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4.0 Effective Communication

While communication is effective when our stakeholders receive information relevant to their needs, it is not effective when we simply tell the public what we are doing. Stakeholders are individuals and groups affected by, or who can affect the outcome of a Habitat Conservation Plan (HCP) project. They are also people who may simply have an interest in an HCP project for intellectual, academic, or political reasons, even though they are not directly affected by it. While stakeholder interests in an HCP will vary, the more they stand to benefit or lose, the stronger their interest is likely to be. The degree of stakeholder involvement in HCP projects depends on each stakeholder's particular interests and motivations. Most stakeholders are satisfied with an opportunity to simply learn about the HCP project, while others, such as those with specific interests and motivations, may need additional opportunities for involvement. Without exception,

facilitating effective and efficient communications with and among stakeholders has important advantages:

- it increases the chance of the HCP being successful. While it's unrealistic to think that everyone is going to support the HCP project, identifying stakeholders and being responsive to their needs will make it more likely that the HCP project will succeed.
- it reduces the chance of being blindsided by issues and concerns you didn't know about. Stakeholder issues and concerns can be aired and resolved before they become time-consuming (and often embarrassing) stumbling blocks at the 11th hour.
- it creates and bridges social capital for the conservation community at-large. Social capital is the network of acquaintances, friendships, and other social currency that exist in communities, which can be used to facilitate cooperation and relationship building. Bridging social capital creates connections among diverse groups.
- it establishes with stakeholders that we are fair, ethical, and transparent making it more likely stakeholders will support us in other circumstances down-the-road.
- it reduces the number of potentially significant issues and unresolved conflicts that need to be addressed in our National Environmental Act Policy Act (NEPA) documents.

However, before anyone reaches out to stakeholders, it is important that the people involved in an HCP project, particularly the decision makers and those responsible for communicating and coordinating with stakeholders, all agree on how the communication process is going to work. To this end, we have identified a six step communication planning process, a few guidelines and principles, examples, and a variety of tools and techniques which we will maintain in the [HCP Handbook Toolbox](#) to help you facilitate effective and efficient communication among the Services, the applicant, and stakeholders. A point worth mentioning is that not all HCP projects need extensive communication and coordination beyond what is necessary and appropriate between the Services and the applicant. It is the HCP practitioner's job to determine what amount is appropriate for a particular project.

4.1 Identify Stakeholders

It has been said that the key to success in the public sector is satisfying key stakeholders. If we don't know who our stakeholders are, what criteria they use to judge the organization, and how we are performing against those criteria, there is little likelihood that we will know what to do to address the concerns of our stakeholders.

There are a number of ways to identify stakeholders associated with an HCP project. Brainstorm with people inside the Services, confer with other HCP practitioners, and consult with partners and the applicant. Consulting with the applicant is probably the most effective way to identify stakeholders because applicants generally know who their stakeholders are, and what issues and concerns are typically associated with their projects. Whatever technique you choose, think about every possible way that the HCP project might benefit or cause problems for others, both directly and indirectly. Some stakeholders will have an interest in helping carry the HCP project forward, while others may be equally intent on preventing it from happening. It is essential to identify and understand both of these groups.

It is also important to understand a stakeholder's interests, motivations, and power bases; how they relate to one another; their understanding and attitude toward HCPs, the Endangered Species Act (ESA) and the Services; and their expectation for involvement in the HCP project. For local government led HCPs, and maybe some other large HCPs, landowners, agriculturalists, developers, environmentalists and others are all critical stakeholders. These sectors need to be involved in the process with the applicant from the very beginning, have representation on advisory and steering committees, have input in resolving differences, and generally be part of a discussion. Gifford Pinchot (1947), in describing the philosophies and practices that guided the establishment of many national forests, said "To start with I had to know something about the people, the country, and the trees. And of the three, the first was the most important."

