the DRECP, the use of web-based tools helped overcome major geographic barriers to participation. However, it is important to remember that it is not always easy for people in rural communities to download materials, “They did a pretty good job of having discs available and websites, but a lot of rural people have trouble downloading things, it uses up bandwidth ... It’s such a massive document that it would freeze up in people’s computers ... Be aware that downloading in rural satellite areas is going to be really tricky.” Additionally, these tools do not replace other forms of communication and contact as face-to-face interactions and hardcopy documents are often more meaningful forms of engagement.

## CHAPTER 4

### *Tribal Consultation*

“The thing about tribes is it is super hard to bring them in ... in a real way ... Every organization that ever has had to do it knows that. But what most organizations don’t know is that it is worth it. And I don’t mean just ... It is worth it because it is the right thing to do because of the past... that’s the bleeding heart liberal part, right? But also, **it is worth it because just from a cold-blooded reality standpoint, if you want to be successful, tribes likely have information that matters and we need in order to manage for future generations especially at this scale ... 22 million acres.** They have information we need to understand ... It is frustrating. It is slow ... But it is worth the investment.”

– Federal Agency Interviewee

Federal law has required tribal consultation between federal partners and Native American tribes when making changes to land designations since President Bill Clinton’s Executive Order 13175, requiring all federal agencies to consult with tribal governments when considering policies that might affect tribal communities. However, until recently most tribal consultations related to land use management have relied on a history of project-by-project consultation focused on individual resources – archeological sites, traditional food sources, and burial grounds. Few consultations have been integrated with the management of natural resources, and have only seldom taken place at this large of a scale<sup>204</sup> – 22.5 million acres covering a total of 53 tribal communities throughout the southern California desert.

Tribal communities’ contribution to a process as immense of a geographical and temporal scope and scale of the DRECP is not only legally required,<sup>205</sup> but is also necessary to making effective and sustainable landscape planning decisions.<sup>206</sup> Indigenous peoples have an extensive knowledge base and historical understanding related to large-landscape ecological and cultural processes.<sup>207</sup> However, in order to access this knowledge, the DRECP needed to structure itself in a way that not only ensured true government-to-government relationships with each tribe, but also to overcome the long-held historical distrust between the federal government and tribal communities. Additionally, the process’ focus on renewable energy development, combined with the distinct federal, state, local, and tribal actors and their associated regulatory structures, further presented a unique set of challenges and divergences from the typical project-by-project tribal consultations.

To appreciate the effectiveness of this six-year (and counting) landscape planning process’ tribal consultation efforts, one must first understand the story of consultation in the DRECP. The first section of this Chapter will outline the main components of tribal consultation in the DRECP, and the latter four (*Getting Tribes to the Table*, *Acknowledging Tribal Sovereignty*, *Creating a Meaningful Partnership*, and *Integrating Traditional Ecological Knowledge*) will then analyze the process and highlight its successes, challenges, and lessons learned as articulated by interviewees and through analysis of the process’ public documentation.



## Overview of Tribal Consultation in the DRECP

The DRECP's planning region contained the lands and resources of 44 federally recognized and nine unrecognized Indian communities, each unique and distinct. Some tribes' rights were established by treaty, others provided by executive order, statute, regulation, or policy guidance. Each had its own governance structure, size, history, culture, economy, level of expertise, traditional ecological knowledge, connection to the land, and problems they were facing as a community.

Prior to the emergence of the DRECP most of the 44 recognized tribes in the planning region had experience working with the BLM field office staff, the USFWS, and some of the state agencies, but primarily on project-by-project consultation, and rarely in a combined effort. Further, communication seldom included discourse with unrecognized tribes, not required by state or federal law at the time.<sup>208</sup> The DRECP, and its programmatic, landscape-focus represented a significant shift for tribes and how the REAT agencies would work with them.

Before the DRECP began, tribes, similar to most communities in southern California in the late 2000's, were facing the influx in large-scale renewable energy spurred by the American Recovery and Reinvestment Act (ARRA).<sup>209</sup> These project-by-project applications were not only time intensive for the REAT agencies, but also required individual tribal consultations for each application submitted.<sup>210</sup>

For many tribes, the onslaught of applications was overwhelming and required significant resources, technical expertise, staff, and coordination. This was difficult, especially due to the disparity in tribal capacity throughout the region to undergo such processes. As a federal agency interviewee noted,

*There [are] 44 federally recognized tribes [in the planning region] and they have a very wide range of skills and expertise. Some of them are some of the richest tribes in the country. They own half of the town of Palm Springs... Others, they don't have any land base... they don't [even] have a reservation. They have [little] money and are very poor. So the understanding, even with the ones who have professional staff, was all over the board.*

When the DRECP got underway in 2009 in response to the Governor's Executive Order to create the "Desert Renewable Energy Planning Process" and streamline the renewable energy permitting throughout the California desert,<sup>211</sup> it was simply a *collaboration* between the REAT agencies – not yet a joint federal-state process. During this time the agencies held their first public comment scoping meetings – with no tribal representation – and they intended to finish the plan by 2012.

This was an unsure time for the DRECP's tribal consultation efforts. The idea of starting a National Historic Preservation Act (NHPA) Section 106 process was brought up – but agencies made the decision the DRECP was under no legal obligation to do one. Section 106 is a historic preservation review process that requires federal agencies to take into account the effects of their projects on historic properties – including tribal resources. They are then required to create a Programmatic Agreement, or PA, that outlines how to resolve adverse effects identified during the review process. Many thought the DRECP was only a planning effort – and did not result in on-the-ground construction – thus a PA was not required. This would become a thorn in the side of the agencies later in the process.

Further, during this time, the DRECP convened its 50-person Stakeholder Committee and a “Renewable Energy Tribal Coalition.” The only tribal representative present on both groups was a tribal member from the San Manuel Band of Mission Indians, Anthony Madrigal. According to interviewees, no tribes in the planning region were involved in choosing Madrigal as their representative – rather, the BLM made this decision. The BLM further gave authority to Madrigal to facilitate and manage the Coalition, whose membership mainly included federal and state employees.

The idea was that Madrigal would invite other tribes in the planning region to participate – and the Coalition would kick off the DRECP’s government-to-government process. However, according to interviewees – due to lack of coordination and attendance, and unclear objectives, no other tribes attended the meetings, and soon after its creation the Coalition stopped meeting.<sup>212</sup> After the Coalition stopped, Mr. Madrigal continued as the Stakeholder Committee’s sole tribal representative. According to all tribal interviewees – aside from Madrigal, no other tribes were invited to attend the Stakeholder Committee, the Tribal Coalition, or other meetings surrounding the creation of the DRECP. As a result, according to interviewees, no other legally-sufficient government-to-government consultation was initiated with tribes until much later.<sup>213</sup>

It was not until 2011 that the DRECP, now an official joint federal-state process, began consultation with the planning area’s 44 federally recognized tribes. The main intent of the consultation process was to solicit feedback and facilitate tribal input into the Plan and lay the groundwork for its implementation. Through consultation with tribes, the REAT agencies hoped to gain a “deeper understanding of tribal concerns that would help BLM manage in a more informed, fair manner.”<sup>214</sup> They specifically wanted to ensure they were gathering information on broader landscape-level issues rather than finer scale individual concerns.

To accomplish this, the DRECP used a number of methods. These included a 45-day scoping process and associated meetings held under NEPA and CEQA, large state and nation-wide tribal renewable energy summits, joint Tribal-Federal Leadership Conferences (held under FLMFA), workshops and open houses, official comment letters, and a variety of more informal and individual consultation methods. And finally, in 2015, they also began a NHPA Section 106 process.

The purpose of the DRECP’s 2011 scoping process was to “seek out concerns, ideas, and opinions of agencies, *Native American tribes*, businesses, interest groups, and individuals that could be affected by the [DRECP’s] proposed actions.” It would come to define the scope of issues the DRECP would include in its Final Plan. All three of the Scoping Process’ public meetings took place in Sacramento and Ontario, both located outside the planning region and far from most tribes.<sup>215</sup> No tribes attended the meetings.

Leading up to the initiation of DRECP official tribal consultation in late 2011, two large tribal summits were held – the Tribal Summit on Renewable Energy in Palm Springs and the Department of Energy Tribal Summit in Washington, D.C. The summits helped gauge broad understanding of tribal concerns related to renewable energy development in California and nationally – and included over 150 tribal representatives.

One and half years after the DRECP’s Renewable Energy Tribal Coalition stopped meeting, the DRECP recommitted to its consultation obligations by holding its first Tribal-Federal Leadership Conference or as many referred to them, the “Tribal Leadership Forums.”<sup>216</sup> The purpose of the Forums was to collect and share information with all 44 federally recognized tribes with stake in the

planning area. Through September 2015, the DOI and BLM-California in collaboration with the USFWS convened and facilitated 11 Forums.

Most of the Forums lasted for a day, but some spanned the course of a week. The conversations at the Forums focused on exchanging information regarding renewable energy, natural and cultural resource conservation, and land use planning. The BLM often provided information about the DRECP's progress, went over maps of the alternatives and cultural resources they were aware of, and used PowerPoint presentations. At the first few Forums they also offered technical assistance and specialized services catered to the needs of each tribal partner, and most importantly, access to executive level federal management.

At the first six forums, the federal agencies did not solicit information from non-federally recognized tribes. Consultation with these nine tribal communities did not begin until February 2014. The inclusion of non-recognized tribes emerged when California Governor Brown signed a new Executive Order in 2011 advising all California state agencies to consult with both recognized *and* unrecognized tribes when undergoing the CEQA process. Up to this point in time, all DRECP consultation was performed by the federal agencies who were only required to consult with the federally recognized tribes. A bill, AB 52, would make the Executive Order a law in July 2014 – *requiring* all state agencies to consult with tribes.

This was a big change for tribal consultation in the state of California. A state agency staff member described tribal consultation at the California Energy Commission (CEC) prior to the DRECP, “Before the bill the CEC was doing a haphazard job of tribal consultation on non-federal lands...they would do some part-way consultation...Go through some motions, maybe make a phone call. But that was the way we were operating over the last ten years.”

In an effort to create more transparency, the DRECP also gave tribes the ability to provide initial feedback on the potential alternatives before the release of the draft plan. This preliminary check-in was not required by law, and is not traditionally done in typical planning processes. But in December 2012 the REAT agencies released the "Description and Comparative Evaluation of Draft DRECP Alternatives" or the December Document.<sup>217</sup> In combination with its release, the REAT staff held five tribal open houses in BLM's field offices throughout the planning region. The intended purpose of these workshops was to provide a more informal environment where tribal representatives could meet with the BLM managers to gather information about the December Document, review the DRECP regional maps by field office, and provide comments on the planning effort.<sup>218</sup>

The Draft DRECP was then released in September 2014. However, it was not until February 2015 that the BLM really pushed forward on implementing its NHPA Section 106 obligations. By this point, the DRECP had split into a “two phased approach” – one for BLM lands and one for all others. As a result, the USFWS no longer had a Section 106 obligation – only the BLM still had this requirement. For its Section 106 resource identification process, instead of organizing the large Tribal Leadership Forums – the BLM and the CEC split up the plan area into regions and came to “tribes’ neighborhoods”<sup>219</sup> – where they held “Road Show” meetings in Palm Springs, Ridgecrest, Needles, El Centro, and Bishop. The meetings did not just include tribes – but over 350 consulting parties that had jurisdiction under Section 106.

While it was late in the process, many BLM staff members said the Road Shows was one aspect of the tribal consultation process they were most proud of.<sup>220</sup> They released their draft Programmatic

Agreement (PA) in August 2015, and a final in February 2016 – seven years after the DRECP commenced in 2009.

Due to the DRECP's large scope and scale and the various drivers inherent in a joint federal-state planning process – the REAT had gone well above and beyond a traditional BLM-led or state-led tribal consultation process. They had:

- Initiated consultation with each of the 53 tribes affected by the planning region;
- Conducted 11 Tribal-Federal Leadership forums;
- Held a statewide tribal renewable energy summit with over 150 tribal representatives;
- Convened a regular meeting of the Desert Renewable Energy Tribal Coalition working group;
- Conducted 91 in-person meetings with 29 of the 53 tribes in the region including both REAT agency field staff and high level administrator meetings;
- Sent numerous letters, emails, and made phone calls exchanging information with tribes;
- Created a GIS layer containing key Native American “cultural landscape” resources used in the DRECP's online Gateway Data Basin;
- Influenced the creation of new state and federal policies related to tribal consultation;
- Completed their Section 106 obligations (although well after the release of the Draft DRECP); and
- Plan to continue consultation with each of the federally recognized and unrecognized tribes in the planning region throughout the implementation of the DRECP.<sup>221</sup>

That is the story of tribal consultation in the DRECP process. The subsequent sections of this chapter will evaluate how the DRECP, as an example of a large landscape planning collaborative process, handled tribal consultation using the four following questions:

- 1) *What did the DRECP do to ensure early and committed tribal engagement?*
- 2) *How did the DRECP structure itself to engage in an effective and legally sound government-to-government consultation relationship with tribes?*
- 3) *How did the DRECP's relationship with tribes demonstrate a true “good faith effort?”*
- 4) *What methods did the DRECP use to integrate tribes' Traditional Ecological Knowledge (TEK) into the Plan?*

## Key Findings

### I. Getting Tribes to the Table

“[Tribes] have to know or feel that their investment will affect the process. [You need to give them] that assurance at the beginning ... that this is not just another dog and pony show that you have been seeing for the last couple hundred years ... [tribes] need to have assurance that they will be able to affect the process.”

– Tribal Interviewee

- ✓ **Finding # 1.** Outreach to tribes was delayed, not clearly defined, and did not fully reflect the scale of the process.
- ✓ **Finding # 2.** Early, large-scale summits asking tribes to voice broad concerns about renewable energy and not just the DRECP, helped gauge tribal interests across the large planning area.
- ✓ **Finding # 3.** Distinguishing between project-by-project consultations and the DRECP’s landscape-level consultation was a struggle for tribes.
- ✓ **Finding # 4.** Commitment from tribes increased when agencies frankly addressed past contributions and wrongs, and the times they did not, created frustration.
- ✓ **Finding # 5.** When agencies allocated adequate resources to their cultural department staff and tribes, tribal engagement was more meaningful and effective.

Due to a history of mistrust and deception between Indian tribes and the federal government, tribes are often wary of involving themselves in federal relationships or projects.<sup>222</sup> As such, it is difficult to meaningfully engage or incentivize tribes to participate in a federally sponsored process, and especially a process with the scale and magnitude of the DRECP.<sup>223</sup> Tribes in the planning region had legitimate concerns about the federal government’s motives, the balance of power at the table, and the availability of resources to enable tribes in the region to participate on an equal footing with other stakeholders.

Because of this inherent mistrust, when working with tribes it is important agencies take care to incorporate lessons from past relationships,<sup>224</sup> and approach tribes in culturally accessible ways.<sup>225</sup> It is also helpful to have both tribal partners and agencies actively participating in defining a process’ objectives, its expected implications, and what each partner’s roles and responsibilities will be throughout. And most importantly – this definition needs to be both early and genuine.<sup>226</sup>

The DRECP struggled to achieve early participation from tribes. Many interviewees believed the REAT agencies did not clearly articulate how tribes’ time invested in prior agency-led planning processes would translate into the DRECP. Further, many did not feel tribes were involved in defining the DRECP’s objectives, and as a result did not fully understand its implications. Additionally, while renewable energy acted as a motivating factor that brought both tribes and

agencies to the negotiating table, it had the unfortunate effect of distracting tribes from the DRECP's landscape-level objectives and creating antagonistic relationships between tribes and agencies – an issue, some feel, the agencies did not fully address.

**Finding #1. Outreach to tribes was delayed, not clearly defined, and did not fully reflect the scale of the process.** According to both agency and tribal interviewees, tribal involvement did not seem to be a priority for the REAT agencies at the beginning of the DRECP.<sup>227</sup> A BLM official explained, “The tribal involvement started out very minor, they [tribes] were not sure how to be involved ... Then it grew to something much larger as we worked very hard on integrating the tribal input and the Section 106 process.” This lack of initial focus on tribal involvement was reflected in the REAT agencies' scoping process and their first outreach efforts to tribes.

For example, scoping is a critical, early step for an agency-led project. It identifies issues likely to be of importance to tribes and other stakeholders and eliminates those of little concern.<sup>228</sup> The DRECP underwent two scoping processes – one in 2009 and another in 2011. In both 2009 and 2011 no tribes attended the meetings and no comments regarding tribal issues were received. In the second scoping process, the BLM held three public meetings – located far from most of the 53 tribal communities, and three months before the first formal consultation calls or letters were sent to tribes.<sup>229</sup> The DRECP's official Scoping Report stated they found “no substantive comments related to Native American traditional land uses.”<sup>230</sup> In the view of many tribes, because tribes were not involved in these early stages – many of the issues important to them were not identified early on and thus not incorporated into the foundation of the DRECP's planning process.<sup>231</sup>

*“... no substantive comments related to Native American traditional land uses ...”*

- DRECP Scoping Report

Further, the first contact most tribes had about the DRECP was a letter informing them about the Tribal-Federal Leadership Forums held under FLPMA. While this is all many tribes expect for project-by-project consultation, for a project of the DRECP's scope, impact, and scale, tribes needed communication that correlated with the importance of the project.<sup>232</sup> Tribes only have so many resources to dedicate, and when the DRECP began, tribes were receiving multitudes of letters about potential projects they needed to be consulting on every year. These ranged from small projects, to large and influential processes like the DRECP. A tribal representative described the importance of having early and clear communication:

*“Before you ... put anything on a map... you've got to talk to tribes ...”*

- State Agency Interviewee

*It is extremely important to involve tribes as early in the process as possible and reach out in a way that the [tribe] is aware of the implications. You know, sending out a letter that says, ‘we are going to do this thing. It is called the DRECP, here is the two sentence paragraph about what it is, please let us know if you want to consult’ doesn't work. [Tribes] receive literally hundreds of those letters a month. So it can be very difficult to sort through and understand which ones are most important to engage in versus ‘this is just talking about a two-acre parcel that is 300 miles from here.’ ... Early engagement in a way*

*that is respectful of tribal governments and meeting them where they are at [is important].  
It is all about early consultation.*

Another tribal member elaborated, “[Tribes] have to know or feel that their investment will affect the process. [You need to give them] that assurance at the beginning... that this is not just another dog and pony show that you have been seeing for the last couple hundred years... [tribes] need to have assurance that they will be able to affect the process.”

The first time an agency communicates with a tribe about a project can dictate the relationship the tribe will have with the project going forward. Lack of input and involvement in these formative stages of the DRECP indicated to many tribes that their voices and concerns were secondary to those of other stakeholders, agencies, and developers. In order to create buy-in and trust from tribes, agency commitments to understanding tribal issues needed to be early. They also needed to correlate with the importance, scope, and scale of the project. A state agency staff member reiterated, “[The] earlier the better. Before you even put anything on a map... you’ve got to talk to tribes. You’ve got to get them to sit down and tell you what they think.”

**Finding #2. Early, large-scale summits asking tribes to voice broad concerns about renewable energy and not just the DRECP, helped gauge tribal interests across the large planning area.**

While tribes did not play a large role in the DRECP’s official scoping process, one way the REAT agencies tried to establish early relationships was through the use of large-scale tribal summits. Before the DRECP’s official tribal consultation efforts started in late 2011, the Department of the Interior and the Department of Energy (DOE) held both a statewide and national summit. These early forums were helpful because they assisted in gauging broad interests, issues, and concerns of tribes.

**Early Tribal and Renewable Energy Summits**

The first summit, the Tribal Summit on Renewable Energy, occurred on January 11-13, 2011 in Palm Springs. It brought together over 150 tribal representatives and officials from federal, state, and local governments and the private sector. The summit included an overview of upcoming federal renewable energy projects, and highlighted specific issues tribes had about past and proposed projects. The main issues brought up during this summit included (1) the inability of tribes to effectively participate in the NHPA’s Section 106 process; (2) how to ensure effective consultation with the tribes; (3) resource identification and evaluation processes; (4) how to improve communication between tribes and agencies; (4) stricter enforcement of agreements documents; and (5) consideration of mitigation as a last resort.

The second summit, the Department of Energy Tribal Summit, was held in Washington, D.C. from May 4-5, 2011. It included over 350 people, including representatives from 54 tribes across the United States and agency leaders active in tribal energy. The U.S. Secretary of Energy at the time, Steven Chu, announced two new energy initiatives at the summit: (1) the formation of a tribal clean energy and infrastructure working group which would provide a forum to survey, analyze, and provide viewpoints on real-time obstacles tribes face in using clean energy and (2) developing guidance that will direct the DOE to purchase renewable energy generated by tribal governments.

Neither summit focused directly on the development of the DRECP, but instead helped elevate tribal concerns related to the development of large scale renewable energy to the federal level, and demonstrated to tribes the federal government’s commitment to real tribal involvement in large-scale renewable energy siting. A BLM staff said, “The first summits weren’t even about the DRECP... it was more broad... they were like ... ‘let’s just talk about renewable energy in the southern California desert ... and how we can do this together.’ So truly, it was the biggest picture, government-to-government level possible... then we drilled down to just the DRECP later.”

The summits identified key matters the REAT agencies may have not known about otherwise. The 150 tribal representatives present at the summits voiced issues like the need for improving communication between tribes and agencies, ensuring legally sound consultation at the state and federal levels and a stricter enforcement of agreements, understanding how the resource identification and evaluation processes would be conducted, and underscoring the point that mitigation should only be considered as a last resort. They also brought up concerns about their inability to effectively participate in the NHPA’s Section 106 process.<sup>233</sup>

While summits helped gauge broad interests of tribes across the region, the DRECP underscored the importance of holding these types of forums before tribes feel like the agencies have already made up their minds. Despite these initial efforts, interviewees believed the summits happened too late, “It was difficult [at the summits] not to feel like the federal government was already on a quest to approve as many renewable energy projects on public land...as possible under a fairly short timeline... There was just this feeling like the federal government, even if they were proposing to meet with tribes... was going to do whatever it was going to do at the end of the day and no matter what the tribe said, it didn’t really matter.”

*“There was just this feeling [at the summits] like the federal government ... was going to do whatever it was going to do at the end of the day and no matter what the tribe said, it didn’t really matter.”*

- Tribal Interviewee

***Finding #3. Distinguishing between project-by-project consultations and the DRECP’s landscape-level consultation was a struggle for tribes.*** The onslaught of renewable energy applications initially motivated many tribes to come work alongside the REAT agencies on the DRECP. For example, some tribes, like the San Manuel Band of Mission Indians,<sup>234</sup> normally opposed development but were interested in the development of renewable energy on their reservation lands as a way to increase economic development in a sustainable way, and hoped the DRECP could facilitate this.<sup>235</sup> Many became involved in the DRECP because they were interested in long-term conservation of their lands and resources. And others wanted nothing to do with renewable energy development, but saw the DRECP as the only way to have their interests heard.<sup>236</sup>

While the onslaught of renewable energy applications initially motivated many tribes to work on the DRECP – after this initial curiosity or interest - many tribal and agency interviewees expressed great confusion when differentiating the traditional individual project-by-project renewable energy applications they were used to, from the DRECP’s new programmatic, landscape planning process for renewable energy *across* the region. Making a clear distinction between these two turned out to be a large challenge throughout the DRECP.



Specifically, many interviewees expressed significant confusion when differentiating the American Recovery and Reinvestment Act (ARRA) funded renewable energy projects from the DRECP Process. As was detailed in *Section 2*, starting in 2009, the Obama administration provided over \$90 billion in economic incentives for renewable energy development. These incentives resulted in an enormous influx of large scale renewable energy applications into the California desert – more commonly referred to as the ARRA or “fast track” Projects.

According to interviewees, tribes did not feel the REAT agencies made a clear distinction for them between these fast-tracked projects, and how they differed from the DRECP’s landscape-scale process. In fact, tribes often perceived the DRECP and the ARRA projects as one big pre-determined push for renewable energy development, or as one tribal representative recalled, “a federal quest by the BLM for approving renewable energy projects on a short timeline due to ARRA funding and other political pressures.”

The REAT staff tried to articulate the difference between the ARRA funded project-by-project consultations with the DRECP Planning effort’s programmatic focus to tribes – but it turned out to be a constant struggle. For example, at the first Tribal Leadership Forum, a Department of Interior staff reiterated that, “The goal of this planning effort is *not* to review or approve *specific* renewable energy projects but to produce a large scale tool to guide the planning of resource management in the desert.”

Despite the REAT agencies’ attempts to articulate the DRECP’s goals – many tribes did not feel they were involved in the initial formation of the DRECP. They did not feel they had control over the DRECP’s end objectives, and as a result, did not understand its ultimate implications or feel ownership. Another felt communication about specific roles and responsibilities of each REAT agency was not communicated to tribes at the beginning of the process; they were unsure with whom to communicate or who was in charge. A tribal representative stated this concern:

*I think it comes back to being very upfront at the beginning and having individual meetings with tribes at the start of the process, before decisions are made. Explain what the process was going to look like. Who were the key decision makers and who was going to be involved going forth? How did ARRA projects affect the DRECP? What is the DRECP? How are they different? We also needed to know the procedures, and what the impacts of the decisions would be right from the beginning, because we didn’t.*

While renewable energy development and other economic drivers can motivate tribes to come to the table initially – as was demonstrated in the DRECP – this issue alone is not inherently enough to keep tribes at the table over the long term. Instead the DRECP demonstrated that taking the time to mutually define both the goals of a landscape level planning process, and how it is different from a project consultation at its very beginning is important. It helps tribes have ownership and is more likely to result in long lasting buy-in and support.

**Finding #4. Commitment from tribes increased when agencies frankly addressed past contributions and wrongs, and the times they did not, created frustration.** Tribes in the planning region had been working with land management and energy agencies for many years prior to the DRECP. The DRECP process demonstrated it is important agencies not only recognize these past relationships with tribes, but create a planning process that exhibits it has learned from them as well.

Prior to the DRECP, tribes had participated in a number of efforts that greatly influenced their relationship with renewable energy development and the DRECP – specifically, the 1980s’ California Desert Conservation Area (CDCA) planning process, the Six-State Solar Programmatic Environmental Impact Statement (PEIS) or the Western Solar Plan (2008-2012), and the ARRA-funded renewable energy projects that began in 2008.

As was described in *Section 2*, the CDCA was the planning region’s first management plan covering 25 million acres of private and BLM land (see Figure 2 for details of the plan). Using input from tribal elders and leaders, the CDCA identified specific land designations and areas of high sensitivity for tribes.<sup>237</sup> These areas were captured in the CDCA’s Native American Planning Element maps and data.<sup>238</sup> Tribes invested significant resources into the Element’s creation. Its inclusion in the DRECP as the baseline for cultural resources data signaled that the REAT agencies trusted tribes’ knowledge and recognized their past contributions. A tribe articulated the symbolism of the Element’s inclusion in the Plan:

*The [Native American Element] CDCA files [were] invaluable to the DRECP process as they were created in consultation with a previous generation of our Elders, many of whom are no longer with us, and contain[ed] a wealth of cultural and historic information that ... better inform[ed] the DRECP process.*

Another key process influencing tribal perceptions of large-scale renewable energy development was their involvement in the Western Solar Plan or PEIS. As was described in *Section 2*, the PEIS identified areas for utility-scale solar energy development on BLM lands throughout six southwestern states, including California. Many tribes in the planning region had participated in the PEIS<sup>239</sup> and the DRECP was supposed to dovetail and build off of it. However, tribes

### **California Desert Conservation Area (CDCA) and Six State Solar PEIS**

The California Desert Conservation Area or the CDCA is a 25 million area, designated by Congress in 1976 through the Federal Land Policy and Management Act (about 10 million acres are managed by the BLM). Congress directs BLM to prepare and implement a comprehensive and long-range plan for the management, use, development and protection of the public lands within the CDCA. The Plan was created during a large-scale effort that included over 70 meetings and hearings, 9,000 written responses and 40,000 individual comments. It was approved in 1980. The Plan has been updated dozens of time to reflect the complexity of the changing region and guides the management of the CDCA. One of the main outcomes from the CDCA planning process related to tribal consultation included the Native American and Cultural Areas Planning Element. With the assistance of tribal elders and leaders, the CDCA process identified ACECs (Areas of Critical Environmental Concern) and areas of high sensitivity for the tribes. Confidential maps and databases were created from the process and used in the DREP as a baseline of tribal and cultural data.

The Programmatic Environmental Impact Statement (PEIS) for solar energy development or the Western Solar Plan provides a blueprint for utility-scale solar energy permitting in Arizona, California, Colorado, Nevada, New Mexico and Utah by establishing solar energy zones with access to existing or planned transmission, incentives for development within those zones, and a process through which to consider additional zones and solar projects. The Solar PEIS establishes an initial set of 17 Solar Energy Zones (SEZs), totaling about 285,000 acres of public lands, that will serve as priority areas for commercial-scale solar development, with the potential for additional zones through ongoing and future regional planning processes. Unlike the DRECP, the Six State Solar PEIS only focused on BLM’s public lands and only focused on solar energy development. Many tribes dedicated significant resources to this process and expressed confusion about how it would align with the DRECP.

often did not understand how the PEIS connected to the DRECP or how their efforts and resources invested in that process translated into what the DRECP was trying to accomplish.<sup>240</sup> A tribal representative explained:

*... It has been extremely confusing for tribes how the DRECP and the Six-State Solar PEIS have interacted and what the intent is between those two plans. The PEIS came out and designated a number of solar energy zones in California, particularly in areas where [tribes] are very concerned about. And then you have the DRECP, which is sort of an overlay of those areas. And ... it is confusing about how the DRECP intends to interact with the proposed mitigation measures and other conditions of approval in the PEIS ... and ... how those two processes will mesh together.*

The first large-scale ARRA projects also greatly influenced and characterized how many of tribes came to perceive the REAT agencies, and ultimately the DRECP Process. While the DRECP's planning effort got underway, tribes continued to face individual project-by-project large scale renewable energy consultations and disputes spurred by the ARRA projects. These often created antagonistic relationships between tribes and the REAT agencies – the same agencies also convening the DRECP. And according to interviewees, many of these immediate conflicts were not directly addressed by the REAT agencies throughout the process.

