

D I A L O G U E

Working Landscapes: The Future of Land Use Policy?

The history of land use in the American West has traditionally been one of conflict, but the divisive relationships between ranchers, foresters, land management agencies, recreational users, and conservationists are transforming. Grassroots coalitions have developed among unlikely allies. Together, they are advocating for management approaches that incorporate local knowledge, community needs, and sound environmental stewardship. This “collaborative conservation” is especially appropriate for promoting the conservation of working forests and rangelands, which are critical for maintaining the ecological and economic health of rural communities and landscapes in the American West. Recognizing this revolution in land management, a group of scholars, agency staff, landowners and managers, and leaders of community-based conservation groups compiled case studies, thoughtful observations, and policy recommendations in a new book, *Stitching the West Back Together*. On December 8, 2014, the editors of the book and stakeholder group representatives convened at an Environmental Law Institute seminar to provide a dynamic overview of the issues. Below we present a transcript of the event, which has been edited for style, clarity, and space considerations.

Marc Miller (moderator) is Dean & Professor of Law, University of Arizona College of Law, and Editor of the University of Chicago Press series *Summits: Environmental Science, Law, & Policy*.

Thomas E. Sheridan, Ph.D., is a Research Anthropologist & Professor, University of Arizona, and Editor of *Stitching the West Back Together*.

Susan Charnley, Ph.D., is a Research Social Scientist with the U.S. Forest Service, and Editor of *Stitching the West Back Together*.

Christy Plumer was Director of the Federal Lands Program at The Nature Conservancy.

Jim Lyons is Deputy Assistant Secretary for Land and Minerals Management at the U.S. Department of the Interior.

Tom Martin is President and CEO of the American Forest Foundation.

Marc Miller: The idea for today’s Dialogue came out of a book, *Stitching the West Back Together: Conservation of Working Landscapes*.¹ Two of the three editors of that book are here with us on the panel. Let me briefly introduce everyone. Thomas Sheridan is a distinguished historian very well-known in Arizona for a wide range of work, including *Arizona: A History*, the best one-volume history of the state; and an active, involved citizen in his local community, the Altar Valley, as well as throughout the state. Another editor, Susan Charnley, is a research social scientist with the U.S. Forest Service. Together with Gary Nabhan, Tom and Susan proposed this volume based on their longstanding study of working landscapes, both forest and ranching.

Christy Plumer is director of the federal lands program at The Nature Conservancy, and a registered lobbyist for the organization, with extensive experience on Capitol Hill. Her background is in environmental studies. Jim Lyons is Deputy Assistant Secretary for Land and Minerals Management at the U.S. Department of the Interior (DOI). Jim’s background is in forestry and environmental studies. Tom Martin is president and CEO of the American Forest Foundation. He is the lawyer on the panel, and as a law school dean, that makes me happy. One of the questions I’d like to raise after the panelists’ presentations is to what extent law is either a barrier to or a potential enabler of the kind of collaborative conservation that’s discussed in the book. Let’s begin with Susan’s presentation.

Susan Charnley: What I would like to do is give an overview of some of the key themes and key lessons learned from the book. The core question is how we can conserve working forests and rangelands in the American West in order to promote their economic and ecological health. Sustainable working forests and rangelands are critical for the conservation of biodiversity in the West. They’re critical for maintaining the ecological integrity of our western landscapes and for contributing to the well-being of rural people whose livelihoods depend on well-functioning forests and rangelands.

What do we mean by the term working landscapes? We mean places where people have relationships with the environment that revolve around work. These are places where

1. STITCHING THE WEST BACK TOGETHER: CONSERVATION OF WORKING LANDSCAPES (Susan Charnley et al. eds., 2014), available at <http://press.uchicago.edu/ucp/books/book/chicago/S/bo18508638.html>.

people engage in natural resource extraction, and by doing that, they turn resources into products that most of us use. The book focuses on forestry and ranching.

So, what's the problem? Why do we need to ask the question of how to better promote working landscape conservation? The answer is that there are a number of trends in the West that are undermining the viability of these working landscapes. With respect to private lands, we've seen trends over the past several decades where working forests and rangelands are being converted to other land uses, to development that takes them out of production. We've also seen increasing fragmentation of these landscapes into low-density development that has a lot of undesirable ecological and economic implications.

With respect to public lands, we've seen a real decline in extractive uses. For example, in the Northwest, where I'm from, over the past two decades, we've had about a 50% reduction in timber production, most of which occurred on federal lands. We've also seen declines in permitted livestock use on public lands. And in the 11 western states overall, about 50% of the land base is federal, so this has major implications for people whose livelihoods depend on these uses.

Additionally, because of the way land ownership has developed historically in the West, we have a situation today of mixed land ownership within many watersheds and landscapes, and that can create ecological fragmentation that makes it difficult to manage these landscapes as healthy ecological wholes.

Finally, over the past few decades, there has been a history of acrimony concerning the management of these wide-open spaces, with people who have environmental interests combating people who have more economic interests. More recently, people are beginning to realize that these kinds of interests are not mutually exclusive, but nonetheless, there is a history of acrimony. Our concept for the book was to overcome some of the social and ecological divisiveness that western land use historically has experienced. We're looking at collaborative conservation efforts whereby people with diverse interests come together to figure out how to manage the land in ways that will achieve mutual social, economic, and ecological objectives.

Tom Sheridan and I, as researchers, could go out and research good solutions to these problems ourselves. But we decided instead to try to bring together the people who are really the experts on how to go about working landscape conservation. We call these people conservation entrepreneurs. There are many people who, in their own local areas, are involved in collaborative conservation efforts to address the problem and conserve working forests and rangelands using a variety of inspiring strategies. We asked them to come together and tell their stories. We captured their stories in the book that we now want to share because I think those stories have policy implications.

Let me mention a few major themes that emerge from this book. The first is that public, private, and tribal lands in the West are quite interdependent from both

economic and ecological standpoints. What happens on public land affects what happens on private lands, and vice versa. So, you really have to address these issues across land ownerships.

A second theme that emerges is that conservation is really a process. It happens through trial and error. It takes a long time. And there's no silver bullet, no single solution that works in one place and therefore can be expected to succeed everywhere else. Instead, conservation is a process where strategies are developed appropriate to the social and ecological context in which they apply.

A third theme is that working landscape conservation must make sense financially. This is one of the biggest challenges because one of the key reasons that these lands are being converted to development is because some ranchers and private forest owners simply can't make it work financially to stay on their lands and continue to earn a living there. Conservation does, or potentially could, require a lot of money. Where is that money supposed to come from? Figuring out creative ways to put together the financial resources to engage in conservation of these lands is a critical challenge.

I want to summarize one of the case studies from the book because I think it does a good job of illustrating key lessons learned that we identified in the process of putting the book together. This case study comes from the Swan Valley in Montana, which covers about 440,000 acres. A land ownership map shows a checkerboard pattern of what were historically lands owned by Plum Creek Timber Co., Inc., and Forest Service land. These lands are adjacent to Glacier National Park and are part of the Crown of the Continent Ecosystem, one of the least-fragmented landscapes on the planet. Although many western landscapes are not characterized by a land ownership checkerboard that looks like this, many of them do have mixed ownerships within watersheds that present comparable challenges.

