
**Lake Tahoe Basin
Stakeholder Collaborative Process
FEASIBILITY ASSESSMENT REPORT**

FINAL

Prepared for:



**US Army Corps
of Engineers®**

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Lake Tahoe Basin Stakeholder Collaborative Process FEASIBILITY ASSESSMENT REPORT

EXECUTIVE SUMMARY

The Lake Tahoe Basin Stakeholder Collaborative Process Feasibility Assessment (Assessment) evaluates feasibility for a structured stakeholder collaborative in the Lake Tahoe Basin. The assessment is part of the Lake Tahoe Basin Framework Implementation Study (Framework Study) conducted by the Sacramento District of the U.S. Army Corps of Engineers (Corps). The Framework Study describes challenges faced by Federal Agencies in achieving basin-wide, programmatic implementation of the Tahoe Basin (Basin) Environmental Improvement Program (EIP). These challenges are also considered in the context of today's political, social and natural environment.

The Federal Agencies recognize that a set of Basin planning efforts, all scheduled for completion in 2007, will be a substantial contributor to the EIP. It has been proposed that these planning efforts (as respectively lead) by the U.S. Forest Service (USFS) Lake Tahoe Basin Management Unit (LTBMU), Tahoe Regional Planning Agency (TRPA), Lahontan Regional Water Quality Control Board (Lahontan) and Nevada Division of Environmental Protection (NDEP) should be coordinated.

Referred to as Pathway 2007 (P7) the multi agency planning processes include the:

- USFS LTBMU – Land and Resource Management Plan Revision (Forest Plan)
- TRPA - Regional Plan Update (Regional Plan)
- Lahontan and NDEP - Lake Tahoe Total Maximum Daily Load Process (TMDL).

The success of the P7 efforts could ultimately affect the success of the EIP.

Purpose of the Assessment

The P7 agencies believe collaborative methods could streamline planning efforts and improve implementation. The Assessment evaluates whether sufficient resources and cultural capacity exist within the Tahoe Basin for collaborative processes. If collaborative methods are found to be feasible, the assessment is to also consider how this process could extend to interagency and public involvement for the P7 planning efforts.

Initial Assessment

Under the auspices of the Corps, the California State University Sacramento, Center for Collaborative Policy (CCP) was retained to conduct the assessment under contract with the U.S. Institute for Environmental Conflict Resolution (Institute). Beginning in summer 2003, CCP conducted numerous organizational meetings with P7 staff, leaders and other critical stakeholders. Topics of discussion included perceived importance of collaborative approaches, potential collaborative methods, and the implications of moving forward with a feasibility assessment. Based on these discussions, the Corps, Institute, and P7 Partners agreed to proceed with deeper analysis. CCP then initiated a full-scale feasibility assessment.

Approach

CCP conducted an interview-based assessment utilizing structured surveys, agency meetings and other related studies to interpret and analyze results. The assessment included identifying perceptions about the role and importance of the P7 process on the Basin; organizational problems, challenges, and potential solutions; appropriate data collection / analysis procedures; potential resources stakeholder organizations could provide; and the appropriate leadership and organizational structure for the collaborative. The assessment also clarified the desired outcomes from the coordination of the P7 Partners, and outlined expectations for design and implementation of a collaborative process, and the role of third-party neutrals to assist the P7 process. Another goal was to determine options for appropriate decision-making and collaborative governance tools.

Using two sets of questions one focused on agency stakeholders; and one focused on non-agency stakeholders, CCP interviewed 44 individuals including 12 TRPA Governing Board members. Responses were compiled in the aggregate and results summarized. CCP qualitatively analyzed and evaluated the findings and additionally researched data in relation to known collaborative process success factors. This evaluation resulted in recommendations for proceeding and outlined options for a stakeholder collaborative process design.

SUMMARY RECOMMENDATIONS

The feasibility assessment found a collaborative process is desired and warranted for the Basin. Even so, the analysis identified substantial issues and concerns P7 agencies should address before proceeding. In addition, the recommended process design would include extensive preparatory work and specific elements incorporated into the collaborative to mitigate identified gaps. The following summarizes key features.

Collaborative Skills Development

Suggestions for stakeholder collaborative skills development included the following topics:

- Risks of proceeding without proper resources
- Identifying and understanding the consequences of not reaching agreement

- Identifying Best Alternatives to Negotiated Agreements (BATNAS)
- Benefits of long-term system approaches
- Nature and evolving dynamics of influence in the Basin
- Role of stakeholders
- Leadership

Improving Efficiencies

Recommendations for streamlining and improving efficiencies considered:

- Inventorying, aligning, and leveraging existing work efforts
- Utilization of communication technologies
- Agencies better defining project scopes
- Agencies better defining degrees of stakeholder involvement
- Reassessing Stakeholder interest in collaborative processes after providing collaborative skills development, and presentation of potential limits

Resource Management

Lack of resources, for both the agencies and potential participants was highlighted as a critical concern. Some ways to address this included:

- Streamlining/improving efficiencies
- Use of in-kind services (instead of fees or other direct costs for service providers) where appropriate
- Advocacy by Basin leaders for adequate funds
- Education on risks of proceeding without proper resources
- Providing incentives for agencies and participants (including fiscal support)

Process Design

Substantial issues related to design, scale and scope were raised. Some recommended approaches included:

- Go/No-Go milestones to minimize effects from a potential lack of resources
- Adaptive management approaches to adjust to changing conditions
- Carefully timed feedback from the public and influence parties
- Ground rules to address activities outside the collaborative process
- Criteria for participant skills, attitude and temperament for use in screening and selection
- Anticipating and planning for tensions common in long-term collaborative processes
- Developing incentives to ensure full stakeholder engagement in decision-making
- Accommodating differences in influence through various methods, including decision making tools

- Researching and developing close relationships with stakeholder groups to identify the right spokespeople
- Developing collaborative structures that support public engagement at all societal, physical, geographic, and organizational levels
- Determining how to engage stakeholders not represented in the collaborative
- Accommodating stakeholder geographic distribution
- Using numerous methods and forms of meetings and media
- Conducting initial conflict resolution to address the role of out-of-Basin stakeholders
- Set realistic expectations for all parties

Leadership, Vision, Mission, and Executive Sponsorship

- Early and well publicized confirmation of support, role, goals, mission and vision
- Clarification of interagency roles
- Clear statements of collaborative vision, mission, goals and charter

Implementation of all recommended actions would improve conditions for success.

Design

The Design Recommendations offer next steps that create a viable collaborative process and mitigate non-collaborative conditions.

CCP recommends the process occur in stages and with key decision points where all parties can assess if the process should continue as designed. The phases are:

PRE-COLLABORATIVE PREPARATION	FORMAL STAKEHOLDER ENGAGEMENT	BROAD BASED VISIONING AND OUTREACH
<i>Extensive skills development on collaboration directed to all stakeholders and the general public</i>	<i>Recruit and engage stakeholders to participate in a variety of collaborative forums including a formal stakeholder committee</i>	<i>Develop a Basin-wide shared understanding of what is possible and how to describe best outcomes. Create ongoing communication with the general public</i>

Specific tasks for each phase are outlined along with the role, participants, meeting formats, meeting frequency, decision-making, meeting locations and expected facilitation and coordination support for each element of the plan.

Conclusions

The complexity of the Basin dictates a complex and far reaching approach. A robust design will assist the collaborative sponsors in improving conditions for success. Even so, the recommended feasible design is time, resource and labor intensive.

The investment in a feasible design appears worthwhile. Those encouraging collaboration recognize broad public support will be essential to developing sustainable, enforceable plans. The overriding concerns all stakeholders hold for Lake Tahoe's fate creates a compelling argument to set aside long-standing differences, make a substantial investment in one another and find mutually beneficial solutions.

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ACRONYMS, TERMS AND ABBREVIATIONS

APC	Advisory Planning Commission
Assessment	Lake Tahoe Basin Framework Study Stakeholder Collaborative Assessment
BATNA	Best alternative(s) to negotiated agreement(s)
Board	Tahoe Regional Planning Agency Governing Board
Capacity	<u>Organizational capacity</u> includes cultural capacity as well as organizational structure and resources (including fiscal) to accomplish tasks. <u>Carrying capacity</u> relates to physical constraints (such as space) and/or the ability of a natural system to support increased input (for example sediment or nutrients in a lake, or additional wildlife foraging for food) without decline of the system.
CARB	California Air Resources Control Board
CCP	California State University Sacramento Center for Collaborative Policy
Corps	U.S. Army Corps of Engineers
CSUS	California State University Sacramento
Cultural capacity	Cultural capacity represents the extent of a community’s evolved skills and relationships able to support dynamic, complex, mutually beneficial solution development.
EIP	Lake Tahoe Basin Environmental Improvement Program
Forest Plan	Land and Resource Management Plan Revision
Framework Study	Lake Tahoe Basin Framework Implementation Study
Lahontan	Lahontan Regional Water Quality Control Board
LTBMU	Lake Tahoe Basin Management Unit
NDEP	Nevada Division of Environmental Protection
P7	Pathway 2007
P7 Partners	CARB, NDEP, Lahontan, TRPA, USFS
PPC	Public Participation Council

Process fatigue	A state of weariness or exhaustion related to continuous engagement in prolonged or multiple interactions such as meetings, reviews, structured outreach, etc.
PP Strategy	Public Participation Strategy
PWG	Planning Work Group
Regional Plan	Tahoe Regional Planning Agency Regional Plan Update
Thresholds	Threshold standards are environmental standards for the Tahoe Region, which indirectly define the carrying capacity of the Region to accommodate additional development. The TRPA Compact defines “environmental threshold carrying capacities” as “an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region”.
TIIMS	Tahoe Integrated Information Management System
TMDL	Lake Tahoe Total Maximum Daily Load Process
TRPA	Tahoe Regional Planning Agency
TWG	Technical Work Group
USFS	U.S. Forest Service

1.0 INTRODUCTION

1.1 Background

The Lake Tahoe Basin Framework Implementation Study (Framework Study) is a watershed study conducted by the Sacramento District of the U.S. Army Corps of Engineers (Corps) to clarify challenges for Federal Agencies to accomplish basin-wide, programmatic implementation of the Environmental Improvement Program (EIP), and place them in the context of today's political, social and natural environment.¹ The Lake Tahoe Basin Stakeholder Process Collaborative Feasibility Assessment (Assessment) considers the feasibility of utilizing structured stakeholder collaborative processes in setting Lake Tahoe Basin public policy. Many believe that settling resource management and policy concerns in a collaborative forum represents the most favorable approach for achieving inclusive, creative and sustainable, long-term solutions and informing today's' pressing decisions. Early Framework study scoping discussions included dialogues as to whether sufficient resources and cultural capacity existed within the Tahoe Basin for implementation of a collaborative process. Cultural capacity represents the extent of the community's evolved skills and relationships to be able to support dynamic, intertwined, complex, mutually beneficial solution development. This dialogue also recognized the need for early interagency and public involvement in a series of Lake Tahoe Basin planning efforts, all scheduled for completion in 2007. Referred to as Pathway 2007 (P7) these planning process are the:

- U.S. Forest Service (USFS) Lake Tahoe Basin Management Unit (LTBMU) Land and Resource Management Plan Revision (Forest Plan)
- Tahoe Regional Planning Agency (TRPA) Regional Plan Update (Regional Plan)
- Lahontan Regional Water Quality Control Board (Lahontan) and Nevada Division of Environmental Protection (NDEP) Lake Tahoe Total Maximum Daily Load Process (TMDL).

All the above agencies plus the California Air Resources Control Board (CARB) comprise the P7 Partners. P7 goals are:

- Align environmental goals among different Basin agencies
- Develop an integrated and cohesive set of supported, usable planning instruments
- Enhance interagency trust along with mutual understanding and respect for agency mission Coordinate effective public participation in the planning process

¹ U.S. Army Corps of Engineers (Corps). 2004. Draft Lake Tahoe Basin Framework Implementation Report, Sacramento, CA

1.2 Purpose of the Assessment

The purpose of the Assessment is to determine whether sufficient resources and cultural capacity exist within the Tahoe Basin for implementation of a collaborative process, and, if so, to outline how this process could extend to interagency and public involvement for the P7 planning efforts.

P7 Partners historically make and implement decisions independently. Agency actions often affect the actions of others. Even so, timely communication and coordination does not always occur. This results in redundant staff work, disjointed decision making and potential resource impacts.

The stakeholders of a potential collaborative include private citizens, community groups, non-governmental organizations, and government agencies (including federal, regional, state, and local). Many jurisdictional and resource management activities occur simultaneously in the Tahoe Basin. Stakeholders find it difficult to monitor all such activities at one time. Many must attend numerous meetings and perform difficult analysis of non-integrated actions. Some report fatigue in attempting to respond to numerous processes (process fatigue). Several agencies no longer fully participate with each other due to sheer volume of demands, while others take independent action (often involving a requirement for additional public input) and increase the potential for more conflict. Such conflicts may lead to resource impacts. The Corps and P7 Partners, committed to achieving improvement of Lake Tahoe environmental quality, believe a collaborative planning approach might be timely and appropriate.