*“Many of these [first proposed solar energy] projects greatly influenced the way many of tribes viewed how the BLM, USFWS, and state agencies would work with tribes when it came to the large scale solar projects [and the DRECP] going forward.”*

- Tribal Interviewee

The DRECP showed how much these single events or projects can influence an agency and tribe's relationship, and how important it is to take the time to acknowledge their impact. As a stakeholder said, “Many of these [first proposed solar energy] projects greatly influenced the way many of tribes viewed how the BLM, USFWS, and state agencies would work with tribes when it came to the large scale solar projects [and the DRECP] going forward.”<sup>241</sup>

An event that represented this tension was a 2010 renewable energy project proposed on BLM public lands in Riverside County called the Genesis Project.<sup>242</sup> During its construction the developer encountered a significant tribal cultural resource site, unanticipated and unknown prior to construction. From that time onward tribes in the area attempted to stop the BLM from allowing construction to proceed. Before receiving approval from any tribe, the BLM removed the tribal artifacts from the site and placed them into a museum. The Colorado River Indian Tribes (CRIT), representing 9,200 native residents of the Colorado River Indian Reservation in California and Arizona, ultimately sued the BLM in 2012 over their treatment of the discovery and approval that allowed the developer to continue with construction.

Until that point in time CRIT was generally supportive or curious about the new focus on renewable energy in the desert.<sup>243</sup> But after the Genesis Project, tribes began responding to renewable energy projects in a different way. It encouraged them to look more critically at the projects than they had in the past, and the role of the BLM and other agencies. Multiple interviewees characterized this

project, and others like it, as tainting the way many of tribes would view the DRECP, BLM, and other agencies going forward.<sup>244 245 246</sup>

Due to a history of broken promises, when working with tribes, a single disagreement or mishandled situation can have a significant effect on the relationship. Brushing these issues under the rug without directly addressing them is likely to result in future disagreements. On the other hand, finding strategies to address these issues over time in a transparent manner and recognizing tribes' past contributions and efforts can go a long way toward achieving their commitment to a long term process.

**Finding #5. When agencies allocated adequate resources to their cultural department staff and tribes, tribal engagement was more meaningful and effective.** The DRECP was a long process that called for the expertise of tribal elders, museum staff, and cultural staff, and often required tribes to hire outside counsel for legal or technical assistance. Furthermore, large disparities existed between tribes, and many did not have the resources or the ability to actively participate.

*It is extremely costly to engage in this sort of effort. It requires tribes to hire... experts. It also requires tribal elders and museum staff and others who focus on cultural resources to spend a really significant amount of time engaging in the process and reviewing documents and understanding what is being proposed. Most tribal governments are really strapped for cash and facing some other real constraints on their time so the extent that processes can build in stakeholder compensation I think it would go a long way toward ensuring that folks can adequately participate in the process.*

To account for these disparities, the REAT staff offered technical and financial resources. According to the BLM, they provided technical support to tribes that requested it for mapping the areas they defined as significant to conserve or develop for renewable energy.<sup>247</sup> Interviewees stated this helped provide assurance for tribes. In fact, when this offer was placed on the table, many of tribes expressed it signified that this process would be different from previous planning processes. Tribes especially mentioned excitement about having GIS staff with mapping capabilities that would provide trainings and technical assistance to the tribal staff.

However, as with other communication between tribes and agencies, there was confusion about whether or not the resources were actually being offered. Some tribes felt the offer was taken off the table by the BLM – that at a certain point in the process they no longer would offer financial or technical resources to tribes.<sup>248</sup> According to one interviewee, a tribe received trainings, but they were provided by BLM as mitigation from separate project-level solar projects not associated with DRECP.<sup>249</sup>

A disconnect in expertise also presented barriers. At one of the first Forums, a tribal member remarked, “What is GIS?”<sup>250</sup> Tribes and agencies further expressed that many tribes needed planners, ethnographers, project managers, social scientists, more GIS specialists, and even a technical committee that could have provided tribes with technical information.<sup>251</sup> A CEC staff member explained, “There was a need to pay for many of these people, especially the tribe’s cultural and preservation people, to come to the meetings. That way the tribe[s] are not suffering a net loss from their participation in the DRECP.”

Working at the Landscape Scale:  
Lessons from the Desert Renewable Energy Conservation Planning Process

Resources were not just needed for tribes. The DRECP also discovered the importance of hiring sufficient cultural and tribal resources staff to manage a process of this length and scope. While a single cultural resources staff member might have been able to manage the tribal outreach prior to the DRECP – they soon realized that having multiple individuals on staff with tribal experience was necessary to consult at this large of a scale.<sup>252</sup>

Resources, both financial and technical, help augment the ability of a tribe to meaningfully participate in a process, and according to many stakeholders, should have been offered in the creation of the DRECP and throughout its implementation. They also found that the agencies needed to dedicate greater funding and staff to cultural and tribal resources. However, as state, federal, and tribal interviewees repeatedly emphasized – the most important thing to remember was to ask tribes what they needed to participate in the first place.

## II. Acknowledging Tribal Sovereignty

“There [are] 44 federally recognized tribes [in the planning region] and they have a very wide range of skills and expertise. Some of them are some of the richest tribes in the country. They own half of the town of Palm Springs.... Others, they don’t have any land base... they don’t [even] have a reservation. They have [little] money and are very poor. So the understanding, even with the ones who have professional staff, was all over the board.”

– Federal Agency Interviewee

- ✓ **Finding # 1.** Recognizing the distinctiveness of the 53 tribes was a constant challenge – but was best addressed when the agencies asked the tribes what they needed instead of assuming understanding.
- ✓ **Finding # 2.** Tribal and agency interpretations of consultation varied, often creating a lack of legal clarity and precision.
- ✓ **Finding # 3.** To facilitate meaningful consultation at this scale, the combination of large-scale and more informal place-based tribal engagement strategies was most successful.
- ✓ **Finding # 4.** Changes in federal and state consultation laws provided leverage points for agency staff and tribes to make consultation efforts more robust.
- ✓ **Finding # 5.** Tribes and agencies often had different interpretations of representation, and struggled to ensure tribal members with adequate decision making power and expertise represented tribes throughout the process.
- ✓ **Finding # 6.** Executive level involvement in consultation was lacking in the beginning, but when used, it helped signal to tribes the importance of the DRECP and the tribes’ role in the process.

Federal law has required government-to-government consultation between federal agencies and tribes when making decisions that will affect tribal trust resources, treaty rights, or sovereignty since President Clinton passed Executive Orders 13175 (2000) and 12875 (1995). The E.O.s require all federal agencies to consult with tribal governments when considering policies that would affect tribal communities. Additionally, for the DRECP, tribal consultation was required under the National Environment Policy Act, the Endangered Species Act, Section 106 of the National Historic Preservation Act, and the Native American Graves Protection and Reparation Act. As a result, tribes’ roles and responsibilities in the DRECP Process greatly differed from that of other stakeholders and participants. They were not members of the public. They were recognized as individual sovereign nations, equivalent to that of another country.

However, to date, both tribes and federal agencies have interpreted these executive orders broadly. Tribes especially have had difficulty trusting federal land management agencies to handle this relationship correctly. This stems from a past of failed treaty agreements and attempts to erode tribal sovereignty. It also comes from agencies spending minimal time and effort engaging tribes, and not developing true government-to-government relationships, often treating tribes as members of the public or special interest groups rather than sovereign nations.<sup>253</sup>

The DRECP structured itself in specific and strategic ways to try and cultivate an effective and legally sound government-to-government relationship with each of the tribal communities in the planning region. However, unlike many tribal consultations, the DRECP had an added level of complexity as a joint federal-state landscape-level planning process occurring on both private and public lands in the State of California. This meant it had to comply with the federal, state, and each of the region's seven counties' tribal consultation laws and policies.<sup>254</sup>

To deal with this dense legal complexity on a landscape with over 54 tribal communities – the DRECP found the use of combined joint forums helpful, but also discovered these larger strategies needed to be coupled with informal and more place-based interactions as well. Particular challenges and issues the DRECP encountered regarding maintaining tribal sovereignty stemmed from often subtle differences in how agencies and tribes interpret and define consultation, the importance of legally adequate representation, the effect of changing state and federal tribal consultation laws and policies on the DRECP, and the importance of executive level involvement in the consultation relationship.

**Finding #1. Recognizing the distinctiveness of the 53 tribes was a constant challenge – but was best addressed when the agencies asked the tribes what they needed instead of assuming understanding.** In processes that involve this number of tribal communities, agencies have a tendency to lump them together into a singular "tribes."<sup>255</sup> However, each tribe is distinct. And it was very important in the DRECP for the agencies and other partners to both remember and structure a process that reflected the cultural, social, and administrative distinctiveness of each tribe. Although several tribes might live in the same region, they do not necessarily share similar practices or beliefs.<sup>256</sup> When interviewed, BLM-California's State Director, who worked directly with tribes during the DRECP stated, "You should never refer to the 'tribes' as 'tribes.' They should each be called by their name. People often made this mistake. We have 53 communities living in the planning region and no two are the same ... every time we talk to another tribe it is as if we are working with another nation ... not 'tribes.'"

In fact, the DRECP's planning region was home to 44 federally recognized and nine unrecognized Indian communities, each unique and distinct. Some tribes' rights were established by treaty, others provided by executive order, statute, regulation, or policy guidance. Each had its own governance structure, size, history, culture, economy, level of expertise, traditional ecological knowledge, connection to the land, and problems they were facing as a community (see Figure 2 for list of all tribes in planning region).

For example, the Soboba Band of Luiseño Indians was a federally recognized tribe in the planning region on a 7,000-acre reservation located just 54 miles from the urban center of Ontario. They had approximately 1,200 members with a council consisting of five annually elected councilors. After transitioning from an agricultural economy, their livelihood is now sustained by a 2,000-slot machine casino, a country club, and a large entertainment venue. Every year they generate millions in state and local revenue. They have both an Environmental and Cultural Resources Department with legal staff.<sup>257</sup>

Other tribes are not federally recognized, like the Pahrump Paiute Tribe located in Nevada on the outskirts of the DRECP planning region, almost 300 miles from Ontario.<sup>258</sup> Some have very small tribal memberships like the La Posta Band of Diegueno Mission Indians with a tribal enrollment of 16 members, while others are much larger like the Quechan Tribes at 2,500.<sup>259</sup> Several do not have

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legal or full-time cultural and environmental resources staff.<sup>260</sup> Some live on reservations of 35,000-acres,<sup>261</sup> while others own no land.<sup>262</sup> Many are facing threats to their land, sovereignty, and livelihoods such as water rights disputes, encroaching development, and basic economic and poverty issues in their communities.<sup>263</sup>

Name of Tribe	Tribal Enrollment
Agua Caliente Band of Cahuilla Indians	418
Augustine Band of Cahuilla Indians	8
Barona Band of Mission Indians	455
Big Pine Paiute Tribe of the Owens Valley	398
Bishop Paiute Tribe	1323
Cabazon Band of Mission Indians	30
Cahuilla Band of Mission Indians	307
Campo Band of Diegueño Mission Indians	302
Chemehuevi Indian Tribe	928
Cocopah Tribe	940
Colorado River Indian Tribes	3705
Ewiiaapaay Band of Kumeyaay Indians	7
Fort Independence Indian Community of Paiute Indians	101
Fort Mojave Indian Tribe	497 (CA) 699 (AZ)
Iipay Nation of San Ysabel	922
Inaja Band of Diegueño Mission Indians of the Inaja and Cosmit Reservation	19
Jamul Indian Village	63
Kaiwaiisu	200-300
Kern River Indian Community	NA
Kern Valley Indian Council	NA
Kern Valley Paiute Council	NA
La Jolla Band of Luiseño Indians	604
La Posta Band of Diegueño Mission Indians	16
Las Vegas Tribe of Paiute Indians	54
Lone Pine Paiute-Shoshone Tribe	295
Los Coyotes Band of Cahuilla and Cupeño Indians	288
Manzanita Band of Diegueño Mission Indians	105

Name of Tribe	Tribal Enrollment
Mesa Grande Band of Diegueño Mission Indians	690
Moapa Band of Paiute Indians	304
Monache Intertribal Council	NA
Morongo Band of Mission Indians	1,015
Pahrump Paiute Tribe	70
Pala Band of Luiseño Mission Indians	906
Pauma/Yuima Band of Luiseño Mission Indians	189
Pechanga Band of Luiseño Mission Indians	1342
Quechan Tribe	2668
Ramona Band of Cahuilla Mission Indians	7
Rincon Band of Luiseño Mission Indians	575
San Manuel Band of Mission Indians	178
San Pasqual Band of Diegueño Mission Indians	429
Santa Rosa Band of Cahuilla Indians	141
Santa Ynez Band of Chumash Mission Indians	213
Soboba Band of Luiseño Indians	963
Sycuan Band of the Kumeyaay Nation	73
Tejon Indian Tribe	850
Timbisha Shoshone Tribe	331
Torres-Martinez Desert Cahuilla Indians	573
Tubatulabal Tribe	280
Twenty-Nine Palms Band of Mission Indians	13
Utu Gwaitu Paiute Tribe	50
Viejas Band of Kumeyaay Indians	268

**Figure 20.** List of tribes located in or with resources within DRECP Planning Region. *Courtesy of www.drecp.org.*

To ensure adequate representation across the region the REAT agencies employed a number of tactics. For example, they spent significant time coordinating communication with tribes. “Our planning units didn’t align perfectly with all of the tribal resources in the region ... so there was all of this internal coordination to make sure we weren’t overlapping on our efforts or leaving out tribes we were talking to,” a BLM official explained. At the very beginning, BLM made sure each field office knew which tribes they were in charge of maintaining communication. This helped streamline and coordinate communication. Further, when writing the Draft DRECP, the REAT agencies made the



decision to not lump tribal interests into the cultural resources section, but rather pulled them out as their own separate chapter. According to the BLM, this was a risky move and is something most EIR/EIS's do not do – but was an attempt to signal to tribes their importance and significance in the plan.<sup>264</sup>

Despite the use of these strategies, some interviewees felt more individualized government-to-government consultation was needed throughout the DRECP. One of the most effective ways tribal, federal, and state interviewees cited as a way to uphold this special government-to-government sovereign relationship is by taking the time to ask each tribe individually what they want, and not to assume that you know. In the DRECP, many of tribes felt the REAT agencies had already made up their minds by the time they spoke to them.

A tribe articulated what “asking tribes” could look like during a process:

*You need to ask tribes. You need to have a separate consultation that is focused on tribes that is not rushed, not dictated by how some archaeologist wants to do it. You need to work with tribes and say, ‘hey, what are the areas of concern to you?’ If they will talk to you, they have some pretty good ideas of the areas of concern. Ask them, ‘How should we go out and do the inventory of what is out there? What do you recommend?’ Instead of having archaeologists and the agencies say, ‘okay, we are going to do 20 meter transects’ which are going to miss half the stuff out there. You really have to ask tribes, ‘what are the protocols for the surveys for this particular area?’ And have those qualified tribal participants in the surveys from the very, very beginning. And have them informing the protocols. And after you think about what the inventory is, you all sit around and say, ‘okay, so how should this area be managed? What are the tools we have to manage this area? Is it the land use designations? Is it increased law enforcement? Is it tribal management?’ You’ve got to start somewhere... and that somewhere is by talking to tribes.*

“You need to ask the tribes... You’ve got to start somewhere ... and that somewhere is by talking to tribes.”

- Tribal Interviewee

Determining the most effective ways to recognize each tribe’s distinctiveness and sovereignty, while also attempting to gather information from tribes at a resolution that reflected the scope and scale of the region turned out to be a constant challenge for the DRECP.

**Finding #2. Tribal and agency interpretations of consultation varied, often creating a lack of legal clarity and precision.** The DRECP had an added level of legal complexity as a joint federal-state planning process occurring on both private and public lands in the State of California. This meant it had to comply with both the state and each of the region’s seven counties’ tribal consultation laws and policies,<sup>265</sup> on top of the federal requirements.

Many interviewees felt this legal complexity was helpful because it challenged the agencies to incorporate new aspects of consultation. However, due to a broad range in definitions of consultation between tribes, federal and state agencies, and counties the DRECP often ran into problems when defining and interpreting each level of government’s definition of “government-to-government consultation”.

There were differences in opinion about what constituted executive level involvement, and how tribal members were chosen to be on committees like the Tribal Renewable Energy Coalition, the Leadership Forums, and the Stakeholder Committee.

For example, when consultation first began in the DRECP in 2009, it was done mainly through a small committee called the Tribal Renewable Energy Coalition. The Coalition had a number of federal and state agency staff on it,

and the BLM designated a single tribal representative to handle the consultation, management, and facilitation of the Coalition. Looking retrospectively, an interviewee stated, “It was sort of an abrogation of the BLM’s authority... to sort of push the consultation to that committee.” The Coalition did not have a clearly defined legal role or objective. Due to this lack of clarity, after a certain point in time, the Coalition ceased to continue meeting. After the Coalition stopped meeting, little was done in the way of tribal consultation in the DRECP’s early years from 2009 to 2011.<sup>266</sup>

Interviewees also expressed differences in opinion about whether or not the Tribal-Federal Leadership forums were conducted in a true government-to-government-relationship - with state and tribal interviewees often stating both of these were not legally defined government-to-government relationships, and the BLM stating that they were.

All of the Forums were held under the authority of the Federal Land Policy and Management Act’s Section 202(c)(9) and were not conducted as consultation under Section 106 of the National Historic Preservation Act. Because of this decision, the BLM only had a legal requirement to provide information to tribes, but these initial Forums did not have the government-to-government tribal consultation requirement that normally comes under Section 106.

**NHPA Section 106.** The National Historic Preservation Act’s (NHPA) Section 106 process is a historic preservation review process that requires federal agencies to take into account the effects of their projects on historic properties – including tribal resources. They are then required to create a Programmatic Agreement, or PA, that outlines how to resolve adverse effects identified during the review process. Many thought the DRECP was only a planning effort – and did not result in on-the-ground construction – thus a PA was not required. However, they realized at a later date, that one indeed was.

**Government-to-Government Relationship:** The obligation for Federal agencies to engage with Indian Tribes on a government-to- government basis is based on the U.S. Constitution and Federal treaties, statutes, executive orders, and policies. There are often differences in how each level of government interprets the relationship, but is often categorized by: (1) early and genuine involvement, (2) a two-way exchange of information and ideas, (3) a creation of a partnership with tribes and another government, (4) a process of seeking agreement, and (5) consultation that is present at the beginning of a planning process and maintained over time.<sup>1</sup>

Another example of this ambiguity around what qualifies as consultation revolved around the NHPA Section 106 Programmatic Agreement or PA process – or the historic preservation review process that requires federal agencies to take into account the effects of their projects on historic properties – including tribal resources .

During the DRECP’s first years there was considerable confusion about whether the DRECP had legal responsibility to undergo a Section 106 Process. Some at the BLM believed because the DRECP was only a planning document, and did not result in on-the-ground impacts or projects, that a Section 106 process was not required. A BLM official explained, “Some people drew a hard line...

and said, well there is no Section 106 undertaking for a planning decision like this... ‘There is no guarantee anything will actually get built in a DFA or anywhere for that matter.’”

But it became more and more clear as time went on for the REAT agencies that doing a PA for the DRECP was not only necessary, but legally required.

*I was able to demonstrate to them [the BLM] that doing a PA would allow [them] to tailor [their] renewable energy project review process to the kinds of impacts that happen to tribal and cultural resources. That met the absolute intent of the DRECP for cultural resources. So when we put those two things together... it was kind of no-brainer... we’ve got to do this. But it took a while. The planning thing had to go far enough along to understand what the planning decision looked like to know what to do about it.*



**Figure 22.** The DRECP’s Programmatic Agreement (PA) is signed on February 5, 2016, by BLM State Director Jerome E. Perez, California State Historic Preservation Officer Julianne Polanco, and Chairman Milford Wayne Donaldson of the Advisory Council on Historic Preservation. *Photo courtesy of <http://www.achp.gov/blminfo.html>.*

However, the DRECP demonstrated that doing a PA needs to happen much earlier in order to provide the process with the necessary legal authority. The DRECP did not begin its Section 106 process until February 2015 and released its Draft PA in August 2015, six years after the DRECP began. Most PA creation processes for smaller projects take up to a year. For a project the size of the DRECP, interviewees suggested that it should have taken double that amount of time – DRECP performed theirs in six months. “In the end they did a PA, but when they finally got to [it] they had run out of time and hustled through it ... they slapped it together without any bells and whistles ... and the CEC [the state agency with permitting authority on federal lands] refused to sign it,” an interviewee stated.

However, the BLM stated that the Section 106 process was a highlight of their tribal consultation in the DRECP. An interviewee explained, “Yes. It [the Section 106 process] was shorter than we would have liked, but that’s a double edge sword. Because the tight deadlines also kept tribes and agencies at the table, and made us agencies keep a real quick turnaround time on documents and deliverables. It put the fire under our butts. I think it [the six month PA] was actually really

“When you take that kind of process out of government-to-government, you run the risk of it collapsing because it doesn’t mean anything. And tribal people are quick to understand ... if it is not guaranteed that ‘these people will pay attention to what I’m saying.’... they aren’t going to participate.”

- Tribal Interviewee

helpful.”

The REAT agencies further found that undergoing a Section 106 process helped give the tribal consultation process more regulatory authority and legal clarity than many of its previous efforts.

In sum, the DRECP found that interpretations of government-to-government consultation varied greatly between tribes, and federal and state agencies, and that taking time at the beginning of the process to understand these differences, may have prevented problems in the long term.

A tribal representative explained the reason this lack of clear legal definition can be problematic, “When you take that kind of process out of government-to-government, you run the risk of it collapsing because it doesn’t mean anything. And tribal people are quick to understand – when this isn’t going anywhere, or if it is not guaranteed that ‘these people will pay attention to what I’m saying.’ ... and when that certainty isn’t there – they aren’t going to participate.”

***Finding #3. To facilitate meaningful consultation at this scale, the combination of large-scale and more informal place-based tribal engagement strategies - like the NHPA’s Section 106***

***Roadshows - was most successful.*** When the DRECP began, it primarily used larger, more formalized consultation strategies to facilitate dialogue between the 53 tribes and the agencies. These methods were often combined – in that all tribes across the planning region received equal invitation to participate or a small number of representatives were chosen to represent all tribes. The methods included early statewide tribal summits, a Tribal Renewable Energy Coalition, region-wide Tribal-Federal Leadership Forums, an official Stakeholder Committee process, tribal workshops, and a region-wide tribal list-serve. Later in the process, the REAT agencies found many of these larger-scale strategies that involved all of tribes had difficulties accounting for the distinct differences between tribes. Instead, they found it best to couple the larger strategies with more informal place-based consultations as well.

Small group meetings with tribal councils, and other personalized contacts coupled with the larger-scale strategies proved to be more successful. Specifically, even though they were not started until 2015, the BLM thought its Section 106 “Road Show” process – a series of conversations taking place at both the larger scale across the planning region, coupled with smaller geographic conversations – was particularly successful. While there were differing opinions about the Road Shows’ success - to demonstrate the strategies the REAT agencies used during the Road Shows - below is a description of this more unconventional approach to consultation.

In 2015, the BLM started their NHPA Section 106 Process – but they went about it quite differently than their previous consultation efforts. Instead of broad discussions about renewable energy development the main goal of the road show workshops was to produce a Programmatic Agreement. After significant outcry from the tribes about the early stages of the REAT’s tribal consultation – the BLM was very intentional about ensuring the process was as iterative, collaborative, and transparent as possible.

They kicked off the consultation process with two large meetings in Palm Springs and Ridgecrest. All tribes in the planning region were invited, in addition to all consulting parties under Section 106. This included NGOs, developers, SHPOs, THPOs, universities, archaeological societies, and other people with knowledge or concerns about historic and cultural properties in the planning region. In all, they invited about 350 consulting parties. They talked about the DRECP and what types of

consultation had taken place up to that point in time, and had speakers describe the PA Process, and what a PA should look like. They also listened to comments from each of the consulting parties. Following these first meetings, the BLM created an outline of the Draft Programmatic Agreement.

Next they held four “Road Shows” or working groups throughout the planning region in Barstow, Needles, El Centro and Bishop every three weeks. This allowed them to get more local representation – or as a BLM staff said, “this time we came to the tribes’ neighborhoods.” All tribes were invited to each of the meetings. The meetings were designed so you did not need to come to every meeting to understand what was happening; you could easily drop in and out. However, a BLM staff member said there were a couple of tribal members who came to every meeting, no matter where they were in the planning area.

The goal of the Road Shows was to flesh out the PA the BLM had outlined after the first two large meetings. All of the Road Show meetings were face-to-face, but they also provided a live-stream web-ex for people who could not be in the room. “We told them, if you really want to consult on this, it would be best if you were in the room but we will do our best to keep people up to date, even if you miss the meeting.” A BLM official explained that they sent each product produced for the meetings to each of the tribes, regardless of whether or not the tribes participated:

*Every single product. And the reason was that... you didn't have to participate in the working group meetings to know what was going on. You could go into monitoring posture and then weigh in when a topic you cared about came up. That was critical... especially when you are going so fast. And this was really fast for a PA. But it is a balancing act. Going fast is good because they see progress. A lot of the tribes, they are not professionally staffed, they are doing this on their own time and dime. By giving them quick turn-around times you are demonstrating the value of their time... that there is progress.*

To start each meeting, the BLM staff brought an outline of the PA they created after the initial large kick-off meetings in Palm Springs and Barstow. They checked to make sure the outline included all of the topics the group wanted to cover, “Then we’d asked, ‘which of these topics do you want us to tackle next?’” They would then spend many hours in the meeting talking through the topics with the group. “We would always leave the meetings with an agreement about what section we [the BLM] would start writing next. The group helped us decide what we’d be writing.”

The turnaround was then fast. A week after each meeting, the BLM staff would send out pieces of the draft to all those involved

### Larger Scale Consultation Strategies

- Early statewide tribal summits on renewable energy broadly and not just the DRECP
- Tribal Renewable Energy Coalition
- Region-wide Tribal-Federal Leadership Forums
- Tribal representative on official Stakeholder Committee
- Tribal workshops
- Region-wide tribal list-serve

### Smaller Scale Consultation Strategies

- Individual meetings and presentations with tribal councils from field staff
- Individual meetings from management and executive level staff including the Secretary of the Interior
- Section 106 “Road Shows” conducted on smaller regional scale
- Responding to public comment letters tribes submitted
- Open houses and webinars on a field office level
- Individual phone calls and capitalizing on existing relationships

regardless of whether or not they attended the meetings. All parties had one week to comment. Each comment was saved in a table, where the BLM provided their responses. They also tracked all changes throughout the document so all parties could easily understand how their comments influenced the document.

One week before the next meeting, they would then distribute the revised portions of the PA, all the comments they had received from the consulting parties, and all of the BLM's responses to the comments. "[This would give them] time to look at it and think about it. We would [then] ask them not to write comments again. But to save their comments until we came back together as a group a week later. This was helpful so people didn't come in with comments before hearing everyone else's stories. We'd get together as a group, talk about what we had done, why we had done it, and to get live feedback from them. We'd ask them, 'what do you like?' ... 'what you don't like?' ..." This allowed the consulting parties to not just voice their concerns to the BLM, but for the other parties in the room to hear their concerns as well. "This was really helpful and important," a BLM cultural resources staff said.

While there were different opinions between interviewees about each strategy's effectiveness, generally, to facilitate a meaningful exchange of information and dialogue at this immense scale, the DRECP found a combination of large-scale, individualized, and often more regional strategies, like the Section 106 Road shows, to be most successful.

***Finding #4. Changes in federal and state consultation laws provided leverage points for agency staff and tribes to make consultation efforts more robust.*** Legal requirements related to tribal consultation and the DRECP shifted throughout the Process both at the federal and state levels. This changing regulatory regime had a significant effect on the manner the REAT agencies worked with tribes throughout the six-year process.

When the DRECP began, tribal consultation under California's equivalent of NEPA, the California Environmental Quality Act (CEQA) only "advised" tribal consultation; it did not mandate it. However, in 2011 the state of California passed AB 52 – mandating consultation with both federally recognized and unrecognized tribes for all California state agencies. This was a huge shift from how state agencies had been working with tribes historically. During this time, President Obama also signed an Executive Order requiring all federal agencies including the Department of the Interior to take on a more stringent tribal consultation process.

However, none of these new federal or state laws legally required the DRECP to change or adapt its consultation process because they were all enacted after the DRECP began. Even though the DRECP did not have a legal obligation to comply with these new laws – they actually had a great influence on how the DRECP conducted its tribal consultation process.

The new laws and policies gave the agencies a sense of urgency and direction on how to conduct consultation with tribes. They also provided leverage for cultural and tribal resources staff within the REAT agencies and tribal communities on the outside, to really bring cultural and tribal resources to the forefront of the DRECP – before this, cultural resources were often seen as secondary to the Plan's biological goals and objectives.<sup>267</sup> According to interviewees, many within the agencies did not know much about the legal changes' existence or their implications<sup>268</sup> – and changes often did not come up until cultural resources technical staff within the agencies began voicing concerns.

For example, one CEC staff member remembers when Executive Order B-10-11 – Governor Brown’s E.O. that initially advised state agencies to consult with federally recognized and unrecognized Californian tribes during the CEQA Process – was passed,

*When the executive order was passed by the Governor in 2011 it wasn’t done with a lot of fanfare ... it was passed almost a month and a half before I was hired, but when I got here no one [at the state agency] knew that it existed. But it told us that ‘State of CA, if you’re doing planning exercises that affect tribes, you should be doing consultation.’ Tribes started calling me and saying, ‘you know the E.O. and the state has a responsibility – what are you going to do about it?’*

As a result of this pressure from within the agencies and externally from tribes and the new policies – the DRECP slowly began making changes to their consultation strategies. For example, in February 2014, at the seventh Tribal Leadership Forum, both the state agencies (the CEC and the CDFW) and all nine of the unrecognized tribes in the planning region were invited to attend – forums that prior to this had only been reserved for the federal agencies and federally recognized tribes. This was the first time in California history this had been done.