What happened in this case was that, in 1997, Plum Creek decided to start selling off some of the company's 80,000 acres in the Swan Valley for real estate development. Why did they decide to do that? Because over the preceding 10 years, land prices escalated in the Swan Valley from about \$500 an acre to about \$5,000 an acre. So, they figured they could make more money by selling land for real estate development than they could by continuing to engage in harvesting and manufacturing the timber growing there. They identified 2,500 acres that they were going to put up for sale.

A group of local residents identified this as a problem, in part because of the checkerboard pattern of ownership and potential ecological effects on public lands, but also because a number of people in the Swan Valley make their living in the timber industry, and sales for real estate development could potentially have an impact on them. The first thing the collaborative considered was the possibility of a land acquisition strategy, and they looked at ways to purchase the 2,500 acres outright.

Over the course of three years, working with the Trust for Public Land, a nonprofit organization, the group was able to do so for \$13 million. The funding came from the federal Land and Water Conservation Fund, made up of royalties from energy companies that pay into the conservation fund as a way to mitigate the impacts of oil and gas development on the outer continental shelf. The 2,500-acre parcel was then transferred to the Flathead National Forest, so that was a conservation victory.

However, a few years later, Plum Creek announced that they would sell 20,000 acres in the Swan Valley for real estate development, so back to the drawing board. This time a local group that formed to try to find a solution suggested the Forest Service perform a land exchange: of all 80,000 acres of Plum Creek lands in the Swan Valley for public timberlands elsewhere in the state of Montana that could be given to Plum Creek to solve the problem. But it was impossible to do that. They couldn't reach agreement, and environmental groups did not buy into that plan.

The next suggestion was to put a conservation easement on Plum Creek lands, purchasing the development rights to the land even if the land itself couldn't be purchased. But after a few years of negotiating to try to make that work, Plum Creek rejected the proposal because they could get so much more money by selling the land for development than they could by selling conservation easements. They did finally agree to sell a conservation easement on about 7,200 acres of their land located inside state forestland that wasn't as valuable to them. The money for this came from the Forest Legacy Program, a program administered by the Forest Service for purchasing conservation easements. But that didn't solve the larger problem.

The next idea the local group came up with was to acquire Plum Creek lands and create a community forest from them that would be managed by the residents of the community in the interest of the larger community. There are two strategies that could have been used for turning this land into a community forest. But the chief obstacle was that there was no legal framework for making the plan happen. Community forest bonds couldn't be issued at the local level because there was no enabling authority to do that. Special legislation would have been required to raise funds to purchase those lands. The proposal didn't seem workable, and Plum Creek declined to support it. Eventually, the local group was able to find other sources of funding to create a small community forest on private and tribal lands, which is being expanded. But, again, that small step didn't solve the problem.

What about land use planning? Well, the collaborative thought about trying to work with counties to undertake a land use planning and zoning initiative that would prevent or mitigate some of the impacts of this development. But that didn't work because it was quite impractical. There were two counties involved. Land use planning is highly contentious in many western counties, and planning and zoning initiatives take a long time. Land was beginning to be sold at too fast a rate to make the suggestion practical.

So, then the local group returned to the idea they had started with: land acquisition. They realized it would have to be done on a large scale to be successful, so over the next five years, they developed what was called the Montana Legacy Project. They worked with The Nature Conservancy and the Trust for Public Land, among other groups to negotiate with Plum Creek. The result was the largest land conservation deal in U.S. history, at least up to that point. A total of 310,000 acres of Plum Creek timberlands were purchased throughout the state, including most of their lands in the Swan Valley. These lands have been, for the most part, transferred to management by federal and state agencies. Making this happen required special legislation at both the national and state levels. So, it was a long process, but they finally succeeded in erasing the checkerboard pattern of land ownership and turning Plum Creek timberlands into conservation lands.

I think this story illustrates a number of key characteristics of successful working landscape conservation strategies. One common characteristic is the presence of a group of local people who have a long-term vision for what they want their region to be like in the future. They have a real commitment to the process of conservation, to thinking about the process that is necessary to make their vision become a reality, and have a long-term commitment to the places where they live.

Another common characteristic of successful strategies is that they entail a lot of innovation, experimentation, and flexibility in terms of devising creative approaches to achieve the conservation goal. Persistence is important. The local group tried one approach; it didn't work. So, they tried the next approach. When that didn't work, they brainstormed something new. They tried out a lot of different tools and approaches for conservation over time. They were persistent even when things didn't look hopeful. Multiple conservation tools and strategies are key. To some degree, the local Swan Valley collaborative felt constrained by the lack of available tools, the lack of enabling legislation, that would help them to achieve the kinds of things they were trying to do.

Another common characteristic of successful conservation strategies is the ability to combine multiple funding sources. Funding came from private organizations; from different federal sources; from a variety of sources. A lot of the stories in the book are similar in that people were able to patch together resources from a variety of places to reach their conservation goal.

A theme that didn't really emerge from the Plum Creek story, but did emerge from many other stories, is the importance of diversification. This is particularly true where large private landowners are involved. They really have to diversify the revenue streams that they can get from their land by producing a variety of goods and services in order to stay in business. So, diversification is important for making these strategies viable.

Finally, we found in the Swan Valley case, and in many of the other cases, that the local folks were able to build

alliances with other people at both the state and national levels to gain access to resources, to gain support for their conservation efforts. These strategic alliances were really critical to helping them achieve success. And I think the key to creating those alliances is that they build on local visions and local efforts that are defined locally from the ground up.

These are some of the key observations that we came away with from this book. I want to turn the discussion over to Tom Sheridan, who's going to talk about some of his experiences being involved in one of these local community-based conservation collaboratives in their efforts to achieve working landscape conservation.

Thomas Sheridan: I first got interested in the political ecology of ranching south of the international U.S.-Mexico border while I was doing research in northern Sonora. One of the things I learned was that in arid and semi-arid lands, the most critical resource is large amounts of land: 30,000, 40,000, 50,000, 100,000 acres. Ranchers get that access in very different ways on different sides of the border.

In the United States, for most working ranchers, even though the lands are bought, sold, mortgaged, and managed as an economic unit, they really are a mosaic of different land tenures. My friend Dennis Moroney's 47 Ranch in southeastern Arizona consists of a little bit of private land, some Bureau of Land Management (BLM) land, and a lot of state trust land. That means that when he's making his decisions about, for example, how many head of cattle to run, he has to consult with both the Arizona State Land Department and BLM because he holds grazing leases and grazing allotments from both of those agencies. That private-public lands nexus, which is absolutely critical for almost all ranchers in the West, is where some of the political problems came from. There are many different stakeholders, many different interest groups who want to see their own visions of public lands achieved in the West.

When I first got involved in these issues in the 1990s, it was a particularly confrontational era where you had ranchers and environmentalists often squared off against one another. In fact, one of our members of the Altar Valley Conservation Alliance ended up suing and winning a case against the Center for Biological Diversity, an NGO [nongovernmental organization], for malicious libel. The situation involved a tremendous amount of polemics, paranoia, and confrontation. So, a lot of things weren't getting done on the ground, which is where meaningful conservation actually takes place.