P7 agencies seek to streamline their planning efforts by implementing collaborative methods. In spring 2003, the Corps assisted P7 by retaining resources to conduct a stakeholder collaborative feasibility assessment. The U.S. Institute of Environmental Conflict Resolution (a Federal agency within the Executive Branch) provided an oversight role and retained the California State University Sacramento (CSUS) Center for Collaborative Policy (CCP) to conduct the assessment.

1.3 Initial Assessment

Beginning in summer 2003, CCP conducted numerous organizational meetings with P7 staff, leaders and other critical stakeholders. Topics included perceived importance of collaborative approaches, potential collaborative methods and the implications of moving forward with a feasibility assessment. Based on these discussions, P7 Partners agreed to proceed with deeper analysis. CCP then initiated a full-scale P7 stakeholder collaborative effort feasibility assessment.

2.0 FEASIBILITY ASSESSMENT PROCESS

2.1 Collaborative Processes

This assessment considers whether sufficient resources and cultural capacity exist within the Tahoe Basin for implementation of collaborative processes. Collaborative processes typically involve a broad cross section of stakeholders working together in structured, facilitated sessions. Different from parties in adversarial negotiations, collaborative stakeholders seek to achieve fundamental interests through mutual gain. Termed “enlightened self-interest: this is substantially different from traditional advocacy. Collaborative participants work on behalf of all parties rather than just in pursuit of their own interests. Also different from traditional public input or outreach, collaborative processes use structured negotiations to define interests and options rather than relying entirely on agency hearings or community gatherings to surface positions and issues. Many collaborative approaches exist; however, CCP generally utilizes a five-phase process:

Assessment	<i>Determine likely participants / assess conditions for initiation</i>
Organization	<i>Develop ground rules / decision rules / communication systems</i>
Education	<i>Develop common understanding of issues among participants</i>
Negotiation	<i>Create agreements in principle and in detail</i>
Implementation	<i>Create implementation plans / succession plans for participants</i>

Collaborative processes are:

- Inclusive and Diverse
- Transparent
- Authentic
- Respectful
- Accountable
- Sustainable and Create Durable Results
- Focused on Common Understandings

Collaborative processes are often helpful to communities addressing issues. Even so, they are not always feasible and launched and/or managed improperly; they can lead to detrimental outcomes. Moreover, large, complex efforts such as the proposed P7 process require substantial time and financial commitments. Feasibility assessments allow parties to determine if a collaborative process is the right approach and a wise investment. In the event a collaborative appears appropriate, feasibility assessments assist in considering design options.

2.2 **Methodology**

Several tools assist collaborative specialists in evaluating feasibility. CCP conducted an interview-based feasibility assessment utilizing structured surveys, agency meetings and other related studies to interpret and analyze results. The assessment included:

Identifying:

- Perceptions about the role and importance of the P7 process on the Basin
- Perceived P7 organizational problems, challenges, and potential solutions
- Appropriate data collection/analysis procedures
- Potential resources stakeholder organizations may provide to the collaborative
- The appropriate leadership and organizational structure for the collaborative

Clarifying:

- Desired outcomes from the coordination of the P7 Partners
- Design and implementation expectations for the P7 public participation strategy
- Expectations about the design and implementation of a P7 collaborative planning effort
- Needs and expectations regarding third-party neutrals assisting the P7 process

Determining:

- Options for appropriate decision-making and governance tools for the collaborative P7 process

CCP prepared two comprehensive interview survey instruments: one focused on agency stakeholders; one focused on non-agency stakeholders (*see Appendices A and B*). Three CCP senior mediators conducted interviews in-person or by telephone with Basin stakeholders between mid-November 2003 and Mid-January 2004. Some agency staff completed questionnaires in written form. Interviewers contacted more than 50 prospective participants and interviewed 44 stakeholders including 12 TRPA Governing Board members (*Appendix C*). Interviewers contacted all TRPA Board members; however, three declined participation for a variety of reasons. Similarly, several other contacted stakeholders did not participate.

Interviewers compiled responses in the aggregate, not attributing individual statements to assure participant confidentiality. Section 3 summarizes interview findings. Interview findings and additional researched data were then qualitatively analyzed and evaluated in relation to known collaborative process success factors. This evaluation resulted in recommendations for proceeding with, and outlining options for a stakeholder collaborative process design.

3.0 SURVEY RESPONSES

3.1 Introduction

This section summarizes responses from the assessment interviews (Appendices A and B) by survey categories:

- 3.2 General Basin Factors
- 3.3 Decision Making and Leadership
- 3.4 Process and Context
- 3.5 Interagency Coordination and Integrated Planning
- 3.6 Public Participation
- 3.7 Representation and Influence
- 3.8 Levels of Commitment to and Capacity for Collaboration

The summary arrays degree and magnitude of response themes and comments as qualified proportions (i.e., “a significant majority of participants said X,” or “a minority of participants said Y”). Independently insightful comments are also provided.

3.2 General Basin Factors

Virtually all interviewees, including those with widely divergent views on other issues, conceptually believe collaboration is essential for effective decision-making and leadership. Some participants suggested that leaders and other decision-makers “should get opinions from anybody who wants to participate.” Even so, many participants, including several decision-making officials, reported personal skepticism of the appropriateness and/or effectiveness of collaborative efforts.

Many reported a lack of existing capacity (variously defined as leadership, skills, attitude and resources) for collaboration in the Basin. They believe the Basin lacks agency leaders able to nurture and provide staff guidance regarding collaboration and working together. Some suggest staff often does not receive a “blessing” from their managers to act collaboratively.

As an example of the disparity between interest in collaboration and capacity for collaboration, one interviewee supportive of collaborative decision-making said his organization is “sick and tired of consensus building because it’s just more politicizing – a tactic rather than a tool, an approach that hasn’t allowed for vigorous debate of ideas that leads to true understanding and consensus.”

A number of participants indicated agencies were sometimes concerned collaboration would result in a surrender of authority and be viewed as a sign of weakness, not strength. Many thought agencies should not give up authority but also thought authority should not interfere with working collaboratively.

Still others observed public stakeholders and agency decision-makers act with impunity against each other. This escalates and then perpetuates itself, cementing un-cooperative behavior.

A substantial majority confirmed process fatigue in attempting to interact with numerous Basin planning and decision venues. They believe fatigue creates significant challenges to stakeholder engagement in Basin-wide, complex decision-making processes.

3.3 Decision Making and Leadership

CCP posed questions regarding decision-making and leadership. Most respondents offered negative perceptions. Many described serious staffing, organizational, and statutory structural issues and listed incidents leading to their conclusions. A number also reported a strong need to develop a shared vision for the physical Basin, as well as for relations among the Basin agencies and between the agencies and the public.

3.3.1 Decision Making

Most respondents said protecting the lake is a high priority for a great majority of stakeholders, and this shared desire provides focus, arouses passion, and inspires commitment. Even so, a significant portion felt decision-making in the Basin is to some degree paralyzed. Some attribute agency paralysis to deferring tough decisions for fear of constituent response. Others found bifurcated authorities and overlapping jurisdictions to be the source. Still others found disputants too entrenched to move forward.

3.3.2 Understanding of Current Decision Processes

Non-agency stakeholders indicated little to no understanding of decision-making process at the inter-intra agency levels. This results in decisions generating reactions at all stakeholder levels (agency and non-agency) ranging from confusion to frustration to fear.

Non-agency stakeholders' described their understanding of P7 agencies and their relative relationships as:

- Lahontan:
 - Most science-driven.
 - Least flexible in rule interpretation.
 - Least interested in collaboration.
- USFS:
 - For some: Most hierarchical.
 - Most influenced by out-of-basin considerations.
 - For others: Most responsive and supportive of implementing in-Basin improvements.
- TRPA:
 - Lacking clarity in mission and responsibilities.

Having multiple required duties and processes not always internally consistent.

Multiple direction resulting in a lack of: agency focus, agreement of agency mission, and designated authorities-leadership

Least predictable decision-making relative to other agencies

- NDEP:

[No insights were provided relative to the other agencies]

3.3.3 Leadership

A significant majority expressed concern regarding a “lack of leadership” in the Basin, saying, “There are no charismatic leaders.” Many defined a need for a person or entity to create unifying principles / vision and to articulate direction.

A large number noted that instead of “leaders”, the Basin agencies tend to be led by professional managers. These managers display a range of highly effective to highly ineffective managerial skills.

3.3.4 Staffing

Respondents reported different observations on staffing. Some believed there were inadequate numbers of staff with the appropriate strategic collaborative skills. Some thought the staffs possessing collaborative skills are not effectively positioned within their organizations.

Another issue raised related to the skills and perspectives of staff. Some believed agency staff had one set of skills – technical, or another – strategic. They saw few occasions where staff appeared to possess both. They suggested increasing staff skills to both would improve agency decision-making and collaborative capacities.

3.3.5 Structural Issues

Overlapping and confusing agency jurisdictions, contradictory regulations, and technical complexity were frequently cited as a decision-making weakness. Interviewees indicated there are no systems, nor is an organizational culture in place for agencies and stakeholders to work out difficult, contentious issues. Many noted few opportunities for “straight talk.” These factors result in too much time being required to resolve issues.

A number of participants suggested Basin stakeholders need consistent, mutually agreed on decision-making tools and protocols. One interviewee suggested P7 Executives should hold quarterly public meetings to enhance decision-making and interagency collaboration.

Many observed a “disconnect” between North Tahoe and South Tahoe organizations and interests. They believe this exacerbates the difficulty of reaching Basin-wide decisions.

On several other points, interviewees expressed a range of divergent views regarding decision-making:

- Some suggested the agencies are the main source of the problem while others believe causes are external to the agencies and agencies simply try to address them.
- Participants were divided on appropriate allocations of decision-making authority to in-Basin and out-of Basin interests. Some argue many decisions should be handled as local matters, while others emphasize the regional, national and international significance of Lake Tahoe. These respondents note a need to fully integrate out-of-Basin interests in Basin decisions.

3.3.6 Agency Specific Factors

To reduce survey bias, CCP intentionally avoided focusing on agency specific issues. The interviewers also specifically worked to divert interviewees back to general topics if they focused too much on any one agency. This included CCP's interviews with TRPA Board members.

Even so, a substantial number of respondents tended to focus on agency related issues. Unless directly related to the feasibility assessment, specific agency comments are not considered in the analysis.

Notwithstanding those caveats, following are a sample of agency specific comments.

3.3.6.1 TRPA

TRPA is a bi-state agency with far reaching jurisdiction and wide ranging decision impacts. Most stakeholders insisted it was necessary to understand some of TRPA's strengths and challenges to assess the feasibility of Basin collaboration.

The TRPA Governing Board (Board) has specific challenges regarding the agency's regulatory role and the effects of this role to P7 scope. The Board is also in substantial discussion regarding the agency's Threshold standards, and the agency's future roles and responsibilities. Threshold standards are Basin-wide environmental standards that directly and indirectly define the region's capacity to accommodate development. Some Board members actively oppose the agency's involvement in some Threshold issues as well as related current Regional Plan issues. These members disagree with recent TRPA direction and seek to change TRPA regulatory influence.

TRPA public and internal concerns were known to respondents and often cited during interviews. Given the context, this type of observation often spilled over to discussion of the ability of the staff to interact with peers in other agencies. This then led to observations of past practices and particularly to some of the challenges related to changes in the TRPA Executive Director position and a range of leadership from that position.

3.3.6.2 U.S. Forest Service

Many expressed concerns regarding various demands being made on the USFS and the inherent stressors of managing wide ranging issues including fuel management, the Sierra Framework and Tahoe Basin specific topics. As with the TRPA, much has been discussed on this topic in the media and perspectives widely known and recited by respondents.

3.3.6.3 Lahontan Regional Water Quality Control Board

The principle concern for those familiar with Lahontan involved the dramatic effect of state budget cuts on operations and the demands of agency regulatory requirements. Also cited were potential tensions for an agency attempting collaboration within a regulatory organizational culture.

3.3.6.4 Nevada Division of Environmental Protection

Participants had little to no insights about the challenges faced by NDEP. Those that did indicated that NDEP is a secondary participant in Basin-wide resource regulation due to the structure of NDEP's regulatory authorities and statewide budget constraints.