The DRECP demonstrated that it is important for a process to look out into the future to understand the upcoming regulations or laws that could be taking place at the state or federal levels to make sure they have built enough flexibility into the process. However, these changes can also offer drivers and leverage for staff within the agencies and tribal communities to press for more extensive consultation – and in the case of the DRECP – make history.

**Finding #5. Tribes and agencies often had different interpretations of representation, and struggled to ensure tribal members with adequate decision making power and expertise represented tribes throughout the process.** The DRECP often suffered from differences in how agencies and individual tribes defined representation.

At the Tribal Leadership Forums some individuals at the meetings did not have authority to be speaking for tribes.<sup>269</sup> According to interviewees, several of the tribal members attending the Leadership Forums were neither members of tribal council nor established leadership and did not have the authority to make decisions. Due to their lack of prominence in the tribe, some reportedly were not relaying information from the Forums back to the tribal elders, or from the elders into the Forums.<sup>270</sup> Further, at the first Forum, just 11 of the 53 tribes in the planning region attended.<sup>271</sup>

Confusion also existed about how the DRECP’s Stakeholder Committee Process interfaced with the Tribal Leadership Forums. As stated earlier, the Stakeholder Committee started a year and a half prior to the first Forums. When the Stakeholder Committee began it included just a single individual representing what was called the “Desert Renewable Energy Tribal Coalition.” This seat was held by Anthony Madrigal, the Director of Policy and Cultural Resources Management for the San Manuel Band of Mission Indians, a federally recognized tribe in San Bernardino County with a 900-acre reservation.<sup>272</sup> Madrigal held this position throughout the two years of the Stakeholder Committee process.<sup>273</sup>

According to some interviewees, tribes were not individually asked to participate on the Coalition, and were not clear who the members of the Coalition were or how they were selected.<sup>274</sup> Many interviewees were confused about how Mr. Madrigal was chosen to be on the Stakeholder

Committee, how the committee represented tribes' diverse interests, and how the information produced in the Coalition and at a later date, the Tribal Leadership Forums, was communicated to the Stakeholder Committee and vice versa.<sup>275</sup>

Just like other organizations and agencies, interviewees felt the REAT agencies should have spent more time informing the tribes about the needed skills to participate in the process, so they could have selected the correct individuals. As one interviewee stated, depending on the topic area, this might have been the biological resources specialist for one tribe during one workshop, or the cultural resources manager or a tribal elder for another.

Another challenge related to representation was turnover in tribal leadership. The frequent turnover in tribal council membership made it difficult to establish an institutional memory for a process as long as the DRECP. One interviewee stated, "Tribal chairs and liaison [turnover is] perhaps even more frequent than county commissioner turnover. [Like any government] there's a lot of swing in terms of attitude, interest ... and understanding [of the issues]... based upon who's sitting in the chair position."

In a process as long as the DRECP, having individuals representing tribes with both the adequate authority and understanding of a process ensures legally sufficient consultation, helps give a process legitimacy, provides more effective information flow, and incentivizes tribes to stay at the table over time.<sup>276</sup>

**Finding #6. Executive level involvement in consultation was lacking in the beginning, but when used, it helped signal to tribes the importance of the DRECP and the tribes' role in the process.**

Tribal consultation with executive-level leadership from the agencies demonstrates true commitment to a process occurring within a region of this scale.<sup>277</sup> Many tribal representatives believe it helped to have high-level agency administrative staff present at the early summits in 2011 and at the Tribal Leadership Forums. For example, the first Forum included 21 high federal administrative representatives from the DOI, BIA, BLM, USFWS and Office of Indian Energy and Economic Development.<sup>278</sup> This instilled a sense of importance in the process, and demonstrated commitment by the BLM and other agencies that they would allocate the necessary resources.

Additionally, when the Executive Summary of the DRECP's draft plan was released, the CEC's Commissioner Karen Douglas and BLM's State Director Jim Kenna had individual one-on-one meetings with a number of tribes to present the Summary, receive initial feedback, and answer questions. While in some interviewees' opinions, many of these interactions took place too late, this gesture was well received.<sup>279,280</sup> It helped shatter the perception many tribes had of state officials – that they were too busy, would not meet with them individually, or would not come in person.

According to an interviewee, Douglas showed a genuine willingness to listen to the concerns of their tribe.<sup>281</sup> Furthermore, tribes were able to see the issues and concerns they voiced to Douglas during these meetings directly impacting the DRECP's decision-making, and in the words Douglas would use in later public forums. This translation of information from individual conversations into items that were incorporated into decisions was very important for building trust with the tribe.<sup>282</sup>

*I think why Karen Douglas has been particularly well received and effective, not to say it has been a complete success, is that she has shown a real willingness to listen to tribes and their concerns and articulate them in her decision-making process. And when we participated in*



*other project level review with the CEC, she has shown a level of respect and level of interest that has fostered a better relationship. And I think that is really crucial in terms of an ongoing relationship.*

While meeting with administrative leaders was helpful, many tribes did not consider this to be adequate. Some cited a difference in how consultation is defined not only between tribes and the agencies, but also among tribes and agencies. In particular, some tribes only consider government-to-government consultation to be occurring when communication is between a tribe and the Secretary of Interior (not the BLM). To deal with these differences, interviewees suggested having executive-level representation, higher than just BLM administration, such as the Secretary of the Department of the Interior, present in order for an event to qualify as government-to-government consultation.

The DRECP found that the personal involvement by executive-level leaders was not necessarily needed throughout the entire process. Rather, there are strategic points in a process of this scale where their presence can be most helpful. Interviewees suggested that the Secretary of the Department of Interior could have been present at the initial forums, a point in the middle, and at the end process.<sup>283</sup> Another interviewee also suggested it would have been helpful to have the Secretary present when decisions were being made about the alternatives and the mitigation measures, “That is where the rubber meets the road and when we don’t normally have enough conversations at the high level... and when you need the executive level leadership there.”

Unfortunately, this strategic usage of executive leadership could have created trust sooner, better accounted for the diversity of agencies and tribes, and ensured tribes were consulted in a legal and meaningful manner. In the DRECP, the Secretary of the Interior did not visit tribes involved in the process until the fifth Tribal Leadership Forum, nearly a year after tribal consultation had commenced.<sup>284</sup>

While many felt the Secretary’s visit helped the relations with some of tribes, several stakeholders thought this was too late.<sup>285,286,287</sup> The visit did not take place until a group of tribes wrote a letter to President Obama, requesting that he send the Secretary of the Interior, Sally Jewell, to attend future Forums<sup>288</sup> based on their concern they were not being heard and the process had gotten off track.<sup>289</sup>

*There is absolutely a need for that executive-level conversation to happen. That is totally, totally needed. Whether you are getting the right executives from the federal side- that is another conversation. I’ve been in consultations where you’ve got the field office manager. Well is that really an executive? Well, no ... The state office guy. Well, maybe. The solicitor in DC. Okay, maybe. So yeah there are different levels. But the undersecretary over at DOI – okay, that is closer. But you know what, there may be times when you need the secretary of interior to get his or her butt down there. And that should not be looked at as being crazy. And it is not just for signing the document. It is for actually having some of the conversations at a super high level.*

The involvement of executive-level managers is important in creating a legally sound consultation process, and also indicates to tribes that government officials are committed to a project for the long term. However, as the DRECP demonstrated, the use of executive-level leadership can be used at strategic points during the process, and can be used to augment field and technical staff communication and relationships.

### III. Creating a Meaningful Partnership

“What I see so often happen in consultation – tribes will meet with the BLM, and then tribes will say ‘we had a meeting, we told them something.’ And then the agency goes, and they start doing the plan ... and then they make assumptions about what they heard...And they are not checking back with tribes. And yes. It takes time to do this. But when you spend that time at the front end, you are less likely to have to spend time at the back end with misunderstandings and litigation and unhappiness.”

–Tribal Interviewee

- ✓ **Finding # 1.** Some tribes felt the DRECP was an example of agencies reaching out when they needed something and in response to political deadlines, instead of cultivating relationships over time.
- ✓ **Finding # 2.** Executive level involvement is important, but field and technical staff often had the most widespread expertise and relationships with tribes – and were highly valuable.
- ✓ **Finding # 3.** Tribes often cited a lack of “a good faith effort” from the agencies – this often acted as a barrier to forging true long-lasting partnerships.
- ✓ **Finding # 4.** Distinct communication, value, and cultural differences existed between agencies and tribal communities.

In addition to the legally required consultation strategies, when undergoing a consultation with a tribe, creating a trusting and meaningful partnership is just as important, if not more so, than meeting the letter of the law. When a true partnership and collaboration is developed between tribes and agencies, it can lead to new opportunities that did not exist before such as the leveraging of new resources, coordinating across ownership boundaries and landscape efforts, and building an understanding of shared needs and common goals.<sup>290</sup> When this type of partnership is developed it is often characterized by (1) early and genuine involvement, (2) a two-way exchange of information and ideas, (3) a creation of a partnership with tribes and another government, (4) a process of seeking agreement, and (5) consultation that is present at the beginning of a planning process and maintained over time.<sup>291</sup> When this joint-decision making approach of government-to-government consultation does not occur, tribal nations are much less apt to collaborate.<sup>292</sup>

The DRECP demonstrated that taking time to create a meaningful partnership with tribes is often just as, if not more important than meeting legal obligations. And that a partnership is better developed over time than when solely driven by legal and political deadlines.

**Finding #1.** Some tribes felt the DRECP was an example of agencies reaching out when they needed something and in response to political deadlines, instead of cultivating relationships over time. Relationships with tribes often take a long time to cultivate. While some tribes in the planning region had relationships with the REAT agencies prior to the DRECP – many did not. Many interviewees suggested the BLM and other agencies should have been building relationships and

working with many of tribes earlier in the process. Instead, much of the relationship building was dictated by looming political deadlines and a desire to finish the DRECP before the end of the Obama Administration. A tribe referenced the impact of the deadlines, “When you try to fast track understanding, versus actually taking the time to build it... it is pretty difficult and not durable.” A legal representative for one of tribes during the DRECP further explained,

*The DRECP process kind of felt like a taking process. ‘Okay tribes, open up your brains, we are just going to reach in and take what we think we need for our process.’ And that is just never going to give you the participation you want to have... What I’ve heard [from tribes], is ‘All they do is come to us when they want something. They never just come to hang out and come to our cultural event or into my home and have a meal or just go walk the desert together... Or work on a small project. Or just have that regular monthly meeting.’ I know sometimes those are started, but they usually peter off over time. That sentiment is not just related to now... they are carrying that historical trauma of several hundred years about everything and their land being taken away.*

Tribal and agency interviewees reiterated that tribes receive many requests from agencies to consult. However, this is not how most of the tribes prefer to work with one another or their partners. They expect trust and a partnership to be built over time – and it is not sufficient to quickly build the relationship in response to the next crisis or political deadline. A tribal interviewee felt that the relationships in the DRECP seemed artificial, “From the get go, the whole thing seemed like it was geared toward clearance for renewable energy... not a sincere exploration of landscape conservation for the scientific values or for acknowledging tribal cultural landscapes.”

Some interviewees also emphasized that existing laws and regulations – such as the National Historic Preservation Act, FLPMA, and other executive orders – already require a level of consultation outside of those undertaken for specific projects. A legal representative stated, “[the REAT agencies] already have obligations to do this stuff – to inventory and survey what [cultural resources] they have on the land and to manage it ... in accordance with federal law ... while looking to tribal interests... and they just haven’t been doing it. ... They should have been doing this 20, 30, 40 years ago. It isn’t supposed to be affiliated with a project...”

The REAT found that tight political deadlines can be large obstacles to meaningful consultation with tribal communities. Thus, dedicating the time and the resources to work with tribes over the long-term – instead of “when you need something” will likely result in a stronger, long-term partnership. It also may make other legal obligations easier to fulfill.

*“The DRECP ... kind of felt like a taking process. ‘Okay tribes, open up your brains, we are going to reach in and take what we think we need for our process.’ And that is never going to give you the participation you want to have... What I’ve heard [from tribes], is ‘All they do is come to us when they want something.’”*

- Tribal Interviewee

**Finding #2. Executive level involvement is important, but field and technical staff often had the most widespread expertise and relationships with tribes – and were highly valuable.** While interactions with tribes may have to take place in a government-to-government manner, it is not necessary that only the highest agency officials can perform these interactions. In fact, local agency

staff can often serve as better communicators because of their ability to build strong relationships due to their proximity.

The BLM field staff often had direct and ongoing relationships with tribal leaders and councils, and were perceived as more trustworthy by tribes than state and federal representatives from the Sacramento-based offices.<sup>293</sup> For example, one of the tribal liaisons at the BLM Palm Spring field office met with each tribe at least once a month, and was meeting with all of tribes in his field office region several times a year. “That is really important ... that constant contact ... is really crucial,” a BLM staff interviewee said. BLM’s tribal liaisons also would regularly work with tribes in their region to collect their public comments verbally and then translate these comments into formalized letters to submit for the record.<sup>294</sup> According to the Draft Plan, over 91 meetings with 29 of the 53 tribes in the region were convened – the majority of these were made by individual BLM field staff.

*“I think there is a need for the leadership level. But I also think there is a need for that good staff-to staff level... The cultural resources and the preservation departments really ... need to be respected for what they are saying about how we need to look at this area. And that is an area that was shortchanged in the DRECP. But that is a really really critical area. Because hopefully those leaders will be listening to the elders, and seniors, and culture barriers, and the THPO departments about what needs to happen, or else it is just a political show.”*

- Tribal Interviewee

*The outreach at the local level was so important... Because this planning exercise was so complicated, it was critical that we did what we could to make sure tribes could really understand what we were doing here. That was one of the primary things the field managers were told to do... To make sure they were sharing information so tribes understand what this land use planning document was about... ‘Let’s talk about what the plan is doing... this is what the BLM’s role is, this is what the USFWS role is, this is what the CEC is doing... But they also handled the local consultation about specific resources. If tribes came to one of the Tribal Leadership Forums and said, ‘hey, I really don’t want you doing development on the side of this mountain because that is my ancestors’ village site.’ The appropriate level is not to be talking to the state director about that, they need[ed] to be talking to the field managers whose jurisdiction that resource is in.*

The DRECP further confirmed the importance of taking stock of the skills and expertise that already exist within an agency – particularly those of agency cultural resources, technical, and field staff. Interviewees often felt that when it came to tribal consultation in the DRECP – these more technically skilled staff had particular skills higher level managers tended to lack.<sup>295</sup> Some felt cultural resources staff had more prior experience with state, local and federal tribal consultation obligations – specifically with discerning between different types of resource classes required by each law and with the NHPA Section 106 consultation process.

One staff member at the CEC had significant experience with tribes both in California and throughout the Pacific Northwest, after working with the Yurok Tribe on the Klamath Basin Agreement for 18 years. He was well known by tribes and had a reputation for being trustworthy. When the DRECP began, tribes in the planning region began calling him and asked him to get involved.

*They [the managers] realized at the CEC, I was sitting down in my cubicle and I had direct relationships with a lot of these people that were putting in these complaints. Suddenly I was told, 'hey how about attending this tribal forum?'... Those relationships take a very long time to build. And you cherish those. And you don't just want to throw those to the wind... I wasn't afraid to utilize my relationships, but I wanted make sure I was going to be involved enough to be responsive to tribes and deliver on what tribes wanted.*

This type of long-term relationship is invaluable, especially with agencies that have high rates of turnover. A tribal representative expressed how this turnover with field staff impacts the relationship, "That is what I hear all of the time, 'oh look we have another field manager.' Oh look 'we have a different planner,' or a new 'archeologist.' There is so much turnover in parts of the desert, tribes always feel like they just educated somebody, gave them that training, and now they're gone, and now they've got to start all over again, trying to build that relationship, trying to educate them on the local ways."

*"That was one of the primary things the field managers were told to do... To make sure they were sharing information so tribes understand what this land use planning document was about..."*

- Federal Agency Interviewee

So, the DRECP learned individual relationships with tribes were very important and should be prioritized. However, those relationships do not just need to be with high-level managers. Frequently employees at the field level and technical staff have significant expertise and experience working with tribes that should be utilized when first starting a process and throughout its implementation.

**Finding #3. Tribes often cited a lack of "a good faith effort" from the agencies – this often acted as a barrier to forging true long-lasting partnerships.** During interviews about tribal consultation – a topic often arose around maintaining a "good faith effort" when working with tribes . Outside its legal definition, interviewees often used this term when describing the simple acts that were important to developing a partnership with a tribe. Simple acts like not making assumptions and checking back with tribes before making a decision, being candid and forthright about information, and keeping promises – were all important aspects that interviewees cited as part of maintaining a "good faith effort."

For example, fed by a long history of broken guarantees when working with tribes, keeping promises and agreements is imperative to fostering trust.<sup>296</sup> According to one interviewee, some tribes initially expressed optimism about the DRECP process. They believed it would be different from other individual renewable energy permitting processes with the BLM and that they would really listen.

**"Good Faith Effort."** Section 800.2(c)(2) of the National Historic Preservation Act outlines the principles and general directions to Federal agencies regarding consultation: The regulations remind Federal agencies that historic properties of religious and cultural significance to an Indian tribe may be located on ancestral, aboriginal, or ceded lands of that tribe. Accordingly, agencies must make a reasonable and "good faith effort" to identify Indian tribes that attach such significance but may now live at great distances from the undertaking's area of potential effect.

One interviewee thought the first two Tribal Leadership Forums were on the path toward achieving a good faith effort;<sup>297</sup> tribes felt the agency staff were listening to their concerns – there seemed to be a clear process in place to take their concerns into account in the development of the Plan, and the REAT agencies provided a number of promises to tribes. Specifically, in the third Forum, the BLM promised tribes: (1) that they would allow tribes to draw on maps the specific areas they were concerned about and it was tribes' perspective that the agencies would not propose any DFA's in those areas; (2) they would provide tribes technical GIS staff and assistance for mapping, staff to explain what the landscape level designations were, and help tribes ensure their maps could feed into DRECP's maps and language; and (3) they would provide financial assistance.

Unfortunately, many tribes believed that the BLM withdrew these promises.<sup>298</sup> As a result of these perceived broken promises, one of tribes staged a walkout at the fourth forum.<sup>299</sup>

Interviewees indicated that part of making a good faith effort is telling the truth and being forthright about what is or is not possible. A BLM interviewee emphasized this, "If you are making a decision at such and such point, make it, but tell them. 'We are going to decide on it at the end of the day'... okay.... Tell them. Tell them as soon as you know that. If you change your mind, tell them why. It is real basic. Just like you would treat any government, right? It really is like that."

This leads into another aspect of "good faith effort" – not making assumptions and checking back in with tribes to ensure what was heard by an agency staff member is actually what the tribe meant.

As an example of this - tribes wanted a greater response from the extensive comment letters they submitted to the REAT agencies about the various drafts of the plan.<sup>300</sup> These letters of comment were often detailed and provided specific requests and concerns for the REAT agencies. Tribes spent significant time and resources compiling them. But outside the legally required comments provided in the official documentation, the BLM or the other REAT agencies did not approach them about their comments. More individual and in-person feedback commiserate to the time tribes put into the comment letters would have been appreciated and desired.<sup>301</sup>

*One thing this is endlessly frustrating to the tribes is that they submit a lot of comment letters, including on the DRECP, with very specific comments and concerns and outside of the response to comments that is required in the environment review comments... we very rarely get responses back from the federal government. So where we are now is the feeling of spewing information into the void without any actual response or acknowledgement. I think there has to be a back and forth for it to be a real relationship.*

A tribal representative explained the simplicity of what this checking back in process can look like, but made a point that this did not happen often in the DRECP – resulting in miscommunications and problems later in the process,

*What I see so often happen in consultation – tribes will meet with the BLM, and then tribes will say 'we had a meeting, we told them something.' Then there are never any meeting notes. And then the agency goes, and they start doing the plan ... and then they make assumptions about what they heard from tribes. And they are not checking back with tribes. And yes. It takes time to do this. But when you spend that time at the front end, you are less likely to have to spend time at the back end with misunderstandings and litigation and unhappiness. These are just basic check backs. 'This is what we thought we heard, did we get this right? Would you review this*

*draft? What didn't we get right?' ... There needs to be an honest dialogue ... This is what we understand. ... having looked at all of this, here is what we can do, here is what we don't think we can do, and why. Do you have any other information to give on this? ... Again, it is that checking back process. ... And I don't know if enough of that was done in the DRECP.*

An agency employee who worked on tribal consultation in the DRECP summarized the meaning of “good faith” when working with tribes – “Just be friendly. It is not that hard ... and I hate this term but you have put forth a good faith effort. There is a lot of subjectivity to a good faith effort. There is a lot of differences between a lawyer’s definition of good faith... and what it can mean. If you’re honest and just being real and not trying to weasel around or appease.” Essentially, communication with tribes needs to be a two-way street – communication cannot be unidirectional – agencies need to make a concerted effort to close the communication loop with tribes.

**Finding #4. Distinct communication, value, and cultural differences existed between agencies and tribal communities.** Many interviewees cited differences in communication styles and values between tribal and agency cultures. Tribes normally prefer individual conversation over large groups – where they often perceive they do not have the right to speak up at a meeting – and have a slower communication style where they regularly take a longer time to gather their thoughts before responding.<sup>302</sup> An agency staff member who has been working with tribes for many years further characterized the differences,

*Tribes speak and communicate differently. Their specific, physical language structure and how they organize sentences is different. They speak very indirectly. Very symbolically. They will beat around the bush. They may very well start the meeting with retelling the past wrongs. They may not even tell you anything that matters until the last second when you bump into them in the hall after a restroom break, maybe in the form of a story. And you've got to be geared up to receive it. The government workers...the people who are trying to consult need to be able to receive that. So the government needs to give more training to each other about how to do this stuff.*

The REAT attempted to accommodate these differences in a number of ways. For example, tribes often prefer individual interaction – but most of the conversations at the DRECP’s Federal-Tribal Leadership Forums occurred with the larger group. This was effective for some levels of communication, but many of tribes did not feel comfortable providing confidential information in this large of a setting.<sup>303</sup> Tribes stated that they often had closer connections to tribes in similar geographic areas as them, and did not have as close of ties or interests to tribes located in other parts of the planning area.<sup>304</sup> Breakout sessions at the end of each Forum helped alleviate these issues, and were helpful for providing more intimate conversation not possible in the larger format.

Tribes also appreciated the use of a neutral facilitator at each of the Forums. The executive director from the National Indian Justice Center, Joseph Myers,<sup>305</sup> was hired to facilitate the meetings. The REAT agencies found that while a facilitator with experience in tribal communication was very important, the facilitator also must also have strong people, facilitation, and leadership skills. The first tribal facilitator they used when the DRECP first began was a tribal member who was a lawyer – who according to interviewees, was “not very good at facilitation. He is in the books, he’s not a people person. He [didn’t] do well with conflict.” They also had all of the meetings take place in a neutral location –a hotel in Palm Springs – which, according to those interviewed, was a much better location than a federal or state office.<sup>306</sup>

Exchange of information also is often differently interpreted by tribes. REAT agencies found that often tribes did not respond to the unidirectional presentation of technical information through PowerPoints – and that meetings may have been more effective if they were structured as a BLM-tribal information exchange. A tribal representative stated that particularly, many of the meetings their field representative had with their tribal council, usually involved the presentation of information via PowerPoints. The PowerPoints rarely focused on the DRECP Process, but rather normally summarized specific proposed renewable energy projects and the potential cultural artifacts the projects could affect.<sup>307</sup>

*What tend[ed] to happen is that [the BLM tribal liaison] comes and brings a PowerPoint slide and says, 'This is what we are doing. This project is 4,000 acres. It's photovoltaic and it's approximately ten miles from this highway. We don't have any cultural resources out there right now.' I am sure that he [the BLM tribal liaison] has talked about the DRECP, but it is probably given no more than a couple of minutes at a meeting. It is primarily a PowerPoint giving information to the tribe. [The] BLM would tell you that they are trying to receive information but that is not a format that is very conducive to that.*

Another agency employee further explained, “The BLM was often not aware ... not culturally aware of how to work with tribes.” Agency employees would sometimes schedule and then cancel meetings. Some came unprepared, would send the wrong people without the correct authority or expertise, and meetings were infrequent, with little structure. “When working with tribes [you need] to be aware of yourself and be aware of different people with completely different world views than yourself... different beliefs... You should eat the food... be cool... don't wear turquoise jewelry and talk about your 1/16 Cherokee grandma... you know. Those kinds of things. You can't do that...”

Several interviewees also believed the REAT agencies did not always interpret non-verbal actions by tribes appropriately.<sup>308</sup> Often BLM employees mistook silence for approval. For example, at the Fourth Tribal Leadership Forum, after a decision was made by the agencies – one of tribes staged a walkout. An interviewee recalled the moment, “In one public meeting tribal people stood up in the meeting, turned their backs to the agencies, and left.... The agencies seemed to interpret this as a sign of their approval... it was not<sup>309 310</sup>.” A cultural resources staff emphasized this point, “This is often how tribes vote... with their feet. They say, ‘screw you. I'm not coming to your meetings. This isn't worth my time.’”

Lastly, there were significant cultural differences between the tribes and agencies when it came to the entire westernized concept of the DRECP to be “planning the landscape” for the future. In many tribes' philosophies, the landscape is not meant to be planned for or managed. Tribes could understand protecting individual resources for a specific area, but had a difficult time comprehending the programmatic focus of the DRECP.

Communication between agencies and tribes is not universal. Something the DRECP's REAT staff learned well, silence is not a symbol of acceptance. Taking the time to both acknowledge these differences, and determining ways to address them goes a long way in developing a trusted relationships or partnership.



## IV. Integrating Traditional Ecological Knowledge [TEK]

“When the tribes talk about these places they are not just talking about archeology. They are talking about animals, they are talking about the plants, they are talking about the springs, they are talking about the geology. They are talking about the wind. They are talking about the view-shed. They are talking about the interconnectedness of the place.”

- Tribal Interviewee

- ✓ **Finding # 1.** Cultural, tribal, and biological resources often overlapped and the times the DRECP acknowledged these intersections helped create consensus and buy-in.
- ✓ **Finding # 2.** ‘Cultural landscapes’ were used late in the DRECP to help integrate tribal knowledge and values, but was still a new concept and not readily accepted or understood by all levels of government.
- ✓ **Finding # 3.** Many tribes would have liked to see the DRECP evaluate the cumulative impacts of other land uses and development and not just renewable energy development.
- ✓ **Finding # 4.** Visual tools helped provide a common language that broke down cultural barriers between tribes and agencies.

Balancing western science and traditional knowledge is an enormous challenge for land managers. Knowledge provided by tribal communities is often delivered in the form of anecdotal conversation and stories – data very different than is normally collected using traditional scientific methodology. This traditional ecological knowledge, or TEK, is often referred to as bits of factual knowledge embedded within a tribe’s oral record that is passed from one generation to the next. It has been described as a “web of oral history” that contains key fragments of information regarding environmental knowledge, ceremonies, medicinal knowledge, animals, social norms, rules, codes of ethics, places of significance, landscapes, dreams, stories, plants, or seasonal observations.<sup>311</sup> Combining TEK with empirical studies allows federal, state and Indian governments, organizations, and the general public to increase their mutual understanding of a landscape.

However, individual project-by-project tribal consultations’ goal is often to extract these pieces of “data”<sup>312</sup> and insert them into its analysis. TEK, on the other hand, is given meaning when delivered within an oral and cultural context. As a result, when attempting to translate “these bits of data” into an individual management plan, managers can often lose or affect the information’s meaning.<sup>313</sup>

The DRECP’s large landscape-level analysis attempted to move tribes away from an entirely project-by-project consultation process. It, instead, tried to gather knowledge from tribes in the planning region at a much broader scale – at the scale of a “cultural landscape.” This both allowed them to capture tribes’ nuanced or holistic understanding of a landscape that is often lost during detailed project-by-project analysis, and attempt to protect tribes’ confidentiality. However, while the DRECP took great care to gather this traditional knowledge from tribes, due to a variety of factors many

interviewees expressed that tribal knowledge was not incorporated into the Plan until after the biological goals were established, and the Plan was well under way.

**Finding #1. Cultural, tribal, and biological resources often overlapped and the times the DRECP acknowledged these intersections helped create consensus and buy-in.** Some interviewees stated one strength of the DRECP was that it “did the biology first,” and then integrated the other social, economic, and cultural overlays. “We tried to get the science right first, and then we started bringing in the social values later on,” said a REAT agency manager. While NEPA and the NCCPA clearly mandate environmental resources be taken into account, there is more ambiguity regarding cultural resources, and according to interviewees, as a result, the DRECP failed to incorporate important tribal knowledge about cultural and natural resources into the process early on. This had the effect of signaling to tribes a prioritization of Western biological data over that of traditional ecological knowledge.

As one interviewee stated, “There was a general sense ... [that the] DRECP started as a biological resource plan and was really aimed at figuring out habitat connectivity and the best places to build renewable resource projects based on biological constraints... and that the tribal and cultural resource concerns really came as an aftermath.” Reiterated by another, “It is obvious from the Plan itself, that tribal and cultural concerns were a late 'add on' to the core biological goals and have been given short shrift in the plan.”

Scientific and traditional ecological knowledge was not only incorporated at different times in the DRECP, but they were also collected and interpreted very separately. It has been well documented in the literature<sup>314</sup> that in order for a group to effectively incorporate traditional ecological knowledge and western science into a planning process, the data gathering and interpretation should be done collectively – often through a joint fact-finding process. However, in the DRECP, TEK collection and scientific data collection were done in extremely separate venues. Traditional knowledge was collected in the Tribal Leadership Forums, the Section 106 Road Shows, and individual meetings with tribes. Other “science” and “data” was interpreted by two different DRECP Independent Science Advisory (ISAP) Panels.<sup>315</sup> Yet another body, the DRECP’s Stakeholder Committee, received reports from the ISAPs and the Leadership Forums – but the three groups rarely, if ever, met together to integrate, collect, or interpret the data as a collective group.