That led to a counterreaction: the emergence of numerous grassroots collaborative conservation groups across the West, often organized by watershed, that rancher Bill McDonald of the Malpai Borderlands Group calls the "radical center." One of the things that these groups want to do, in a sense, is to realize John Wesley Powell's vision of how the arid West should have been organized, and that's organization by watershed.

I first got involved while I was at the University of Arizona's Udall Center for Studies in Public Policy when The Nature Conservancy came to the Udall Center (which had an environmental conflict resolution problem) and said, "We've gotten off on the wrong foot with the ranching community. Can you help us reestablish good relations with it?" That reaching-out resulted in the statewide forum that we call the Arizona Common Ground Roundtable. (I'm also involved in a number of different conservation issues, including the Sonoran Desert Conservation Plan launched by Pima County, which is one of the most ambitious and progressive land use plans in the country. But I'm not going to talk about that today.)

I want to concentrate on my experience with the Altar Valley Conservation Alliance, created in 1995 when the nine major valley ranchers formed an alliance in part to provide ranchers with a common voice in the political land struggles. They want to promote conservation, but conservation through healthy working landscapes. The Altar Valley, located west and south of Tucson, is a typical western landscape in that it's been fragmented into multiple jurisdictions. You've got about 13% private lands; 37% federal lands, most of which comprise the Buenos Aires National Wildlife Refuge created in the early 1980s; and nearly one-half is in state trust lands and, increasingly, Pima County ownership.

What's the future of ranching and of conservation in that valley? It's about 610,000 acres of high desert grasslands. It's of great interest to conservationists because it's the largest undeveloped watershed in eastern Pima County. So, it fulfills two of the most important criteria for conservation biology: large unfragmented landscape and unbroken open wildlife corridors between major mountain ranges. Also, it's one of only two areas in the United States where there have been confirmed sightings of jaguars over the past 30 years. So, the Alliance, in a sense, wanted to get its partners thinking like a watershed instead of just confining their attention and efforts to little fragments of the valley.

One of the Alliance's major goals was the restoration of fire as a natural disturbance in the valley. A rancher at the northern end of the valley pioneered prescribed burns in the valley in the 1980s and got a very significant result. But for about 20 years after that, ranchers were not allowed to burn because of an issue with an endangered species, the Pima pineapple cactus, even though the wildlife refuge continues to burn on a regular basis. The ranchers wanted to bring prescribed fire back to that landscape. Over a long period, the Alliance spearheaded the development of a fire management plan for the entire watershed. That has now been signed off on by all of our federal and state partners and by the U.S. Fish and Wildlife Service (FWS). We've gotten a couple of big grants from the National Fish and Wildlife Foundation to prepare prescribed burn plans.

The other major conservation effort was to arrest the erosion occurring in the Altar Valley. The main wash is a typical deceptive arroyo common throughout the West.

The Alliance doesn't have the resources to tackle the main stem. But we've been doing a lot of erosion-control work in the tributaries using low-tech, low-cost techniques developed by Bill Zeedyk, a retired Forest Service biologist. He also has been helping us learn how to build and maintain roads that are not major erosive forces on the landscape. We had a series of workshops on soil erosion, gully restoration, and road-building. The Pima County Department of Transportation has sent people to learn these techniques.

Over the almost 20 years that the Alliance has been in existence, we've progressed from the period of intense confrontation when there was very little trust, not only between ranchers and the environment, but between ranchers and many of the federal and state agencies as well. Over the years, after countless hours of sitting down together and talking through issues, I think we've arrived at a fairly high level of trust and partnership with most of the agencies that are managing land or wildlife or water in the Altar Valley. These partnerships have survived some fairly significant disagreements, such as the construction of a national gas pipeline by Kinder Morgan through the Altar Valley to export natural gas to Mexico. I think that when these types of groups do survive, when these partnerships are formed, groups like the Alliance provide a metaphorical kitchen table where people can sit around and discuss the issues informally. Stakeholders may not always agree on the particular issues, but they can find issues they do agree on and concentrate on those.

We've had to instill in our members some of the basic principles of collaborative conservation, which are, first of all, civility and respect for other points of view. There was a period when we actually had to bring in a professional facilitator, Kirk Emerson, the first director of the U.S. Institute for Environmental Conflict Resolution of the Morris K. Udall Foundation, an institute created to mediate conflict amongst federal groups. Once we worked through that, over the years, agency personnel have come to feel that we really are responsible partners.

We've also tended to stay away from certain issues that might not only divide us and our partners, but also might create internal dissension within the membership. For example, one potentially divisive issue is state trust land reform, trying to set aside some of these state trust lands for conservation. Our members have opposing views about that. So, the Alliance itself as a 501(c)(3) organization does not take a formal position on issues like that. But we continue to provide a forum and a sort of institutional memory that people can rally around.

As for recommendations based on our lessons learned, I think that other institutions, not only federal agencies, but NGOs like The Nature Conservancy, should make long-term commitments to these processes. Sometimes, that may involve delegating an individual within the agency to work with groups like us, but whatever the chosen method, they should ensure that institutional memory and relationships are retained. One of the biggest frustrations for private landowners all over the West is that you work with

somebody in the Forest Service and BLM, you kind of get them up to speed, you get comfortable with one another to develop a working partnership, but then they get transferred or leave because they're chasing a promotion. So, how do you create a culture that is really committed to long-term commitment? We're in it for the long term, the agencies are in it for the long term, but how do we put together the right mix of people that will make that happen?

Marc Miller: Jim Lyons has long experience both at DOI and before that, in the U.S. Department of Agriculture (USDA) and on Capitol Hill, so he has long thought about these issues. We might come back in the Q&A to this question about the distributive nature of agency power and working with local groups.

Jim Lyons: I will offer a federal perspective on the issue, focusing on how this concept fits into the larger concept of landscape-level conservation and, most importantly, the issue of working on private lands. For context, and maybe furthering the theme of "stitching" in the book's title, I offer a quote from Aldo Leopold over half a century ago that I think emphasizes the important role private lands play in conservation more broadly:

It is the individual farmer who must weave the greater part of the rug on which America stands.²

At the time that Leopold made this statement, two-thirds of the American landscape was in agriculture; today, that figure is about 51%. Nevertheless, private lands continue to play a critical role in achieving our conservation and development outcomes.

What I'm going to do is discuss why working lands matter and describe programs for private land conservation that have developed and evolved over time. As an example of a collaborative approach to landscape-scale conservation, I'm going to use work currently ongoing to conserve the greater sage grouse. Then, I will talk briefly about what I characterize as redefining conservation for the 21st century.

By way of background, let me address first the issue that generally gets the most attention in the West, and that is the extent to which the public owns lands managed by federal agencies. Twenty-eight percent of the landscape in the United States, in the West, is managed by federal agencies. BLM manages about 248 million acres of surface, but a total of 700 million acres of subsurface rights. The U.S. Department of Defense manages about 19 million acres; the Forest Service manages 193 million acres; and FWS, mainly through refuges, manages about 89 million acres.³ So, it's a substantial portion of the West. People tend to focus on this component.