3.4 Process and Context

3.4.1 Collaboration

Stakeholders' consistently stated an expectation that P7 be collaborative. Many felt it must include interagency coordination and authentic non-agency stakeholder engagement. Most believed to not do this would be inefficient, disenfranchising, and eventually harmful to the Basin. The harm would come from ultimately unsound resource management and social policy decisions. Still, some noted the history of and capacity for Basin collaboration requires realistic consideration. Many observed that deliberations outside routine public processes created the current Regional Plan in the late 1980s.

3.4.2 Other Initiatives

Respondents were queried as to other Basin initiatives and activities potentially influencing the P7 effort. Many offered comments. One noted other Basin initiatives and projects are about "today" and P7 needs to be about "tomorrow."

Among major issues listed as having significant implications for the P7 process are forest health (in particular forest fuels management), affordable housing, transportation, and ensuring successful implementation of the Environmental Improvement Program (EIP) which would in their view, increase support and enthusiasm for the P7 effort.

3.4.3 Timelines

A number of respondents commented on the timeline, nature and scope of the P7 effort. Some expressed serious doubt whether the Regional Plan can be completed in a collaborative manner by 2007 if it must revisit all the Thresholds. In the view of some, Thresholds would need to be prioritized, although other interviewees indicated weakened Thresholds would likely lead to litigation by parties opposed to the plan. Some also suggested the Regional Plan not focus on rewriting every section because there is not adequate time to do that. Those respondents believed collaborative stakeholders would need to prioritize their work on and/or focus on improving decision-making tools.

3.4.4 Funding

There are significant fiscal constraints for all parties with no obvious sources for funding a large collaborative process.

3.4.5 Neutral Facilitation

Some believe P7 needs impartial, professional facilitation and mediation. Others thought the agencies should be able to provide their own coordination and that public or other meetings would not need professional facilitation. The perceptions regarding facilitation appear related to previous experience with facilitation and individual understanding of what would be involved in a collaborative process. For some, the idea that agency staff should perform facilitative functions is related to a philosophical belief that staff should be collaborative without outside assistance.

3.4.6 Miscellaneous

Many stakeholders shared similar perspectives regarding P7 and relayed suggestions as follows:

- Base collaborative effort on shared (agency and public) vision, values, desired future outcomes, and expectations
- Create better planning and decision tools which can be used to assess future projects in a consistent way, rather than focusing on specific projects themselves
- Some suggested, rather than focusing exclusively on environmental/natural resource issues, P7 should address broader Basin topics including local and regional economies, quality of life factors, social conditions, etc. (Note: this opinion is not shared by several TRPA Governing Board members and some business leaders relative to the Regional Plan.)
- Help the public understand planning and regulatory processes conducted by the agencies.
- Inform the public that P7 agencies are endeavoring to work together to develop the best plan(s) for the Basin

- Leverage/improve opportunities to create local revenue for EIP implementation
- Be efficient with stakeholder time to be successful
- Be inclusive and transparent
- Recognize and address the different nature of North/South Shore communities
- Set explicit time limits
- Balance the need to address the comprehensive nature of things with the likelihood of overwhelming the public
- Educate stakeholders about TMDLs in an accessible, user-friendly way
- Base decisions on solid, defensible science and make science available to stakeholders. Involve stakeholders in science-based discussions and decisions. (For example, very few interview participants are knowledgeable about TRPA's Adaptive Management Framework process and those that are, do not understand it)
- Minimize and eliminate duplication of technical work/discussion groups
- Complete by 2007
- Include the transportation agencies

Interviewees also expressed divergent views regarding process and context as follows:

Some noted the public needs to appreciate / understand the planning and regulatory process conducted by the agencies and that the agencies are successfully working together to develop the best plan(s) for the Basin. Others stated the P7 process is about public / private stakeholder collaboration.

3.5 Interagency Coordination and Integrated Planning

Most participants report an overall lack of alignment and vision among the Basin agencies. Even so, most identified some examples of interagency basin coordination they considered successful, such as watercraft regulation, EIP, TRPA Memorandums of Understanding with counties, and the 1997 Presidential Summit. The effectiveness of these efforts were attributed to passionate and visionary leadership, and the application of proactive, strategic thinking about:

- 1) Participant inclusion,
- 2) Appropriate questions to be addressed,
- 3) Policy implications of the process, and
- 4) Timing and sequence of process events.

The examples of success featured limited content, time, and/or geographic scope. Those examples of relatively unsuccessful efforts contained complex issues with broad geographic scope.

Most participants said P7 is critically important and P7 must include interagency coordination and integrated planning. Without P7 cooperation, they believe inefficiency and

deteriorating environmental quality will result. It would also, in the view of a number of interviewees, underscore the mistrust and lack of confidence in agencies. Many private stakeholders and the public feel this unease. As an example, many interviewees cited “never-ending turf battles” between and among agencies. This causes lack of coordination, inefficiency and frustration for regulated parties.

Many voiced concerns about inconsistent agency regulations. As an example, the USFS and TRPA define old growth forest differently. This complicates fire protection projects. These respondents would like to see interagency coordination, clarity, and consistency to determine which agency has jurisdiction over given areas or issues.

Other interagency coordination observations and suggestions included:

- Need for better communication systems-tools in place to stop the never-ending turf battles. “Agencies need to act like a community instead of like fiefdoms”.
- “Processes where everyone has gotten credit for things have been most successful at minimizing turf battles.”
- Agencies have systems and venues in place to discuss matters; but need systems and venues in place to resolve differences.

3.6 Out of Basin Considerations

Different groups believe different things about out-of-Basin influences. Regardless, out-of-Basin entities provide funding for Basin initiatives. Some interviewees believed out-of-Basin funding entities would be inclined to “give up” on the Basin in the near future unless in-Basin parties:

- 1) Embraces the concept that Lake Tahoe is a nationally and internationally significant resource
- 2) Recognize that out-of-Basin stakeholders have legitimate and compelling interests
- 3) Show real, proactive, collective results in working better together

One person offered that everyone in the Basin would benefit from seeing the world through someone else’s eyes, to “walk a mile in someone else’s shoes.”

3.7 Public Participation

Respondents said some public participation (PP) efforts have been more successful than others (e.g., watercraft regulation) have. Even so, most PP efforts were not successful in attracting traditionally underrepresented communities – in particular, several ethnic communities.

A number indicated skepticism regarding PP in the Basin. P7 needs to provide an early success and proof of benefits to attract participants and convince them to stay involved.

Any PP effort must also ensure effective and appropriate scale. Also important is setting reasonable expectations for what PP will and will not provide.

To increase public participation capacity, respondents suggested everyone in the Basin needs to get better at listening to each other. It was thought that any PP effort would also need to educate all parties.

3.7.1 Staffing

There is a lack of skilled agency staff to manage and implement an effective Basin PP process. As with other points regarding interagency coordination, respondents recommend agency public affairs officers' work more closely together.

3.8 Influence and Representation

Many reported uneven representation and influence among Basin Stakeholders. Comments included the following:

- A limited number of very well represented parties in the Basin largely influence decisions and decision-makers
- Well represented parties are very familiar with one another
- Some stakeholders (including those considered influential parties) believe more parties should be involved in Basin-wide discussions
- Several agency and private stakeholders feel a small number of select, knowledgeable parties are most effective at getting things done and making mutually agreeable solutions
- Several technical and legal consultants maintain a disproportionate influence on TRPA decision-making and other parties in the Basin
- Local governments are powerful and will become more so as EIP implementation continues
- Special interests periodically hold the agencies hostage

Several Basin stakeholder communities are routinely underrepresented in public processes. Respondents described underrepresented stakeholders communities as:

- Service laborers (generally ethnic communities)
- Middle /Low income single family home owners
- Out-of-Basin homeowners
- Educational community
- Nevada General Improvement Districts (GIDs)

Generally, attempts to engage these stakeholders have been unsuccessful.

3.9 Levels of Commitment to and Capacity for Collaboration

Many offered substantial comments regarding stakeholder commitment and capacity. The majority of non-agency stakeholders overwhelmingly support a collaborative process. They expect an agency-initiated process. Many will commit resources for involvement in such a process (although they remain uncertain about the likely process costs). Some are prepared to provide lobbying and other political influence to ensure adequate agency funding in support of a collaborative effort.

Even so, some participants prefer a future moratorium on Basinwide development allocations over other potential options. This preference may influence the participation and strategic negotiation approach of these stakeholders.

While there was interest at the time of interviews, a majority of TRPA Governing Board members expressed substantial concerns about a collaborative process. Follow-up discussions have led to broader informal Board acceptance. Even so, formal affirmation of a collaborative process by the Board may ultimately be required to ensure other stakeholders fully participate. For that reason, current and long-term formal Board support remains a concern.

3.9.1 Integration

P7 may need to coordinate and integrate with other ongoing forums. Duplicative processes may limit P7 effectiveness. As an example, to interest stakeholders and provide incentives, it may be wise to link P7 with EIP implementation. Similarly, P7 may need to leverage existing Basin technical working groups.

3.9.2 Staffing

Agencies need appropriate staff in appropriate positions with appropriate skills to support a collaborative effort – i.e., multiple PP and collaborative process activities. To avoid a resource drain, P7 agencies will need to shield staff from conflicting priorities and other demands.

4.0 ANALYSIS AND GENERAL RECOMMENDATIONS

Section 3 summarized assessment interviews. Section 4 considers those responses along with other available information then assesses the feasibility of a successful collaborative.

CCP has identified eleven basic elements common to successful collaborative processes. Termed “*conditions of success*”, they are:

1. General Conditions
2. Precedents of Collaborative Capacity
3. Primary Parties are Identifiable
4. Primary Parties Will Participate
5. Parties Have a Legitimate Spokesperson(s)
6. Relative Balance of Influence Among the Parties
7. No Party has an Assurance of a Much Better Outcome in a Different Venue
8. Parties Anticipate Future Interactions With Each Other
9. Parties Identify External Pressures to Reach Agreement
10. Parties Have Adequate Resources/Funding to Support Collaboration
11. Realistic Timeline for Completion

In reviewing the collaborative conditions in the Basin, the CCP team considered:

- General interview responses
- Key insights offered by a variety of stakeholders
- Related background documents regarding past Basin planning efforts, policy guidelines, socioeconomic analyses, political activities, and technical studies
- Information from similar-scaled planning and collaborative efforts in the United States

4.1 General Conditions

General Conditions relate to the “big picture” issues.

4.1.1 Key Findings

1. Nearly everyone interviewed believed the agencies should initiate a collaborative process.
2. There was not shared meaning or agreement on how a collaborative would function.
3. Agencies tentatively support a collaborative but are uncertain about how large it would be or the potential cost.
4. Agencies questioned which parties and/or organizations would decide what issues.

5. Some TRPA Board members expressed concerns and asked, “How does collaboration work in tandem with a regulatory role?”
6. TRPA has not yet settled on a detailed TRPA planning approach.
7. Until the TRPA planning approach is confirmed, it will be difficult to determine how TRPA’s requirements will integrate with the requirements of the other P7 agencies.
8. A lack of requirements from TRPA also creates uncertainty for the other agencies.
9. All parties agree the lake should be protected and the Basin economy relies on this.
10. Most agree many methods could achieve lake protection
11. Most are also weary of protracted Basin conflicts and the expense of conflict.
12. Most seek certainty in Basin-level decisions and desire a shared vision to guide the next 20 years of Basin management.
13. Some stakeholders are comfortable with the Basin status quo, thinking that no action is preferred.

4.1.2 Analysis and Recommendations

The large degree of support on many items offers a solid foundation for a collaborative effort. The parties also view collaboration as an appropriate method to achieve desired goals. At the same time a lack of shared meaning or definition of collaboration indicates needs for extensive education and training prior to entering into a prolonged process. Education is particularly important as stakeholders have expectations about collaboration that may or may not be consistent with the approach designed for the Basin.

Stakeholders also hold expectations ranging from perspectives on governance and decision-making to desires for providing input on many issues. The collaborative structure and charter must provide clear boundaries and set realistic expectations.

The scale and complexity of issues in the Basin is overwhelming. To add to the complexity, the agencies have different requirements and need different forms of stakeholder engagement. Traditional and legal approaches to public scoping (e.g. National Environmental Policy Act [NEPA] and California Environmental Quality Act [CEQA] guidelines) prescribe processes that do not always mirror collaborative approaches. Stakeholders require clear explanations as to how their work will integrate not only with the different needs of agencies but also with required legal review processes.

The clear determination of the scope of the TRPA Regional Plan Update is needed to determine what issues the collaborative would ultimately address. TRPA would also need to determine the level of participation appropriate for the agency. Similarly, all agencies would need to define participation levels and parties to the process.

Finally, stakeholder interest should be re-assessed after conducting collaborative skills development, and analysis of potential collaborative constraints. The parties would then be able to make fully informed decisions regarding participation.