This lack of integration of western science and TEK most likely inhibited the DRECP’s goal of effective collaboration. It also affected its ability to utilize both kinds of science in a holistic manner or to prevent conflicts later in the process.

A hurdle tribes and many of the cultural resources staff also had to face throughout the DRECP was the perception that tribes only have knowledge of individual cultural resources – as a tribal representative explained, they have knowledge that is interwoven with the biological, geological, ecological and cultural understanding of the whole landscape.

*When tribes talk about these places they are not just talking about archeology. They are talking about animals, they are talking about the plants, they are talking about the springs, they are talking about the geology... about the wind... the view-shed. They are talking about the interconnectedness of the place. So when TEK is integrated into a plan early... there are better conversations that come from that. The science is better informed when that happens. You are asking better scientific questions. And I know that is difficult and some of the hard core*

*scientists who don't want that soft knowledge from tribes... 'what do they know?' they say... But tribes were able to live in these extremely harsh environments for thousands of years... so you at least need to have what is learned through the consultation process go back and inform some of those scientific panels. That's important."*

Despite the separation of cultural and biological science throughout the DRECP – after working on the planning process for many years, some REAT agency staff began to realize that many of the resources most important to tribes actually lined up perfectly with many of the most sensitive biological resources.<sup>316</sup> Later in the plan, as the DRECP began its Section 106 process, according to a number of agency interviewees, the agency staff began viewing cultural and tribal resources as equivalent to the biological, and how the two could be interwoven together.

A BLM official described a break-through when he finally compared the Section 106 process to the Endangered Species Act's Section 7 process – to demonstrate to agency officials that the cultural and biological requirements are legally equivalent responsibilities.

*You can easily be doing things to a culturally significant area of the landscape, in your biological management. And I don't think there are enough cross-conversations happening about that... but what we did for cultural resources compliance for the Section 106 Programmatic Agreement, is absolutely functionally equivalent to the consultation that was happening under [the] Endangered Species Act's Section 7 and 10. And I think when [the REAT agencies] Executives made that realization... when I talked to them about [tribal consultation] in those terms...it really sealed the deal... we were going to give cultural resources the exact same level of due diligence from a regulatory standpoint as we do ESA.*

When working with tribes, attempting to integrate tribes' knowledge of the landscape at the same time as biological data and research is collected and incorporated into the process is likely to result in fewer conflicts later in the process and a more robust and in-depth understanding of the region. Further, many opportunities for incorporating biological and tribal resources simultaneously in the DRECP may have been missed, but at the end of the process – many learned the importance of doing so.

**Finding #2. 'Cultural landscapes' were used late in the DRECP to help integrate tribal knowledge and values, but was still a new concept and not readily accepted or understood by all levels of government.** The large landscape-scale analysis of the DRECP changed the issues and concerns tribes could bring to the table. In a typical project level consultation, tribes focus on individual issues like burial sites and specific types of vegetation. Instead, the DRECP's large focus allowed them to capture the true value of the landscape for its cultural, biological, and ethnographic values. One way the DRECP did this was by capturing tribal input through something called a "cultural landscape."

Cultural landscapes are large-scale properties of religious or cultural significance to Indian tribes. The idea comes from the understanding that humans are part of the landscape, both shaping it and being shaped by it. It takes into account cultural resources as parts of the broader ecosystem. It does this in order to integrate management of cultural and natural resources at the ecosystem and landscape level.<sup>317</sup> A description of the Salt Song Trail, one of the cultural landscapes described by a tribe in the DRECP's Preferred Alternative, is located in Figure 23.

The use of cultural landscapes also allowed the REAT agencies to collect tribal values, without tribes having to share specifics. This permitted tribes to share sensitive information in a confidential format. A tribal representative emphasized this point, “Integrating tribal values into a land management plan is an incredibly thorny issue due to a history of mistrust... but designating areas of sensitivity or cultural landscapes can work... instead of pinpointing a specific artifact or site... You have a bigger area and things aren’t specifically called out... that is often more palatable to tribes.”<sup>318</sup>

A cultural and tribal resources manager who worked on the DRECP further described the importance of cultural landscapes to tribes,

*Us, non-Indians, normally think cultural resources are artifacts and archeology and things like fish and ecosystems are not cultural resources – they are natural resources. We separate nature and culture and then put that idea into everything we do in historic preservation – and that idea is hard-lined into NHPA and NEPA... except for the ‘landscape’ [definition in NHPA]...*

*And that is why tribes have begun to embrace cultural landscapes... cultural landscapes allow you to double up biology and cultural resources... so as you are talking about how are you going to be planning a landscape for conservation, you have tribes at the table that can talk about [the] cultural importance of those species... that’s what cultural landscapes can do for a process like the DRECP.*

However, the incorporation of cultural landscapes into the DRECP’s planning process did not come naturally or easily. Great differences existed between how federal, state, and tribal partners interpreted the “cultural landscape” concept. California environmental law tended to support the concept. CEQA defines a “historic resource area”, which often is interpreted by state agencies and tribes as a “cultural landscape.” The state further, passed a bill (AB 52) in the middle of the DRECP Process that clearly defined a “cultural landscape” as a resource class for all state agencies to use going forward.

However, federal law leaves the concept more ambiguous – with reference to a “historic property” or “district” in NHPA, but not specifically identifying the existence of a “cultural landscape.” Other federal agencies like NOAA and the National Park Service have embraced the idea. NPS even created a federal brief (Brief 36 – Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes)<sup>319</sup> that extends the interpretation of NHPA’s district, to clearly include “cultural landscapes.” BLM has been slower to embrace the concept. In fact, BLM-California

### “Cultural Landscapes”

The following is an expert from the Draft DRECP describing one of the “cultural landscapes”, the Salt Song Trail, identified within the Preferred Alternative.

*“The Salt Song Trail is a Southern Paiute sacred trail corridor that crosses several states and makes a circuit between the Mojave Desert and the southern portion of the Wasatch Range. It closely follows the Colorado River. It is a trail system believed to be traveled by the deceased who, with the aid of traditional practitioners who, through song, story, and prayer, usher the deceased along the path on their post-burial journey to the afterlife. The trail consists of physical marks on the land, both trail marks and natural land patterns, wayside locations where specific songs and other ceremonies are sung or conducted, and a corridor along the trail system.”*

**Figure 23.** Example of cultural landscape.

had never used the term “cultural landscapes” in their land management planning prior to the DRECP. The federal-state partnership with California’s state agencies brought the concept to their attention.

Due to these differences in legal interpretation, there was significant tension between the state, federal and tribal definitions of what the cultural landscape concept meant and how it should be used in the DRECP planning process. An agency staff interviewee explained,

*The idea of the cultural landscape is something that tribes wanted from the very beginning of the DRECP... they voiced this repeatedly... and is also something that the BLM did not want to embrace. They hated the idea of cultural landscapes to the point that staff at the BLM said, ‘there is no such thing as a cultural landscape.’ ... The BLM was afraid. Cultural landscapes can be large... so there is sort of a ‘Chicken Little Fear’ if they are designat[ing] a cultural landscape. [They were worried] they are going to... set a precedence that disallowed them [the BLM] to ever do anything else that might compromise that cultural landscape [in the future].*

According to interviewees, because of the REAT agencies’ hesitancy to fully embrace the cultural landscape concept, many opportunities for integrating cultural and biological resources in the DRECP were overlooked.<sup>320</sup>

Disagreement on how cultural landscapes should be used in the implementation of the DRECP still exist between the federal and state agencies. For example, while the “cultural landscape” concept was included in the DRECP’s Draft EIR/EIS, the NHPA’s Section 106 Programmatic Agreement, the agreement that outlines how the DRECP will work with tribes in its implementation, is completely silent on “cultural landscapes.”<sup>321</sup>

While cultural landscapes can be used as an important tool for communicating confidential tribal information when working at the landscape scale – its use is still new and there are fairly large differences in how each level of government defines the concept that need to be addressed.

**Finding #3. Many tribes would have liked to see the DRECP evaluate the cumulative impacts of other land uses and development and not just renewable energy development.** Doing work at the landscape scale in the DRECP allowed tribes to cumulatively analyze the impacts of renewable energy development. In other words, it allowed them to understand the impacts of multiple large scale renewable energy developments, instead of only looking at the individual impacts of a particular project. This is something not possible when only doing a single NEPA analysis on an individual renewable energy facility application.

However, some interviewees expressed a frustration that the DRECP did not focus on the cumulative effects other types of development had on tribal and cultural resources in the planning region. Other projects like landfills, gold mining, wind energy developments, OHV impacts, and housing developments were taking place throughout the DRECP region, each requiring a separate tribal consultation process. According to interviewees the impacts these developments were cumulatively having on tribal resources were not accounted for when deciding where to locate Development Focus Areas.<sup>322</sup> A representative of a tribe expressed this frustration:

*They are many types of development that are taking place simultaneously [in the planning region]. They have just as much impact on tribal lands if not more than renewable energy. It is*

*very difficult to analyze the [impacts of] renewable energy development when you are not taking into account the cumulative impacts these other developments and projects [are having]. Also, often the data is that is being collected for these separate projects isn't coordinated ... the separate agencies and developers are not talking to one another.*

Further, there was continual dispute during the DRECP about whether to analyze the effects of the projects on a programmatic or cumulative level or if it should be left to individual project-by-project analysis. According to a consultant who helped write the Tribal and Cultural Resources section of the Draft Plan, the way the DRECP figured out how to deal with this tension was by “caveating the hell of out.”

*Basically what we ended up doing with the tribal section [of the Draft Plan] is caveating the whole thing ... 'in the end you are still going to have to go and do a whole intensive survey [for each individual project].' And I don't know if there is any way around that with tribal and cultural resources to be honest with you. Cultural resources aren't predictable... you can't extrapolate them out across a landscape. It is a noble attempt at trying to put something on a piece of paper and getting it out the door but you are really not providing any guidance for the developer... You might give them an idea of what is out there, but it is not very well informed ... You really need an on the ground survey to know what is happening.*

Despite the importance of the individual impacts a number of interviewees still expressed concerns with that the DRECP's Preferred Alternative seems to leave most tribal cultural resource identification to project-by-project identification after the DRECP's implementation. Because the needed tribal consultation did not occur early enough in the design of the Development Focus Area (DFA) locations, tribal legal representatives worry the DFA boundaries may become too rigid for the tribes to meaningfully influence. Most of the data the DRECP used to locate the DFAs was the data tribes originally provided in the 1980's CDCA Plan.

While this data was very important, it did not include many of the resources important to the tribes in the planning region today. This means resources could be located in the DFA's. By the time a project is proposed within the designated DFA's, tribes believe it will become very difficult to stop the project from being built, regardless of whether or not cultural resources are found during the project-by-project analysis.

*One of the problems of this whole process [the DRECP], and I don't know what the solution is, is just that when a DFA is identified it seems very difficult for agencies to turn down projects even if in the future they find out that there are cultural artifacts on the ground or there are biological resource impacts on the ground. It is very difficult to turn the tide, even where there is new specific information.*

In sum, analyzing cultural and tribal resources at the landscape level allows tribes and agencies to understand the impacts multiple projects will cumulatively have across the landscape. However, in the DRECP many found cumulative effects analysis often needs to take into account other impacts or types of development on the land – not just renewable energy development. Further, when working with tribal and cultural resources, understanding the localized impacts the projects will have is still very important. There just needs to be enough leverage for the tribes to still impact the process at that time.

**Finding #4. Visual tools helped provide a common language that broke down cultural barriers between tribes and agencies.** One approach that continually helped bridge the science-TEK gap, was the use of visual aids and tools. One interviewee remembered, “Once maps were in the room, it shifted the conversation into something all members of the group could easily understand. It was an equalizer.” A federal agency interviewee also stated:

*Probably the single most obvious breakthrough moment was when we had some tribal input that came in and then we could map some of the questions and issues and we could talk about maps...areas...real places we all could see. And we had emphasis where the tribe, or one or more tribes, would actually talk from a map and talk about what they saw and what was important to them. That was pretty helpful.*

The BLM provided GIS specialists to work with tribes and identify sensitive and non-sensitive locations in the Plan Area. While few GIS files were actually received from tribes, when they were, they were embedded into the DRECP’s Data Basin GIS data layers and included in each of the alternative’s designs. During this process, staff found the simple maps to be the most beneficial. Maps that collapsed all of the data layers that would not be subject to renewable energy, and then collapsing all of the areas that could include development – it provided clarity by only having three colors on the map instead of ten.<sup>323</sup>

In fact, the BLM assembled a DRECP-wide cultural resources geo-database for BLM lands that included over 30,000 cultural sites. This primarily included data from the 1980 CDCA’s Native American Element, in addition to cultural surveys performed during the development of more recent renewable energy facilities.<sup>324</sup> However, due to tribes’ confidentiality concerns, none of the tribal GIS layers can be individually pulled out; rather they are embedded within the larger geodatabase files. This allows the tribal data to be used, without exposing it to the general public.

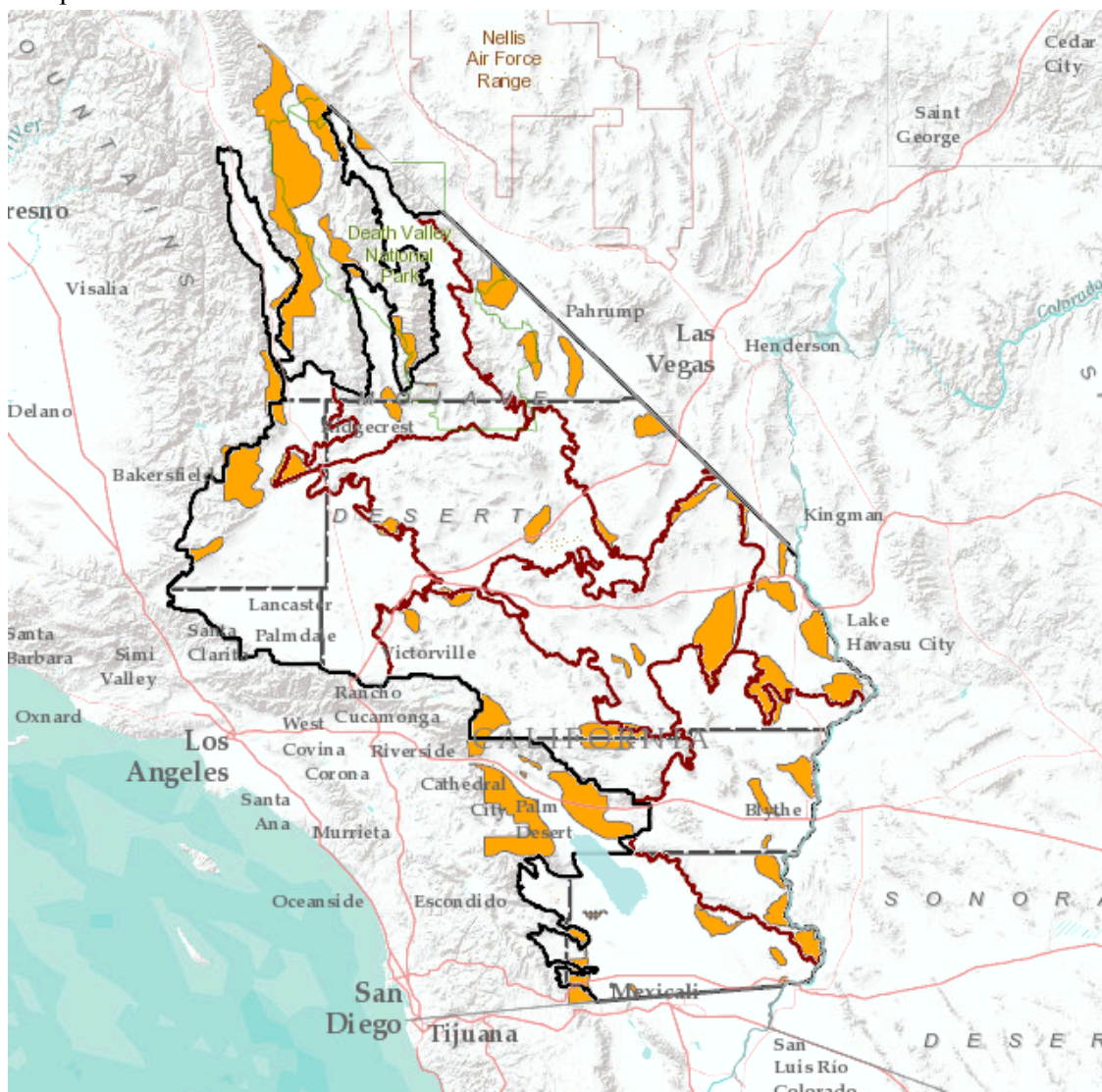
While not completed until many years into the DRECP’s process, all tribes and tribal representatives interviewed stated that the DRECP’s Gateway Data Basin tool will be of great use going forward. Even though some tribes in the region have access to full time GIS staff and resources, many do not. The DRECP’s Data Basin will help provide access to GIS resources free of cost for all tribes in the planning region, and according to interviewees tribes are already using it to make decisions and create maps.

*I am someone who has tracked many renewable energy projects and struggled through cobbled together maps to create comment letters and in communication with our clients. It has been very nice to have the GIS web portal [DRECP’s Data Basin tool] available to be able to put together different overlays and help us understand what is being proposed. I really enjoyed that... and it will be a real asset for tribes going forward. It is one of the process’ real successes.*

Another important visual tool used to communicate cultural resources was the development of a sensitivity GIS model. Using a partnership with Sacramento State’s Archeological Research Program – the REAT agencies were able to develop a sensitivity GIS model that could highlight areas that were biologically or culturally more or less suitable to specific types of development pressures. To develop the analysis, they used interns and university staff to survey ten percent of the Planning Region’s Development Focus Areas, and then extrapolated their analysis out across the landscape. This partnership was augmented by a \$.5 million grant the BLM received. While the sensitivity analysis was not completed at this time of this report – the agencies hope to eventually incorporate it

into the DRECP’s Data Basin Tool. According to interviewees, the use of a “heat map” type of approach allows tribes to keep their cultural resources information confidential – while communicating their interests in a visual format so other stakeholders an understanding their priority areas.

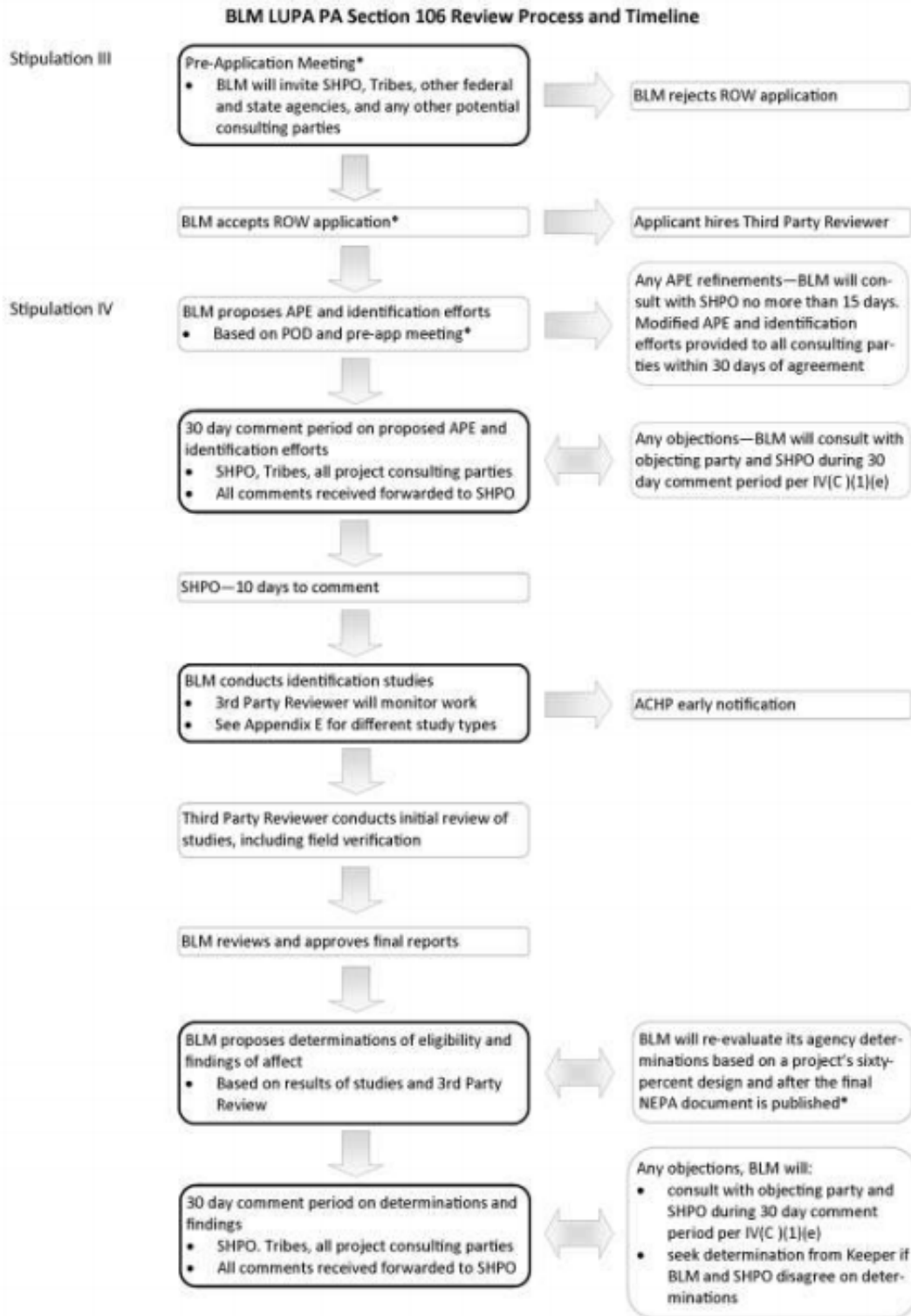
Lastly, during the BLM’s Section 106 process – they again realized the power of visuals. While it seemed simple, they created a flow chart where all tribes could easily see where different legal requirements and review process will and will not happen (see Figure 25 for flow chart). It allowed mutual understanding between tribes and agencies of exactly how the process would be conducted. It provided clarity and did not leave any unwanted surprises. “The power of the flow chart was that ‘everybody knows.’ Everybody has this procedural flow chart. So this was actually a big deal for the tribes. They liked this. They know they can take a conversation [we are having] to government-to-government at any time because it says so right here [in the flow chart]. No one can disagree with that. That’s powerful stuff.”



**Figure 24.** Native American Elements within the Plan Area located on the online Gateway Data Basin GIS mapping tool. *Map courtesy of [www.drecp.org](http://www.drecp.org).*



Working at the Landscape Scale:  
 Lessons from the Desert Renewable Energy Conservation Planning Process



**Figure 25** Flow chart created in the DRECP’s Programmatic Agreement where where all tribes could easily see where different legal requirements and review process will and will not happen. *Chart courtesy of www.drecp.org*

## Conclusion

Planning for tribal consultation at the landscape scale is a challenging task. It involves a combination of well thought out and intentional joint and individual consultation strategies and a clearly designed process that shows how information from tribes will be integrated into the planning process. While it took a while to get there, the DRECP's ultimate structure had the potential to effectively engage tribes.

Early, committed consultation with each of the 53 tribes was essential to understanding cultural and conservation values in the planning region and ensuring tribes supported the process and its goals. They used a combination of large-scale summits and forums that both took into account the diversity of tribes in the region and connected tribes to high-level administrators within the DOI and state agencies. Later in the process, they coupled this with in-person meetings, the Section 106 "Road Shows," and individual correspondence with individual tribes.

Further, integrating cultural and ecological values at the landscape-scale can ameliorate many of the problems related to confidentiality and tribal resources, but the values need to be integrated early, often, and fairly.

Lastly, structuring a legally sound consultation process to take into account the diversity of tribes at this scale needs to happen using both joint and individual strategies, but ultimately must be focused on cultivating trust and mending past histories between agencies and tribes. As is shown throughout history, one of the biggest barriers state and federal agencies have to working with tribes is establishing a trusted, genuine and two-way relationship. A single event, an unkept promise, or delayed consultation can tarnish and even ruin months, even years, of relationship building and resources expended. Great care must be taken to meaningfully engage tribes early in the process. Tribes often identify greater with the communities on a smaller geographic region than the DRECP 22-million-acre planning region.

# **SECTION 4**

## **Conclusions & Recommendations**

## CONCLUSIONS

Natural resource planning at the landscape scale introduces a greater amount of complexity than smaller scale plans, creating a unique set of challenges. However, it also creates opportunities to accomplish ecological and social outcomes that are not possible through smaller scale or project-by-project planning efforts. Building off our analysis of the DRECP, this section summarizes our conclusions and provides recommendations for improving the effectiveness of future landscape-scale planning initiatives.

The DRECP represented a shift in resource management and conservation practices that aimed to better address emerging large-scale issues. While the ‘all lands’ goal of the process was well-intentioned, the DRECP ultimately broke into a ‘phased approach’ in which plans for federal lands will be completed separately from state and private lands. While the REAT’s stated intention is to integrate these plans in the future, as of this writing it is unclear if this will be successfully accomplished. It is also unclear whether the DRECP will streamline the development of renewable energy projects while also improving biological and social resources in California’s deserts. Changes to the planning process - in terms of long-term policies and capacity-building as well as process structure and collaboration - could help the BLM realize the potential of planning at this scale.

### Challenges of Landscape-Scale Planning

Planning at the landscape-scale has the ability to address natural resource management issues in a manner that better reflects how biological and social resources exist and interact within a landscape. However, these processes must overcome key challenges in order to achieve these benefits. Our research on the DRECP indicates these challenges include:

- **Maintaining the quantity and diversity of community and stakeholder relationships can be difficult and resource intensive.** Increasing the scale of land use planning efforts significantly changes the dynamics of collaboration with communities and stakeholders. The immense number of affected parties complicates traditional methods of outreach and engagement by placing considerable demands on time, resources, and travel for participants. There are also changes to the composition of interests. At the landscape scale, the DRECP had a wider assortment of interests at stake as well as more regional and national organizations, increasing the number of competing values and objectives for the process to take into account and decreasing the agencies ability to connect individually with groups to keep them meaningfully involved. While partnering with communities and stakeholders can improve the quality of land use plans and decrease litigation, implementing the diverse outreach approaches necessary to build and maintain relationships across a landscape requires significant time and attention in order to be successful.
- **Differences between state and federal laws, policies, and cultures were significant barriers to effective and timely interagency collaboration.** Aiming to plan across all administrative boundaries in the California deserts, the DRECP required federal and state agencies to work together to achieve renewable energy development and conservation goals. However, each of the four REAT agencies had a unique set of practices, procedures, and mandates that are rarely designed for integration and collaboration. Differences in the requirements and cultures of the agencies existed from the highest-level, like resource

management concepts, to the smallest level, like the meaning of commonly used words. These differences made everything from day-to-day interagency coordination to final decision-making a complex and often confusing endeavor. This complexity and confusion consumes time, energy, and other resources and could often make the process exhausting for those involved. The REAT agencies struggled throughout the process with figuring out how to integrate their unique laws and policies while also overcoming communication, cultural, and motivational challenges. While the splitting of the plan into a “phased approach” may not have been entirely caused by an inability to overcome these challenges, they certainly contributed greatly to it.

- **Coordinating efforts across private, tribal, and public lands was problematic.** Frequently, large private landowners are absent from collaborative land use planning processes in areas with scattered public land holdings. Likewise, though government-to-government consultation is legally required, Native American tribes are also not commonly well integrated into these types of processes. Leaders of the DRECP were seeking to holistically coordinate management across all land ownership. Many expected the process to be a genuine all-lands plan. However, in this case, the REAT agencies were unable to incentivize the level of collaboration with the local governments and tribes in the Planning Region that was needed to target private and tribal interests from the start of the process. The DRECP’s lack of effective partnership with the counties and tribes prevented the process from living up to its potential to coordinate management across public, private, and tribal lands.
- **Planning at larger geographic scales increases ecological complexity, resulting in greater needs for staff and financial resources.** In the past, ecological resource conservation efforts on multiple use lands determined mitigation efforts and management practices on a project-by-project basis where there are fewer species to account for, smaller watersheds, decreased viewsheds, and overall a smaller footprint for projects. Traditionally, data and data collection methodologies are tailored to this smaller scale of operation. Larger geographic planning regions include a wider diversity of flora, fauna, and habitats than smaller planning regions. With each new species comes the potential for small to large increases in complexity for the planning process, with this increase often being tied to how to best protect individual species as well as the habitats they depend upon. The DRECP struggled to balance new landscape ecological conservation needs with familiar fine-grained, site-specific information in an effective and strategic way. Understanding how to work with scientific data and perform analyses at the landscape-scale often led to scientific uncertainty. Throughout the DRECP, this uncertainty created conflicts between agency scientists, Independent Science Advisory panelists, and others that frequently held up the process. Further, with each new species comes the potential need for new data about population locations, their current health, the health of their habitat and how the activities covered by the plan might adversely impact them. As these data collection and analysis needs increase, so too does the amount of staff and funding resources necessary to meet them.