What I want to focus on is the other side of the coin—not the federal management issues, but the important role

2. Aldo Leopold, *The Farmer as Conservationist* (1939).

3. ROSS W. GORTE ET AL., CONG. RESEARCH SERV., FEDERAL LAND OWNERSHIP: OVERVIEW AND DATA (Feb. 8, 2012), available at <http://fas.org:8080/sgp/crs/misc/R42346.pdf>.

that private lands play. This has been recognized for a long period of time. Back when I worked in the U.S. House of Representatives on agriculture issues in the 1980s, an effort was undertaken to try to expand opportunities for conservation of private lands. It began in 1985 with the Farm Bill that created the Conservation Reserve Program,⁴ and then in 1990, expanded the conservation programs substantially. The programs continued to grow and expand, although in the most recent Farm Bill,⁵ they were consolidated to some degree to make them easier to implement.

The programs fall into four basic categories of important tools to help with private land conservation. First, are the working land programs, primarily under the Environmental Quality Incentives Program⁶ and what's known as the Conservation Stewardship Program.⁷ Second, there are land retirement programs similar to the Conservation Reserve Program. Third, there are easement programs that provide long-term conservation easements for landscapes through programs like the Agricultural Conservation Easement Program.⁸ And fourth, there are the bread-and-butter programs mainly administered by the Natural Resources Conservation Service (NRCS), particularly the Conservation Technical Assistance Program.⁹

What's interesting about these programs is while land retirement programs still tend to dominate (at least in terms of expenditures), so-called working land programs have expanded over time. I think this expansion both parallels and reflects the growing interest in conservation on the ground, and to some degree, may be a catalyst for that effort in providing additional resources essential for the kind of conservation partnerships that we're discussing today. Funding has really grown over time. Initially focused on soil and water conservation, the programs have expanded to include managing nutrients to deal with water pollution concerns, and increasingly to address wildlife management concerns.

FWS also has a wide range of what they call Wildlife Partnership Programs.¹⁰ Briefly stated, the programs are focused on trying to avoid listing for threatened and endangered species, and ways to enhance or encourage conservation activities to address the habitat needs for spe-

cies once they're listed as threatened or endangered. The point I want to make is that federal agencies, over time, primarily through legislation, have developed a toolkit for conservation to help foster private land conservation and provide essential resources to achieve the creative conservation work currently taking place on the ground.

I want to talk about the sage grouse. If you haven't heard or read about the sage grouse, then you've probably been on Mars for a period of time. It is a species whose range has declined by about 50% and currently includes 11 states in the West. It is a species of concern. In 2010, FWS decided that the species' listing as threatened or endangered was warranted but precluded by other priorities. That decision set off a chain reaction of events and activities that preoccupy a lot of people these days.

I want to point out, though, that the sage grouse, like other species, is an iconic species that represents an entire ecosystem. In fact, over 350 species are largely dependent on the sage-steppe ecosystem. In many respects, that sagebrush landscape is the iconic landscape of the West, so there is more at stake here than just one bird or even 350 species. Some would say the landscape really is the heritage, the culture, the lifestyle that is the West.

FWS' decision that a listing was warranted but precluded by other priorities led immediately to action on the part of then-Secretary of the Interior Ken Salazar, Gov. Matt Mead of Wyoming, and Gov. John Hickenlooper of Colorado. They met in Cheyenne, Wyoming, in 2011 and agreed to create a sage grouse task force made up of state and federal partners to attempt to develop a coordinated conservation strategy across the 11-state landscape to conserve the species and, hopefully, to avoid the need to list this species as threatened or endangered. FWS, by virtue of a settlement agreement in a lawsuit of some note, has until the end of September 2015 to make that decision.¹¹

As part of the preface to determining how to develop that conservation plan, FWS convened what they called the Conservation Objectives Team. The team put together a report that FWS issued in February 2013. I bring this to your attention because part of what the team did was identify priority areas for conservation, known as PACs. The intent is to avoid further disturbance for a species that has high fidelity and is extremely sensitive to disturbance.

On issuing the report, FWS Director Dan Ashe said, "The development of this report reflects a truly collaborative federal-state effort designed to provide a clearer picture of the objectives necessary to ensure the long-term persistence of the species." It was the first step in trying to form a much closer working relationship, closer than probably has existed in the past, to focus on trying to avoid the listing of the species.

Some perceive this as leading to a federal effort to conserve the species. But that alone will not be sufficient to provide the conservation actions necessary to avoid the

4. The Conservation Reserve Program, as originally enacted, was contained in §1231 of the Food Security Act of 1985, Pub. L. No. 99-198, 99 Stat. 1354 (Dec. 23, 1985). See also Natural Resources Conservation Service, *Conservation Reserve Program*, at <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/programs/?cid=stelprdb1041269>.

5. Agricultural Act of 2014, Pub. L. No. 113-79, 128 Stat. 649 (commonly known as the 2014 Farm Bill).

6. See Natural Resources Conservation Service, *Environmental Quality Incentives Program*, at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/eqip/>.

7. See Natural Resources Conservation Service, *Conservation Stewardship Program*, at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/financial/csp/>.

8. See Natural Resources Conservation Service, *Agricultural Conservation Easement Program*, at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/easements/acep/>.

9. See Natural Resources Conservation Service, *Conservation Technical Assistance*, at <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/programs/technical/cta/>.

10. See FWS, *Partners for Fish and Wildlife Program*, at <http://www.fws.gov/partners/>.

11. For more information on this issue, visit Western Governors' Ass'n, *Sage-Grouse and Sagebrush Conservation*, at <http://www.westgov.org/about/411-sage-grouse>.

threats to the species. Across those 11 states, approximately one-third of the PAC land is in private management. It's not uniform across the states. For example, a PAC in Oregon is nearly 50% private land; in Utah, the PAC is about one-third private land; in Idaho, one particular PAC is about 70% private land, which happens to be what FWS refers to as a stronghold area, a significant concern in an area where every effort is being made to minimize disturbance.

It's critical to determine how we can achieve conservation outcomes by working in a collaborative way among private landowners, as well as in federal-state relationships. It's a complex process in that the federal planning effort here involves, as I said, 11 states; BLM and the Forest Service are the primary federal landowners; and FWS acts as consultants in this process. Ultimately, what will be developed are 15 sub-regional plans affecting 98 resource management plans, 20 Forest Service plans across the entire landscape. I like to think of this as the Rubik's Cube of conservation because it is a very complex undertaking. Critical to all of this is the private land component.

Concern with species listing and the need to address these issues led to some very innovative solutions. For example, NRCS launched under former Director Dave White something they called the Sage Grouse Initiative. It has now been ongoing for about four years and has been the source of funds to support a wide range of conservation activities to benefit the sage grouse, with most of the funding coming from the Farm Bill programs that I alluded to earlier. Investments of nearly one-quarter billion dollars have been made, which have been partially matched by contributions to bring the total contribution up to over \$350 million, estimated as of 2013.