4.1.3 Conclusion

Factors for success exist or can be improved with:

- Proper design
- Collaborative skills development
- Setting of expectations
- Agencies better defining project scope
- Agencies better defining degree of stakeholder involvement
- Reassessing Stakeholder interest after providing education, training and presentation of potential limits

4.2 Precedents for Collaborative Capacity

One indicator of potential success is previous experience. The Basin has limited historical precedent for successful collaborative efforts.

4.2.1 Key Findings

1. Basin stakeholders have limited experience conducting successful collaborative processes
2. Successful efforts were limited in geographic scale, time and/or content scope
3. Many stakeholders cite poor collaborative behavior of others
4. Under the right circumstances (for example the Presidential Summit), stakeholders can temporarily “stand down” and act collaboratively
5. Few stakeholders expressed personal or organizational ownership of non-collaborative behavior
6. Conversely, most stakeholders attributed non-collaborative behavior to other parties and/or organizations
7. Competition and lack of alignment between agencies contributes to poor collaboration
8. Successful collaborative efforts have been lead by identified, visionary, passionate leaders (agency and non-agency)
9. Some believe that working together can be viewed as a sign of weakness
10. Stakeholders currently act against one another with impunity
11. Agencies do not have effective systems and organizational cultures to make collaborative decisions

4.2.2 Analysis and Recommendations

Many previous studies have advised Basin-wide stakeholders to use collaborative and participatory practices. The following documents made such recommendations.

TABLE 1 – Previous Studies

1975	The Lake Tahoe Study - U.S. Environmental Protection Agency
1978	Federal Policy for the Lake Tahoe Basin; a Memorandum of Consensus – Western Federal Regional Council
1979	Lake Tahoe Environmental Assessment, Executive Summary - Western Federal Regional Council
1981	Reaching Consensus on Environmental Thresholds and Carrying Capacity for the Lake Tahoe Basin: A Work Plan – Tahoe Federal Coordinating Council
2000	Lake Tahoe Watershed Assessment – USFS, TRPA, University of California Davis (UCD), University of Nevada Reno, Desert Research Institute
2001	Stakeholder Belief Change in the Lake Tahoe Basin, 1970 to 2001 – Center for Environmental Conflict Analysis, UCD
2001	Evaluation of Constraints Affecting Implementation of the Environmental Improvements Program – U.S. Army Corps of Engineers and TRPA
2002	Best Practices in Collaboration and Group Process Design – Harriet Goldman & Associates

Despite repeated suggestions from a range of sources, collaboration rarely occurs in the Basin. This is likely due to high workload, tight deadlines, inappropriate processes, and general process fatigue.

Ultimately, the lack of collaboration has not prevented continued external funding (e.g. State and Federal resource management funding; regional, national and international tourism). These continued funding sources reduce incentives to use new problem solving approaches. Even so, external entities may soon demand proof that continued funding to the Basin is a good investment. A failure to achieve successful collaborative outcomes may eventually effect continued funding.

The following recommendations are actions to improve conditions.

For Stakeholders and the Public:

- Collaborative skills development to improve stakeholder skills and community support for collaborative process.
- Visionary, passionate leadership identified and fostered
- (If needed) separate or enhanced leadership training

For the Agencies

- Continuous communication of urgency and clear vision, mission and goals for the effort
- Strong definition of agency roles and responsibilities to reduce conflict and improve cooperation
- Visionary, passionate leadership identified and fostered
- (If needed) separate or enhanced leadership training
- Agency leadership to create common messages regarding the effort and the goals

For External Entities

- Actively encourage the parties to move towards collaborative approaches through funding and other incentives.

4.2.3 Conclusion

Precedent does not predict a favorable result; however, a number of steps would improve the potential for success. Critical are:

- Skills development
- Setting of clear vision, mission and goals
- Continuous communication
- Leadership
- Strong role definition
- Incentives

4.3 Primary Parties are Identifiable

Collaborative processes require the “full system in the room.” This means that those parties with a stake in the outcome of a collaborative need to be identified and if not present, at least continuously considered.

4.3.1 Key Findings

1. Primary parties are generally known
2. Historically, Basin labor communities prove difficult to involve
3. Middle and low-income Basin homeowners are not organized and difficult to identify
4. Out-of-Basin homeowners not part of homeowners associations are not organized and difficult to identify
5. Out-of-Basin interests are difficult to define

4.3.2 Analysis and Recommendations

Numerous outreach techniques are needed to reach under-represented groups. Some contact methods may include extensive, interactive web-based outreach and participation tools, direct mail campaigns, focused public meetings, one-on-one meetings, and focused information distribution at select retail and educational establishments.

Many in-Basin stakeholders question the role of out-of-Basin parties on Basin issues. Education on the role of all stakeholders is needed in the outreach process and may be an initial subject for conflict resolution.

Reaching out-of-Basin parties may require the use of the internet and other communication technologies as well as public meetings in locations outside of the Tahoe

Basin. A separate strategy for these stakeholders and the methods by which they will participate will be required.

4.3.1 Conclusion

Primary parties are generally identifiable and outreach can likely achieve goals. Outreach should include:

- Education on the role of stakeholders
- Numerous methods and forms of meetings and communication
- Initial conflict resolution to address the role of out-of-Basin stakeholders

4.4 Primary Parties Will Participate

4.4.1 Key Findings

1. Some stakeholders believe TRPA may not fully participate
2. Some stakeholders have limited resources for involvement
3. Some stakeholders will determine their participation after the vision, mission, goals and charter are better defined
4. Stakeholders live and work in a wide variety of geographic locations
5. Some stakeholders want a role in defining the process

4.4.2 Analysis and Recommendations

TRPA participation will be essential. The proposed effort requires TRPA leadership and technical and strategic talents. The Regional Plan Update largely dictates the scope of the P7 effort. Communication of the scope would be fundamental to influencing stakeholder participation. An early expression of TRPA Board support would be needed to assure others that joining the effort is worthwhile.

Stakeholders often require support or incentives to participate in public processes. For stakeholders unable to engage due to financial or time constraints, agencies may need to find ways to offer a means of support. A related issue is physical constraints. At times, different parts of the Basin are difficult to travel to. The location of meetings and the weather may affect attendance. This should be considered when planning meeting dates and times.

For some stakeholders an interest in particular issues or content may be the primary driver. Lack of these incentives may discourage involvement. By example, family oriented service or labor representatives may see little incentive to attend natural resource management meetings. Conversely, natural resource scientists may see little incentive to attend affordable housing meetings. In the same light, individuals from two states and two parts of the Lake would need assurances that their issues would be addressed. Clear statements of the vision, mission, goals and charter will assist stakeholders in determining their role.

Issues of participation may also be addressed in process design. For example, some groups may only participate in limited meetings or work groups on an as needed basis. Other stakeholders may agree to represent the interest of some parties not present. For some groups, routine public meetings in the affected community may be adequate. The P7 agencies and other stakeholders need to discuss and decide the long-term implications of how one or more underrepresented stakeholder communities may participate.

4.4.2 Conclusion

Most key in-Basin stakeholders will participate in a collaborative process. The following steps will improve success factors:

- Careful consideration of how to engage stakeholders not commonly represented
- Clarification of TRPA role
- Accommodation for stakeholder geographic distribution
- Clear statements of vision, mission, goals and charter

4.5 Each Party Has a Legitimate Spokesperson(s)

A variety of factors determine the legitimacy of a stakeholder spokesperson. The spokesperson needs to be recognized as a true community representative. The spokesperson needs to understand how to communicate enlightened self-interest (the community interest that is greater than one particular proposed solution). The spokespersons must have systems in place, or be able to support the implementation of systems to authentically communicate with their constituents. The representative must also hold sufficient skills to advocate for collaboratively generated options.

4.5.1 Key Findings

1. The primary parties probably have legitimate spokespersons
2. Service laborers have several representative community organizations but may not have appropriate spokespersons for all P7 topics
3. Out-of-Basin spokespersons will be difficult to identify and include.
4. Some believe agencies require, and do not currently have charismatic leadership to ‘shepherd’ innovative ideas.

4.5.2 Analysis and Recommendations

Challenges and the options to address them are similar to those presented in previous sections. Some additional research is needed to assess if stakeholder representative organizations and/or leaders being solicited as spokespersons are the most appropriate for the topics. Out-of-Basin participants need to be willing and able to travel regularly to the Basin. Similarly, in-Basin participants need to be willing to travel out-of Basin periodically.

Given the number of potentially involved stakeholders, numerous interests groups with similar interests may be engaged. At some point the number of stakeholders could exceed the capacity of the collaborative process to functionally negotiate issues. Such an outcome could require a limited number of stakeholders. Similar interest groups may be required to merge into caucuses / focus groups. Caucus structures and other outreach methods may be needed to ensure representation.

4.5.3 Conclusion

Most parties have legitimate representation and leadership. The following approaches would improve conditions:

- Research and work closely with stakeholder groups to identify the right spokesperson
- Provide leadership training where needed
- Develop a collaborative structure that supports engagement at different levels
- Determine how to engage stakeholders not necessarily represented in the collaborative
- Develop interest-based caucuses to minimize the number of negotiating parties while maximizing the range of represented interests

4.6 Relative Balance of Influence among the Parties

Some balance of influence is required to move forward in a collaborative process. To remain engaged, the parties need some assurance they will be able to influence the outcome and there is something to be gained by participating.

4.6.1 Key Findings

1. A small number of influential parties successfully pursue and protect their interests in the Basin.
2. Many retain and cement their influence using existing and evolving networks.
3. Some hold influence and relationships in and out of the Basin
4. Some agency leaders are independently influential outside of agency-directed roles.
5. Some questioned the ability of agencies to participate in good faith, given their ultimate authority in decision making
6. Some believed Basin agency leaders consistently act in the narrow best interest of individual agencies, even at the detriment to others.
7. Several key private parties (primarily attorneys and consultants) do not represent specific organizations but wield a great deal of influence with politicians, stakeholders and agencies.
8. Some out-of-Basin organizations and individuals are considered powerful in their own spheres of influence but hold limited influence in the Basin
9. Continued growth in nearby jurisdictions may reduce the relative influence of Basin interests (particularly related to allocation of state and county funds)

10. Overall, the influence of any one group or person is not static and shifts over time and in different situations

4.6.2 Analysis and Recommendations

Several key issues need to be addressed. Agencies need to confirm their commitment and clearly outline the role of the collaborative in their respective decision making processes. The individuals with substantial influence will need to recognize the eventual benefits of addressing issues more systemically, essentially trading short term for long term gains.

Many of these issues may be addressed in the collaborative design. The agencies would be encouraged to develop vision, mission and goals in support of system approaches. Education and training efforts would specifically include the importance of addressing concerns at the system level. This would include highlighting the ways influence evolves and shifts over time, and encouraging interaction supporting long-term gains. The collaborative decision making processes should be designed to appropriately manage uneven influence. Facilitation and mediation staff would also be able to coach participants in being effective in the process.

4.6.3 Conclusion

The Basin balance of influence is dynamic. Current opinion leaders play a significant near-term role in determining if a collaborative process can be successfully started. Failure by influential parties to recognize the eventual short term versus long-term gains, or evolving influence may result in significant future disputes. Steps that would improve this condition include:

- Early confirmation of agency support, role, goals, mission and vision
- Focused education on the benefits of long-term system approaches
- Education on the nature and evolving dynamics of influence
- Process design that accommodates differences in influence through various methods including decision making

4.7 Parties Anticipate Future Dealings With Each Other

One incentive for collaboration is an expectation of long-term relationships and future interactions. A collaborative offers an ability to forge improved relationships that extend beyond the immediate presenting issues. As noted above, a strong predictor of success is previously successful interactions.

4.7.1 Key Findings

1. Stakeholders anticipate future interaction with one another.
2. Stakeholders have complex, intertwined, established, recognizable, and predictable patterns of interaction.
3. Stakeholders have historic relationships with one another that alternatively have and have not been productive.
4. Stakeholders acknowledge inadequate communication and decision-making methods, particularly in private and agency interactions.
5. Some stakeholders exclude outsiders

4.7.2 Analysis and Recommendations

A successful collaborative effort requires long-term working relationships. Some Basin individuals are uninterested in change or are purposefully non-collaborative. Stakeholder groups should be encouraged to identify representatives committed to collaborative approaches. Patience and perseverance is also needed. The requirement for these traits should be emphasized during the selection process.

Due to the length and intensity of a collaborative process, tensions occasionally flare. Participants should be advised that when interaction becomes difficult, stakeholders often retreat to historic patterns. The likelihood of these occasions should be acknowledged. The group should jointly develop a plan to manage this foreseeable event.

Finally, those stakeholders with previous relationships, or experienced with the issues may wish to circumvent a prolonged process and rapidly create agreements and tradeoffs; essentially blocking less prepared and less experienced participants from equal involvement. Education should address this and safeguards should be established to ensure full stakeholder engagement regardless of technical expertise or historic influential roles.