## Opportunities of Landscape-Scale Planning

While landscape-scale planning can encounter significant challenges, it can also unlock opportunities for natural resource management that are otherwise difficult to achieve. Drawing from the DRECP process, our research indicates the opportunities of landscape-level planning include:

- **Provides a catalyst for the creation of new relationships across the landscape.** Prior to the DRECP, agencies and stakeholders in the region were primarily addressing the complex resource management challenges of the desert either individually or on a project-by-project basis. Because no single entity had the power to unilaterally create a plan that met the DRECP's 'all lands' goal, such a plan necessitated collaboration both between agencies and with stakeholders. The diffusion of authority and greater complexity of a process at this scale required more diversity of knowledge, resources, innovation, and ways of operating. The planning process brought actors from across the landscape together because many stood to either gain or lose power (such as the agencies and tribes), access and contribute to new information (such as the counties), benefit from economic opportunities (such as utilities, renewable energy companies, and counties), and advance organizational missions and goals (such as environmental organizations or renewable energy associations).
- **Collaborative planning structures help build understanding and relationships between agencies and stakeholders.** At its core the DRECP was an information gathering and decision-making process. There was an enormous volume of complex ecological, social, legal, and other data necessary for making informed and legally defensible decisions in the DRECP. Formal structures like the REAT, REPG, and Stakeholder Committee helped coordinate organization of the DRECP and increased the effectiveness of collaboration. Through the process of jointly creating, analyzing, and making decisions, agencies and stakeholders were able to build better understanding of the interests, motivations, and goals each other held. They were also able to build relationships among individuals across the spectrum of government agencies and stakeholders allowing for more open and honest communication. This improved understanding and deeper relationships could become significant assets for the implementation of the current plan as well as the creation of future plans.
- **A better understanding of the resources of a landscape can create the opportunity for new management tools and options.** Resources – ecological and cultural – are not confined entirely within a single human created administrative or political boundary. Wildlife migrates across boundaries at different times of year to find food, water, shelter, or to mate. Large-scale properties hold religious, cultural, and economic significance to Indian tribes and local communities. A landscape-level approach allows resource managers to gather information across boundaries and observe where wildlife exist throughout the year, determine areas with habitats most valuable to protected species, and locate locations important for human uses. It also helps build an understanding of how these resources are connected and interact across the landscape. This makes it possible to perform cumulative assessment of the impacts different land uses may have on these species, rather than only considering impacts within individual administrative or political boundaries. In the DRECP, this wider-lens information gathering eventually resulted in the creation of the DataBasin tool. This decision-aiding tool generated interactive, online maps displaying biological and energy resources across the region, including showing the high-quality habitats across the landscape. Tools like this allow resource managers to steer development projects and other consumptive uses of the land toward areas with lesser-quality biological resources while also achieving other management objectives.
- **Leveraging the expertise and resources of government agencies, tribes, and stakeholders to achieve more effective outcomes.** Because landscape-level planning requires the

involvement of numerous local, state, and federal agencies as well as stakeholder groups, a diverse range of knowledge, expertise, and resources can be brought to the table and leveraged to improve outcomes. In the DRECP, each agency brought specific expertise and resources needed to plan at the landscape scale. For example, CEC brought funding for DataBasin tool, BLM brought significant number of staff, and CDFW and USFWS brought scientific expertise as well as funding for the collection of new data. Native American tribes, local governments, and stakeholders involved in the process all have valuable relationships, technical and scientific expertise, research and data, and on-the-ground knowledge of natural, cultural, and other resources otherwise not accessible to the REAT agencies. The involvement of all of these entities improved the quality and quantity of information used to create the draft DRECP.

## Drivers of Landscape-Scale Planning

A landscape-level planning process can be a massive undertaking, lasting multiple years and including an extremely diverse set of information and actors. For a process of this scale to reach completion, it takes people and policies to drive it forward. The Draft DRECP was released after six years of work by dozens of government and non-governmental agencies and organizations. As of this writing it remains to be seen if the process will achieve its original goal to create and implement a single management plan that covers state, federal, private, and tribal lands. However, reaching the milestone of issuing a completed draft was a significant accomplishment in itself.

Multiple key drivers helped the process achieve this progress point and will undoubtedly contribute to any completion of a final plan. Drawing from DRECP, some the key drivers of landscape-scale planning processes include:

- **Having champions for the plan in leadership positions who demonstrate continued personal attention to its progress.** Formal agreements like Memoranda of Understanding and a Planning Agreement signed by top California and federal officials were helpful in demonstrating the commitment by those leaders and their administrations to the DRECP. However, it was the personal attention to the planning process by those leaders that kept it moving forward. For example, Governor Arnold Schwarzenegger occasionally attended REPG meetings, BLM State Director Jim Kenna reminded staff on weekly calls to complete DRECP material, and CEC Commissioner Karen Douglas traveled through the Planning Region meeting individually with tribes, local governments, and stakeholders. These demonstrations of personal attention to the process were reported as being critical drivers for demonstrating commitment to seeing the DRECP through that kept the process moving. Even though the DRECP saw both a new governor and Secretary of Interior arrive midway through the process, these new individuals maintained a similar commitment to the goals and completion of the plan.
- **Renewable energy policies with specific and quantified goals and timelines.** One of the biggest picture goal of the DRECP was to play a role in increasing renewable energy development in California and the United States in order to help mitigate the threat of climate change. More specifically, at the start of the process, the federal agencies were seeking to produce 10,000 Megawatts of renewable energy from public lands by 2015. Similarly, the state agencies had the goal of seeing the state of California produce 33 percent of its energy from renewable sources by 2020. These quantifiable policy goals helped those involved understand exactly what they were trying to achieve through the DRECP, what would be

considered success, and the amount of land needed in California's deserts to reach these targets. Similarly, the REAT agencies signed agreements with specific dates for producing the DRECP. This helped process participants understand when the plan was expected to be produced. If the goal of the DRECP had been to generally increase renewable energy in a timely manner, the process may have stalled or stopped when challenges arose. Instead, questions about what was trying to be achieved and by when were answerable with quantified specifics.

- **Multiple forms and scales of agency as well as stakeholder engagement.** The REPG, REAT, and Stakeholder Committee fostered participation and provided for accountability during the process that would have been otherwise difficult to achieve. Regular meetings of these entities allowed for the identification and resolution of challenges facing the process. They also helped provide moments of accountability for commitments and work products related to the DRECP. These moments ranged in scale from executive-level involvement (REPG) to mid-level management meetings (REAT) to on-the-ground staff engagement with non-governmental organizations (Stakeholder Committee) to targeted outreach with stakeholders. This allowed the DRECP to build transparency and trust that helped the process move past barriers that otherwise might have caused delays.
- **State and federal natural resource management policies that work at large geographic scales.** The process and content of the DRECP was driven largely by the policy mechanisms deployed to create it: the federal Habitat Conservation Plan/General Conservation Plan and Land Use Plan Amendment as well as the state Natural Communities Conservation Plan (NCCP). Specifically designed to be applied at scales greater than a single development site, these were the primary policy options available for producing a 22.5-million-acre plan and ultimately became the main driving forces for how the DRECP would be produced and what needed to be in it. In particular, the NCCP requirements for public participation, tribal consultation, independent scientific review, and local government cooperation were above and beyond those for traditional planning processes. These additional requirements were more commensurate with working at the landscape-scale and became major drivers of the planning process.

## Lessons for Future Landscape-Scale Planning Processes

Reflecting on our analysis, the agency staff, tribal representatives, and stakeholders interviewed for this project identified many "lessons" from the first six years of the DRECP process. These lessons provide general best practices for future landscape-scale planning efforts around the four principal components of the DRECP:



## GOVERNANCE STRUCTURE

### Interagency Collaboration

*Lesson 1. Collaborative structures can act as venues to build shared understanding of resource management issues.*

*Lesson 2. Integrating state and federal laws and policies can create tremendous challenges due to fundamental differences.*

*Lesson 3. Interagency agreements can help overcome conflict, but they do not replace personal leadership from high-level officials.*

*Lesson 4. Landscape-scale planning poses significant project management challenges that can increase time and resource needs.*

### Organizing and Staffing

*Lesson 1. Overly ambitious timelines may instill confidence that something will be completed, but can lead to rushed work products.*

*Lesson 2. Building working relationships with other agency staff prior to starting a process can pay dividends throughout an interagency collaborative project.*

*Lesson 3. Non-agency planning staff can bring much needed capacity to a complex process and provide impartial coordination.*

### Resources

*Lesson 1. Interagency planning can improve funding diversity by opening up access to state and federal resources that would not be available to state/federal-only processes.*

*Lesson 2. Sustaining funding for all lead agencies is critical and should be made a priority.*

## SCIENCE and ANALYSIS

### Data Collection and Analysis

*Lesson 1. Standardization of procedures among agencies can reduce conflicts and increase scientific legitimacy.*

*Lesson 2. It is challenging to create a single data collection methodology.*

*Lesson 3. It is more effective and efficient to consider species and conservation decisions according to keystone species when working at the landscape scale.*

*Lesson 4. Conflicts arise from differences in agency culture over how to analyze information.*

### Data Organization

*Lesson 1. Compiling data into a single decision-making tool or database facilitates joint understanding of a landscape and identification of data gaps.*

*Lesson 2. Consolidating data into a collective database allows a greater amount of data to be used more effectively to inform the final plan.*

*Lesson 3. A public database for compiling and analyzing information increases scientific transparency.*

### Independent Scientific Review

*Lesson 1. A greater mix of expertise on the independent science panel helps to make feedback and recommendations both scientifically rigorous and implementable.*

*Lesson 2. Providing clear expectations and roles for independent science panelists improves effectiveness and legitimacy.*

*Lesson 3. The Independent Science Advisory Panels provided insightful recommendations, which were not always incorporated, taking away from the process.*

### Making Science-Based Decisions

*Lesson 1. The DRECP struggled to create a comprehensive adaptive management plan component.*

*Lesson 2. Having clear methodologies for decision-making, such as in the Covered Species List, aides the plan in being replicated for future landscape-level planning processes.*

*Lesson 3. Consultants provide added capacity and expertise, but their workloads need to be coordinated between agencies.*

*Lesson 4. Models led to increased understanding of the planning area.*

*Lesson 5. Funding for data management and analysis is important and needs to be committed throughout the course of planning process.*

## STAKEHOLDER and PUBLIC ENGAGEMENT

### Achieving Early Participation

**Lesson 1.** *When planning for a new technology or land use, it is important to start by engaging in a collaborative learning process.*

**Lesson 2.** *Pairing broad outreach methods with specific, direct, and personal contact is a more effective way of engaging interests across a landscape.*

**Lesson 3.** *It is important to understand stakeholder interests when mutually defining goals and to clearly articulate any changes over time to prevent divergences in expectations during the process.*

**Lesson 4.** *Holding meetings at accessible locations within the planning region can signal the value placed on stakeholder input.*

**Lesson 5.** *A process that takes the time to clearly acknowledge and use existing initiatives as access points can achieve greater engagement and commitment from stakeholders.*

**Lesson 6.** *The strategic use of incentives can help all stakeholders more actively engage in a planning effort of this temporal and geographic scale.*

### Structuring for Meaningful Engagement

**Lesson 1.** *Formal advisory groups can help ensure representation of interests across a landscape – but need to provide avenues for new interests to be recognized over time.*

**Lesson 2.** *Regular – and continuing – involvement can eliminate surprises and prevent roadblocks.*

**Lesson 3.** *Using multiple formats and scales for public meetings helped the DRECP engage broad interests while providing space for specific, detailed input.*

**Lesson 4.** *Strategies that break landscape-level processes down into single-issues facilitates better understanding and can create ownership over the plan.*

**Lesson 5.** *Multiple checkpoints in the process can cultivate greater transparency.*

**Lesson 6.** *Technical staff should be used at strategic points.*

### Cultivating Collaboration

**Lesson 1.** *Informal meetings help build relationships and create lasting partnerships.*

**Lesson 2.** *Individual relationships with stakeholders help signal commitment and develop trust, but it takes a team.*

**Lesson 3.** *It builds understanding and trust when agencies recognize differences in communication and provide information in “layman’s terms.”*

**Lesson 4.** *Personality – not simply experience and expertise – is important to the success of stakeholder groups.*

**Lesson 5.** *A designated neutral facilitator can help engage a broad range of stakeholders and move the process forward.*

#### Partnering with Local Governments

**Lesson 1.** *It is important to take the time to recognize and understand the unique values and diversity of the planning landscape.*

**Lesson 2.** *Demonstrating that a process has learned from both the positives and negatives of smaller-scale projects may help garner more robust local support.*

**Lesson 3.** *Providing adequate resources to local governments can help them meaningfully engage in a landscape-level process.*

**Lesson 4.** *Regional mitigation can be used as an effective mechanism for integrating local interests.*

**Lesson 5.** *The role of local governments needs to be clearly understood and legally defined, especially when jointly planning for private and public lands.*

**Lesson 6.** *Policy changes can help incentivize participation and ensure the alignment of local, state, and federal interests across a landscape.*

**Lesson 7.** *Web-based tools can help bridge geographic barriers, but also allow for place-based communication.*

## TRIBAL CONSULTATION

### Getting Tribes to the Table

*Lesson 1. Commitments to understanding tribal values need to be early, genuine, and reflect the importance of the process.*

*Lesson 2. Early summits can help gauge broad tribal interests across a large landscape.*

*Lesson 3. Landscape level planning represents a new paradigm shift for tribal engagement – but that change needs to be explicitly discussed with tribes.*

*Lesson 4. A process that finds ways to acknowledge previous contributions and past wrongs, may gain greater commitment from tribes.*

*Lesson 5. Allocating adequate resources to tribes and agency cultural departments can allow tribes to meaningfully engage in a process.*

### Acknowledging Tribal Sovereignty

*Lesson 1. Ask tribes what they want – tribes are sovereign nations, and their distinctiveness needs to be recognized.*

*Lesson 2. When dealing with different definitions of consultation, tribes and agencies need to take time early on to mutually create legal clarity and precision.*

*Lesson 3. Tribal consultation at this large of a scale can benefit from informal and formal strategies.*

*Lesson 4. Provisions of legal requirements for state and federal consultation can be leverage points for those seeking more tribal input.*

*Lesson 5. Care should be given to ensure tribal members with adequate influence and expertise are participants in the process.*

*Lesson 6. Executive-level involvement can be used at strategic points to signal the importance of a planning process.*

### Creating a Meaningful Partnership

*Lesson 1. Cultivating relationships with tribes over time instead of “when you need something” can result in a better long-term partnership.*

*Lesson 2. Field and technical staff often have important expertise and relationships with tribes that are highly valuable to a process.*

*Lesson 3. Tribes recognize when agencies put in a ‘good faith effort,’ but follow through helps form long-lasting partnerships.*

*Lesson 4. Distinct communication and cultural differences exist between tribes and agencies and acknowledging these differences can help build relationships.*

### **Integrating Traditional Ecological Knowledge**

**Lesson 1.** *Cultural and biological resources often overlap and incorporating them at the same time may prevent future disputes.*

**Lesson 2.** *'Cultural landscapes' help integrate sensitive tribal knowledge at the landscape scale, but is still a new concept and not readily understood by all levels of government.*

**Lesson 3.** *Cumulative effects analysis allows tribes to assess effects across a landscape, but individual impacts are still important.*

**Lesson 4.** *Visual tools can break down cultural barriers.*

## RECOMMENDATIONS

“... a future landscape-level planning process should ...”

The recommendations are grouped into six main areas – each describing ways a future landscape level planning process can be successful, as informed by the key findings and lessons learned that emerged after analyzing the DRECP Planning Process. The areas include:

- 1) *starting a process with an extensive scoping period;*
- 2) *building capacity for collaboration at multiple levels and scales;*
- 3) *planning for strategic communication and engagement;*
- 4) *being informed by the context and system in which the planning process exists;*
- 5) *creating momentum through clear goals, deadlines, and committed champions;* and lastly
- 6) *being dynamic and able to adapt to new conditions over time.*

Each of the broader recommendation areas is followed by a series of specific recommendations as informed by our analysis of the DRECP, interviewees, and literature on landscape-level and collaborative planning and conservation, and, specifically, Julia Wondolleck and Steve Yaffee’s *Making Collaboration Work – Lessons from Innovation in Natural Resource Management*.

Across most interviews we found many believed large-landscape planning efforts – like the DRECP – can result in more comprehensive environmental, recreational, cultural, and economic outcomes. When implemented effectively these efforts are able to conserve larger areas of intact tracts of land, help create a sense of identity across a larger landscape, and have the ability to achieve multi-use benefits.

However, most felt the complexity of the DRECP’s large planning area and the amount of information needed to be understood by all involved throughout the process was too large and too much. This often inhibited the process from meeting the core objectives and goals of both the agencies and other involved partners.

So, while we recommend large-landscape-scale processes continue into the future – we also recommend more effort be spent at smaller regional levels simultaneously. As a result, the biggest theme throughout our recommendations, is that they are often coupled – in that many of our recommendations that apply to the large-scale planning region as a whole, often are coupled with recommendations that take place on a smaller geographical or temporal scale as well.

Each of the recommendations starts off with the same central idea: “*a future landscape-level planning process should ...*”

## **1. Start with an extensive scoping process.**

The DRECP was faced with many challenges that stemmed from inadequacies in its scoping process. For example, interviewees did not believe sufficient time or resources were dedicated early on to ensure the DRECP's planning goals and objectives or its legal requirements were adequately aligned. Others did not think many of the Planning Region's stakeholders, local governments, and tribes had input about or clear understanding of the DRECP's goals. They believed the REAT agencies were more concerned with interagency collaboration – and often did not do their due diligence to make sure all involved understood the DRECP's new programmatic focus in comparison to traditional project-by-project analysis or the intricacies of the new renewable energy development industry.

To deal with these challenges in future landscape level planning processes – particularly those as immense scope and scale as the DRECP – more time and resources should be spent during the process' initial scoping phase – even if it extends beyond the legally required timelines. As an interviewee noted a recommendation for federal and state agencies convening a process like the DRECP, “Do something ... at least one thing ... that is not legally required to show your faith in the process.”

This more extensive scoping process could include the some of the following specific recommendations:

### **Recommendation 1. Begin the process with a large-scale educational and visioning campaign throughout the planning area using a decentralized or nested-scale approach.**

Unlike the DRECP's large 22-million acre-scale – individuals across our interviews stated that they tended to identify more and had stronger social connections with groups on smaller geographic scales. Many of the conversations in the DRECP were too high level or complicated and interviewees often did not understand what the outcomes of the region-wide planning process would look like at the local level. They further expressed that a nested approach may have been a better strategy for a process as large as the DRECP.

So, unlike the high-level strategic planning that happened within the DRECP between the state and federal agencies – we recommend that the early planning process happen using both (1) a more diversified executive planning body (*see “Build capacity for collaboration at multiple levels” – Recommendation #1 for details about the diversified planning body*) and (2) a large-scale educational and visioning campaign throughout the planning area – but at smaller geographical or regional scales. Interviewees suggested a variety of scales – the resource management area or BLM field office-level, the county scale, or some recommended using traditional tribal territories or other bio-regional landscapes – but primarily emphasized that the area where dialogue about the process took place needed to be smaller.

The idea would be to have workshop-style meetings. They would be similar to the meetings conducted during the DRECP's Section 106 “Road Shows”, the REPG's public educational meetings in Sacramento, or the counties' public meetings to update their general plans and codes funded by the CEC's renewable energy planning grants – each of which interviewees indicated as helping stakeholders, the public, and tribes understand the goals and objectives of the process as well as its relevance. However, unlike each of these processes, we recommend the workshops take place in the early stages of the planning process.



The meetings should include community members, community leaders, local and national non-governmental organizations, local government representatives, federal and state agency representatives, technical and field staff from agencies, THPOs/SHPOs, tribes, industry representatives to answer technical questions, and other members of the public with stake in the process. We further recommend that it be a two-way educational process where all parties are presenting on their interests, what they hope to achieve from the process, and are educated on technical knowledge and what it means to be planning at the landscape-scale and not just for their local or parochial interests.

***For more information, see Chapter 3 - Stakeholder and Public Engagement: Findings #2 and #3; and Chapter 4 - Tribal Consultation: Acknowledging Tribal Sovereignty: Finding #2 and Creating a Meaningful Partnership: Finding #3 and #4.***

**Recommendation 2. Jointly create a flexible strategic framework – at both the region-wide and local levels – that will guide the governmental planning process.** In the DRECP many interviewees had problems understanding the process’ overarching framework, goals, and objectives. Many felt the decisions were made by the REAT agencies and the stakeholders and public did not have an understanding of or control over these decisions. So, the second piece of the visioning and educational campaign workshops would be joint visioning sessions at this smaller geographic scale to create an initial joint framework that could be used across the planning region. This would help ensure that the core of the problem and the process is framed appropriately and reflects local interests and their needs – while still meeting the conservation and economic objectives of the greater planning region and the planning process.

A similar process was employed in the DRECP during the development of its Section 106 Programmatic Agreement. During this process the REAT agencies initially developed a flexible overarching framework for the agreement that would apply across the region. They then brought this framework to smaller-scale regional meetings or “Road Show” workshops that were strategically chosen throughout the Planning Region. This was helpful because the REAT agencies were able to first create a framework that met overarching ecological and economic goals throughout the larger planning area – but the nuances of how the framework was fleshed out happened at smaller, nested scales. This created buy-in, trust, and a sense of understanding and autonomy for the stakeholders throughout the region.

So, in future planning processes of this scale, we recommend *early* in the process developing an overall biological and economic framework using a diversified executive planning body (see “*Build capacity for collaboration at multiple levels*” – Recommendation #1 for details about the diversified planning body) – but the framework should then be fleshed out and negotiated by stakeholders located on a smaller geographic scale. See Table below for other examples of nested landscape-scale models.

***For more information, see Chapter 1 – Governance Structure: Organizing and Staff Finding #2; Chapter 2 – Science and Analysis: Making Science Based Decisions Finding #1, #2, and #4; Chapter 3 – Stakeholder and Public Engagement: Structuring for Meaningful Engagement Finding #3 and #4; Chapter 4 – Tribal Consultation: Getting Tribes to the Table Finding #3 and Integrating Traditional Ecological Knowledge Finding #3.***

**Examples of nested landscape-scale models.** Nested landscape-scale models like the Healthy Forests Restoration Act (HFRA)'s *Community Wildfire Protection Plans* (CWPPs), the Marine Life Protection Act (MLPA) *Marine Protected Area planning process*, or the *Puget Sound Partnership's Water Recovery Planning Process* use similar strategies as we recommend here. These strategies allow the smaller regions to help clarify and define their priorities, lead the community members through valuable discussions about the future of their area, while also meeting larger scale conservation and economic priorities across a broader region.

For example, the CWPP's provide incentives for communities to engage in comprehensive forest planning - and for the USFS and the BLM to give consideration to the priorities of local communities as they develop and implement forest management and hazardous fuel reduction projects on public lands. In order for a community to take advantage of the opportunities, it first has to prepare a Community Wildfire Protection Plan. The plans can take a variety of forms, so that they reflect the needs of the local communities. But ultimately, the process of developing a CWPP can help a community clarify and define its priorities and lead the community members through important discussions about management options, and helps incentivize them to not just think about their parochial concerns – but the needs of the greater region as well.

The MLPA process used a different strategy. They sent a questionnaire to local communities to respond to a set of questions about their interests, questions and needs. From that questionnaire, regional and state reports were produced and goals were created across the larger region. By doing the questionnaire first, it constrained what they were able to do at the larger landscape level. So, they found that first developing a framework at the larger level is important. They further found it was important to think strategically about how to incentivize the local planning bodies to not just think about their localized needs and concerns.

Lastly, the Puget Sound Partnership in the Pacific Northwest's Water Recovery Planning process uses a similar model to develop a region-wide Salmon Adaptive Management Plan. Across the Puget Sound region, the Partnership has developed 14 Salmon Recovery Councils which each create individual watershed plans that all feed up into one overall regional plan for salmon recovery (see map below). The "Salmon Recovery Council" acts as the central planning body and has representatives from state/federal agencies, environmental and business groups, tribes, and general community members. Each council creates annual "Four Year Work Plans" saying what they accomplished in the past year and what the plan is for the next four. The partnership has "Lead Entities" that act as the local planning committee for each of the 14 watersheds.



**Recommendation 3. Make tribal and local government engagement a priority from the start. This can be done by partnering with local governments, organizations, tribal communities, and/or existing collaborative groups to perform outreach and host early scoping meetings.** The DRECP often struggled to gain traction because many affected parties within the Planning Area that did not trust the government, were actively opposed to this type of planning/development, and/or did not feel adequately included in the process. However – in order to meet its stated objectives – the REAT agencies needed to prioritize these relationships.

For example, one of primary goals of the DRECP was to place renewable energy on the least biologically valuable areas, which were primarily the private lands within each county. To accomplish this, the DRECP needed to have two parties on board: the counties, which had decision making authority on private lands and each of the 53 tribes in the planning region, which the federal government was legally obligated to consult with on a government-to-government basis. Instead, according to interviewees, the DRECP tended to treat both groups in a more advisory role. As a result, the DRECP was unable to get either groups' support – the counties ultimately split from the plan in 2015 – and multiple tribes are preparing to file suits.

For future planning processes, we recommend the coordinating agencies partner with local governments, organizations, tribal communities, and/or collaboratives to perform outreach early in the process and host early scoping meetings. Further, these early meetings should focus on determining the ways each of the groups needs to be involved throughout the rest of the planning process and during its implementation. As an interviewee stated, “My whole thinking is you make the counties feel more like they’re more in charge of their fate and that they’re a key party to this and things are not going to be dictated by them to others.”

In sum, partnering with local groups and tribes not only aligns the government with more trusted and familiar entities that can more effectively engage opposition, but also be an avenue to get local groups more involved, providing some ownership over the process.

***For more information, see Chapter 1 – Governance Structure: Interagency Collaboration Finding #2; Chapter 3 - Stakeholder and Public Engagement Partnering with Local Governments Findings #1 and #5 and Chapter 4 - Tribal Consultation: Getting Tribes to the Table Finding #1 and #2.***

**Recommendation 4. Dedicate sufficient time and resources to identify differences and opportunities within state, federal, local government, and tribal legal requirements early in the process.** The DRECP had an added level of complexity, as a joint federal, state, local planning process occurring on both public and private lands in the state of California. It was trying to adhere to federal, state, tribal and seven different county laws, policies, guidelines, and cultural norms. Despite this complexity, many interviewees stated that enough flexibility in the laws does exist to be planning at the landscape scale. As an interviewee stated:

*The major challenges of this process were the laws. The laws were never put together with the intent that we would do this kind of thing. The state has its jurisdiction. The BLM has its. The FWS has theirs. And all of the sudden we said we were going to mesh them all together. It didn't mesh together all that terribly well initially. But it did work its way out without ever having to go to Congress to ask for changes. It is incredible when you read back through the laws and go through the Congressional language ... how much flexibility the agencies really have to do this*

*kind of thing. If you read through the history, the testimony that occurred and the records of the laws and regulations you realize there is a lot more flexibility in there than you'd imagine. As much as you get frustrated with Congressional people, those laws are written pretty well to anticipate thirty years and more out... you just have to take the time to figure it out.*

However, many interviewees did not believe sufficient time, resources, and energy was spent identifying both differences and opportunities within the laws early enough in the process. As a result, many interviewees think opportunities for collaboration were missed and preventable conflicts occurred.

So in future processes, we recommend lead agencies should dedicate significant time figuring out where laws, policies and cultural norms overlap and where they do not. Further, key questions about implementation should be answered early on so all involved partners know what limiting factors exist in order for the plan to be implemented, and then build the process to set up implementation for success. For example, the DRECP was going to be an NCCP and cover private lands. In order to accomplish this goal - the counties were going to need to be heavily involved. There was going to need to be a joint federal/state/local implementation body, but the REAT did not recognize this until late in the planning process.

Additionally, we recommend that differences in legal definitions and usages of common terms between agencies and other governments should be identified and memorialized. This will help all involved come to a shared understanding of what certain terms mean to each agency, government, or tribe involved. A glossary of the shared definition for these terms could be created. For example, the REAT did create a glossary for the DRECP, and people described it as helpful, but it doesn't solve the problem of state laws defining the word "significant" one way and federal laws another. While interviewees believed it was possible to come to consensus on these differences, an interviewee emphasized it takes more time to figure these things out than one would think – and than was allocated in the DRECP process:

*Executives will say, 'We should really team up on something.' And they're like, 'Yeah, that's great. That shouldn't be too hard.' But when you look at things like NEPA, you can't use the term 'significant' in NEPA except in a very specific way. Under CEQA, it does not have that specialized connotation. That's one word that gives us so much heartburn every time we team with someone from the state. There are a thousand examples like that for just terminology and process alone that make it so incredibly difficult to do interagency work. It doesn't mean we shouldn't do it, but it means go into it with your eyes open and know that it will be hard work and take five times longer than you think it's going to.*

***For more information, see Chapter 1 – Governance Structure: Organizing and Staffing Finding #1 and Interagency Collaboration Finding #2; Chapter 3 – Stakeholder and Public Engagement: Partnering with Local Governments Finding #1 and #6; Chapter 4 – Tribal Consultation: Acknowledging Tribal Sovereignty Finding #1.***

**Recommendation 5. Perform an inventory of available technical, financial, and social resources in collaboration with local partners.** During the scoping process significant time should be spent performing an inventory of the available technical and financial resources and existing partnerships across the planning region. While this was done in the DRECP - we recommend that this be one of the cornerstones of the "extended scoping process."

The inventory can be accomplished through the use of early interviews with key partners, stakeholders, tribes, local governments, and others. The purpose of the interviews could be two fold. First – they could help the lead agencies gain a better understanding of the (1) legal landscape (federal, state, and local legal requirements), (2) the data, GIS layers, maps, surveys, ethnographic reports, and inventories that have already been created or exist in the region, (3) important local media outlets for particular populations, (4) a demographic analysis of the region, (5) other problems communities are facing that could be ameliorated or affected by the process, (6) identification of key community leaders or liaisons, (7) available technology across the region, and (8) existing partnerships, groups, or collaborations that could be utilized for outreach and engagement.

Second – it could further gauge key constituencies’ interests, what they hope to gain from the process, and help the agencies and local groups mutually understand the resources in the planning area at the beginning of the process. To save on resources this could be done using a partnership with a university where undergraduate or graduate students perform the interviews and report back their findings to the lead agencies. Tribes and interviewees representing tribes especially recommended that this early inventory be performed in direct consultation with tribes.