The Sage Grouse Initiative achievements have been widespread, working with ranchers and private landowners to develop conservation easements, implement new grazing systems, and remove pinyon-juniper species, which tend to invade these landscapes and render them useless for sage-grouse habitat. Sage grouse don't like anything on the landscape that is taller than them. They are chicken-sized birds, so you can understand the problem. Pinyon-juniper removal is critical because if there's more than 4% pinyon-juniper in a particular area, sage-grouse tend to abandon those areas for reproductive purposes. These partnerships have rendered tremendous successes. I encourage those of you who are interested in the Sage Grouse Initiative to go to the NRCS Sage Grouse Initiative website, where they have a list of success stories. Here's just one example: A rancher in Montana secured funds from the Initiative and was able to develop warded areas across his ranch that are a critical component in brood-rearing for the species.

FWS has launched some innovative partnerships under programs developed to try to prevent listing and then deal with habitat needs for species once listed. One example announced in December 2014 was a Candidate Conservation Agreement With Assurances (CCAA) that involves 45 private landowners and over 2 million acres, facilitated by

the Soil and Water Conservation Service.¹² Through these conservation agreements, landowners get the resources to improve habitat. But they also get the assurance that should the species be listed as threatened under the Endangered Species Act (ESA),¹³ then the activities that they're implementing will provide them credit, so to speak, so that they will not face what is referred to as an ESA take and the sanctions associated with take. So, there's a mutual benefit that provides tremendous incentive. CCAAs are a growing tool in the toolkit, along with CCAs, which are candidate conservation agreements on public lands where unfortunately assurances cannot be provided just because of the nature of public lands.

This particular agreement led to an editorial in Oregon's *Bend Bulletin* newspaper that highlighted the value of the agreement. A line in the editorial reads, "That's a winner both for the birds and the landowners."¹⁴ A landowner who happened to be at the press conference when this agreement was announced made what has become one of the favorite quotes for those of us who are working in the sage grouse arena: "What's good for the bird is good for the herd." As pointed out by the editorial, ranchers get resources to deal with threats to the species while at the same time improving range lands. What ranchers receive in return is insulation from a finding of ESA take, which is an important source of surety that they can continue to ranch their lands as they like.

This brings me to a point highlighting the evolution in conservation thinking. In 2013, Secretary of the Interior Sally Jewell released her first secretarial order. It focused on efforts to develop a landscape approach to mitigation or conservation to encourage the agencies in DOI to think more broadly about how to work across landscapes with all landowners to try to facilitate investments in conservation in priority areas across the United States.¹⁵ I think the order frames a new paradigm for conservation, particularly related to public lands, but not just for conservation. The purpose of the secretarial order was to focus on the use of a landscape approach, not only to facilitate conservation investments, but also to provide greater certainty that those who have an interest in using these landscapes are developing landscapes, whether it's oil and gas or ranching or other purposes.

By working together across landscapes, we can identify places that are critical for conservation. At the same time, we can identify places where conflicts can be minimized and thus development can be facilitated. That's what we're trying to do through this approach. Consistent with this

12. See 79 Fed. Reg. 71444 (Dec. 4, 2014), available at <http://www.fws.gov/policy/library/2014/2014-28361.html>.

13. Endangered Species Act (ESA), 16 U.S.C. §§1531-1544, ELR STAT. ESA §§2-18.

14. Editorial, *Sage Grouse Agreements Help Birds and Ranchers*, BEND BULL., Dec. 7, 2014, at <http://www.bendbulletin.com/opinion/editorials/2650594-151/editorial-sage-grouse-agreements-help-bird-and-ranchers#>.

15. SECRETARY OF THE INTERIOR, ORDER No. 3330, IMPROVING MITIGATION POLICIES AND PRACTICES OF THE DEPARTMENT OF THE INTERIOR (Oct. 31, 2014), available at <http://www.doi.gov/news/loader.cfm?csModule=security/getfile&pageid=380602>.

approach, FWS recently put out what they refer to as their greater sage grouse mitigation framework. It emphasizes the role that landowners and others can play in adopting the framework to try to avoid, minimize, and then through compensatory mitigation attempt to protect important landscapes. This framework would not only hopefully avoid a listing, but also, should a listing occur, put in place mechanisms that should minimize any negative ramifications for landowners as they move forward in implementing strategies. It becomes a very important approach to doing business.

I'll wrap up by emphasizing what I think reflects a new conservation paradigm and one that encourages the kind of creative collaboration that has been highlighted by our previous speakers and is at the heart of *Stitching the West Back Together*. The first element in the new conservation paradigm is working at a landscape level. I've been at this for almost 30 years now. The technology we now have, primarily through geographic information system (GIS) and other tools, allows us to look at landscapes in a very different way. The technology and tools enable us to understand who owns the land, who manages the land, and how the landscape is knitted together so that we can identify places where the various tools we have in our toolkit might most effectively be used to achieve both conservation and development outcomes.

The second element is to consider all lands and, most importantly, all values. Not all landowners have the same values and the same interests. The Montana landowner I just mentioned only talked about a ranching heritage and passing his ranch on to his children. The funding to implement the strategy he sought to implement helped, but his motivation was to stay in ranching. In other places, other values may come into play. The dollars and cents associated with compensatory mitigation may be a component, or in selling a conservation easement on a particular piece of land. Considering the lands and values and motivations associated with landowners is an important part of the changing paradigm for conservation.

The third element is what I call practicing prevention. This is the mitigation hierarchy of avoiding conflict, minimizing conflict where it exists, and compensating for impacts to habitat or landscapes for those unavoidable impacts. It's the old adage, "An ounce of prevention is worth a pound of cure." I think what we are learning as we start to look at landscapes, start to use the tools and technologies available, is that in many instances, we can find ways to more effectively prevent damage by simply doing our homework in advance and identifying those areas of low conflict. And then developing strategies to conserve what needs to be conserved and encourage development where conflict is minimized.

A fourth important element of the new paradigm is coordination. The sage grouse effort now underway began in 2006 with a report by the Western Association of Fish and Wildlife Agencies. That laid a foundation that led to successive reports, conservation and protection team

reports, and allowed for a coordinated effort among federal and state agencies and the kind of innovation you're seeing on the ground among private landowners working with public and nonprofit partners.

Finally, I think most critical to the new conservation paradigm is encouraging collaboration. None of the desired results can be achieved without collaboration. FWS Director Ashe likes to say that we're in a period of epic collaboration in terms of the work we do on the landscape. I think that's very true, and I'm sure Christy Plumer will talk about how we feel about the contributions that The Nature Conservancy and others in the nonprofit community are making in this regard.

The irony in all of this is how much sense it makes. To highlight that point, I want to bring to your attention a letter delivered in December 2014, as many of us went to a meeting with the western governors in Las Vegas. The letter is from the Western Landowners Alliance and highlights the contribution that this alliance seeks to make to conserving the sage grouse. Specifically they say, "There are many of us all over the West working to conserve and restore the sage-steppe habitat. We wish to see the grouse populations recover and thrive." They go on to say, "To be successful, we need the cooperation of all stakeholders for a fast recovery and continued conservation. Because landowners steward some of the West's most biologically diverse landscapes and care for critical habitat to countless fish and wildlife species, we have a vital role to play in conservation species recovery efforts. We embrace our responsibility and encourage other landowners to join us."