4.7.3 Conclusion

Parties will have future interactions with one another. The following are recommended steps to improve conditions:

- Establish criteria for participant skills, attitude and temperament for use in screening and selection
- Anticipate and plan for tensions common in long-term collaborative processes
- Develop safeguards to ensure full stakeholder engagement in decision-making

4.8 No Party has an Assurance of a Much Better Deal Elsewhere

A collaborative process cannot guarantee a better outcome for all parties. Even so, stakeholders need assurances that the process offers the best options for generating solutions.

4.8.1 Key Findings

1. Some stakeholders may consider litigation as an alternative.
2. Litigation is expensive and includes risks that most parties prefer to avoid.
3. Some stakeholders enjoy a high degree of influence and are able to achieve results outside of a collaborative process.
4. Many stakeholders believe single party tactics (including litigation) lead to non-systemic, unsustainable solutions.
5. Some non-collaborative strategies (such as use of influence) used in making “deals” could reasonably be reversed.

4.8.2 Analysis and Recommendations

Despite uncertainty about the specific workings of a collaborative process, there are few situations where stakeholders strongly believe they have better options than in a collaborative discussion. Discussion of best alternatives to a negotiated agreement (BATNAs) should be included in the collaborative education phase. The collaborative ground rules and charter should also address how the group will manage use of tactics outside of the stakeholder process.

4.8.3 Conclusion

This condition is challenged but achievable. To improve potential outcomes CCP recommends:

- Clear and early discussion of BATNAs
- Ground rules and charter language to address activities outside the collaborative process

4.9 External Pressures to Reach Agreement

While most parties enter a collaborative process with genuine intentions to reach closure, many learn that choices and decisions may not always be easy. They also find that much is involved in advocating solutions to other stakeholders not at the table. In these situations, external pressures to reach agreement are often essential.

4.9.1 Key Findings

1. Without an approved Regional Plan Update by April 2007 a development allocation moratorium will occur by July 2007.
2. Lack of an approved TMDL by 2009 would pose enforcement burdens for Lahontan and NDEP and result in external decision-making from the US EPA.

3. Lack of an approved Forest Plan by 2007 would be detrimental to LTBMU's preferred programmatic land and operations management changes.
4. Completion of the Forest Plan without corresponding completion of the Regional Plan would likely create discrepancies between the plans that eventually would need to be addressed.
5. Lack of coordinated action may lead to strained organizational and personal relationships and escalate disputes over EIP implementation.
6. Prolonged litigation by numerous parties would divert staff and funding resources from other Basin priorities.

4.9.2 Analysis and Recommendations

The agency stakeholders are realistic regarding external pressures to jointly complete planning efforts. They similarly support reaching agreements to demonstrate true coordination. The role of and risk of public perception or damaged relationships is less apparent to the parties.

Clear statements of consequences would need to be included in discussions with stakeholders during the collaborative outreach and education phases and resurfaced at critical moments in the process. Active public engagement should be timed to allow continuous feedback from external parties back to participants. Regular, routine briefings on the collaborative's progress should be scheduled for external influential parties.

4.9.3 Conclusion

The conditions related to external pressure condition are minimally present with the P7 agencies but would be publicly improved by:

- Clear messages regarding the consequences of not reaching agreement
- Education and outreach on the topic
- Carefully timed feedback from the public and influential parties

4.10 Adequate Resources/Funding to Support Negotiations

Collaborative process are often labor, resource and time intensive. Developing science and background materials suitable for stakeholders is a massive undertaking, particularly given the complexity of the Tahoe Basin. Investment in the process would be substantial. Without appropriate resources and funding, the collaborative effort is predicted to be unsuccessful.

4.10.1 Key Findings

1. A collaborative approach includes sharing resources and staff, and minimizing redundancies.
2. The recently initiated Tahoe Integrated Information Management System (TIIMS) provides one technical solution for sharing resources.
3. Lahontan, NDEP, USFS and TRPA currently staff planning efforts.

4. Current economic conditions at state and federal levels constrain P7 agency budgets.
5. Opportunities to adjust the number of P7 staff are uncertain.
6. Basin technical working groups may potentially coordinate technical efforts; however, no structure exists to focus the groups in that manner.
7. Several non-agency educational groups and venues can be leveraged and coordinated however, no structure exists to focus the groups in that manner.
8. Some stakeholders pledge to lobby on behalf of agencies to ensure adequate funds for a collaborative process.
9. Given multiple interests and varying levels of influence among the agencies and stakeholders, neutral third party assistance would be needed.

4.10.2 Analysis and Recommendations

Resource availability is of significant concern. Initiation of a collaborative process without full or reasonable certainty of continued funding can be socially detrimental should the process need to end due to interrupted funding. There are severe consequences for embarking on this course without adequate support. This includes:

- Substantial investment of scarce resources with little return
- Increased animosity and eroded trust among the parties should a process start and then prematurely cease
- Preclusion of collaborative efforts in the future
- Long term damage to Lake Tahoe natural resources, caused by non-sustainable, less considered, short-term solutions
- Public outcry

These consequences are severe enough to warrant CCP's recommendation that a collaborative not be undertaken without appropriate resources. All stakeholders should be fully informed as to funding requirements and if the parties proceed, all those with influence should be enrolled to advocate for proper resources.

The agencies have expressed full commitment to locate adequate resources. Critical will be the effective utilization and alignment of existing staff and work efforts to meet new goals. As an example, the Basin technical work and educational groups offer an excellent opportunity to efficiently harness existing resources. As a first step, all existing efforts should be inventoried and the major planning processes cross referenced to identify potential dependencies, redundancies and opportunities for delegation.

High-level Basin agency leadership would be required to align and focus these groups and institute consistent collaborative process goals. Technology, particularly TIIMS, promises to be an invaluable tool in organizing and communicating this effort. Commitment to support TIIMS maintenance and provide refreshed content will be essential.

An option to reduce cost could include limiting scale or scope of a collaborative process. For example, the agencies could utilize a collaborative approach for only select, high priority issues. Where feasible, less resource intensive public processes would be used. An attendant strategy is to build Go / No-Go decision points into the collaborative design. In this option, clear stop and start points would be identified and the parties would understand the next phase of work is contingent on funding. Each phase would include clear, identified outcomes that would contribute to the overall vision, mission and goal.

The use of active involvement and management by a neutral third party is also recommended. This entity should be fully dedicated to implementing the collaborative process and assisting negotiation of mutually beneficial results. The neutral entity would ensure ground rules are developed and used. The neutral would identify consequences likely to occur if parties do not uphold commitments, and would also manage similar responsibilities. The cost for neutral implementation of a large-scale Basin-level collaborative process could be significant and must be factored into overall resource constraints. Parties providing substantial in-kind support may reduce the cost of neutral facilitation services. For example, agencies and other stakeholders may contribute office and meeting space, document reproduction, refreshments, lodging, transportation, etc.

4.10.2 Conclusion

Adequate resources and funding to support a large-scale collaborative process currently do not exist. Even so, the P7 agencies and other parties pledge to achieve this condition. Several key initiatives would be required:

- Education on the risks of proceeding without proper resources
- Advocacy for adequate funds
- Inventory, re-purposing and leveraging of existing work efforts
- Utilization of technology
- Scale, scope and/or go-no go design features to minimize potential lack of resources
- Use of in-kind services where appropriate

4.11 Realistic Timeframe for Completion

Most stakeholders require assurances as to the time involved. A realistic timeframe considers the scale and complexity of the effort as well as the ability of stakeholders to remain in the process. To date, the agencies have experienced significant slippage of work-plan, timeline goals. This potentially could affect the degree of collaboration and public involvement. Because of an overall 2007 deadline, the collaboration timeline may be adjusted by reducing scale and scope and/or implementing Go / No-Go design features to refocus stakeholder work to priorities.

4.12 Summary Recommendations

A collaborative process is desired and warranted for the Basin. However, the analysis identified substantial issues and concerns that P7 agencies and other stakeholders should address before proceeding with a full collaborative process. In particular, CCP recommends that the P7 agencies sponsor extensive preparatory work and specific elements incorporated into the collaborative to mitigate identified challenges. The following summarizes the key features recommended to improve overall conditions for success.

Stakeholder Collaborative Skills Development

In addition to training normally provided in a collaborative process, early skills development should focus on:

- Risks of proceeding without proper resources
- The consequences of not reaching agreement
- Specific topics related to content
- Best Alternatives to Negotiated Agreements (BATNAS)
- Benefits of long-term system approaches
- Nature and evolving dynamics of influence
- Role of stakeholders
- Leadership

Improving Efficiencies

- Inventory, aligning, and leverage existing work efforts
- Utilizing communication technologies
- Agencies better define project scope
- Agencies better define degree of stakeholder involvement
- Reassess stakeholder interest after providing skills development and analysis of collaborative constraints

Resources

Lack of resources, for both the agencies and potential participants, was highlighted as a critical concern. Some ways to address this include:

- Streamlining/improving efficiencies
- Use of in-kind services (instead of fees or other direct costs for service providers) where appropriate
- Advocacy by leaders for adequate funds
- Education on risks of proceeding without proper resources
- Providing incentives for agencies and participants that may include fiscal support

Design, Scale, and Scope

- Go / No-Go design features to minimize effects from a potential lack of resources
- Carefully timed feedback from the public and influence parties
- Ground rules and charter language to address activities outside the collaborative process
- Criteria for participant skills, attitude and temperament for use in screening and selection
- Anticipation and planning for tensions common in long-term collaborative processes
- Safeguards to ensure full stakeholder engagement in decision-making
- Accommodation of differences in influence through various methods, including decision making tools
- Research and develop close relationships with stakeholder groups to identify the right spokespeople
- Collaborative structure that supports engagement a different levels
- Determine how to engage stakeholders not necessarily represented in the collaborative
- Accommodation for stakeholder geographic distribution
- Use of numerous methods and forms of meetings and media
- Initial conflict resolution to address the role of out-of-Basin stakeholders
- Set realistic expectations for all parties

Leadership, Vision, and Mission

- Early and well publicized confirmation of support, role, goals, mission and vision
- Clarification of interagency roles
- Clear statements of collaborative vision, mission, goals and charter

Implementation of all recommended actions would improve conditions for success.

5.0 DESIGN RECOMMENDATIONS

5.1 Introduction

The Design Recommendations offer next steps that

- Create a viable collaborative process
- Mitigate non-collaborative conditions

The process occurs in stages and includes key decision points where all parties can assess if the process should continue as designed.

PRE-COLLABORATIVE PREPARATION	FORMAL STAKEHOLDER ENGAGEMENT	BROAD BASED VISIONING AND OUTREACH
<i>Extensive skills development on collaboration directed to all stakeholders and the general public</i>	<i>Recruit and engage stakeholders to participate in a variety of forums including a formal stakeholder committee</i>	<i>Develop a Basin-wide shared understanding of what is possible and how to describe best outcomes. Create ongoing communication with the general public</i>

5.2 Develop Pre-Collaborative Actions

The assessment outlines needed work to prepare the Basin for a collaborative process. This section presents those pre-collaborative steps. Following the successful implementation of the pre-collaborative steps (given successful results), the P7 Agencies should initiate the full collaborative process (also described in this section).

Public outreach and education is necessary to ensure a sufficient number of stakeholders are interested and willing to participate and that they understand the implications of such participation. The pre-collaborative public participation program includes education, design and implementation of initial stakeholder engagement.

5.2.1 Public Participation Council

The P7 Agencies should establish a Public Participation Council (PPC) of private and public stakeholders possessing unique skills and experience in public participation activities. The PPC would provide advice (on an as-needed basis) to the public affairs staff of the P7 Agencies regarding the development and implementation of the public participation program.

Goals include:

- Provide structure to receive stakeholder advice on development and implementation of a public participation program
- Involve Basin stakeholders in preliminary steps to create early ownership for the P7 process
- Provide the P7 Agencies with invaluable “best practices” advice to ensure that the public participation program is effective

5.2.2 Create Public Participation Strategy

The P7 Agencies should prepare and publish a Public Participation Strategy (PP Strategy) that specifically describes the following:

- Program Goals
- Stakeholders
- Roles and Responsibilities
- Participation Tools
- Participation Venues and Events
- Media Considerations
- Budget
- Schedule

Goals include:

- Integrate stakeholder advice.
- Establish a specific, published approach to interact with the public.
- Develop and leverage stakeholder communication channels to publicize and create investment in the P7 process.

5.2.3 Implement the Public Participation Strategy

P7 Agencies should identify preliminary tools, venues, and events from the PP Strategy and should implement through the summer of 2004.

Goals include:

- Establish critical mass of support for new approaches to conduct Basin planning.
- Create high degree of public awareness and interest in the proposed P7 process.
- Access all stakeholder groups that should participate in the P7 process.