***For more information, see Chapter 1 – Governance Structure: Resources Findings #1 and #2, and Organizing and Staffing Finding #2; Chapter 2 – Science and Analysis Data Collection and Analysis Findings #1, #2, and #3; Chapter 3 – Stakeholder and Public Engagement: Partnering with Local Governments Finding #3; Chapter 4 – Tribal Consultation: Getting Tribes to the Table Finding #4 and Integrating Traditional Ecological Knowledge Finding #1.***

## **2. Build capacity for collaboration at multiple levels.**

While the DRECP was a landscape-scale, collaborative process, it often took place in more of a top-down approach where the state and federal agencies created the goals of the plan and made strategic decisions. Further – because the DRECP was a new endeavor for each of the involved agencies – many of their decisions about how to organize the process evolved over time to be more collaborative as they learned from their mistakes and successes.

Future planning processes can learn from the DRECP – in that, instead of waiting – they can try to create more capacity for collaboration before the process begins. This is the next area where we have developed many recommendations – “Building capacity for collaboration at multiple levels” – in other words, how to facilitate effective collaboration both within the agencies and outside the agencies with other partners with stake in process, especially when working at this large of a scale. And instead of waiting to do this at interim points throughout the process, much can be done at its front end.

**Recommendation 1. Be managed by an interdisciplinary planning body or team that is institutionalized or formalized through official documentation like an MOU, partnership, or formalized body.** This recommendation directly addresses the structure of the DRECP. The DRECP’s executive planning bodies – the REAT and REPG – were very helpful for conflict resolution and providing stability to the partnership between the state and federal agencies. The following recommendations are informed by both analysis of the DRECP’s management structures and interviewees suggestions for how to improve them:

- **Make interagency collaboration a priority.** Throughout its six years, each of the REAT agencies took turns shouldering financial costs, staff resources, and leadership positions. The interagency collaboration between these four agencies allowed the process and the agencies to be more resilient during times of economic fluctuations and political changes.

Interagency collaboration also exposed BLM and the other agencies to new ways of doing work and new ways of thinking, than working only within their own purview. For example, the CEC was much more transparent than the BLM and they were required to do webcasts for all of the public meetings. The use of webcasts turned out to be an important aspect in engaging the public, but was not something the BLM would have done on its own. The BLM also did not have a legal obligation to consult with non-federally recognized tribes. Non-federally recognized tribes only became involved in the DRECP after the state of California passed an E.O. requiring states to do so. ‘Cultural landscapes’ were also only included in the DRECP because of the CEC’s involvement and state laws related to cultural landscapes - if it had only been a federal effort these would not have been incorporated into the process.

To reap these benefits and others, future planning processes should make interagency collaboration a priority by creating a similar interdisciplinary planning body or team that is institutionalized or formalized through official documentation like an MOU or partnership.

- **More diversified planning body.** As discussed earlier, the DRECP was more of a top-down all-lands approach where the state and federal agencies created the goals and made strategic decisions (*see DRECP Planning Body diagram below*). They would take in information from

the Stakeholder Committee and other partners and decisions would come back down. Those outside the agencies – including significant land managers like the counties and tribes – were not included in these critical early strategic decisions and as a result did not become deeply involved.

For future planning processes, we recommend similar executive level planning bodies be created to manage the process. However, we suggest their make-up be more diversified than the REPG and the REAT. This would give greater recognition to the significant land managers, including counties, NGOs – in cases when they manage large tracts of land within the region, examples being The Nature Conservancy or other land conservancies – and tribal communities (*see diagrams below of the DRECP's executive planning body and the proposed diversified planning body*).

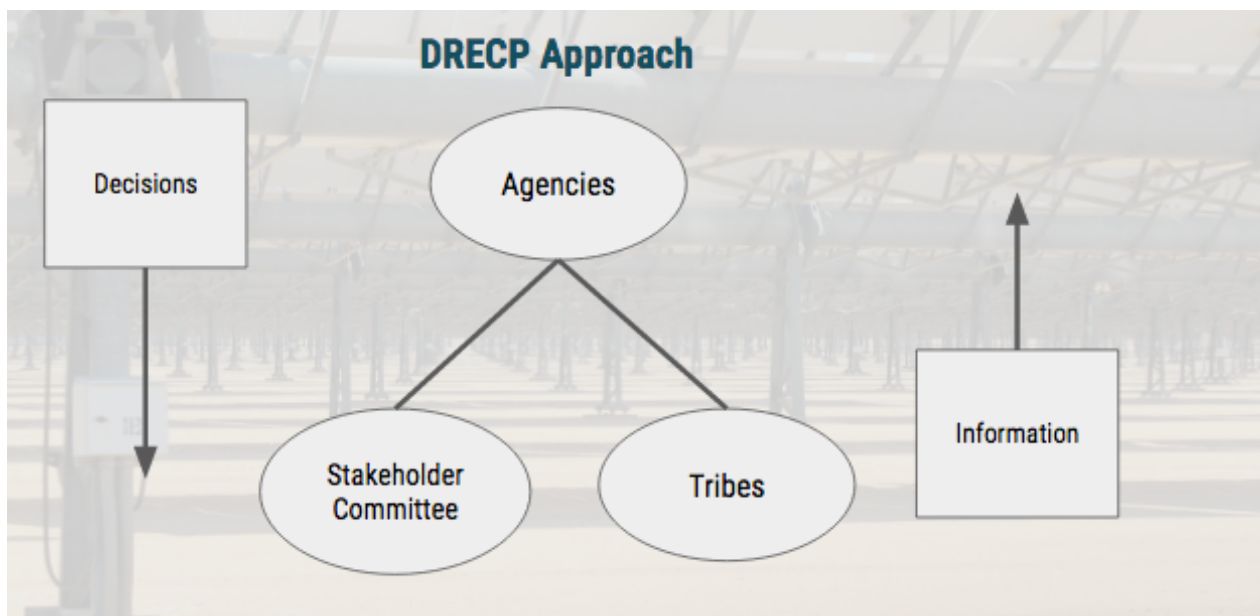


- **Take time to determine lead agencies.** Significant time should also be spent determining which agencies will lead the process. In the DRECP, the CEC, BLM, USFWS, and CDFW were chosen for very specific legal and political reasons. But some interviewees felt key agencies like the Department of Energy should have been part of the planning body – especially when working on a large scale energy planning process. Others felt the energy industry should have been part of the body's make-up – or a group who had more expertise on the industry. Regardless, the make-up of the more diversified planning body should include the key players needed in order to meet the goals and objectives of the planning process.
- **Maintain regular, scheduled, and frequent meetings and communication between lead agencies.** Something that was helpful to the early stages of the DRECP were the frequent meetings. The REAT agencies met once a week and the REPG met once a month. When they were not meeting as a group they were having emails, one-on-one phone conversations, and small group meetings. Interviewees stated this helped iron out problems and maintain momentum. In the later stages of the process the meetings become less frequent – which, according to some, derailed much of the collaborative progress that had been made earlier. In future processes interviewees recommended the regular interactions continue throughout the planning process and into implementation - even when the workload is not as large or the issues do not seem as crucial.

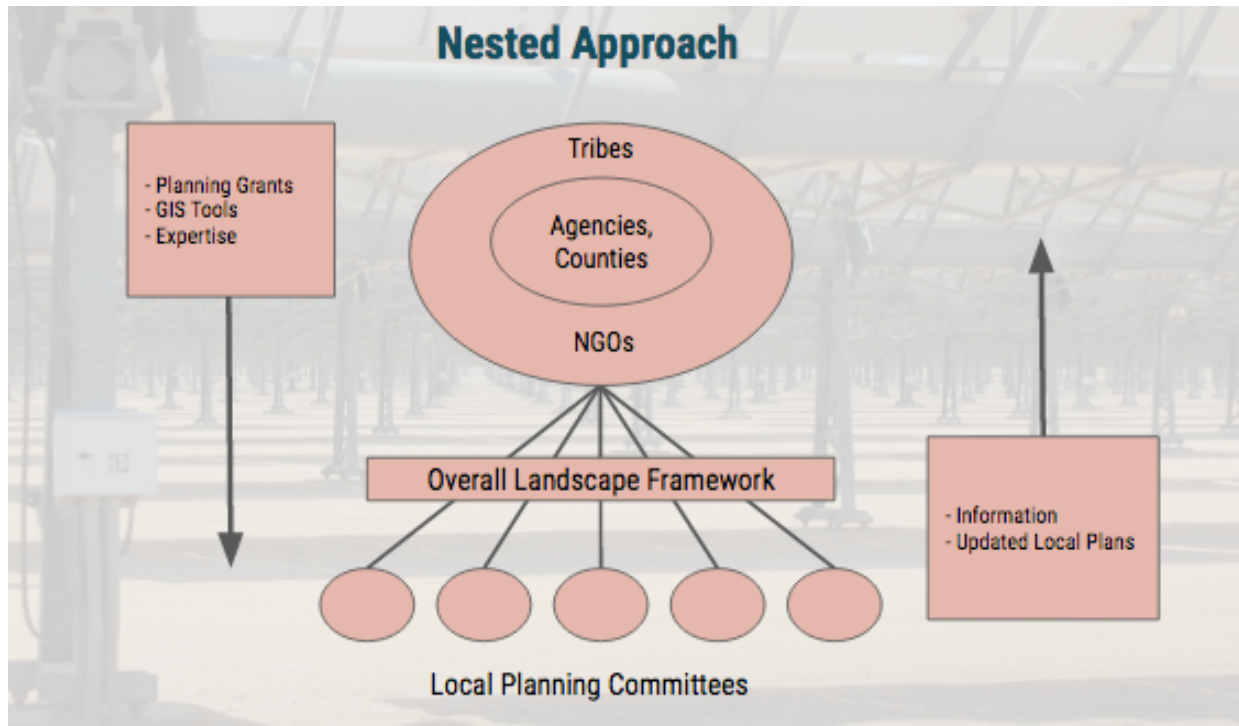
- **Planning body jointly creates overall framework that is then fleshed out at local levels.** We further recommend the planning body’s main role be an enabler that is tasked with creating an overall biological and strategic framework across the landscape – which is then fleshed out at the local level using more localized/regional planning committees. The local planning committees or groups provide recommendations that incorporate their localized interests within the confines of the sideboards set out by the regional planning body’s framework. The larger planning body then pulls together all of the information from these lower levels to finalize the higher framework, but one that reflects the diversity of smaller scale interests.

This process could take place during the early extended scoping process, as demonstrated below in the diagram labeled “Nested Approach” which is in contrast to the DRECP’s Approach diagram (see “Start with an Extended Scoping Process” – Recommendation #2 and #1 for details about the creation of a joint overarching framework and the nested scale scoping process).

- **Coordination of technical and financial resources to level levels within region.** The planning body also should be tasked with coordinating and providing resources to the nested or localized groups within the larger planning region – this may be the counties, BLM’s Resource Advisory Committees/field offices or other regional groups (see “Start with an Extended Scoping Process” – Recommendation #1 for details on nested scale approach). Interviewees suggested these resources should include grants, technical assistance, GIS support, planning experts, ethnographers or social scientists, funds to help groups with few resources to participate on the stakeholder committee, and the creation of a Data Basin tool at local scales [see “Be informed by the context and system in which the planning process exists” – Recommendation #1 for details about DataBasin tool].







*For more information, see Chapter 1 – Governance Structure: Interagency Collaboration Findings #1, #2, and #3 and Resources Finding #2; Chapter 2 – Science and Analysis Data Organization Finding #1, #2, and #3; Chapter 3 – Stakeholder and Public Engagement: Partnering with Local Governments Finding #1, #3, and #5; Chapter 4 – Tribal Consultation: Getting Tribes to the Table Finding #1 and #5 and Acknowledging Tribal Sovereignty Finding #1, #2 and #3.*

**Recommendation 2. Establish an interdisciplinary advisory committee that will remain in place throughout the entire process and continue through implementation.** When stakeholders and local communities participate in the planning process, they have a feeling of ownership over the information and are more confident in the process's outcomes. Similarly, actively engaging experts from science-based non-profits, universities, and agencies can bring impartial perspectives to the table and improve the quality of data on ecological issues. However, to work effectively with the broad range of interests and organizations at the landscape-scale, requires more than the traditional opportunity for participation.

Having formal advisory committees to structure engagement with both stakeholders and experts helps make collaboration with these groups more effective. For example, the Stakeholder Committee, the Independent Science Advisory Panels, and the Tribal-Federal Leadership Forums helped organize and guide collaborative involvement with outside parties. The recommendations from these groups added valuable information to the process. As formal committees with official membership, they also helped the REAT agencies ensure that the process represented the many different interests – including local, regional, and national nonprofits, community members, researchers, tribes, and land managers – across the landscape.

These groups added trust and transparency into the DRECP. When they were not present in the process – or the REAT agencies did not follow their advice – people lost confidence in the direction

of the plan. In particular, there was a lot of conflict and confusion surrounding the first Independent Science Panel review and after the Stakeholder Committee ended.

For large-scale processes like this, it is difficult to include all of the stakeholders and experts that are crucial to the creation of a high quality and long lasting plan. Formal advisory committees facilitate these interactions. Interviewees indicated, however, that in future processes these groups remain in place throughout the entire process and implementation. This way stakeholders and experts could be involved in defining planning goals, collecting necessary scientific data, developing the plan, and implementing as well as monitoring the final plan.

*For more information, see Chapter 1 – Governance Structure: Interagency Collaboration Findings #1, #2, and #3 and Resources Finding #2; Chapter 2 – Science and Analysis Data Organization Finding #1, #2, and #3; Chapter 3 – Stakeholder and Public Engagement: Partnering with Local Governments Finding #1, #3, and #5; Chapter 4 – Tribal Consultation: Getting Tribes to the Table Finding #1 and #5 and Acknowledging Tribal Sovereignty Finding #1, #2 and #3.*

**Recommendation 3. Establish multiple levels of interagency planning by creating cross-agency working groups.** A consistent challenge articulated by most interviewees was that a major barrier to interagency collaboration was differences in agency and group culture: that is, differences between the laws, policies, and standard operating procedures that shape the agencies or organizations.

One way to deal with this challenges is to establish cross-agency working groups during the planning process that will remain in place throughout plan implementation. Though there was formal interagency collaboration occurring within the REAT and REPG, at the lower levels each agency still operated within their own domain on data, tasks, projects, and protocols related to the plan. They informally collaborated at times, but there was no formal collaboration between staff at different agencies. Creating formal subject-specific working groups – cultural resources, land use planning, covered species, etc. – with representatives of each agency working jointly would increase collaboration among the agencies and streamline data, analysis, and problem solving. This is aimed at building greater understanding and trust between agency personnel so that communication and collaboration becomes more open, honest, and clear.

*For more information, see Chapter 1 – Governance Structure: Interagency Collaboration Finding #1, #2, and #3.*

**Recommendation 4. Develop capacity by identifying and utilizing staff with specific skills and expertise.** One reason the DRECP was able to maintain its momentum was due to its careful selection of agency staff and managers. To develop capacity to undergo as extensive of a process, agencies should prioritize hiring of staff with specific skills over time– instead of gaining these staff right before a process begins. The following is an overview of some of the specific recommendations related to the hiring of staff for a future planning effort:

- **Prioritize hiring staff from other agencies, partners, and with diverse backgrounds:** Overcoming differences in agency culture was a challenge in the DRECP. For positions key to the process – such as anyone working on it full-time – efforts should be made to recruit individuals who have prior experience working with or for other relevant agencies or groups. One specific recommendation includes an interagency exchange of staff where individuals

would get to work with the NPS, USFWS, BLM, or USFS. Some also suggested a similar exchange should be attempted with state agencies, tribes, and local governments. To add credibility to the exchange, it could be tied to a university – or a caretaker that is independent and neutrally be able to facilitate and manage it. Staff with experience with other federal and state agencies, nonprofits, and tribes were integral to helping move the DRECP forward. For example, Vicki Campbell who worked with the USFWS prior to the BLM, was very good at understanding the laws of both agencies and helping find common ground. Another individual working for a state agency had over 14 years of experience working with tribes and was critical to establishing trusted relationships with many of the tribes in the DRECP. As an interviewee stated, “In a collaborative effort, it is not enough to say that you have read the agency's policies and laws. Unless you actually have experience in implementing those laws, you don't appreciate it.” Other important skills noted included flexibility, ability to facilitate a collaborative relationship and atmosphere, and managers that are able to understand human behavior (i.e. those with psychology backgrounds).

- **Consider intergenerational staff makeup.** Interviewees also felt having an intergenerational mix of staff on the DRECP was helpful and should be replicated if embarking on another process like the DRECP. For example, an interviewee stated that he thought having a mixture of experienced staff who had “been through the war zone” before was important, but having these staff coupled with staff who were “fresh out of college” was critical. These staff were not entrenched in the agency culture and “can't do” attitude that many of the older, more experienced staff had. The new staff were interested in conducting the agency in a new way that involved collaboration and landscape scale management. However, it was necessary to have these new staff working alongside those with the long term wisdom and knowledge.
- **Find ways to cross-pollinate staff to prevent burn-out.** Very few staff were hired to work on the DRECP within the agencies. Instead, most staff worked on the DRECP at the same time as they continued to work on their other duties and projects. The DRECP was a long process and agency management wanted to make sure staff continued to have experiences outside of the DRECP to help cross-pollinate, prevent burn-out, spark new ways of thinking, and keep them engaged. They wanted to make sure the staff were having “little victories” outside of the DRECP as the process went along. This kept them invigorated and energized to keep going.
- **Identify individuals with experience in landscape level projects and environmental and land use planning.** Each of the lead agencies in the DRECP had individuals in management positions who had worked on or had prior expertise in landscape level planning. For example, Ms. Campbell had helped spearhead the Northwest Forest Plan, one of the largest landscape planning processes to date. This was very useful, especially in the beginning stages of the DRECP. Additionally, due to their all-lands approach, landscape planning processes often interface with comprehensive plans, land use laws, and zoning codes – and having individuals on staff with planning backgrounds will be very helpful when communicating and negotiating with local governments and their staff tasked with upholding and managing these plans.
- **Hire and allot sufficient staff resources for cultural and tribal resources within each agency involved and utilize relationships staff already have with tribes:** The DRECP

suffered from too few staff members dedicated to cultural resources and tribal consultation. In the future, more staff should be hired to manage a process of this scale. Staff should be hired that have previously worked with tribes, on landscape level planning processes, or already have relationships with tribes in the planning region. These relationships are invaluable to a successful tribal consultation process.

***For more information, see Chapter 1 – Governance Structure: Organizing and Staff Finding #1, #2, and #3; Chapter 2 – Science and Analysis: Making Science Based Decisions Finding #3; Chapter 3 – Stakeholder and Public Engagement: Structuring for Meaningful Engagement Finding #6; and Chapter 4 – Tribal Consultation: Getting Tribes to the Table Finding #5 and Creating a Meaningful Partnership Finding #2.***

**Recommendation 5. Create and maintain trainings, tools, and lessons learned/case studies in a single repository or toolbox that can be used to educate agency staff and partners.** To create capacity for agencies and other actors to be prepared to undergo a landscape level planning process – interviewees suggested a number of trainings, toolsets, and best practices be created and maintained over time. By maintaining these in a single repository – it could help deal with staff turnover and create an institutional memory – especially in a process the length of the DRECP. Below is an overview of a few of the ideas that were suggested throughout interviews:

- **Create an online repository for best practices, case law, models, and lessons learned – and share them.** Interviewees often cited a desire to understand how similar processes were performed in other areas before undergoing the DRECP. This need was cited by those both within the agencies, and stakeholders and governments outside. Thus, we recommend collecting, maintaining and sharing best practices, lessons learned, and case studies about landscape planning from other processes taking place in the region. This could help the problem of reinventing the wheel, and build social capacity, resiliency and expertise within the region.
- **Compile data into a single decision-making and online mapping tool.** The DRECP’s Data Basin tool helped stakeholders create a shared understanding across the landscape. To build capacity for a landscape planning process, agencies should prioritize compiling all data into a single decision making and online mapping tool like the Data Basin early in the process – and, if possible, before the process begins. It not only facilitates a joint understanding, but the process of creating this type of tool helps develop relationships and iron out future problems. *See “Be informed by the context and system in which the planning process exists” Recommendation #1 for a more detailed description of the Data Basin tool.*
- **Enact policies to support interagency trainings.** Again, a big struggle throughout the DRECP was overcoming differences in agency culture. Policies could be enacted to support and provide trainings about the missions, goals, legal requirements, and norms of other agencies relevant to the process *before* it begins. The attendees at these trainings should be the corresponding people from each lead agency – or even taught by these individuals. For example, all of the cultural resource staff or all of the realty staff from all four REAT agencies. This would improve understanding of each agency’s influences and motivations as a whole and around particular topic areas that may be contentious. In the DRECP, the REAT agencies did not do this and the process was more difficult because of it. The agencies were forced to learn about each other as the process went on – a trial by fire relationship and

understanding building exercise. Further, to build the greatest understanding across all sectors – the corresponding staff from tribes, local governments, or other relevant partners should be invited to both present and learn. The trainings should be regularly updated over time to reflect changes in culture and norms.

- **Create a cultural sensitivity or ‘essentials of tribal consultation’ training focused on the tribes in which the planning process will be taking place.** Agency staff, tribes, and other interviewees often stated a “cultural sensitivity” or “essentials of tribal consultation” training should have been required training for all staff and organizations involved in the tribal consultation process. They suggested that the training be early, and repeated over time to control for staff and tribal turnover. Tribal communities should be involved in the creation of the content for the training and should be enlisted to help teach it. Already established groups or social networks of tribal communities in a region can be a helpful first place to connect. For example, one interviewee suggested the DRECP could have held a conference or a cultural competency training with the California Native American Heritage Commission (NAHC, a nine-member body appointed by the governor to identify and catalog cultural resources of religious or social significance to Naive Americans in California) or perhaps the Society for California Archaeology.
- **Provide joint trainings on general topics related to landscape level planning and climate change.** Many of the stakeholders and agency staff entered the DRECP with varying levels of knowledge needed to be working at the landscape scale. In future processes, we recommend identifying topics stakeholders have less mutual understanding of – at the beginning of the process. Once these topics are identified, trainings or webinars can be found or created and provided – so all parties have a better baseline understanding.

In the DRECP, the REAT agencies struggled to differentiate for its stakeholders between landscape-scale planning and project-by-project analysis. Due to this lack of understanding throughout, many of the stakeholders had a difficult time knowing how to interface with the process. Landscape level planning needs to be packaged for non specialists, the general public, and other agencies. Trainings on GIS, climate adaption and mitigation, refugia, landscape ecology, cultural landscapes, habitat conservation planning, landscape-scale or regional mitigation, traditional ecological knowledge, and other topics could be provided not just at the beginning of the process, but intermittently as needed throughout for agency staff, stakeholders, and others.

For example, tribes’ knowledge and expertise lends itself well to climate change science and landscape ecology and management. However, according to interviews, they often did not have the technical understanding or vocabulary to fully participate in these types of discussions during the DRECP. Trainings could help create a common language and knowledge between tribes, agencies and other stakeholders. It would allow tribes to participate in a way that is commensurate with their knowledge, and feel more prepared to contribute to a planning process of this scale.

*For more information, see Chapter 1 – Governance Structure: Interagency Collaboration Finding #1, #2, and #3; Chapter 2 – Science and Analysis: Data Organization Finding #1, #2, and #3; Chapter 3 – Stakeholder and Public Engagement: Cultivating Collaboration Finding #5; and Chapter 4 – Tribal Consultation: Getting Tribes to the Table Finding #3,*

Working at the Landscape Scale:  
Lessons from the Desert Renewable Energy Conservation Planning Process

***Acknowledging Tribal Sovereignty Finding #3 and Creating a Meaningful Partnership Finding #3 and #4.***

### **3. Plan for strategic engagement and communication.**

At this scale, the DRECP had difficulty reaching out to the broad array of audiences and achieving a large amount of participation early in the process. Many of the recommendations we have related to strategic engagement and communication build off the ideas that were enacted in the latter years of the DRECP process, but are also informed by recommendations provided by interviewees or those that have been successful in other processes.

Fundamentally though, due to its temporal and geographical magnitude, we recommend that a process think strategically about and utilize multiple forms of engagement and communication to increase collaboration and communicate at a variety of levels.

**Recommendation 1. Create a public relations and stakeholder engagement team with staff skilled in communications, and one designated point of contact who is proactively keeping stakeholders involved and up-to-date at the start of and throughout the process.** At this scale, the DRECP had difficulty reaching out to the broad array of audiences and getting a large amount of participation early in the process. Some of this was related to the method of outreach for the scoping meetings and the way in which the process was framed to the general public. While they designated an interagency communications team, comprised of a communications staff from each of the REAT agencies later in the process, it came too late and many interviewees stated it should have been established much sooner and with a more clearly defined role for each of the involved agency representatives.

Specifically, interviewees have indicated that establishing an outreach and stakeholder engagement team from the start of the process that is dedicated to public relations and outreach would help improve involvement. The team should include one designated point of contact who is proactively keeping stakeholders involved and up to date. In large-scale processes like this there are many moving pieces. Having an individual that you know is available to keep everyone apprised of developments through direct contact will help make sure everyone remains on the same page throughout the process. This individual can also provide individualized attention to keep stakeholders engaged and take the time to understand why some may be pulling away from the process if they become less involved over time.

*For more information, see Governance Structure – Organizing and Staffing Finding #2; Chapter 3 – Stakeholder and Public Engagement: Cultivating Collaboration Finding #3.*

**Recommendation 2. Processes can make public and stakeholder meetings more effective and engaging by using a combination of large - and small-scale formats.** Finding the right formula for structuring public meetings and stakeholder engagement is a particular challenge when operating at the landscape scale. Often there is a lot of information that needs to be reviewed to ensure participants are on the same page.

When working at this large of a scale – larger, joint engagement strategies can be helpful. For example, the Tribal-Federal Leadership Forums, Stakeholder Committee, large scale summits on renewable energy development, and region-wide list-serves and were all important tools used throughout the process. They helped engage broad and diverse audiences across the large planning area, create a shared understanding across the landscape, were a more efficient use of staff and time, and helped ensure a cohesive message.

However, the DRECP found many of these larger-scale strategies had difficulties accounting for the distinct differences between stakeholders across the region and allowing for the more specific type of conversations and discussions that needed to be taking place. Instead, the REAT agencies found it best to couple the larger strategies with smaller, personal interactions as well.

For example, interviewees indicated that some of the presentation-style large-scale meetings often made tribes, local communities, and stakeholders feel as if agencies had already made decisions and were simply telling them how the process was going to go rather than genuinely seeking their input. Meeting formats that can bring participants up to speed on the planning process, but also foster real conversations are more effective ways of garnering useful feedback and more engaging for outside parties.

In the DRECP, a majority of interviewees felt the meetings that used breakout sessions or were structured as workshops were more productive. Having smaller group discussions and activities fostered more substantive conversations. As an agency representative described, “The breakout groups were good. Using that big group to do presentations, but then having some smaller sessions ... would be good.” The CEC also hosted a series of workshops in 2012 with roundtable discussions to answer important questions about the process that were similarly effective at generating a two-way exchange of information because they helped participants collaborate.

So, in future planning processes we recommend using joint and formal engagement strategy – but to also break these up using smaller formats as well. It is helpful to provide multiple forms of engagement that allow for the presentation of, exchange, and discussion of a variety of types and styles of information and communication.

*For more information, see Chapter 3 – Stakeholder and Public Engagement: Structuring for Meaningful Engagement Finding #3 and Chapter 4 – Tribal Consultation: Acknowledging Tribal Sovereignty Finding #3 and Creating a Meaningful Partnership Finding #2.*

**Recommendation 3. Processes can strengthen relationships and communication between stakeholders and agency staff by offering informal engagement opportunities.** Finding ways to make personal connections is important when partnering with other agencies and stakeholders. Informal engagement opportunities help process participants get to know one another, which breaks down barriers to open, honest communication and fosters better understanding of individual interests. There are several strategies that processes can use:

- **Field Trips.** The DRECP used field trips as part of both the Stakeholder Committee and Tribal Consultation processes. These were scheduled visits to potential development or conservation areas within the Planning Region. Interviewees found that time spent in the field developing a common language and understanding proved much more valuable to the process than time spent in formal Committee meetings. Field trips can also provide a hands-on opportunity for stakeholders and agency staff to discuss land use, management, and conservation decisions on priority sites across the landscape. Interviewees felt that the time spent together in cars driving between sites was particularly valuable.



- **Social Receptions and Open Houses.** Following several of the Stakeholder Committee meetings, the REAT agencies held social receptions. These gave stakeholders and agencies time to candidly interact with each other. As one stakeholder observed, “Normally there would be a little bit of a reception of some type early in the evening for people to interact personally or with the agencies however they wanted to.” Open houses at public meetings provided a similar space for discussion as stakeholders as well as the broader community were able to directly talk to agency managers and technical staff about the DRECP at small information stations.
- **Individual Meetings.** The REAT agencies often met individually with tribes and interest groups throughout the process. Many noted that these opportunities to interact one-on-one helped clarify understanding of complex information under review. These meetings also provided a space for consistent and specific feedback on plan development that further refined the agencies’ grasp of each group’s interests and knowledge. Individual meetings were frequently more productive than large group meetings according to our interviewees because people were less likely to remain guarded and focus on protecting their interests. Further, connecting with tribes and other stakeholders demonstrated that the agencies valued the expertise and input of these groups, which improved buy-in among affected parties within the Planning Region.
- **Use of technical and field staff.** Field and technical staff had the closest relationships and most extensive knowledge related to groups’ concerns at the local level. They were used in the DRECP – but interviewees suggested they could be used more extensively and earlier in future planning processes. Staff that were able stay within a particular region or field office for a long period of time were able to cultivate these stronger and valuable relationships.

