

Mitigating Administrative Barriers to Ecological Restoration in New Mexico Recommendations from the State Coordinating Group's Government Impediments Task Team

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The New Mexico Forest and Watershed Health Coordinating Group is an action-oriented advisory panel which meets quarterly to prioritize and coordinate projects, reduce impediments to action, conduct strategic planning, and increase communication between agencies, non-governmental organizations and the private sector. The Coordinating Group forms task teams of individuals with specialized knowledge or skills to carry out specific assignments. This document was produced by the Government Impediments Task Team, which focuses on addressing issues identified in Action Item II.F of the [New Mexico Forest and Watershed Health Plan](#).

Action Item II.F - Mitigate Administrative Barriers

Task: Identify impediments to ecological restoration activities and cross-jurisdictional efforts. Develop the means to mitigate the barriers to the extent possible so as to streamline procurement and contracting, funding mechanisms, state and federal regulations, and other administrative barriers.

Selected Approach: The task team reviewed current literature, agency policy statements, and testimony by subject matter experts for findings and recommendations to address ongoing administrative barriers and impediments. We met on three occasions to discuss these and other potential solutions to remedy this situation.

Recommendations:

Do everything possible within existing authorities, understand these authorities, and be offered training on the flexibilities provided. Included are the Wyden Amendment, Healthy Forests Initiative, Healthy Forests Restoration Act, Stewardship Contracting, cost-share agreements, intergovernmental agreements, and partnerships. The use of these authorities provides opportunities to significantly accelerate planning through collaboration and public involvement; build accountability and public trust; and address complex landscape scale treatments, legal authorities, and restoration activities. Develop and implement formal training on the use of these authorities for state, regional, and national program leads.

Collaboration and working together is paramount to project accomplishment. Barriers to using new or different authorities or protocols are embedded in agency culture and resistance to change. We will always work in an environment where people hold a range of personal attitudes about personal risk. Developing Memorandums of Understanding which state a common vision between agencies can serve to prevent the default to static agency culture. Develop and implement formal training on effective collaboration for line officers and staff.

Plan and implement projects and treatments on a landscape scale focused on ensuring sustainability. All three elements of sustainability (social, economic, and ecological) must be equally considered and provided for in planning and on-the-ground management of federal

forest and woodlands. Plan fuels treatments and fire suppression activities to take advantage of natural barriers, fuels treatments, and recent disturbance events. Maintain fuels treatments to increase the life of the projects and the financial investments. Effectively integrate resource program goals, objectives, and projects to leverage funding to accomplish landscape scale restoration efforts.

Do not do any unnecessary analysis, planning, or documentation. Do just enough analysis to meet legal requirements and meet stakeholder expectations without getting bogged down in the paralysis by analysis. Use landscape level “front end loaded” NEPA planning to clear large acreages for years of treatments. Real reform to both the legal structure and internal federal agency processes are needed to reduce the time and effort to plan and successfully implement federal forest and woodland management projects on a landscape scale.

Use Categorical Exclusions more effectively and consistently, with clear direction. Potential benefits include reduced costs and more timely analysis of the effects of routine projects or activities that have a demonstrated record of success. Develop training on the effective use of categorical exclusions.

Establish and implement an aggressive process for the review and resolution of potential Endangered Species Act (ESA) conflicts. Ensure that the review procedures are in place and known and understood by all employees, collaborators, partners, and stakeholders. These reviews expedite the resolution of conflicts with the implementation of ESA that land management agencies encounter when working with regulatory agencies like the US Fish and Wildlife Service, e.g. Candidate Conservation Agreements such as the BLM/FWS Prairie Chicken agreement.

Be innovative and encourage private and partner investment in new products, uses, and treatment techniques. Increased collaboration and innovation may lead to people willing to invest to demonstrate their ideas. Being open to new and different ideas may result in real improvements in the ways we do business. As an example BLM has a new and innovative partnership with the Forest Industry Association, and we should dovetail with successful partnerships like the Forest Service Zuni Mountains Collaborative Forest Land Restoration Program.

Monitor project implementation to ensure that funding expended and results achieved produce the desired results over time. Seek opportunities to understand, document, and share through outreach both successes and failures before, during, and after projects so that mistakes are not repeated and effective best management practices are widely disseminated. Establish clear and measureable acreage targets for annual treatment on priority forest and woodlands, as identified by federal Land and Resource Management Plans, State Forest Action Plans, and Community Wildfire Protection Plans.

Develop and/or realign land-use allocations. Timber production should be identified in Land and Resource Management Plans as a critical use and method to achieve forest and woodland management goals on portions of non-reserved federal forest lands. Other models such as state management demonstration projects, the state trust lands concept, permanent land

reservations, and ecologically-driven restoration objectives should be evaluated for other portions of the land base.

Organizational and personal risk aversion is hampering our need to implement management activities that address forest and watershed health issues and needs and ecosystem restoration. Develop and share a structured decision process for dealing with uncertain information, and consequently, make trade-offs among conflicting objectives that can help avoid elements of risk aversion. Implement structural and educational changes within and between organizations and agencies for policies, procedures, and practices which result in excessive risk aversion and discourage adaptive management. Pursue locally focused collaborative efforts that enhance trust, understanding, and cooperation among land management agencies, regulatory agencies and citizens to help in addressing problems with complex decision-making and risk aversion. Provide the opportunity for early and informal legal advice in discussions on complex decisions.

There must be improved decision-making. There is a clear need to better train and inform land managers to clarify the scope of the decision to be made, undertake the appropriate analyses required to make an informed decision, and adequately document their decision in a timely and cost-effective manner. Managers must have the right people in the room during the decision-making process, focused on results and an end product.

Promote productive public involvement. Early in the planning process, partners, stakeholders, collaborators, and competing interests must sit down and reason together to find ways to accommodate their diverse objectives. Begin at the beginning and work toward agreement on the landscape objective for the project. Then initiate the discussion on how to achieve the landscape objective with special consideration of timeliness, benefits, and costs. Provisions should be developed that encourage stakeholder agreement and shield projects reaching consensus among stakeholders from legal challenges by uninvolved parties.

Effectively communicate the restoration message. Remember when communicating about forest and woodland landscapes, there are only three potential outcomes; trees will burn down, trees will blow down, or trees can be cut down. Only one of those outcomes provides for realizing any economic benefit from the landscape and providing for public safety, while the other two require the ongoing investment of funding to deal with the short and long term aftermath of hazard fuels, increased wildfire hazards, and the potentially devastating effects of post-fire flooding. Also, continue to communicate the profound significance of adopting the *no action* alternative, and the inevitable path that decision ensures in a dynamic living ecosystem.

Technology is revolutionizing public land management. Personal computers, the Internet, social media, and telecommunications have created unprecedented opportunities for collaboration and enhanced decision-making via teleconferences, virtual public meetings and postings, and information that can be shared real time. Use GIS applications and shared databases to enable ecosystem-based and landscape scale approaches for the cross-jurisdictional management of lands and resources. Use existing partnerships such as NM Forest and Watershed Restoration Institute at Highlands University and develop new partners to store and communicate institutional knowledge.