As described in Section 4, while most interviewees were philosophically supportive of collaborative decision-making. At the same, there have been few regionally based collaborative decision-making processes and current decision-making is sometimes non-collaborative. In addition to the Public Participation Strategy, a companion Collaborative Skills Development Program should be developed. This effort would provide focused stakeholder education and training and includes the following:

5.2.4 Focused One-on-One Informational Campaign by P7 Leadership

Basin stakeholders may be uncertain and/or skeptical of the intent of the P7 process. To address this, P7 Agency Executives should conduct one-on-one meetings with a variety of stakeholder groups and individuals to provide personal and organizational commitments and answer questions.

Goals include:

- Establish interaction by P7 leadership with key stakeholders

- Provide current iterations of the collaborative process design and encourage future stakeholder participation.
- Create high degree of focused awareness and interest in the proposed P7 process.
- Establish consistent stakeholder expectations that the process is authentic, transparent, and effective.

5.2.5 Collaborative Process Public Workshops

The P7 Agencies should conduct multiple public workshops during Summer 2004. Workshop materials should also be provided on the Internet. The workshops would describe collaborative processes and how a process may work in the Basin. These workshops should be heavily publicized through implementation of the PP Strategy.

Goals include:

- Seek key stakeholder co-sponsorship of the P7 process
- Educate a broader Basin constituency about collaborative processes and the P7 process in particular.

5.2.6 Key Stakeholder Training Workshops

Special efforts should be initiated to provide more in-depth training to key stakeholders likely to be directly involved in the collaborative process. Special emphasis would be given on requirements, financial and time commitments, implications for decision-making and obligations to the stakeholder community.

Goals include:

- Conduct detailed discussions and training on collaborative processes with key stakeholders in preparation for and support of large-scale collaborative efforts
- Ensure that there is stakeholder commitment to work in a collaborative manner for several years

Collaborative Process Decision Point for Go / No-Go

Based on the results from the pre-collaborative efforts, the P7 Agencies should convene, discuss, and decide whether there is adequate support to proceed with the proposed P7 process. This decision may be based on the following stakeholder-based criteria:

- Interest to participate
- Available and/or future resources to participate
- Adequate involvement by stakeholders in and out of the Basin
- Commitment by appropriate number of stakeholder leaders to work together for a prolonged time
- Stakeholder willingness to use existing communication systems, or create new communication systems to ensure adequate feedback from constituents.
- Willingness of similar stakeholder groups to partner together in order to minimize the number of negotiating parties

If the P7 Agencies decide to proceed with the P7 process, the following steps should be conducted.

5.2.7 Comprehensive Visioning Program for the Lake Tahoe Basin

Based on the assessment findings and subsequent discussions among the P7 Agencies, there is a shared and compelling need for the agencies to conduct some type of visioning process about the Basin. The three planning efforts that make up P7 have very long implementation windows. By example, the TRPA Regional Plan Update will not be updated again until 2027. It is important that the three planning efforts and the P7 process is fully informed by the public about what they want the Basin to be like for the next twenty years. In that context, the P7 Agencies should conduct a comprehensive visioning program about the Basin.

Visioning sessions should be conducted several times in and out of the Basin. The sessions should be designed with the guidance of a Stakeholder Committee (described below). The sessions should be structured to develop information of a high enough degree of specificity as to be supportive of the work to be conducted by the P7 Technical Work Groups (described below). Lastly, an internet-based visioning system should be developed to allow for online facilitation and acquisition of other visioning data from stakeholders, primarily those located outside the Basin. This system will be a companion to the workshop-based visioning program and information collected on-line will be included in the visioning results.

Goals Include:

- Develop a comprehensive understanding of public desired conditions for the future of the Basin.
- Provide significant opportunities for all interested public and key stakeholders to participate in a visioning process
- Provide significant descriptions to all visioning participants about the near and long-term use of the information collected from them
- Provide feedback systems to allow visioning participants an interactive method to assess and comment on visioning results.

5.3 Formal Stakeholder Engagement

As described in Section 2, collaborative processes typically involve a broad cross section of stakeholders working together in structured, facilitated sessions. Collaborative stakeholders seek to achieve fundamental interests through mutual gain. Collaborative processes use structured negotiations to define interests and options rather than relying entirely on agency hearings or community gatherings to surface positions and issues. Some type of organized stakeholder group is usually created to conduct the collaborative process. Similarly, the P7 Agencies should conduct the following tasks:

5.3.1 Design and Implement a Selection Process for a Stakeholder Committee

The proposed P7 collaborative process is based on a central collaborative body called the Stakeholder Committee. This collective of diverse stakeholders would work closely with each other and related specialists; and influence and advise each other on Lake Tahoe Basin planning issues ranging from stakeholder consensus, regulatory and organizational practicability, and technical feasibility. Through strategic, milestone-based discussions, this core group would inform all aspects of the multi-agency planning process. All recommendations from the Stakeholder Committee would be provided to the four P7 agencies to assist them in their decision-making responsibilities.

The consensus seeking Stakeholder Committee would negotiate among themselves to identify mutually beneficial planning solutions in the Lake Tahoe Basin and would develop recommendations bounded by three principle factors:

- 1) Regulatory/statutory authorities of the P7 agencies
- 2) Desired future condition (public vision)
- 3) Practical extent of scientific capabilities.

Additional functions in the P7 process are provided by technical and planning work groups and extensive public participation (as managed by the P7 Steering Team [described below]).

A Stakeholder Committee selection process would be conducted during Summer 2004 to ensure qualified representatives are selected to serve. The selection process would be open to all appropriate candidates, and would be well publicized and non-partisan using standardized application and selection procedures.

Goals Include:

- Create a highly visible, transparent selection process available to all stakeholders
- Create a selection process based on consistent defensible criteria
- Select well-educated and committed Stakeholder Committee participants able to support a multi-year collaborative process

5.3.2 Collaborative Process Organizational Design

Assuming pre-collaborative steps are successfully implemented in Summer 2004, it would be feasible to initiate the formal collaborative process in Fall 2004. The following organizational design and associated Figure 1 on page 5-6 describes the structure for the proposed collaborative process. The following subsections describe most or all of the following (as appropriate):

1. Roles
2. Participants
3. Meeting Formats

4. Decision-Making Protocols
5. Meeting Frequency
6. Meeting Locations
7. Facilitation, Coordination Support Needs

5.3.3 Decision-Making Organizations

All recommendations from the Stakeholder Committee would be provided to the following decision-making organizations / individuals:

- U.S. Forest Service – Lake Tahoe Basin Management Unit and Region 5
- Lahontan Regional Water Quality Control Board
- Nevada Division of Environmental Protection
- Tahoe Regional Planning Agency – Governing Board

Role: Make final planning and technical decisions fully considering advice and recommendations of the P7 Stakeholder Committee.

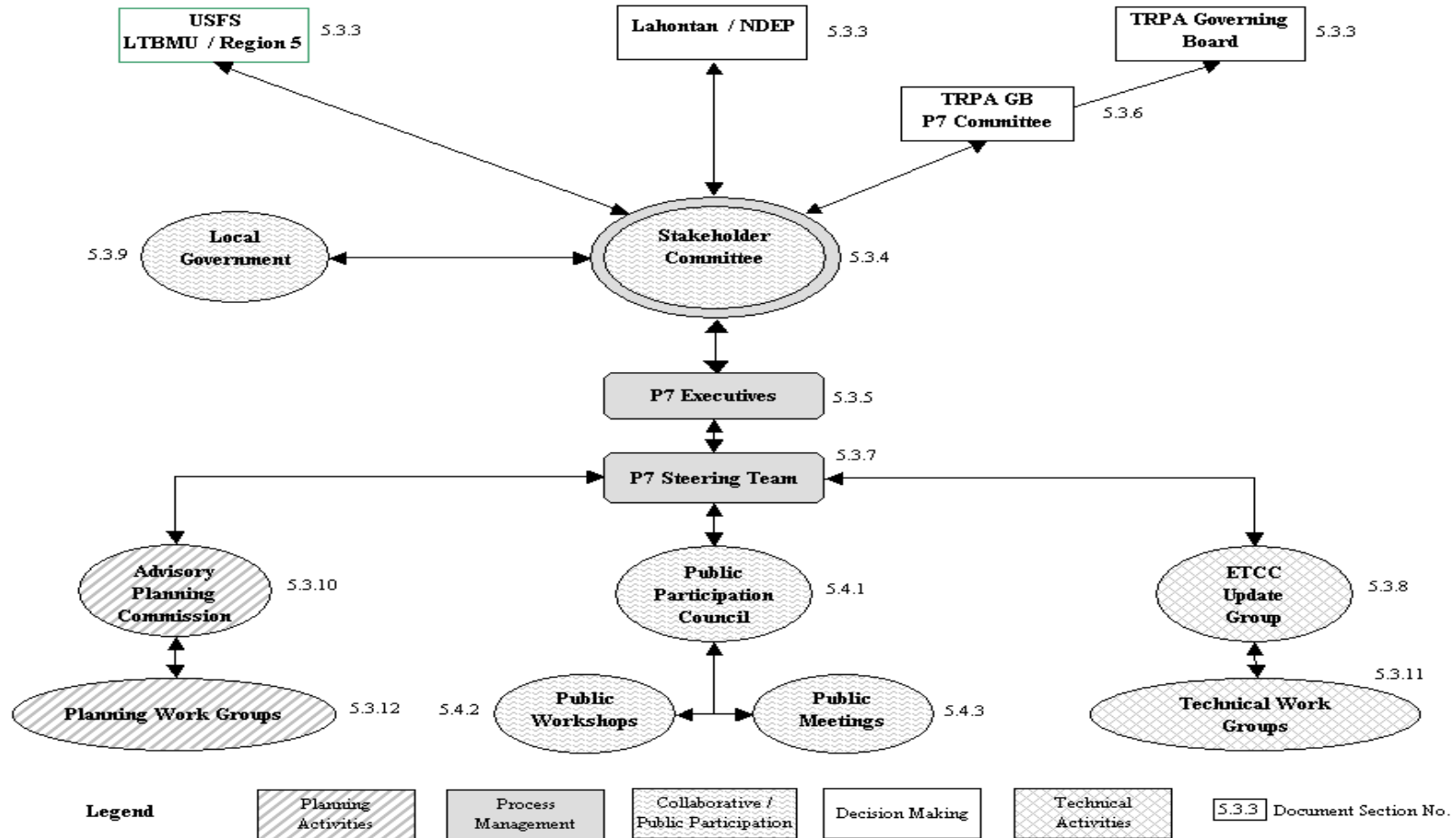
5.3.4 Stakeholder Committee

Role: Conduct interest-based, high-level negotiation of all planning items as bounded by the three sideboards of 1) regulatory / statutory constraints, 2) scientific feasibility, and 3) public sentiment. Prepare and commit to consensus-seeking rules (including decision-making, communication, constituent feedback, etc). Provide multi-benefit planning recommendations (as advised on by the P7 Executives) to P7 agency decision-makers.

Participants: The Stakeholder Committee would potentially include representatives from the following interests:

- | | |
|--|--|
| ▪ Local Business Ownership | ▪ Academic Institutions |
| ▪ Local Business Employees | ▪ Federal, State, and Local Governments |
| ▪ Local Tourism Representatives | ▪ Public Infrastructure / Public Service Representatives |
| ▪ Environmental and Conservation Organizations | ▪ Native American Tribes |
| ▪ Public Access Advocates | ▪ Community Institutions |
| ▪ Recreation Advocates | ▪ Realty Industry |
| ▪ Private Property Owners | ▪ Basin Visitors |

FIGURE 1 – Proposed P7 Collaboration Relationship & Structure



Selection includes an emphasis on finding in-Basin and out-of-Basin representatives to ensure recommendations effectively represent a wide range of geographic, political, social, and economic interests.

Meeting Formats: Open to public. Focused working sessions to carry out process phases (Organization, Education, Negotiation, and Implementation). May require development of topic-specific subcommittees to focus on key topics.

Decision-Making: Consensus-seeking with a high degree of commitment for unanimity. Negotiations informed by the P7 Executives. All recommendations would be in the context of the feasible regulatory and statutory authorities of the P7 agencies. Any activities conducted and recommendations provided by the Stakeholder Committee in conflict with the regulatory and statutory authorities of the P7 agencies and other primary sideboards would be subject to immediate revision or rejection by the P7 Agency decision-makers.

Meeting Frequency: Approximately every 3-4 weeks with variations. May include once a week meetings during focused periods of time.

Meeting Locations: Split between North and South Shore and Nevada and California. Meetings or subcommittee meetings may be held outside of the Basin to facilitate out-of-Basin participants and interested parties involvement.