*For more information, see Chapter 3 – Stakeholder and Public Engagement: Cultivating Collaboration Finding #1 and #2 and Structuring for Meaningful Engagement Finding #6; and Chapter 4 – Tribal Consultation: Acknowledging Tribal Sovereignty Finding #3 and Creating a Meaningful Partnership Finding #2.*

**Recommendation 4. Leveraging technology as a supplement to face-to-face interaction can increase accessibility to information and expand outside interest and involvement in the process.**

As planning processes expand to the landscape scale, affected parties are spread over a much greater geographic area. In this case, tribes, stakeholders, and communities were not only scattered across the 22.5-million-acre Planning Region, some were also based out of Sacramento. While in-person meetings and interpersonal relationships continue to provide the foundation of meaningful engagement, web-based tools and social media can assist information sharing, increase transparency in the process, and get the broader community involved in two-way communication across considerable distances. Several tools include:

- **Process Websites and Data Platforms.** The DRECP developed and maintained a central website for the process. It housed all information related to the plan’s development from meeting transcripts and recordings to fact sheets on species, official documents for public review, and a schedule of events. The REAT agencies also posted every public comment letter they received onto the website. Interviewees particularly appreciated having access to these letters in order to see what other groups were concerned about in the process. Once published, the Data Basin (*see “Be informed by the context and system in which the planning*

*process exists” Recommendation #1)* as a great supplement to the website that allowed outside groups access - and ability to contribute to - the data being used to make decisions in the process. This also made it possible for groups to visualize impacts of the plan at different scales.

- **Webinars.** Almost from the start of the process, the REAT agencies streamed live video and audio of Stakeholder Committee and public meetings via WebEx. It was often difficult for tribal representatives, community members, and other stakeholders to find the time and money to physically attend meetings. However, these webinars, gave them a way to either actively participate in meetings or go back to review the discussions. One interviewee stated, “If I couldn’t go I did try to call in using Webex ... we are somewhat isolated here geographically.” For the BLM, field offices within the Planning Region, could also be used to host community viewings of these webinars. In this sense, the REAT agencies were able to bring the conversation to affected parties throughout the area.
- **Email Newsletters and Listserves.** Through the main process website, any interested party was able to sign-up to be on a DRECP listserv. The REAT agencies used this to send out email blasts whenever there were updates to the plan, new information, or upcoming events. A number of interviewees commented that these were helpful. However, many also felt that these were not informative enough to truly keep them engaged and apprised of what was happening at any given time. Having a regular - monthly or quarterly - digital newsletter could be a more effective strategy to keep affected parties informed when planning at the landscape scale. Not only would a newsletter provide a better picture of what is going on in the process, but, since agency acronyms and jargon are often barriers to communication with outside parties, the newsletter format and language would be more accessible to the greater community.
- **Flowcharts outlining legal and decision making processes.** While simple, the DRECP found the use of visual flowcharts a helpful tool for making legal processes more accessible to the general public and stakeholders. The flowcharts were available both online and in print form and their ease of use prevented many disputes that could have come with different understandings of timelines, legalese, and decision points.
- **Communication streamlining methods.** The use of communication streamlining methods like letter templates to ensure consistency in messaging were helpful in the DRECP, especially when communicating with publics across such a large landscape and between so many levels of agencies. However, personal touches to communication are still important. For example, later in the DRECP the REAT’s communication team created specific handouts that on issues important to particular types of constituencies. This helped break the process down into more manageable components, and allowed for more place-based messaging – which is often hard to accomplish on such a large scale. Future processes should use its public relations and stakeholder engagement team to create communication methods that can be used across the landscape, but also allow for variation in messaging. Interviewees further suggested the use of social media could be used to reach more audiences in the future.

These tools allow for instantaneous information sharing and feedback. Still, it is important in landscape-scale planning processes that all materials are accessible in other formats. In the DRECP, there were many isolated, rural communities where individuals and groups did not have the

bandwidth to download large planning documents, let alone stream webinars. Agency personnel need to be aware of this challenge and seek to share relevant materials and data in ways that their audience can access and understand.

*For more information, see Chapter 2 – Science and Analysis: Data Organization Finding #1, #2, and #3; Chapter 3 – Stakeholder and Public Engagement: Partnering with Local Governments Finding #7; and Chapter 4 – Tribal Consultation: Integrating Traditional Ecological Knowledge Finding #4.*

**Recommendation 5. Assess the demographics across the planning region – and adjust communication strategies to reflect its diversity.** The DRECP was criticized for not providing their webinars, outreach materials, and website information in multiple languages, despite many its Spanish and other speakers throughout the planning area. Future planning processes should take time early on to assess the languages used across the planning region and adjust their communication strategies to reflect both the language and cultural diversity of the region.

*For more information, see Chapter 3 – Stakeholder and Public Engagement: Partnering with Local Governments Finding #1; Chapter 4 – Tribal Consultation: Acknowledging Tribal Sovereignty Finding #1.*

**Recommendation 6. Recruit a skilled and trusted facilitator.** Trying to work with the quantity and variety of interests throughout a landscape takes a significant amount of coordination. As with the DRECP, a designated facilitator can make a tremendous difference in keeping the process on track, on time, and on topic. Throughout the process, interviewees expressed the value of having the DRECP Director facilitate Stakeholder Committee and public meetings kept the group organized and helped maintain forward momentum in the process.

Interviewees indicated that a facilitator in this type of process needs to be more than a process coordinator and meeting manager. This was a significant challenge the DRECP encountered. Like one agency representative described, “There were just huge groups ... at the meetings and they all had something to say and I think it did get to be a bit discouraging to go and have to just listen to all these varied opinions when none of them were getting at what we needed to talk about or resolve. They all had their own vested interests and it just seemed like it just collapsed under its own weight ... I think if you had had a facilitator, someone could say ‘we’ve heard from you now let’s hear from you.’ So that one person isn’t dominating the conversation, I think that would have helped a lot.” A skilled facilitator can encourage collaboration and build trust in a process by helping participants move past protecting their interests and by ensuring that all voices are heard. For agencies, a facilitator with these “soft” skills can not only improve the quality of feedback, but also lead to new and creative solutions.

The appropriate facilitator could come from many different institutions. For instance, the facilitator might be a trained individual from a professional facilitation and mediation nonprofit organization, or they might be from the BLM’s Collaborative and Alternative Dispute Resolution Program (CADR). However, it is most important to turn to those involved in the process to ask them for assistance in determining facilitator selection criteria. This way the group feels as if they have some agency over who is chosen, and, are therefore, more likely to trust the facilitator. This is particularly important when working with tribal communities. The facilitator used during the DRECP’s Tribal Leadership Forums was from the National Indian Justice Center had experience with tribal communities, but

unlike an earlier facilitator used – was approved by the tribes to be a facilitator for the process. In future processes, agencies should work with tribes to mutually select and hire a trusted facilitator for the process.

***For more information, see Chapter 3 – Stakeholder and Public Engagement: Cultivating Collaboration Finding #2; and Chapter 4 – Tribal Consultation: Creating a Meaningful Partnership Finding #4.***

**Recommendation 7. Third-party process managers help with interagency project management and facilitation.** One of the greatest challenges of the DRECP resulted from the difficulty of coordinating complex interagency communication. Throughout the six-year process to create the draft document, hundreds of decisions had to be made about how the plan was going to be created and what would be in it, including items like where to hold Stakeholder Committee meetings and how many acres of habitat would be protected for a given species. Keeping all necessary parties on the same page about what decisions had been made, the changes they would cause in the plan, and why the decisions had been made was a difficult task. Interviewees noted interagency meetings would sometimes feel like they were starting from scratch on issues because previous decisions had either not been communicated properly or just not retained, causing frustration and delays.

Positions like the DRECP Director and Assistant Director were noted as being quite helpful for facilitating agency-to-consultant and agency-to-stakeholder communication and these positions should be expanded to include agency-to-agency interactions. These positions could act as “ombudsmen,” keeping track of decisions made along the way and being able to be a single point of contact for agency staff looking to find out what changes have been made and why. Positions like these may help increase efficient uses of time and accountability in planning situations where there is no lead agency. They also may be quite helpful with onboarding new staff members into the process, a need for which is almost inevitable with turnover that can occur in multiple year planning processes.

The DRECP Director and Assistant Director were aided by their neutral-party status and ability to focus full-time on the plan when necessary. Future plan coordinators similar to these positions should look to achieve neutral-party status as well, perhaps by being drawn from an office or agency not within the immediate primary planning agencies. For example, the BLM’s Collaboration and Dispute Resolution program may be a source for these facilitators/project managers.

***For more information, see Chapter 1 – Governance Structure: Organizing and Staffing Finding #3; Chapter 2 – Science and Analysis: Making Science Based Decisions Finding #3; Chapter 2 – Stakeholder and Public Engagement: Cultivating Collaboration Finding #5; and Chapter 4 – Tribal Consultation: Creating a Meaningful Partnership Finding #4.***

**Recommendation 8. Be conscious of and acknowledge communication differences between tribes and agencies.** Tribal communication greatly differs from western communication. Tribes often speak symbolically, structure sentences differently, talk in stories, and often will not speak about the most pressing issues until the end of a meeting. Interviewees reiterated that when working with tribes – especially at the scale of the DRECP – the individual relationship is still a priority, and offered several “soft skill” suggestions to cultivate individual relationships with tribes for future processes. While many of these soft skills should be employed when working with any stakeholder or agency – interviewees called these out as being highly important for tribal relationships:

- **A lack of communication should not be taken as a form of “approval.”** When tribes stop speaking to agencies it is often because they have lost faith or trust in the effort - not because they agree with the effort.
- **Be proactive and forthright**, and admit when you are wrong, rather than waiting, being reactionary, or not being upfront. Find ways to apprise tribes of all decisions, even if minor, to help build trust.
- **Use visuals to break down barriers in communication.** One way the REAT agencies found to help break down technical and cultural barriers between tribes and agencies was through the use of multiple forms of visualizations (*see Strategic Engagement and Communication - Recommendation #4*). For example, using tools like the Data Basin Tool, coupled with hand-drawn maps, stories, and photos to communicate more abstract ideas between tribes, agency staff and stakeholders were helpful. Further - the REAT staff found many of these more traditional visualizations, like stories and hand drawn maps, could be transferred into online visualizations and shared with other stakeholders across the planning region. This helped bridge communication divides.
- **Build ephemeral levels of involvement into the process.** The BLM found that tribes will often want varying levels of involvement – some may only want to monitor the process and involve themselves as issues important to their tribe arise. This can be accomplished through a combination of list-serves, Webex’s and in person meetings.
- **Be flexible.** Certain words regularly used in agency terminology often have different connections or meanings to tribes. The DRECP was successful when they could build flexibility into their vocabulary. For example, the words “streamlined” and “fast tracked” were very loaded terms with many of the tribes in the DRECP’s planning region. Many tribes would not sign the Programmatic Agreement unless these terms were removed. The field staff of the BLM went to the REAT executives to see if they could leave the terms out of the Programmatic Agreement when describing the Development Focus Areas. The executives allowed them to do this. This was very helpful for the tribes to see.

So, future processes should work to identify these differences in culture, terminology, and communication early in the process – and then try to identify flexibility in their process to accommodate them. This may help alleviate future disagreements and misunderstandings. One way to do this is through an early “cultural communications” training (*see “cultivating collaboration at multiple levels” Recommendation #5*).

- **Do the small things.** Simple acts like having regular and scheduled meetings, sharing documents, checking back with tribes on promises or action items, sending the right agency staff to meetings, listening, if something changes letting the tribes know, telling stories, and being friendly with people are all important.
- **Share in the ownership of the process**, share in the process’ failures and share in the process’ successes – according to interviewees, agencies need to move from a perception that the process is “theirs” to a mentality that the process is a shared effort.

***For more information, see Chapter 4 – Tribal Consultation: Creating a Meaningful Partnership Findings #4 and #3; Acknowledging Tribal Sovereignty: Finding #1; and Getting Tribes to the Table Finding #4.***

## **4. Be driven by clear goals, deadlines, and committed champions.**

Interviewees indicated the DRECP would not have happened without the executive level buy-in, clear goals, and commitment it had throughout the entirety of the process. Future planning processes should start by having open and honest conversations between those affected, to mutually identify the problem at hand and the objectives of the process. This will help ensure the goals/purpose of the planning process recognize the (1) parties and actors affected by or within the region (2) the issues or problems they are facing (3) the geography and ecology of the area and (4) that it has the appropriate legal and political jurisdiction. The following outlines recommendations each helping to ensure the process be “driven by clear goals, deadlines, and committed champions.”

**Recommendation 1. If possible, identify and use a common problem or driver to motivate the process.** One of the main drivers of the DRECP was the need to address the onslaught of renewable energy applications, spurred by the American Recovery and Reinvestment Act of 2009. While collaboration and natural resource management were also primary goals for the DRECP - having the focus of renewable energy as the common problem all living within the region were addressing was crucial to allowing the collaborative process to work as effectively as it did. This (and the executive level buy-in) was the driver to the process and allowed the collaboration to flourish and for them to focus on conservation simultaneously. Another driver for many within the DRECP was the promise that would come from the creation of the Gateway Data Basin tool. The possibility of collecting and integrating decades of data from multiple parties and agencies across the landscape motivated many individuals to participate who may not have otherwise. As an interviewee stated:

*I am someone who has tracked many renewable energy projects and struggled through cobbled together maps to create comment letters and in communication with our clients. It has been very nice to have the GIS web portal [DRECP's Data Basin tool] available to be able to put together different overlays and help us understand what is being proposed. I really enjoyed that... and it will be a real asset ... going forward. It is one of the process' real successes.*

If future processes are able – they should attempt to identify and utilize these common problems or drivers to create a shared vision and jump-start the collaborative process.

***For more information, see Chapter 1 – Governance Structure: Organizing and Staffing Finding #1; Chapter 2 – Science and Analysis: Data Organization Finding #1, #2, and #3; Chapter 3- Stakeholder and Public Engagement: Achieving Early Participation Finding #3; and Chapter 4 – Tribal Consultation: Getting Tribes to the Table Finding #1 and #4.***

**Recommendation 2. Mutually define goals and objectives and quantify them when possible.** The DRECP process benefited from having quantified state and federal goals with deadlines for renewable energy production rather than vague goals without deadlines. When the DRECP began, the federal government had a goal of 10,000 Megawatts of renewable energy authorized for production from public lands by 2015. On the state side, California had a goal of producing 33 percent of electric utility sales from renewable sources by 2020. These clear, numerical goals with targeted deadlines allowed the DRECP to work backward in a quantitative manner to determine what success for the plan would look like and when it would need to be achieved. For the REAT this

meant roughly calculating how many acres of renewable energy development would be needed to meet the X amount of energy by X year goals. Knowing this approximate number of acres needed for development meant impacts to resources could also better be determined. Rather than aiming to just “increase renewable energy production for the future,” participants knew that, as an arbitrary example, 100,000 acres would need to see renewable energy development projects by 2020 in order to be considered successful.

Mutually quantifying goals among plan participants and setting calendar-based deadlines helps those involved understand the task they are being asked to do and what success will look like. When goals are defined in a qualitative manner it can leave room for participants to have their own understanding of the ultimate goals and definition of success. This can lead to misunderstanding in communication, generation of misaligned work products, and interpersonal conflict. Having a shared understanding of the ultimate goals and definitions of success can help mitigate these inefficiencies and conflict.

***For more information, see Chapter 1 – Governance Structure: Organizing and Staffing Finding #1; Chapter 3- Stakeholder and Public Engagement: Achieving Early Participation Finding #3; and Chapter 4 – Tribal Consultation: Getting Tribes to the Table Finding #1.***

**Recommendation 3. Secure buy-in from multiple levels of leadership positions - formal agreements are good, but personal involvement is better.** The DRECP was able to maintain its momentum throughout its six-year process because it had the continued support of high level actors like the Obama administration, California’s governor, the Department of the Interior, and upper levels of management throughout the agencies. For example, Ken Salazar and Arnold Schwarzenegger frequently attended the REPG meetings. The BLM Director, Jim Kenna, met with field office staff on a weekly basis reiterating the process’ goals and what needed to get done. Further, the leaders at each of the REAT agencies signed MOU’s and a mutual planning agreement. This executive level buy-in was critical to the success of the DRECP as a collaborative process.

However, in a process of this scale - these types of formalized agreements and executive-level buy-in need to be coupled with both personalized interactions and the identification of motivated champions that goes much further down the chain of command. In order to maintain momentum and overcome challenges, it is highly beneficial to have champions and leaders at multiple levels, including federal, state, local, and tribal governments, who are committed to seeing the process through.

A survey could be undertaken of the landscape to identify actors at multiple scales and then determine who needs to either be on board or remain neutral for the process to succeed. This means governors, county commissioners, mayors, important political players (senators, representatives), the key staff members of these offices, tribal council leaders, nongovernmental organizations, industry representatives, community leaders and change makers, and others who have decision-making and political power and can motivate key constituencies and drive the process forward. Incentives should then be provided that get them on board (*see “Be dynamic and adapt to new conditions over time” Recommendation #2*). Champions at the local level are often the most influential in making a process move forward and giving it staying power.

***For more information, see Chapter 1 – Governance Structure: Interagency Collaboration Finding #1, #2, and #3 and Resources Finding #2; and Chapter 4 – Tribal Consultation: Acknowledging Tribal Sovereignty Finding # 6.***



**Recommendation 4. Perform government-to-government consultation with tribes using executive level leadership at strategic points.** Large landscape-level planning processes often involve a significant number of tribes that each must be consulted using a government-to-government relationship. Often this consultation needs to be with executive level leadership. However, the DRECP demonstrated that the use of executive level leadership in a consultation relationship can be utilized at strategic points throughout the process. For example, interviewees recommended consultation with higher level members of government (e.g. Secretary of the Interior or agency management) do not need to occur throughout a process' entirety – but can happen at the beginning of the process. This would set the tone that the relationship will be taken seriously and demonstrate commitment. After the initial meeting with the higher level leadership, the consultation can then take place with middle level and field staff.

Other strategic times when executive level management should be engaged with tribal leadership include when alternatives are first released, when mitigation measures are developed, and at the process' very end. Each of these points are often contentious, and are when interviewees suggested tribes often feel they are taken advantage of or are not consulted effectively. Each of these interactions with executive level leadership demonstrates buy-in and that the tribe will be actively engaged and consulted throughout.

*For more information, see Chapter 4 – Tribal Consultation: Acknowledging Tribal Sovereignty Finding # 6.*

**Recommendation 5. Define a conflict resolution process.** The DRECP process consistently faced the significant challenge of making decisions about what to do when the laws, policies, and cultures of the state and federal agencies were in conflict. The DRECP developing the REPG as a higher-level executive body that could hear conflict cases and make guidance decisions was very helpful for the process. However, the REAT suffered at first from not having a clear protocol in place for when to elevate a conflict to the REPG. This created conflict and uncertainty when some agency executives would raise issues in REPG meetings that other executives had not yet heard of or were unprepared to discuss. Eventually it was decided that all four REAT agencies would have to agree to raise an issue to the REPG before it could be brought to that level.

Developing specific protocols for how conflict resolution will take place in an interagency planning situation is critical. Decisions should be made early about when and how these conflicts will be identified and addressed. A program manager-level REAT-like body coupled with an executive-level REPG-like body would be advantageous. Having specific guidelines in place from the beginning about when issues will be brought to the executive-level would be of benefit. It would also be helpful to have a process for archiving and communicating the conflict resolution guidance down the chain of command so that everyone understands what has been decided and why. An ombudsman (*see “Strategic engagement and communication” Recommendation #7*) may be helpful.

*For more information, see Chapter 1 – Governance Structure: Interagency Collaboration Finding #1, #2, and #3.*

**Recommendation 6. Build relationships before you need them.** Throughout interviews, we repeatedly heard one of the major barriers to effective interagency collaboration and collaboration with other partners was the perception that the DRECP was being driven by political agendas and deadlines. And that relationships were developed in response to these new objectives, rather than

genuine collaborations over time. Interviewees stated that these fast-tracked relationships often made it difficult to plan for or meet the DRECP's long term goals, create trust, or break through the "tribe" mentality that often manifested within a singular agency or group.

We recommend to start building relationships with other agencies, local governments, tribal communities, and other key partners you are likely to work with in the future – before you need them. By dedicating resources to relationship development before a political deadline or priority requires it – interviewees suggested it would help improve understanding of other agency and groups' mission, goals, and motivations. Recommendations in "*Build capacity for collaboration at multiple levels - Recommendation #2 and #6*" and "*Be informed by the context and system in which it exists- Recommendation #2*" can each help develop these long term relationships. Each aims to help cultivate relationships with key groups more naturally over time instead of the often cited perception that they were created in response to political timelines and deadlines.

***For more information, see Chapter 3- Stakeholder and Public Engagement: Partnering with Local Governments Findings #1 and #5; Chapter 4 – Tribal Consultation: Creating a Meaningful Partnership Findings #1; Chapter 1 – Governance Structure: Organizing and Staffing the Process Finding #2.***

**Recommendation 7. Initiate an NHPA Section 106 Programmatic Agreement (PA) process with tribes and cultural resources stakeholders as early as possible to provide legal clarity.** According to interviewees, future landscape planning processes should make sure to formalize and clarify legal relationships and ensure decision making processes are clearly understood by all involved parties – but especially when working with tribes. Interviewees stated that many of the DRECP's working groups, Tribal Leadership Forums, and other forms of tribal interaction tended not to be legally binding. For example, in 2009 the Renewable Energy Tribal Coalition was convened and facilitated by a tribal member - something one interviewee stated was an "abrogation of the BLM's authority [to consult with tribes]." As a result, it was difficult to provide assurances for the tribes and agencies about what the plan would actually do, or whether or not information was being incorporated into the plan or not.

One way to help create this legal clarity and mutual understanding is by initiating an NHPA Section 106 Programmatic Agreement Process in the very early stages of the planning process. In the DRECP the BLM believed the Section 106 process did not apply because it was a "planning" process and did not result in the development of projects. As a result, the PA was not commenced until six years after the DRECP began, and they performed it during a six-month time period.

However, the DRECP demonstrated that formalized cooperative agreements like programmatic agreements between tribes, federal and state agencies are required for landscape-scale planning processes, and can enable collaboration, trust, and create legal clarity, regulatory authority and mutually understood goals. They establish formal working relationships by clearly defining the rationale for collaboration and the roles and responsibilities of the parties. The PA should include specific language about the working groups that will be created, the types of data and information that will be collected, the protocols for data collection and monitoring, specify which tribes will be involved, and the regularity and forms of communication that will be used.

***For more information, see Chapter 4 – Tribal Consultation: Acknowledging Tribal Sovereignty Findings # 2, #3 & #5.***

## **5. Be informed by the context and system in which the planning process exists.**

While landscape scale management varies widely, most all efforts have two common characteristics: (1) the management must be built on ecological science and understanding of ecosystem function and (2) humans must be integral components of the ecosystems. However, finding this balance among ecological, social and cultural values is significant challenge – as the DRECP demonstrated. To help future planning processes adequately address the problems, issues, and concerns of the diverse ecological, cultural, and social landscape in which they will take place - we have a number of recommendations related to “being informed by the context and system in which the planning process exists.”

**Recommendation 1. Compile data into a single decision-making and online mapping tool to facilitate joint understanding of the landscape.** One of greatest successes of DRECP was its web-based GIS tool - Data Basin. It was consistently praised as being truly transformative. It helped created a collective understanding of the landscape, aggregated individual historical and current data collected across the planning area and combine this with land use and planning tools. This will have long term benefits for the planning region and can be a model for other planning efforts. We recommend any landscape level planning process begin by producing a tool like this for organizing and sharing data.

In fact, we recommend that Data Basin-like tools for landscapes be created before planning processes begin – because through their creation, they can often lay the foundation for a future planning process to occur. They need to be available to the public, easily accessible, adequately funded and regularly maintained, and standardized. They should be developed across agencies so BLM, FWS, USFS, USGS, and any other relevant agency understand how to use them, input data, and then actually use them. They should be able to integrate with state agency, local government, tribal, and academic data. And provide opportunities for these groups to upload their own data, and be available at a course enough grain to use them for their more place-based efforts and projects.

These tools are perhaps the single most important development that will allow landscape level planning and management to occur in a more efficient and effective manner. Their ability to visually show everyone involved maps displaying the status of resources (energy, ecological, cultural, recreational), show in real-time how these maps were created, and continually add and refine data has never been available before. These tools are like the internet: there are not going to be fewer of them in the future and they are not going away. Start developing them now.

***For more information, see Chapter 2 – Science and Analysis: Data Organization Finding #1, #2, and #3; Chapter 3- Stakeholder and Public Engagement: Partnering with Local Governments Finding #7; and Chapter 4 – Tribal Consolation: Integrating Traditional Ecological Knowledge Finding #4.***

**Recommendation 2. Processes should start with smaller projects and leverage existing initiatives to build momentum, solicit feedback, and engage key interests.** Success during the early stages can jumpstart a landscape-scale process. Experiences with smaller projects and existing initiatives can serve as important access points and motivators when a process is getting underway. Starting with smaller projects give tribes and stakeholders an opportunity to provide feedback, allowing for

agencies to identify key players and affected parties, improve understanding of the landscape, and locate data and expertise gaps. Likewise, existing planning initiatives or collaborative groups can act as access points with established networks of relationships, communication, and knowledge that a new process can build off of. Moreover, small projects and existing initiatives are both effective ways to demonstrate the impact of land designation and management changes, which can build confidence and support for expanding the process at the landscape-scale.

For example, in the DRECP, experiences with prior processes, projects, and smaller scale renewable energy projects like the ARRA renewable energy projects, informed the planning process by increasing awareness of key resources and stakeholders across the landscape. The DRECP also effectively used some established processes as leverage points, like the Renewable Energy Transmission Initiative (RETI), in order to initially locate priority areas for development and conservation and determine the amount of land needed to site renewable energy projects that would help meet federal and state policy targets. However, as the DRECP also experienced, these early efforts do not always lead to successes - they sometimes create significant conflict. But such tensions do not need to be barriers to moving forward if agencies can show that they have learned from these previous missteps. Prioritizing the completion of smaller scale projects as well as connecting with existing collaborative groups and planning processes is one way to “build relationships before you need them” (see *“Be driven by clear goals, deadlines, and committed champions” Recommendation #6*). This can help improve trust, flows of information, and shared understanding of data and resources that build momentum for success at larger scales. As one interviewee stated, “We came from different expertise, skillsets and mandates and mashed those together in a mega-plan. And that was a challenge. It would have been better to work on a smaller scale plan first to formulate that common sense of knowledge.”

***For more information, see Chapter 3 - Stakeholder and Public Engagement: Partnering with Local Governments Findings #1 and #2 and Chapter 4 - Tribal Consultation: Getting Tribes to the Table Findings #3 and #4.***

**Recommendation 3. Balance independent scientific review panels with land managers, scientists, tribes, and other professionals to increase scope of recommendations provided.** The Independent Science Advisory Panels of the DRECP process were helpful for providing scientific recommendations for the plan, but the types of individuals chosen to serve on the panels led to some recommendations being less useful than others. Government land managers and scientists sometimes have different resources and requirements than academic researchers. Government resource management staff have to comply with the laws, policies, and missions that guide their agency and work. They also are restricted in their activities by the allowances of their budgets, the sizes of which can be unpredictable in both the long and short-term. Academic researchers often also have to work with a large bureaucratic university system and adjust to budget changes, however, it would be inaccurate to characterize these as being the same as those faced by government agency staff. The scientists composing the Independent Science Advisory Panels could have been better balanced between agency and academic.

Creating a balance between agency, academic scientists and tribes (see *“Be informed by the context in which the planning process exists” Recommendation #6*) on independent science review panels would help alleviate misunderstandings of the cultures, motivations, and interests between these communities. This would ultimately help produce recommendations that respond to both the need for credible scientific advice while also having a high probability of being implementable.

***For more information, see Chapter 2 – Science and Analysis: Independent Scientific Review Findings #1, #2, and #3; Chapter 4 – Tribal Consultation: Integrating Traditional Ecological Knowledge Finding #1.***

**Recommendation 4. Use model communities to clarify and demonstrate the tangible effects of large-scale land use planning on local interests and also expand local understanding of the greater region’s needs.** According to interviews, one reason the DRECP did not effectively engage parties early in the process was because little concrete understanding existed about how the DRECP’s programmatic land use planning would be implemented or felt at the local level. Some interviewees felt too much time was spent discussing the legal integration of the plan, at the expense of the substantive impacts the DRECP would actually have or the concerns of the stakeholders in the region about these potential impacts. As a result, many of the counties, tribes, and others were slow to or never did embrace the DRECP’s goals.

The DRECP used strategies to try and elucidate the process and make it more tangible. For example, they attempted to use model communities like the City of Lancaster as a member of its Stakeholder Committee to demonstrate how renewable energy development could be effectively performed and managed at the local level. They also took members of the Stakeholder Committee on field trips to see the impacts of large scale renewable energy projects (*see “Plan for Strategic Engagement and Communication Recommendation #3*). Interviewees noted that these helped dispel myths or urban legends about the desert as “waste land.” They were also a way for diverse interests to openly talk about what was happening on the ground and the differences of what they were seeing.

However, interviewees suggested that the use of field trips, model communities, and other groups telling their stories should be used more in future processes than they did in the DRECP. The increased use of these tools could help create more buy-in, build a shared understanding, trust, and have answered many of the local governments, tribes, and public’s concerns about the influx of large scale renewable energy development, cultural and biological mitigation techniques, and how the DRECP’s landscape-scale programmatic focus would be felt at the local level. Demonstrating potential outcomes is an effective way to engage parties in the process and create clarity about future impacts.

***For more information, see Chapter 3 - Stakeholder and Public Engagement, Finding #2 and Chapter 4 - Tribal Consultation: Getting Tribes to the Table Finding #3.***

**Recommendation 5. Perform a cost-benefit or comparative analysis to demonstrate impacts of planning outcomes.** The prospect of economic development benefits from a planning process can incentivize stakeholders to join a process, discuss potential trade-offs, and build support for collaborative decision-making about the entire landscape. On the other hand, the perception that a process will lead to unevenly distributed impacts can deter participation and create conflict. Performing a cost-benefit analysis to demonstrate how a process’s land designation and management changes may look on the ground gives stakeholders with different interests a reason to work together and commit to seeing a planning process through. Similarly, a comparative analysis - showing what would happen under a given plan in comparison to business as usual - can provide a clear picture of potential changes to local land uses.