I think this quote from Gifford Pinchot sums up where I think we are:

Conservation is the application of common sense to the common problems for the common good.¹⁶

He said this at the beginning of the 20th century at a time when conservation was just a concept. Now, we've had about a century of experience. I think it's interesting to note that we've come back to where Pinchot was a century ago, trying to apply common sense to common problems for the common good. I think that through the work occurring at the ground level in a collaborative way among creative partners, we can be successful in that endeavor.

Christy Plumer: I am one of the registered lobbyists for The Nature Conservancy, so my caveat in this discussion is having to work with [the U.S.] Congress, having to work with multiple agencies. To provide a bit of background for those who aren't as familiar with the Conservancy, the organization has been in existence for 60 years and is the largest land trust in the world. We own and manage one million acres within the United States and have worked to conserve 119 million acres around the world. Our thinking over those 60 years has progressed in the same way as has the thinking out on the landscape, in our federal agency partners, our state partners, others in the NGO

16. Gifford Pinchot, *The Fight for Conservation* (1910).

community, and landowners themselves—we can't exist in our individual silos. We can't exist for the Conservancy in our individual preserve systems of that one million acres. We need to look outward. When we seek to protect biodiversity and large landscapes, we need to work with others to do that.

The Conservancy is in all of the western states and we're working in multiple partnerships across the West on collaborative landscape conservation. A lot of what my thinking, and our thinking in D.C., has arisen from in terms of how we go about lobbying for federal funds and lobbying for collaborative conservation on the ground has come from some key states already mentioned: Arizona, Montana, New Mexico, and outside borderlands regions. We've got some cool efforts starting to kick up in California. For example, a lot of the thinking around the sage grouse and how we work in the Sage Grouse Initiative, working with landowners. That's one of the key themes of my work: to both lobby for funding and talk about how collaborative landscapes come together.

Because the Conservancy owns so much land out West, we also face many of the same challenges that landowners do. For example, we have to manage for noxious weeds, just as the landowner across the fence is having to do. It's these commonalities across landscapes that have enabled us, when we've been in the landscape for often 20, 30, 40 years, to start to build trust relationships.

That's one of the key themes, I think, in the work we see and my effort here in D.C. to both lobby for funding and talk about how collaborative landscapes come together. But also, when we see some of the models that have worked in a place like Montana start to shift to other places like Florida, we've had a really exciting opportunity. In the Everglades Headwaters, we build on a lot of the work that happened in Montana, in the Blackfoot Challenge, and in the Rocky Mountain Front areas—those key FWS conservation easement areas—and shift some of these models.

Trust relationships: The ability to walk into a room, sit down with landowners, and have a dialogue about what is the best focus, the best interest of the landscape and of those living on that landscape. As Jim Lyons mentioned, the consistency of having preserve managers who are part of that community and can go in and talk about having those same challenges—that's important. What has driven involvement in a lot of these collaborative efforts is that we are an owner of land along with other landowners in the landscape and work toward that trust relationship with a vision of shared stewardship, what the vision looks like in 10, 20, 50, 100 years for that landscape. In Rocky Mountain Front, for example, on the other side of the Swan Valley, the landscape is focused on not wanting to be split into a bunch of mini ranchettes. Landowners started to see pressure coming in that had never come in before to split them up into mini ranchettes, and that started to drive the conversation.

What was really exciting in that landscape was that landowners had already had conversations on noxious weeds.

They'd had conversations about grizzly bear impacts on cows and calf operations. They already started to address some of the common problems on the landscape, so coming together to talk about the interest in preserving a broad landscape was much easier. Different issues pop up in other landscapes. It's not one-size-fits-all, but what helps stitch everything together are some of the really common things such as trust and being part of a landscape.

Another key part that I see in D.C. is the landowners being the voice for conservation. Not me going in and talking to Congress as a registered lobbyist, but instead landowners going in with a cowboy hat and cowboy belt buckle and cowboy boots on, and talking about how they have made decisions that are smart for their ranch and have enabled their sons to come back and ranch in the adjacent ranch because, through conservation easement structures, they've been able to merge operations—that stuff is really exciting.

We've increasingly focused on those landowners for being our voice for conservation. They've been testifying before Congress. We have Lyle Hodgskiss, the rancher in the Rocky Mountain Front. He's testified before Congress on the House side, which is not an easy place to testify for the importance of land and water conservation funding. His testimony made a lot of difference. The Conservancy could have been up on the Hill year-in, year-out, talking about the Land and Water Conservation Fund. Having Lyle go in and push that message absolutely made a difference for us with Congress.

Working through these collaborative landscape opportunities, where partners come together, decide what we can agree on, and push the rest off the table—I think of this as an 80-20 rule. That means there's 20% we cannot come to agreement on, but there is still a lot of opportunity for agreement in the 80%. I talk a lot on the Hill about this 80-20 rule and the opportunities in it. That's been a lot of the thinking in Montana. Much of the credit for coming up with this 80-20 concept goes to the landowners there, especially Jim Stone and Dustin McCurry. That's the way they talk to other landowners about this.

Another power that the NGO community has been able to bring to these communities is layer-caking of funding opportunities. Jim talked about using different funding opportunities in order to get the big capital you need to get big landscape, big conservation, done within private landscapes. Some of the best ways to do that are layer-caking of funding opportunities. If you can pull BLM funding in here to preserve the wetlands, you're preserving some of the core conservation easement, non-development type of model through the Land and Water Conservation Fund.

We've also seen NGOs assist in bringing in private capital foundation money to do short-term holds on land. A group that I used to work for, the Conservation Fund, has done really amazing work bringing in Mellon Foundation money for the Rocky Mountain Front, \$20 million-dollar revolving funds. That arrangement lets the NGO revolve in, do a deal with the landowner, hold that for two years,

and then revolve out again once federal or state funding becomes available.

Marc Miller: Tom, as president and CEO of the American Forest Foundation, I know you have a lot to say. But also you essentially work in government at the state level. You've worked for national and private and other perspectives in a wide range.

Tom Martin: We've been talking mostly about collaboratives that have a few large landowners. That's certainly part of the world out there. But there are also some landscapes made up of large numbers of relatively smaller landowners. Let's talk about them for a minute. They have one thing in common: an incredible love of their land. Most of these smaller landowners think of themselves as holding that land in trust for their children and having a heritage obligation from their ancestors, so they love this land. For many of them, it's tied deeply to their family. That's what they have in common.

How they differ is in their reasons for loving their land. If you look at the research, you find that it's never one thing; instead, it's a set of things and the variety is enormous. Some small landowners want hunting land; some manage land primarily for income; some manage it for fishing; some manage it for a place to drive their ATV where they won't be hassled—all of those things. Unless we find ways to honor the goals that the landowner has for their land, our hope of achieving real collaboration is close to nothing. To honor their goals, you first have to understand the goals. We don't have a single undifferentiated mass of landowners; instead, we have many individual ones with individual profiles. How do you figure that out?