Facilitation / Coordination Support: High. This body will require a high degree of:

- Facilitation and mediation support
- Participating organization staff support
- Structured presentations by consultants, agency, and non-governmental organization experts,
- Preparation of background materials and meeting dockets

Over time, the Stakeholder Committee would assume increased responsibility for providing self-support.

5.3.5 P7 Executives

Role: Participate as a member of the Steering Committee either as individuals, or as rotating representatives for the entire P7 Executives Group (to be determined). Review Stakeholder Committee activities on regular basis. Provide analysis, input, and oversight for advice generated by the Stakeholder Committee to ensure feasibility of the advice in the context of P7 regulatory and statutory authority.

Provide final leadership, direction, and interim decision-making on all P7 agency management activities, staff assignments, resource allocations, disputes, and similar issues.

Participants: USFS LTBMU Forest Supervisor, LRWQCB Executive Director, TRPA Executive Director, NDEP Deputy Administrator.

Meeting Formats: Closed to the public. Focused decision-making, candid working meetings on short and long-term P7 issues.

Decision-Making: Consensus-based. Requires unanimous decisions for all jointly held issues. When decisions are more agency-specific, use consensus seeking with a high degree (but not binding) of commitment.

Meeting Frequency: High. Approximately every 2-4 weeks.

Meeting Locations: Generally held in South shore unless conditions dictate otherwise.

Facilitation / Coordination Support: Medium. Requires extensive initial facilitation/mediation support and continual neutral coordination support. Requires staff support from respective P7 agency staff to prepare background materials and conduct internal briefings before meetings.

5.3.6 TRPA P7 Committee

Role: Review Stakeholder Committee activities on behalf of TRPA Board. Provide TRPA-specific guidance to the TRPA Executive Director on issues to be presented to the Stakeholder Committee. Provide milestone-based advice to the full TRPA Governing Board for consideration and decision-making.

Participants: Eight members from the TRPA Governing Board staffed by the TRPA Executive Director as TRPA's representative on the Stakeholder Committee.

Meeting Formats: Open as prescribed under relevant public meeting laws.

Decision-Making: As directed by full TRPA-Board.

Meeting Frequency: Monthly with variations including once a week for focused periods of time.

Meeting Locations: TRPA headquarters unless otherwise noted. Meetings may also be held outside of the Basin to provide better access to out-of-Basin participants and interested parties.

Resource Demands: High. Requires TRPA staff and Executive Director coordination and support to prepare background materials and meeting dockets.

5.3.7 P7 Steering Team

Role: Provide day-to-day, direct management and coordination of:

- Technical and Planning Work Group (TWG / PWG)
- Public Participation activities
- P7 planning activities
- Staff assignments
- Resource allocations
- Consultant management
- Other management issues

Participants: Appropriate staff from USFS, LRWQCB, TRPA, and NDEP with support from CARB, USEPA, and USACE (as warranted). Also includes the mediation and collaborative specialists supporting the P7 process.

Meeting Formats: Closed. Focused working meetings on short and long-term P7 issues.

Decision-Making: Consensus-based. Consensus required for all shared decisions. When decisions are more agency-specific, use consensus seeking with a high degree (but not binding) of commitment.

Meeting Frequency: High. Approximately every 2 weeks with variable frequency up to once a week for focused periods of time.

Meeting Locations: Alternate between South Shore and Carson City and (dependent on weather) potential for occasional meetings in mutually convenient locations.

Facilitation / Coordination Support: High. Requires facilitation/mediation and coordination support. It would require staff support from the respective P7 agency staff to prepare background materials and conduct internal briefings with respective executives when appropriate.

5.3.8 Environmental Threshold Carrying Capacity (ETCC) Update Group

Role: Author the technical portions of the ETCC Update in partnership with the Stakeholder Committee. Provide leadership-level technical support to the Stakeholder Committee negotiators (on activities coordinated with the P7 Steering Team and as directed and approved by the P7 Executives).

Participants: Topic-specific technical specialists.

Meeting Formats: Open to the public. Meetings held on an as needed basis.

Decision-Making: None. Provide range of technical considerations with supporting rationale for all proposals.

Meeting Frequency: Medium to Low. Coordinated with the Stakeholder Committee requirements; approximately every 4-6 weeks.

Meeting Locations: As coordinated with the Stakeholder Committee.

Resource Demands: High. Requires staff and coordination support to prepare background materials / meeting dockets / Stakeholder Committee briefings, etc.

5.3.9 Local Government Meetings

Role: Provide focused, periodic dialogue and updates between local governments and the Stakeholder Committee, and the P7 Executives.

Participants: Elected officials and Committee Representatives.

Meeting Formats: As prescribed by public meeting laws.

Decision-Making: Meetings are informational only.

Meeting Frequency: Low. Meetings held as necessary to update local governments on key milestones.

Meeting Locations: To be determined.

Facilitation / Coordination Support: Medium. Requires minimal facilitation but moderate staff support to coordinate and prepare background materials and meeting dockets.

5.3.10 Advisory Planning Commission (APC)

Role: Conduct the Regulatory System Review for the P7 process and particularly the TRPA Regional Plan Update. Make direct recommendations on any revisions to the regulatory system and assignments for focused system analysis the Planning Work Groups. Work will be done in coordination with the P7 Steering Team.

Participants: Current Advisory Planning Commission (APC) membership plus additional subject matter experts appointed for a limited term, limited content, P7 specific role.

Meeting Formats: Open. Focused working meetings on TRPA regulatory system review.

Decision-Making: None. Provide range of technical considerations with supporting rationale for all proposals.

Meeting Frequency: Medium. Approximately every 4 weeks with variable frequency as high as twice a week for focused periods of time.

Meeting Locations: Alternate between South Shore and North Shore.

Facilitation / Coordination Support: Low. Meetings would function as currently managed with potential involvement of facilitation team as needed for process continuity and information sharing.

5.3.11 Technical Work Groups

Role: Content focused, technically based discussions on P7 issues such as the nine Thresholds, plus additional resource issues. Provide technical advice to the Stakeholder Committee and P7 Executives as needed to support negotiations on issues. Work group activities coordinated with and at the direction of the P7 Steering Team.

Participants: Agency, academic, and subject matter technical specialists. At least one member of the Stakeholder Committee would attend each meeting.

Meeting Formats: Not restricted. Focused working sessions based on technical issues.

Meeting Frequency: Medium to High. Approximately every 4 weeks with variations extending to every 2 weeks for focused periods.

Decision-Making: None. Provide range of technical considerations with supporting rationale for all proposals.

Meeting Locations: Split between North/South shore and Nevada/California.

Facilitation / Coordination Support: High. All Technical Work Group (TWG) activities are overseen and directed by the Steering Team. The TWG requires initial facilitation and mediation support, participating organization staff support, structured presentations by consultants, agency, and NGO experts. Requires preparation of background materials and meeting dockets. Over time, the TWG should assume increased responsibility for accommodating resource demands.

5.3.12 Planning Work Group

Role: Content focused, planning-based discussions on P7 issues. Conduct a Regulatory System Review on current planning / regulatory practices and provide advice to the Stakeholder Committee and P7 Executives as needed to support negotiations on planning issues. Work group activities coordinated with and at the direction of the P7 Steering Team.

Participants: APC members and other appropriate agency, academia, and regulated parties.

All other categories are identical to the TWG.

5.4 **Public Participation**

This phase of the design provides a Basin-wide shared understanding of what is possible and how to describe best outcomes. It also provides ongoing communication with the public. This activity runs concurrent with the formal stakeholder engagement process and the activities mutually inform one another.

5.4.1 **Public Participation Council**

The Public Participation Council (as previously described) provides advice in both the pre-collaborative and formal collaborative phases. After developing initial advice on outreach, training and education the group would continue to offer insights on best practices to maintain communication and information sharing.

Role: Provide advice/ recommendations on public participation activities to the P7 Agencies and the Stakeholder Committee. All council activities would be coordinated with the P7 Steering Team.

Participants: Individuals (agency and private) familiar with specific user groups, stakeholder types and communication methods.

Meeting Formats: Open. Focused working sessions developing and revising public participation activities.

Decision-Making: Consensus-seeking. Advice may be adopted based expertise of the person making recommendations.

Meeting Frequency: Low. Approximately every 6-8 weeks with variations that can extend to every 2 weeks for focused periods.

Meeting Locations: Ideally split between North/South shore and Nevada/California.

Resource Demands: Medium. The PPC requires minimal facilitation and mediation support. It would require staff support from appropriate P7 agency staff to prepare background materials and meeting dockets.

5.4.2 **Public Workshops**

Role: Provide interactive opportunities for public discussion and forums to provide advice to P7 Agencies, the Stakeholder Committee, and the TWG and PWG on key issues.

Participants: All interested parties.

Meeting Formats: Open. Focused interactive workshops to share information and receive advice. Meetings precede key planning milestones.

Meeting Frequency: Low. Approximately every 6-12 weeks with variations extending to every 4 weeks for focused periods.

Decision-Making: Meetings are informational only.

Meeting Locations: Duplicated in North/South shore and Nevada/California locations including potential out-of Basin locations such as Reno, Carson City, Auburn, Placerville, Las Vegas, the San Francisco Bay Area, and Southern California.

Facilitation / Coordination Support: High. Public workshops require extensive facilitation, mediation and coordination support. It would require staff support from appropriate P7 agency staff to prepare outreach materials, background materials, meeting dockets, etc.

5.4.3 Public Meetings

Role: Provide structured opportunities for the public to receive P7 information and provide input.

Participants: All interested parties.

Meeting Formats: Open to public. Informational based meetings to inform general public on P7 activities. Coincides with and/or reports on key planning milestones.

Meeting Frequency: Low. Approximately every 10-12 weeks with variations extending to every 8 weeks for focused periods.

Decision-Making: Meetings are informational.

Meeting Locations: Duplicated in North/South shore and Nevada/California locations including potentially out-of Basin locations such as Reno, Carson City, Auburn, Placerville, Las Vegas, the San Francisco Bay Area, and Southern California.

Resource Demands: High. The public meetings require facilitation and coordination support. It would require staff support from appropriate P7 agency staff to prepare outreach materials, background materials, and meeting dockets, etc.

5.6 Conclusions

A far-reaching robust design will assist the collaborative sponsors in improving conditions for success. At the same time, the design is time, resource and labor intensive. The complexity of the Basin dictates a complex and far reaching approach.

Those encouraging collaboration recognize broad public support will be essential to developing sustainable, enforceable plans. The overriding concerns all stakeholders hold for Lake Tahoe's fate creates a compelling argument to set aside long-standing differences, make a substantial investment in one another, and find mutually beneficial, collaborative solutions.

APPENDIX A - Agency Interview Questionnaire

Date: _____
Interviewee: _____
Interviewer: _____

Interview materials for use in the Center for Collaborative Policy (CCP) Tahoe Pathway 2007 (P7) Assessment

Note to interviewers

Interviews should be conducted in approximately one hour.

The interview covers the following topics:

1. Decision-Making
2. Interagency Coordination and Integrated Planning
3. Public Participation
4. Representation and Power
5. P7 Process and Context
6. Levels of Commitment / Capacity for Staffing, Budget
7. Other Issues and Questions

A number of questions are listed under each topic.

While every interview should explore the complete list of topics, in order to complete the interview in the time allotted and to tap into an interviewee's specific situation, experience and knowledge, interviewers will use their best judgment to determine which specific questions to focus upon. Not all questions within each topic area will necessarily be discussed with all interviewees. All responses are confidential. All notes produced by the interviewer are proprietary property of CCP. All responses will be used in CCP's development of an Assessment Report; however, no comments will be attributed to a specific individual or organization.

Note to interviewees

Some interviewees may review these interview materials ahead of their interview; and several individuals with whom CCP has already had substantial interaction on P7 matters will be treating this as a questionnaire and respond in writing. In either case, CCP asks that interviewees keep in mind that not all questions will be applicable to all interviewees. Also, bear in mind that some questions may prove to be duplicative, depending upon the way an interviewee responds to other questions.

1. Decision-Making

- a. What do you consider to be the strengths and weaknesses of how Basin decisions are made?
- b. Some people believe that decision-making in the Basin is paralyzed. Do you share that opinion? If so, what do you think has caused this paralysis?
- c. There is currently public discussion about the effectiveness and appropriateness of using collaborative processes to influence decision-making. Given that the current proposal is to engage in a significant collaborative process, how does such an approach dovetail with your philosophy about how decisions should be made by the _____.
- d. Do you feel that you understand how agencies in the Basin make decisions? How well do you think others understand this?
- e. How do you define leadership? What role do you think collaboration and consensus-building should play in leadership?
- f. Our professional experience is that the role of Boards is to evaluate and provide quasi-judicial decision-making, and policy level decisions for the jurisdiction of their Agency. Staff provide day-to-day implementation of policy and administration of ministerial requirements. In that context, how do you define the current roles and responsibilities of the _____ Board and staff?