According to interviewees, the REAT agencies did not complete either of these types of analysis in the process. As a relatively new technology, industry, and land use in southern California, the DRECP struggled from the beginning to show the impacts of implementation of the plan and subsequent renewable energy development. Since local interests and communities respond most readily when they understand direct impacts, this prevented the DRECP from effectively incentivizing local involvement. As a county representative observed, “There’s benefit to looking at the big picture for the greater good, but it’s required in our form of government to speak to the impact to individual citizens as well.” Completing some form of cost-benefit or comparative analyses in a process gives local governments and communities a reason to engage and get on board with this type of process. Further, simply acknowledging that a process may have impacts can help build a foundation for trust and open communication.

*For more information, see Chapter 3 – Stakeholder and Public Engagement: Partnering with Local Governments Finding #; and Chapter 4 - Tribal Consultation: Getting Tribes to the Table Finding #3.*

**Recommendation 6. Use “cultural landscapes” and sensitivity models as strategies to capture confidential tribal resources and better integrate cultural and biological values.** Tribes’ traditional ecological knowledge is often not captured in typical project by project analysis. The DRECP’s large landscape analysis allowed tribes to capture the true value of the landscape for its cultural, historic, ecological and ethnographic values. The two strategies it used to do this included ‘cultural landscapes’ and ‘sensitivity models.’

These tools allowed tribes to incorporate their traditional knowledge into the planning process, while still maintaining confidentiality and nondisclosure of sacred information. They further helped bridge the gap and integrate biological and ecological values with tribes’ traditional ecological knowledge. Other processes and agencies such as the National Park Service, the Marine Protected Areas Planning Process, and the Klamath Basin Agreement Planning processes are each examples of processes or agencies that have used or currently utilize cultural landscapes in their natural resource management planning. However, during interviews we found that the use of ‘cultural landscapes’ is not supported at all levels of government – particularly within the BLM. As a result, in future processes, joint trainings should be provided for all levels of agency staff on the values of cultural landscapes and how they can help integrate traditional ecological knowledge with western biological and ecological data.

Other recommendations for better integrating western biological science with TEK in future planning processes included:

- **Create joint working groups with scientists and tribes and other stakeholders.** Much of the DRECP’s tribal consultation efforts were very separate from the rest of the process. For example, most conversations with tribes happened individually or within the Tribal Leadership Forums. The other venues for stakeholders and scientists to discuss issues were primarily within working groups, the Stakeholder Committee, and the Independent Science Advisory Panels. Interviewees suggested future planning processes should create more venues where tribes, stakeholders, agencies and scientists are able to meet and discuss important topics to the plan. For example, in the Klamath Basin Agreement Planning process in Oregon – they developed joint working groups setup throughout the entirety of the process. Each working group had a separate topic area. Tribes, agencies, and other

stakeholders were then able to choose the individuals on their staff with the expertise in that subject area to participate on the working group. The working groups stayed in place throughout the entirety of the process and into implementation. According to an interviewee, the diversity of expertise on the working groups helped the process gain greater overall consensus on formerly divisive issues, and greater understanding of one another's interests.

- **Involve tribes in long term joint data collection efforts.** Interviewees suggested that tribes should have been employed to participate in long term data collection in the DRECP and before the DRECP started. Tribes are ideally suited to play important roles in long-term monitoring, observation and reporting of local manifestations of climate change because of their permanent ties to place and intimate relationships with the environment and natural resources. Tribal intergenerational experience could help identify and prioritize actions for preparation, adaptation, and mitigation of climate change. In future processes, interviewees recommended tribes be actively involved in conversations about protocol development for surveying, data collection, and long term monitoring. However, many tribes, like in the DRECP, often do not have long term databases or resources documented due to lack of financial and technical expertise. They will likely need financial and technical assistance to fully participate in this level of cultural and natural resources data collection.

*For more information, see Chapter 2- Science and Analysis – Independent Scientific Review Finding #1; Chapter 3 – Stakeholder and Public Engagement: Structuring for Meaningful Engagement Finding #3 and #5; Chapter 4 - Tribal Consultation: Integrating Traditional Ecological Knowledge: Findings #1, #2, and #3.*

## **6. Be dynamic and adapt to new conditions over time.**

Many of the recommendations we received from interviewees revolved around the implementation of the DRECP. Significant concerns focused on making sure the plan that was created from the DRECP process was informed, accessible, adaptive, and management relevant. Each of the following recommendations related to the process “being dynamic and adapting to new conditions over time.”

**Recommendation 1. Seek out alternative funding sources, technical resources, or partnerships that can augment both the planning process’ capacity and assure implementation of the plan.** At this scale, capacity and resource constraints were a major challenge. Establishing an array of alternative funding sources will help the process remain solvent and resilient to political and economic changes over time.

For example, the DRECP obtained significant funding from the Resource Legacy Fund. This allowed them to create a much more extensive collaborative process and be more resilient than they would have otherwise. Additionally, after the DRECP, in 2015, the CEC and the Office of Planning Research performed a “mini DRECP” in the San Joaquin Valley in a little over a year with private funding from the Hewlett Packard Foundation with 30 tribes. This was a successful effort, and would not have happened without the funding obtained by HP.

The REAT agencies also took advantage of relationships with universities. For example, in the DRECP the CEC and the BLM used a partnership with Sacramento State’s Archeological Research Program to develop a sensitivity GIS model that could highlight areas that were biologically or culturally more or less suitable to specific types of development pressures. To develop the analysis, they used interns and university staff to survey ten percent of the Planning Region’s Development Focus Areas, and then extrapolated their analysis out across the landscape. This partnership was augmented by a \$.5 million grant the BLM received. While the sensitivity analysis was not completed at this time of this report – the agencies hope to eventually incorporate it into the DRECP’s Data Basin Tool. According to interviewees, this type of analysis would not have been possible without this key partnership with Sacramento State, nor the grant the BLM received.

To perform a process of this scope, magnitude and temporal scale efficiently, many creative types of funding and resource avenues need to be sought out early in the process, throughout its planning, and especially into its implementation. This was one significant criticism of the DRECP – many did not feel they had assurance that it would be implemented, nor felt that sufficient financial and staff resources are available to ensure its implementation. In future processes we recommend more resource opportunities, like the ones used in the DRECP and others, be both identified and utilized. These could include foundation grants, public-private partnerships, private donors, corporate sponsorships, joint federal-state funding commitments, impact investments, partnerships with universities or nonprofits, among others. A variety of creative funding options can be found in the table below (*Potential creative funding options for a plan’s implementation*) – many of these relate to possible innovative ways to fund implementation of a plan after the planning process has been completed.

***For more information, see Chapter 1 – Governance Structure: Resources Finding #1 and #2; Chapter 2- Science and Analysis – Making Science Based Decisions Finding # 3; Chapter 3 – Stakeholder and Public Engagement: Structuring for Meaningful***



***Engagement Finding #3; Chapter 4 – Tribal Consultation: Acknowledging Tribal Sovereignty Finding # 5 and Integrating Traditional Ecological Resources Finding #2.***

**Potential creative funding options for a plan's implementation.**

**Corporate Partnerships and Sponsorships.** Conservation organizations throughout the country are developing partnerships with industry, utility companies, and corporations to help fund their conservation programs. Many companies and corporations are increasingly recognizing that investments in conservation helps protect their business assets, mitigates risks, creates opportunities, and helps their shareholders and consumers visibly see how they are giving back to the community and the environment. For example, in 2013 Sally Jewell, the Secretary of the DOI, announced the first major private funding commitment by American Eagle Outfitters and Camelback to support the 21st Century Conservation Services Corps dedicated to restoration of public lands. The Trust for Public Land recently announced a large partnership with Coca Cola. Another way many organizations and agencies have forged partnerships with the private sector is by working with local utility companies. An advantage of working with utilities is their ability to finance activities, including land purchases, by increasing their user charges.

**Oil and Gas Taxes.** In some states, taxes are levied on the production, or severance, of oil and gas extraction, and in most states those revenues are then placed into the general fund. Several states, however, have utilized more creative revenue allocations by depositing a proportion of these funds toward environmental trust funds that address documented environmental externalities. A primary example of this is the Michigan Natural Resources Trust Fund. The Fund requires that revenues for oil, gas, and other mineral leasing on state-owned lands be placed in a trust fund, with proceeds used for land acquisitions and land development projects. Each year the amount available for project grants and program administration is determined by combining 1/3 of the annual leasing revenues with interest from the trust fund account. Board members of the trust oversee, review, and distribute grants for local governments to carry out acquisitions and development. The funds presently go into a trust fund or a "public park endowment." A similar type of process could be setup for renewable energy development.

**Funding from Mitigation and Supplemental Environmental Projects (SEPs) to create a management or implementation body or nonprofit.** Most federal and state actions against businesses, companies or individuals for failure to comply with environmental regulations and laws are resolved through settlement agreements. As part of a settlement the company or group that has performed the violation may voluntarily agree to undertake an environmentally beneficial project that is somehow related to the violation in exchange for mitigation of the penalty to be paid. This is often how many organizations were originally created, or how they have received large influxes of funding to start new initiatives or programs. For example, the Great Lakes Fishery Trust was created in 1996 as a result of a settlement from Consumers Power Company and the Detroit Edison Company regarding damage to fish and wildlife near a utility facility. The settlement allowed the Trust to gain ownership of 10,000 acres of land acquired from the settlement and invest the revenue in a long-term grant program that funds restoration and research projects. Since its creation, the Trust has distributed over \$50 million in grants. These grants have been administered to nonprofit organizations, governments, tribes, and academic institutions.

**Other options.** A few examples of other funding options include (1) working with the state legislature to pass a bond with funds dedicated to project implementation (2) applying for federal capacity grants (the U.S. Forest Service and the Environmental Protection Agency's Great Lakes Restoration Initiative are two sources of funding that have helped get initiatives like this off the ground in the past) and (3) creative taxes (some states have used tobacco trust fund settlements or tobacco product taxes to help fund state parks. In Arizona, these sources have been marked for health and youth programs. A cigarette tax passed in Texas helps support state and local parks.

**Recommendation 2. Establish multiple mechanisms that help lead agencies, stakeholders, and tribes remain involved in the planning process and committed to moving the process forward.**

Interviewees often cited disparities between the technical and financial capacity of different stakeholders and agencies to equally participate in the DRECP. As a result, according to interviews, certain groups were able to have more influence over the process' outcomes than others. The DRECP employed a number of strategies to deal with these disparities – and interviewees also suggested other mechanisms to create more equitable opportunities for involvement:

- **Early financial mechanisms.** In the DRECP many of the environmental NGO's were said to have a strong influence over the process because they had significant expertise from previous planning process, dedicated staff, and experience navigating political relationships. Other groups like the OHV community, counties, and tribes often did not have as much experience or resources they could dedicate to the effort. However, when provided, financial resources like the conservation grants provided to counties by the CEC, or the GIS experts offered to the tribes by the BLM – the groups were able to more fully participate and update their local laws and policies to align with the DRECP process. Unfortunately, many of these resources were provided late in the process. In future processes, grants and fund matching should be provided early and throughout the development and implementation of a plan to enable important stakeholders with fewer resources to participate. For example, for tribes, interviewees suggested paying tribal members in the monitoring and implementation process as if they were consultants.
- **Leadership over work products and location of meetings.** The DRECP found where meetings take place or who has authority over an aspect of the process is very important for creating buy-in and commitment. To create this buy in, in future processes, the lead agencies or organizations could rotate leadership and meeting locations to create ownership and a sense of responsibility among those involved. Leadership can be as simple as giving a group of stakeholders responsibility for developing work products that inform plan development, or facilitation of a meeting. It also can include assurances that work created by a group will be incorporated into the plan – something interviewees suggested was not often guaranteed in the DRECP.
- **Legal commitment (e.g. MOUs, programmatic agreements or cooperative management):** The DRECP most often suffered when legal clarity and authority was left ambiguous or obtuse. In order to ensure all parties agree to and understand commitments to collaborate with one another in a process, it is often best to memorialize these within legal documents such as an MOU or programmatic agreement. For example, in order to get the CEC's planning grants, the counties had to sign an MOU to collaborate in the process – the REAT agencies similarly signed multiple MOU's to affirm their commitments. For tribes, the Section 106 Programmatic Agreement helped provide legal clarity. However, interviewees further suggested tribes need longer term legal commitments with federal and state agencies – agreements that do not only focus on a particular process like the DRECP. Mechanisms like a cooperative management agreement or other ways to create an institutionalized relationship with tribes should be utilized. This type of long-term relationship with tribes helps address the idea expressed during our interviews with tribes that the agencies “only come to the tribes when they want something.” Cooperative management still allows agencies to maintain sovereignty, but provides structure for tribes and others to take an active role in decision making over time if they choose to do so. A collaborative management

relationship further helps relationships with tribes withstand turnover in tribal and agency leadership – a continual challenge throughout the DRECP’s tribal consultation process.

- **Secured funding for all agencies that are meant to be collaborating so they may remain engaged throughout the entire process.** Inequities in capacity also existed between agencies – for example, one of the biggest challenges for the DRECP was when the CDFW lost funding to continue its role in the process. Great care should be taken to make sure all lead agencies have secured funding throughout the process. To ensure this, there needs to be a funding mechanism across agencies, instead of each agency separately funding the process – like was employed in the DRECP. We recommend from the start of the process having a solid joint federal-state funding mechanism. This would include equal commitment from the federal and state level to get agencies to participate, and to ensure agencies have staff solidly throughout the process. This funding also should include funding for local governments. Doing this would greatly increase the likelihood of quality participation by local governments not only during the stakeholder engagement process but with their own planning processes. Time should be allotted to look for existing mechanisms by which local governments can receive planning grants.

*For more information, see Chapter 1 – Governance Structure: Resources Finding #1 and #2; Chapter 3 – Stakeholder and Public Engagement: Structuring for Meaningful Engagement Finding #3; Chapter 4 – Tribal Consultation: Acknowledging Tribal Sovereignty Finding # 5.*

**Recommendation 3. Agencies should find ways to create checkpoints in the process.** In comparison to project-by-project planning, the quantity and complexity of information increases significantly at the landscape scale. This makes it very difficult for agencies as well as outside parties to keep track of everything that is happening and understand how it all fits together. The typical legally required structure for review of draft materials is not commensurate with this amount of information and prevents process participants from providing informed commentary. Many suggested the agencies use strategies that “broke” the process down would be help improve understanding around complex elements of the planning process:

- **Single-Issue Meetings, Workshops, and Webinars.** Focusing public and stakeholder meetings on single issues can help clarify important aspects of the plan. As one stakeholder recommended, “I would suggest that when there are big key thematic issues like conservation strategies, permitting process, to try to think about ways to have either webinars or meetings where you walk through the process as simply as possible.” These targeted sessions can also provide agencies with more detailed feedback on difficult decisions.
- **Subject-Specific Working Groups.** The REAT agencies used subject-specific working groups in the DRECP as a part of the Stakeholder Committee process. Many interviewees noted that the Stakeholder Committee working groups were very beneficial because they allowed for people to focus on a more manageable amount of material at any given point in time. This makes the overall process more efficient by acting as a filter that refines management ideas before a larger group considers them. Working groups like these also allow stakeholders to become more centrally involved in decision-making and plan development, which can increase ownership over the process. Having multi-disciplinary membership also builds trust in the plan’s content since ideas and products are developed

with input from representatives of different interests. However, not all of the working groups for the DRECP were equally effective either because of their focus or their structure. In future planning processes, allowing stakeholders and agencies to jointly determine which subjects the working groups should form around as well as clearly defining the goals and objectives of each group would help make them more successful. Like an agency representative described, “Working groups are most effective when there is a very concrete outcome they are trying to get to that is reasonably manageable in a short time frame and a reasonable set of questions . . . and, your stakeholder team needs to be closely involved with every single working group.”

- **Interim Drafts.** Providing opportunities for outside parties to see drafts the plan can build a common understanding in the process by not only giving stakeholders and the public a better sense of what the final plan will look like, but also allowing them to see how – and why – things change incrementally along the way. In 2012 the REAT agencies released the December Document, which was an initial draft of potential land designations and management actions that would be further analyzed in the draft DRECP. Releasing this interim went above and beyond what is required by law for public review and provided agencies with valuable input on the strategic direction of the plan. Though time-consuming to create, many thought utilizing draft documents at regular intervals throughout the process would allow the agencies to vet particular ideas and reduce pushback from stakeholders and the public by eliminating surprises in the final document. In particular, one agency official suggested, “What would have been a nice addition would have been to put out - maybe after a pre-draft before the final draft – the CMAs and have some level of stakeholder negotiation over that sort of thing because that kind of vetting over certain details had nothing to do with how many acres to plan for and everything to do with how well certain aspects of the plan would work.”
- **Well documented trigger points to allow for adjustment through changes.** Many tensions arise between agencies, tribes, stakeholders, and local communities over differences in expectations for planning and implementation. This was a challenge the DRECP encountered when operating at this scale – particularly because the process was changing and adapting over time. For example, many stakeholders felt as if the REAT agencies provided assurances about renewable energy development, recreation, and other uses that did not end up reflected in the draft DRECP. Pre-determining points in time to check back in throughout planning and implementation with process managers and participants can help keep everyone on the same page and on track. At these points, key successes and shortcomings of the process can be identified. Additionally, any necessary course-corrections can be made and, most importantly, clearly communicated among agencies and other partners in the process reducing the likelihood of conflicts over divergent expectations.
- **Perform independent analysis and spend funds on reflection, evaluation, and monitoring.** The DRECP was new and there were very few case studies to work from that showed how to plan at this scale. Too often these processes come and go, and rarely are the lessons learned captured and reflected/incorporated back into the groups in the process. We recommend institutionalizing this type of evaluation and then recording its lessons learned (see “*Cultivating collaboration at multiple levels,*” Recommendation #5). Partnerships with universities could be helpful for undergoing the evaluation, and perhaps housing the lessons

learned gleaned from it. However, the analysis should be performed early enough in the process so that those involved can still recall important facts.

***For more information, see Chapter 3 – Stakeholder and Public Engagement: Structuring for Meaningful Engagement Findings #4 and #5; Chapter 2 – Science and Analysis: Making Science Based Decisions Finding #1; Chapter 4 – Tribal Consultation: Acknowledging Tribal Sovereignty Finding #3 and Getting Tribes to the Table Finding #4.***

**Recommendation 4. Processes should clearly outline a mechanism for recognizing and involving new interests as the plan develops.** Most successful collaborative planning processes are inclusive of many different interests. Providing open access is important, but it is vital to make sure that key stakeholders, tribes, and decision-makers are represented. The DRECP Stakeholder Committee was an effective strategy for ensuring these interests were active participants in the process. However, ensuring representation of all of the affected parties across a landscape is impossible. It is even more difficult to be representative when the process evolves over time as the DRECP did.

Outlining a mechanism for recognizing and involving new interests gives the process a degree of flexibility that creates a greater sense of inclusiveness. Like an agency representative explained, “The problem with having a handpicked stakeholder group is that the people who are not on it can feel excluded. It is important to have a way to get on it ... so there’s not just a sense that something is being cooked up behind closed doors.” And, the ability to respond to changing process dynamics helps agencies make sure the process remains representative as the scope shifts and expands.

The DRECP defined a process for groups to solicit membership on the Stakeholder Committee. This proved to be beneficial to the process helping certain groups get seats at the table when they were not originally identified as major stakeholders. For instance, the off-highway vehicle community leveraged this process and was awarded two places on the Stakeholder Committee. Emphasizing well-established procedures for seeking representation and jointly determined criteria for approving membership on official advisory committees in future landscape-scale planning initiatives can help agencies create a truly inclusive process.

***For more information, see Chapter 3 – Stakeholder and Public Engagement: Structuring for Meaningful Engagement Finding #1.***

**Recommendation 5. Incorporate future environmental and economic scenarios and conditions into the planning process using an adaptive management plan with clearly defined trigger points.** The draft DRECP contained an adaptive management plan based on an adaptive management framework. This included information for the covered species on how to manage their conservation as well as how the future of California will unfold environmentally and biologically. Partnered with the climate console in the DRECP Gateway, the adaptive management plan showed that the planning region will continue to become warmer and drier.

Based on the feedback from multiple interviewees regarding the lack of a robust adaptive management plan, we recommend adding trigger points and to being monitoring earlier on in the process. We heard specific recommendations around the potential inadequacies of the DRECP’s adaptive management plan and that significant time should be spent making sure it has key trigger points. Trigger points are pre-defined and pre-determined points that will cause the plan to be revisited or lead to a change in management practices. These trigger points are to help land managers

understand when the plan needs to adapt or adjust to changing social, cultural, economic, and ecological conditions over time.

Future environmental and economic scenarios, data and models can be used to predict futuristic trends so that habitats and corridors will be conserved. An approach called scenario planning could be used in future processes to create the draft plan and the alternatives. It also presents a better picture of the potential impact of future alternatives and uses layman's terms for explanations of alternatives.

Additionally, we recommend beginning monitoring as early on in the planning process as possible to allow for a BACI analysis. This Before-and-After Control-Impact study allows land managers to determine the initial conditions of the planning region prior to any development or conservation and to monitor changes as development occurs.

***For more information, see Chapter 2 – Science and Analysis: Making Science Based Decisions Finding #1 and #4.***

**Recommendation 6. Create mitigation toolbox or regional framework that highlights best management practices or potential mitigation strategies that can be implemented at the local scale.** Significant confusion existed around regional mitigation for ecological and cultural resources in the DRECP. Many did not understand what regional mitigation was or what it could look like at the local level. Counties and tribes often had very different ideas from the REAT agencies about what kind of mitigation should result from a renewable energy project. Some counties thought mitigation should be dedicated to restoration of public lands for recreational purposes – while many others suggested it primarily be used to connect lands to create interconnected wildlife corridors. Some agency representatives suggested mitigation dollars be dedicated to individual cultural resources or artifact protection - but tribes thought this was a dated viewpoint - often wanting it for educational scholarships, development of health systems, language programs, education, community centers, museums, housing, and other development investments.

In future processes, many interviewees suggested creating a “regional mitigation” toolbox. The toolbox would include examples of the spectrum of options for regional mitigation and its ecological and conservation benefits, in addition to its social and economic benefits for counties, private land managers, and tribes.

A toolbox could provide assurance and upfront certainty for all parties involved about what specific steps need to be completed in order to go through with a proposed renewable energy project. For example, by creating an overarching mitigation framework or toolbox – it would provide certainty for agencies, scientific experts, and others about how different mitigation dollars could be used across the landscape. At the same time, by providing them in a toolbox, it creates flexibility for those on smaller geographic scales, like counties or tribal communities, to determine how the mitigation dollars will be used at the local level.

However, significant disagreement existed between interviewees about how mitigation dollars should be spent. Many suggested they be allocated on a regional basis. In other words, the cumulative mitigation dollars that result from projects across the region should be managed by a region or plan-wide committee. The committee would determine where across the region the dollars should be spent, regardless of where renewable energy projects were constructed. This would result in larger,

more connected areas of protected land across the region. A description of the proposed cumulative impact mitigation fee for cultural and tribal resources in the DRECP can be found in the table below. It provides an example for what regional distribution of mitigation dollars could look like.

**DRECP’s Proposed Cumulative Impact Cultural Mitigation Fee.** The DRECP created one of the first cumulative impact cultural resources mitigation fees. An interviewee called this “one of the greatest outcomes from the DRECP process.” The proposed mitigation fee would address cumulative impacts and indirect adverse impacts to historic and cultural properties and resources made by renewable energy projects across the DRECP’s planning area. The mitigation fee would be calculated in a manner that is commensurate to the size and regional impacts of the projects. A committee at the regional scale comprised of tribal representatives from the region would establish how the compensatory mitigation fees be used – and the funds would be allocated across in the region in the highest need areas. Interviewees suggested that the individual mitigation efforts across the region could include (1) regional research to address gaps in knowledge or address synthesis of regional data (2) education, training, interpreting and outreach regarding cultural resources (3) maintenance/retention of social and cultural heritage values of people in the planning region or (4) acquisitions of additional land to be brought into federal conservation due to important cultural values. Again, this is the proposed cultural mitigation fee in the DRECP – and is thought to be “revolutionary”, but many of the tribes do not like mitigation being done at the landscape-scale – and would rather impacts be accounted for on a project-by-project basis.

Other interviewees suggested the mitigation dollars be spent in the same geographic area where the projects were built. And that those most affected by the project jointly determine how and where the mitigation dollars be spent. In other words, “they bear the brunt of the impacts from the project and should reap the benefits.”

This was a highly controversial issue. Some interviewees suggested that cultural and economic mitigation be treated differently from natural resource mitigation. Cultural and economic mitigation should be determined at the local level – while natural resource mitigation be left to the regional scale. However, there is no definitive answer that arose from the DRECP – and our main recommendation is that regional mitigation - and how it will be implemented at both the regional scale and local scales - be a topic that is discussed in great detail and at multiple levels early and various stages throughout future landscape planning processes. Mitigation can be used as a motivating driver to encourage certain actors to participate in a process – but they first must understand how it can benefit them.

*For more information, see Chapter 2 – Science and Analysis: Data Collection and Analysis Finding #4; Chapter 4 – Tribal Consultation: Integrating Traditional Ecological Knowledge Finding # 3 and Getting Tribes to the Table Finding #3.*

Working at the Landscape Scale:  
Lessons from the Desert Renewable Energy Conservation Planning Process



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<sup>5</sup> Land Use and Policies and BLM Land Designations

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201	<a href="http://www.drecp.org/counties/factsheets/Inyo_county.pdf">http://www.drecp.org/counties/factsheets/Inyo_county.pdf</a>
202	Interview

- <sup>203</sup> Interview
- <sup>204</sup> <https://nwllc.confex.com/nwllc/2014/webprogram/Session1158.html>
- <sup>205</sup> E.O. 13175; NHPA; NAGPRA; NEPA
- <sup>206</sup> Tribal Consultation Literature Review
- <sup>207</sup> Tribal Consultation Literature Review
- <sup>208</sup> CEQA
- <sup>209</sup> Obama Administration's the American Recovery and Reinvestment Act (ARRA). ARRA provided \$90 billion in incentives for renewable energy development through tax incentives, block grants, low interest loans, and infrastructure funds. The combination of the new time-sensitive incentives for developers, and the policy objectives from the state and federal government resulted in a "madhouse of [renewable energy] applications for permits to build projects," -- more commonly referred to as "the fast track projects."
- <sup>210</sup> Interview
- <sup>211</sup> E.O
- <sup>212</sup> Interview
- <sup>213</sup> Public Comment Letters; Interview;  
[http://solareis.anl.gov/documents/docs/comments/supplement/Solar\\_supp\\_20136-20139.pdf](http://solareis.anl.gov/documents/docs/comments/supplement/Solar_supp_20136-20139.pdf)
- <sup>214</sup> [http://www.drecp.org/draftdrecp/files/f\\_Volume\\_V/V\\_Consultation-Coordination.pdf](http://www.drecp.org/draftdrecp/files/f_Volume_V/V_Consultation-Coordination.pdf)
- <sup>215</sup> [http://www.drecp.org/draftdrecp/files/f\\_Volume\\_V/V\\_Consultation-Coordination.pdf](http://www.drecp.org/draftdrecp/files/f_Volume_V/V_Consultation-Coordination.pdf)
- <sup>216</sup> Interview
- <sup>217</sup> The document provided an overall description of the affected environment and the existing environmental conditions in the DRECP planning area, an overview of some of the possible project alternatives, and an initial analysis of the potential impacts of the various alternatives.
- <sup>218</sup> [http://www.blm.gov/style/medialib/blm/ca/pdf/cdd/upcoming\\_dac\\_meeting.Par.80319.File.tmp/ECFO\\_DACReport120713.pdf](http://www.blm.gov/style/medialib/blm/ca/pdf/cdd/upcoming_dac_meeting.Par.80319.File.tmp/ECFO_DACReport120713.pdf)
- <sup>219</sup> Interview
- <sup>220</sup> Interview
- <sup>221</sup> Interview; Programmatic Agreement; Draft EIR/EIS
- <sup>222</sup> Tribal Consultation Literature Review
- <sup>223</sup> Routel and Holth 2013; Alexander 2012
- <sup>224</sup> Tribal Consultation Literature Review
- <sup>225</sup> Tribal Consultation Literature Review
- <sup>226</sup> Tribal Consultation Literature Review
- <sup>227</sup> Interview
- <sup>228</sup> Tribal Consultation Literature Review
- <sup>229</sup> [http://www.drecp.org/finaldrecp/pdf\\_files/Appendices/Appendix\\_V\\_Government-to-Government\\_Coordination.pdf](http://www.drecp.org/finaldrecp/pdf_files/Appendices/Appendix_V_Government-to-Government_Coordination.pdf)
- <sup>230</sup> [http://www.drecp.org/draftdrecp/files/Appendix\\_T\\_Scoping\\_Report.pdf](http://www.drecp.org/draftdrecp/files/Appendix_T_Scoping_Report.pdf)
- <sup>231</sup> Interview
- <sup>232</sup> Tribal Consultation Literature Review
- <sup>233</sup> [http://www.drecp.org/draftdrecp/files/d\\_Volume\\_III/III.09\\_Native\\_American\\_Interests.pdf](http://www.drecp.org/draftdrecp/files/d_Volume_III/III.09_Native_American_Interests.pdf) (page 17)
- <sup>234</sup> <http://www.morongonation.org/>
- <sup>235</sup> [http://www.drecp.org/draftdrecp/comments/San\\_Manuel\\_Band\\_of\\_Mission\\_Indians\\_comments\\_2015-03-10\\_late.pdf](http://www.drecp.org/draftdrecp/comments/San_Manuel_Band_of_Mission_Indians_comments_2015-03-10_late.pdf)

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238 CDCA Plan Native American Element  
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262 Interview  
263 Interview; DRECP Public Comments  
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322 Interview  
323 Interview



<sup>324</sup> Interview