Jim talked a bit about the GIS tools and how that lets us think about landscapes and what they now offer. There are also some tools that allow us to think about landowners in a way that facilitates our meeting landowners where they are. If you take a look at what's changed in political campaign technology over the past 10 years, the chief thing is that micro-targeting has changed enormously. That's why a candidate sends me one piece of mail; sends my daughter another one; my wife, a third one; and my son, a fourth—because we buy different things, we belong to different groups, we have different subscriptions. In the marketing world, they have a hundred thousand pieces of information for each household. I mean, that's scary as heck.

The good news on micro-targeting is that we can use it too. If somebody's bought a fishing license for the last 20 years, you can intuit pretty easily that you can go to them and talk about fishing. They're tied between their land, the landscape, and the common grounds that you've got in fishing. Those tools are available. We used them successfully in 10 landscapes across the country for different ecological or even economic goals. We've moved people who are willing to raise their hand from a 1-3% response rate to a 12-13% response rate just by instead of saying, "Here's

our vision for you," substituting the approach, "Why, I believe we both love fishing." That's the first thing.

The second thing is: Great, you've identified them, but how do you move them from where they are in their thinking to seeing their future as part of this landscape? All of those landowners have barriers to collaboration. But there's a whole bunch of marketing tools available to first identify the landowners, and then to help them overcome their personal barriers to collaboration. Think of all the social marketing initiatives we've seen about smoking or obesity, marketing that's intended to change our behavior for a social good. The same kinds of marketing techniques can be used to engage landowners in real ways, help them to identify what stands in the way of their participating in the collaborative, and finding ways to address that resistance.

Another point I want to emphasize—and it's already been mentioned here today—is that while agencies and conservation groups are really good at going to people and making a first contact, starting a good relationship, the challenge is that this is a long-term business. Unless we use customer relations management, the tools that are available for sales people, unless we figure out how to keep in touch with landowners over time on their own terms, we're going to lose them, particularly the smaller landowners.

Another issue in the trust piece of collaboration (and frankly one of our biggest challenges, at this point pretty much an unknown factor) is how many of these collaborators are going to transfer the social capital that's held them together from a first generation of collaborators to a second generation. If we have to reinvent that social capital, rebuild it every time, that's a problem. It's not just about memory. It's about looking across the table and saying, "I disagree with this person about a lot of stuff, but I know I can trust them to be honest with me on that." That's a tough piece.

One of the reasons it's really tough is that it's not only landowners who have a variety of interests about why they own their land. Heck, federal agencies have a variety of interests as to why they love their land. Jim Lyons is almost unique in the federal government in that he's federally bilingual. He speaks USDA and he speaks DOI. Typically, agencies come in and achieve a specific thing or set of things on a landscape, but later, the landscape could end up under the management of another agency. There's nothing more disheartening or trust-breaking for landowners than to sit and watch the agencies or the agency and conservation groups fight among themselves. Landowners think, "Go away. Come back when you have your act together."

Another important point is to not always think in terms of legal tools, even though we are at ELI. For private landowners, there's a whole set of tools beyond legal tools that are really the glue that hold people together, and from a trust-building and collaborative point of view, may be more powerful than legal tools. Other tools we can bring to the table include technical assistance, markets to allow people to earn other income from their land besides the biggest consumptive use, helping inform those markets so

that you can monetize. For example, payments for ecosystem services. Outside Flagstaff, they passed a \$10 million bond to do forest restoration that's aimed to protect their watershed from catastrophic fire. They're going to pay to have thinning done on land that others own. Another example is incentives. The Farm Bill offers a whole variety of incentives. Jim ran through many of those in his presentation. When we're dealing with private landowners in a collaborative context, thinking about the soft tools that are available to help support that sense of conservation or collaboration is important.

Landowners love their land deeply. If you can help provide a sense of validation that what they're doing on their land is important, not only to them and their families, but also to the broader community, you're going to find most landowners respond to that. The sense of belonging to something larger, contributing to something larger, is a human yearning. Yes, they will continue to love their land for the reasons they do. But if that love fits into something larger, that will help grow the collaborative context all of us are seeking.

Marc Miller: We have a number of questions from the audience. What I'd like to do is lay out four questions for panelists, and audience members as well, to think about. Susan, one question relating to Plum Creek and landscape-scale efforts is that it appears it takes a lot of time. I assume Jim has experienced that as well. Christy talked about 60 years of engagement at The Nature Conservancy. The question is: How do stakeholders persuade Plum Creek to defer sales while two decades of work exploring all these alternatives are ongoing?

A second question, perhaps specifically for Jim, is whether ecosystem-level planning efforts are underway to designate best uses of land. We've talked about sorts of collaborative efforts among those private and public landowners. But is there a practical way to frame that around the optimal uses for a given period of time, for a given set of values with perspective?

The third question, chiefly for Christy and Tom, is whether having so much land in the West in federal and government ownership undercuts the understanding of working landscapes, sort of a premise to working landscapes and not all private actors as a central component? The follow-up question is: Should people who live in the new landscapes have more say in the use of federal lands than they do now?

The final question is stitched together from all of your comments. In discussing the building of trust, building laypeople into collaboratives, we've heard much reference to agencies and actors, but very little reference to law or policy. From the standpoint of private owners, as Tom noted, there is a question about who is the next local official with the agency, what is the higher-up leadership, how can trust be sustained over time? From the perspective of public actors, the reverse question is how is it that these from-the-ground-up private collaborations do not neces-

sarily maintain identical views? That's not the nature of individuals. But it can be accomplished with enough trust, enough commitment to process and value that people can conceptualize in terms of years and decades rather than merely weeks or months; not merely in terms of particular parcels, but at the landscape level.

Susan Charnley: Just briefly to answer the specific question: Plum Creek did sell some of their land for real estate development, about 4,000 acres. So, not all of their land sales were deflected. However, I think that the local collaborative group really works with partners like the Trust for Public Land and The Nature Conservancy to engage in negotiations over time with Plum Creek. They had mediating entities trying to get Plum Creek to consider alternatives that would still work in their interest. It wasn't as though Plum Creek was committed to real estate development as the sole approach to gaining more value from their lands. They were open to other ways of getting that value, so they were willing to negotiate over time. But it is true that the pressure to sell land and develop it was taking place more quickly than the conservation entrepreneurs could keep up with, so some of their lands did go up for sale. It was a mixed result.

Thomas Sheridan: All of the major ranches that have come up for sale in Pima County since 2004 were purchased by the county with open-space bond funds in conjunction with the Sonoran Desert Conservation Plan. There was a private land trust that mediated most of those ranch sales. I think that as long as the county or The Nature Conservancy or any other entity could match or come close to matching the price that real estate speculators were willing to offer, then the ranchers would prefer to sell to an entity that would keep their land out of development. The ranchers may not have been able to engineer intergenerational transfer, maybe their kids didn't want to take it over, but I think that they had a commitment to ranching. Even though they've had to sell for one reason or another, they prefer to do the transaction with a buyer who is going to keep that land unfragmented and keep it in ranching or agriculture.