- g. *TRPA Specific Question:* CCP staff observation is that the TRPA Governing Board tends to adjust recommendations and proposals brought to them. Given that, what types of Board involvement and assurances to the Board need to be in place to effectively conduct a collaborative planning process with collaboratively-influenced decisions?

Decision Spaces

- h. *Interviewer to describe the vision of a collaborative planning / participation effort.* In that context, how does this “play out” in the decision-making structure of your organization? What are the physical and staff assignment steps that lead to a decision? Where is such a process most likely to encounter barriers and what can and/or should be done about it?

2. Interagency Coordination and Integrated Planning

Interagency coordination and integrated planning are concepts that are central to the P7 process as it is conceived at this point. Here are some questions about this.

- a. What has worked / not worked in the past with P7 agencies with respect to interagency coordination / integrated planning?
- b. What do you want/need P7 to deliver in the way of interagency coordination / integrated planning?
- c. What do you think would be the consequences of not achieving integrated planning in the Basin with respect to the three processes on which P7 is focused?

Implications of the U.S. Army Corps of Engineers (Corps) as Key Funder

- d. Knowing that the Corps has provided “seed” money, what are the internal and external implications of having this collaborative planning process being funded by an outside entity and what might your agency do about these implications?

3. Public Participation

CCP’s role includes designing and helping to implement the public participation component of the P7 process. We are interested in your thoughts and advice on that.

- a. What has worked / not worked in the past with P7 agencies with respect to public participation?
- b. What do you want/need from P7 public participation? What do you think stakeholders and the general public want/need from P7 public participation?
- c. How do you think the range and diversity of stakeholders and their interests can effectively be addressed in the public participation efforts? (For example, in what ways should socio-economic stratification in the Basin inform the design/implementation of a public participation strategy?)

4. Representation and Power

- a. Who are the deal makers and deal breakers regarding the kinds of issues being addressed in the P7 process? [i.e., define the power spectrum]
- b. What if any Basin stakeholders are traditionally underrepresented in resource planning and management efforts?

5. P7 Process and Context

- a. What are your hopes and aspirations for / from P7?
- b. What concerns you about P7?
- c. What else is happening / will happen / might happen in the Basin that could impact the P7 effort?
- d. How important do you think the P7 process in the Basin?
- e. How long do you think the P7 process should take? How long will the agencies and public need facilitation/mediation/public participation assistance?

- f. Is “process fatigue” (i.e., individual and/or organizational fatigue from attending many meetings / being involved in many problem solving efforts) in the Basin? If so, what approach should the P7 process take to accommodate this condition?
- g. Do you have any advice for the P7 agencies and for the P7 process beyond what we have already discussed?

6. Levels of Commitment / Capacity for Staffing, Budget

- a. The proposed P7 collaborative effort includes 3 planning dimensions: 1) intra-agency planning, 2) coordinated planning between agencies, and 3) collaborative planning with the public. The collaborative effort (as generally envisioned) relies on full functionality of the first two dimensions but also has resource demands regarding the public participation component. In that context, how does P7 affect the resources to be dedicated to your effort, and your decision-making about resource dedication?

[Further articulation of the question...]

While CCP has not yet designed a proposed collaborative process for the P7 effort, we know from our experience with other projects that certain types of activities are often called for - along with agency commitments to participate.

For example, often a stakeholder deliberative body comprised of individuals representing a broad array of interests is created. Groups such as this typically meet on a regular basis (for example, once each month) over a period of time.

Active agency preparation for and participation in the meetings of the stakeholder deliberative body is a critical ingredient of success. This generally requires key agency representatives/negotiators to devote time to be fully prepared for these deliberations, and for agency staff and consultants to prepare the content for presentation and discussion at the meetings.

If creating such a stakeholder deliberative body were to be proposed here, do you think your agency would be willing and able to devote adequate resources to preparation for and participation in this aspect of the collaborative process? If yes, how would your agency staff these efforts?]

- b. Do you have adequate resources currently assigned to your planning efforts (staff numbers and skill sets)?
- c. Have you considered the trade-offs of resource dedication based pursuing the proposed P7 effort versus pursuing a traditional planning approach?
- d. What are the inter-agency dependencies? What are the intra-agency dependencies?

7. Other Issues and Questions

- a. How do you describe the interests of your organization? How do your interests and the interests of other Basin stakeholders interact?
- b. How integrated / networked are non-agency stakeholders?
- c. Are there issue priorities? Given limited resources, what things should happen sooner/later? What would be the 3 things to be done if that is all that can be done?
- d. Is the information CCP has reviewed valid?

8. Conclusion

- a. Is there any other information or advice you would like to share with us?

APPENDIX B - Non-Agency Interview Questionnaire

Date: _____
Interviewee: _____
Interviewer: _____

Interview materials for use in the Center for Collaborative Policy (CCP) Tahoe Pathway 2007 (P7) Assessment

Note to interviewers

Interviews should be conducted in approximately one hour.

The interview covers the following topics:

- | | |
|---|---|
| b. Decision-Making | f. P7 Process and Context |
| c. Interagency Coordination and Integrated Planning | g. Commitment to and Capacity for Participation in P7 Process – Resources, Staffing, Budget |
| d. Public Participation | h. Other Issues and Questions |
| e. Representation and Power | |

A number of questions are listed under each topic.

While every interview should explore the complete list of topics, in order to complete the interview in the time allotted and to tap into an interviewee's specific situation, experience and knowledge, interviewers will use their best judgment to determine which specific questions to focus upon. Not all questions within each topic area will necessarily be discussed with all interviewees. All responses are to be confidential. All notes produced by the interviewer are proprietary property of CCP. All responses will be used in CCP's development of an Assessment Report however no comments will be attributed to a specific individual or organization.

Note to interviewees

Some interviewees may review these interview materials ahead of their interview; and several individuals with whom CCP has already had substantial interaction on P7 matters will be treating this as a questionnaire and respond in writing. In either case, CCP asks that interviewees keep in mind that not all questions will be applicable to all interviewees. Also, bear in mind that some questions may prove to be duplicative, depending upon the way an interviewee responds to other questions.

1. Decision-Making

- a. What do you consider to be the strengths and weaknesses of how Basin decisions are made?
- b. Some people believe that decision-making in the Basin is paralyzed. Do you share that opinion? If so, what do you think has caused this paralysis?
- c. Do you feel that you understand how agencies in the Basin make decisions? How well do you think others understand this?
- d. How do you define leadership? What role do you think collaboration and consensus-building should play in leadership?

2. Interagency Coordination and Integrated Planning

Interagency coordination and integrated planning are concepts that are central to the P7 process as it is conceived at this point. Here are some questions about this.

- a. What has worked / not worked in the past with P7 agencies with respect to interagency coordination / integrated planning?
- b. What do you want/need P7 to deliver in the way of interagency coordination / integrated planning?

- c. What do you think would be the consequences of not achieving integrated planning in the Basin with respect to the three processes on which P7 is focused?

3. Public Participation

CCP's role includes designing and helping to implement the public participation component of the P7 process. We are interested in your thoughts and advice on that.

- a. What has worked / not worked in the past with P7 agencies with respect to public participation?
- b. What do you want/need from P7 public participation? What do you think stakeholders and the general public want/need from P7 public participation?
- c. How do you think the range and diversity of stakeholders and their interests can effectively be addressed in the public participation efforts? (For example, in what ways should socio-economic stratification in the Basin inform the design/implementation of a public participation strategy?)

4. Representation and Power

- a. Who are the deal makers and deal breakers regarding the kinds of issues being addressed in the P7 process? [i.e., define the power spectrum]
- b. What if any Basin stakeholders are traditionally underrepresented in resource planning and management efforts?

5. P7 Process and Context

- a. What are your hopes and aspirations for / from P7?
- b. What concerns you about P7?
- c. What else is happening / will happen / might happen in the Basin that could impact the P7 effort?
- d. How important do you think the P7 process is in the Basin?
- e. How long do you think the P7 process should take? How long will the agencies and public need facilitation/mediation/public participation assistance?
- f. Is "process fatigue" (i.e., individual and/or organizational fatigue from attending many meetings / being involved in many problem solving efforts) in the Basin? If so, what approach should the P7 process take to accommodate this condition?
- g. Do you have any advice for the P7 agencies and for the P7 process beyond what we have already discussed?

6. Commitment to and Capacity for Participation in P7 Process – Resources, Staffing, Budget

- a. The proposed P7 collaborative effort includes 3 planning dimensions: 1) intra-agency planning, 2) coordinated planning between agencies, and 3) collaborative planning with non-agency stakeholders and the general public.

For this third aspect of collaboration, often a stakeholder deliberative body comprised of individuals representing a broad array of interests is created. While there are many ways to structure a collaborative process, groups such as this typically meet on a regular basis (for example, once each month) over a period of time. To be successful, such a collaborative effort requires the active participation of stakeholders such as your organization.

If creating such a stakeholder deliberative body were proposed here, do you think your organization would be willing and able to devote adequate resources to preparation for and participation in this aspect of the collaborative process?

- (i) Regarding "willing":
Under what circumstances or conditions would your organization be willing to participate?
- (ii) Regarding "able":
Does your organization have adequate resources to be able to participate in a collaborative process?

How would your organization staff these efforts?

7. Other Issues and Questions

- a. How do you describe the interests of your organization? How do your interests and the interests of other Basin stakeholders interact?
- b. How integrated / networked are non-agency stakeholders?
- c. Are there issue priorities? Given limited resources, what things should happen sooner/later? What would be the 3 things to be done if that is all that can be done?

Is the information CCP has reviewed valid?

8. Conclusion

- a. Is there any other information or advice you would like to share with us?

APPENDIX C - Interview Participants

Title	First Name	Last Name	Organization
Mr.	Gordon	Barrett	Tahoe Regional Planning Agency (TRPA)
Ms.	Jan	Brisco	Tahoe Lakefront Owners Association
Mr.	Phil	Brozek	U.S. Army Corps of Engineers
Mr.	Bill	Chernock	Lake Tahoe Visitors Authority
Mr.	Dennis	Crabb	Tahoe Tomorrow
Mr.	Bart	Croes	California Air Resources Board
Ms.	Irene	Davidson	U.S. Forest Service
Mr.	Mike	Donohoe	Sierra Club
Mr.	Leo	Drozdoff	Nevada Division of Environmental Protection
Mr.	John	Falk	Tahoe Sierra Board of Realtors
Ms.	Jane	Freeman	TRPA/U.S. Environmental Protection Agency
Ms.	Mary	Gilanfarr	Tahoe Sierra Preservation Council
Dr.	Charles R.	Goldman (Ph.D.)	Director, Tahoe Research Group
Ms.	Maribeth	Gustafson	U.S. Forest Service
Mr.	Carl	Hasty	TRPA
Ms.	Laurie	Kemper	Lahontan Regional Water Quality Control Board (RWQCB)
Mr.	Dennis	Machida	California Tahoe Conservancy
Mr.	Charlie	McDermott	Owner, Holiday Inn Express - Past Pres. Lodging Assoc.
Mr.	Ron	McIntyre	North Lake Tahoe Resort Association
Ms.	Rochelle	Nason	League To Save Lake Tahoe
Mr.	Jerry	Owens	Natural Resources Conservation Service
Mr.	Randy	Pahl	Nevada Division of Environmental Protection
Ms.	Heather	Segale	Lake Tahoe Environmental Education Coalition
Mr.	Daniel	Siegel	Supervising Deputy Attorney General
Mr.	Harold	Singer	Lahontan RWQCB

Mr.	John	Singlaub	Tahoe Regional Planning Agency
Mr.	Amir	Soltani	NV Dept. of Transportation
Mr.	Andrew	Strain	Heavenly Ski Area
Mr.	Steve	Teshara	North Lake Tahoe Resort Association
Ms.	Pam	Wilcox	NV State Lands
TRPA Governing Board Members			
Ms.	Shelly	Aldean	Carson City Board of Supervisors
Mr.	Hal	Cole	City of So. Lake Tahoe Council Member
Mr.	Drake	DeLanoy	Nevada Governors Appointee
Mr.	Jim	Galloway	Washoe County Commissioner
Mr.	Dean	Heller	Nevada Secretary of State
Mr.	Reed	Holderman	CA Assembly Speaker Appointee, Trust for Public Land
Mr.	Wayne	Perock	Nevada Division of State Parks
Mr.	Tom	Quinn	Americom Broadcasting
Mr.	Ron	Slaven	Laborers Local 185
Mr.	Tim	Smith	Douglas County Commission
Mr.	Dave	Solaro	El Dorado County. Supervisor
Mr.	Coe	Swobe	Nevada-At-Large Member
Mr.	Jerome	Waldie	California Senate Rules Committee
Mr.	Stuart	Yount	Fortifiber Corporation