Marc Miller: Is it helpful to have a conversation about a best use for the land? Should we be thinking more abstractly about optimal usage for these lands, as well as what the individual stakeholders and agencies themselves think about it?

Jim Lyons: I think we actually are doing that—for example, in the context of long-standing legislative authority, the 1960 Multiple Use-Sustained Yield Act.¹⁷ Except that we're looking at larger landscapes and we're not trying to manage for everything on every acre. As I alluded to earlier,

17. Multiple Use-Sustained Yield Act of 1960 (Act of June 12, 1960), Pub. L. No. 86-517, codified at 16 U.S.C. §§528-531, *amended by* Pub. L. No. 104-333 (Dec. 31, 1996).

the tools we have now such as GIS, the ability to do large landscape assessments—BLM has done regionally consistent assessments to try to identify conservation values to make those determinations—these tools help a great deal.

A recent manifestation of that is solar energy zones on BLM lands in six western states. The goal is to identify areas where concern for conflicts with, say, the desert tortoise or other species can be minimized, thus optimizing the opportunity to develop in those low-conflict areas. They tend to be areas where there is transmission access. There may be existing infrastructure. The goal is to facilitate solar energy development through doing environmental assessments and expediting permit procedures.

The opposite of that approach is the PACs that I talked about, priority areas for conservation identified as extremely important for sage grouse. The approach is to try to encourage developers to stay out of those areas and instead seek lesser conflict areas. As a part of the analysis we've done in looking at this particular issue for sage grouse, we found (and this was backed up by a Pew report) that two-thirds of the high- and medium-potential oil and gas in the western states is not in sage grouse habitat at all.¹⁸ The challenge is to encourage and convince people to think about the landscape in that way, and to maybe have some faith in the federal government that the identification of these areas will lead to more-efficient development there and greater conservation. In the end, everyone is looking for certainty. You're looking for certainty for developers and you're looking for certainty in terms of the long-term conservation outcomes.

Marc Miller: With so much of the western landscape under federal agency control, does that undercut the conversation we're having about the role of working landscapes in conservation now or over time?

Christy Plumer: In the landscape I'm most familiar with, I see the surrounding or intertwined federal lands as having driven the conversation within these working landscapes rather than being some type of hindrance. There's a lot going on in federal lands right now in the West, and the landowners want to be part of that. In particular, when you have a place like Blackfoot Valley, they're seeing change over time. They're seeing BLM lands scattered around on the outskirts, state trust lands scattered around, Forest Service and FWS lands. I think there's been an incentive for everyone to come to the table and try to resolve some of the issues out there, with working landscapes being that central core of some of that decisionmaking.

What you really need to see, and it's very powerful when you do see it, is the federal agencies sitting at the same table, the state agency representatives sitting at the same table, some of the county representatives sitting at the same table

with the landowners and trying to figure this out. Take access issues: We've been watching the U.S. Senate's potential approval of a big public lands package.¹⁹ A lot of that is collaborative effort by landowners within the region saying they want wilderness here, they want access here, they're hunters so they want to get up into the lands and hunt. Often Forest Service lands are up elevation, so they're dealing with value-based landscape cooperatives, private lands with Forest Service lands up elevation. They're interested in access just like everyone else is.

Marc Miller: Susan and Tom, do you want to address this theme of trust over time and offer any final comments? By the way, it's precisely this very interesting and sophisticated discourse that the editors and authors hoped the book would help to promote.

Tom Martin: These days, collaborators are finding common ground in much of the country. Particularly, they are around forest landscapes depending upon your ideology about whether you think forest should be more managed or unmanaged. You find that years of work for the collaborative can end up on the cutting-room floor when somebody who may not have even been a part of the collaborative decides to take it to court. That's an incredibly destructive thing. Much of Forest Service land is unmanaged land; there are biologists and communities that might say they should manage it or another place. I'm not talking just about environmental challenges. There are some in the timber industry who have been frustrated. It's come from a number of different places, but I think that's a challenge for all of us in the collaborative space.

Susan Charnley: It's important to remember that federal lands, to a large degree, are also working lands. Over one-half of the federal lands have multiple-use mandates, so timber harvesting and grazing are important there. That shared importance brings people into the conversation with the public or with the private landowners. Their fates are tied together in terms of being able to effectively maintain lands as working lands and so, yes, you have trust. That's come out.

Recently, we were talking with some folks at the Forest Service and BLM about this issue of trust and how to maintain collaborative relations over time. They said it's true that some employees rotate in and out of the agency's doors, but not all agency personnel are like that. In some local places, you have people who have worked for the Forest Service or BLM for decades in areas that they care about. Getting those people who are willing to stay in place to be the key points of contact in these collaboratives is a

18. See, e.g., WESTERN VALUES PROJECT, ANALYSIS OF THE OVERLAP BETWEEN PRIORITY GREATER SAGE-GROUSE HABITATS AND EXISTING AND POTENTIAL ENERGY DEVELOPMENT ACROSS THE WEST (Oct. 16, 2014), available at <http://westernvaluesproject.org/development-conservation/>.

19. There are multiple public lands bills under jurisdiction of the Senate Energy and Natural Resources and House Natural Resources Committees. See, e.g., H.R. 1138 and S. 583, Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act (2015). At the time this issue went to press, it appears that the Committees are continuing to move individual public lands bills forward with the expectation that a larger public lands package would be developed toward the end of this current Congress.

start on a trust relationship. And then building that culture within the agency so then even if personnel rotate out, you still have the culture and the way of behaving that helps maintain the commitment to the collaborative effort as a way of trying to keep the trust going.

Thomas Sheridan: Mutual trust and respect should be a part of every dialogue even if it's about an issue that's likely to create a lot of disagreement, because that mutual trust and respect will carry over to the next issue. One of the things I have observed with ranchers is that you're not going to get decisions made in a public venue. If you need to work with ranchers on their private lands or on the allotments they utilize on federal or state lands, you really need to go to the ranchers directly and work directly with them. Because they're very private, that's the way they communicate. They respect each other's privacy, and they really expect agency personnel and NGOs to show the same respect.

For rules of common courtesy, I like the Leopold quote that Jim brought up. If you're a federal or state or county agency person, or a representative of an NGO, and you're going to be doing some kind of work, you really need to contact the landowners and let them know that you may be, say, putting up a motion-sensitive camera on federal

land where they have a grazing allotment. That's what happened with the Jaguar Detection Project that's cross-cutting numerous mountain ranges largely under federal control. Personnel on that project made a big point of contacting and getting an agreement from the private landowners who may run cattle on those lands, letting them know what the jaguar project was out there for, what they were doing.

That attitude goes a long way in establishing long-term commitments. Different issues are going to come and go, but what I've seen is that when these long-term bonds of trust are created, they can survive disagreements. You can mobilize more quickly when a new issue comes up. You don't have to go back to ground zero, back to where we were in the 1990s when there was so much mutual distrust that everybody started out from a position of paranoia about what other people were going to do. I really hope we have gotten beyond that. I think it's imperative that you let landowners know what you're going to do, even if you know that they may disagree with you.

Marc Miller: We've come to the end of our time. Many thanks to our incredible panel, all of our audience members, and ELI for hosting the Dialogue.