Communicating effectively with stakeholders also requires you to understand yourself. Knowing who or what you represent and how that influences your perspectives is important to acknowledge, especially before you work with stakeholders who represent a different perspective. It is natural to want to share our beliefs or perspectives with others, but in certain contexts you may be mistaken for refuting another's perspective, or at worst being adversarial. It is important to remain objective when listening to others share their concerns. This is not a point in the process to haphazardly try to educate or dispel what you believe to be myths. Operate under the assumption that another person's perception is their reality, whether or not it matches up with what you know. Knowing where there are points of confusion or where misinformation has been spread will help you to target the messaging later in the process when you build the communications strategy. Understanding stakeholders also requires you to be honest with yourself if you are not the appropriate person to gather stakeholder perspectives. In instances where an issue is extremely contentious or there has been a perceived breach of trust between the Services and a stakeholder group, you may need to find a neutral party to help you work through the issue.

There will always be a range of knowledge, interest, and attitudes among stakeholders associated with the HCP project, and communication methods will vary depending on the particular needs and expectations of each stakeholder group. What you learn will influence what you say, how you say it, when you say it, and ultimately, who should be the one to say it. Gaining this type of insight pays enormous dividends for you as a communicator. Take the time to understand stakeholders. The following agencies and people generally have a stake in most of the HCPs.

4.1.1 National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (FWS)

The Services have an interest to see that any issued incidental take permits work as intended. In addition, we have responsibilities at a landscape and ecosystem scale for other trust resources besides threatened or endangered wildlife. Our incidental take permit actions should be consistent with all of our conservation obligations, so in addition to our role as ESA regulator, we have a role as one of the stakeholders in an HCP.

Section 7(a)(2) of the ESA requires all Federal agencies to ensure that "any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification" of designated critical habitat. In the past, some HCP practitioners viewed the section 7 consultation

for the section 10(a)(1)(B) permit as an independent review process that occurs after the HCP has been prepared. However, this approach often left the permit applicants and the section 7 biologists with no guarantee that the process of meeting the requirements of section 10(a)(1)(B) would result in issuance of the permit, since a section 7 consultation conducted late in the process could result in the discovery of unresolved issues, the return of an inadequate HCP to the applicant, or a jeopardy biological opinion. To avoid this, we will begin integrating the intra-Service section 7 consultation process at the start of the HCP development phase, and to regard them as concurrent and related, not independent and sequential, processes. In procedural terms, this means that considerations of intra-Service section 7 consultation requirements should start at the beginning of the HCP development phase, not during the permit processing phase.

4.1.2 Other Federal Agencies

During the development stage of an HCP, the Services provide technical assistance and information concerning regulatory and statutory requirements to the applicants to ensure that the application is complete. At the same time, we encourage applicants to invite and include other Federal agencies who can use their existing authorities, expertise, or land in support of the HCP development and implementation process. It is particularly important to encourage the participation of other Federal agencies that may own or manage land either within or near the land that the applicant is proposing that the HCP will cover. For instance, an applicant seeking an incidental take permit for a pipeline right-of-way project that will cross land owned by the National Park Service (NPS) may also need an NPS Special Use Permit (SUP). Issuance of SUP's by the NPS, including specific conservation measures for listed species, may be governed by NPS policy in NPS management plans, related NEPA documents, and prior section 7 consultations with the Services, which is important to understand early in the process. Where applicants have both ESA and Clean Water Act permitting needs, Services staff should work with the Army Corps of Engineers to identify coordination activities that provide efficiencies through concurrent and integrated environmental review/permitting processes.

4.1.3 Federally Recognized Tribes

How we communicate with federally recognized tribes is governed by specific laws, regulations, Secretarial Orders, and policies. For instance, Department of Interior (DOI) Secretarial Order 3206 (June 5, 1997) on Native Americans and the Endangered Species Act clarifies the responsibilities of Federal agencies for actions taken under the ESA (see [HCP Handbook Toolbox](#)) that may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights. This Secretarial Order requires Federal agencies to make an effort to establish effective government-to-government working relationships with tribes to achieve the common goal of promoting and protecting the health of ecosystems on Indian lands. Thus, whenever the activities under an HCP may impact tribal trust resources, the exercise of tribal rights, or Indian lands, we must consult with, and seek the participation of, the affected Indian tribes to the maximum extent practicable (MEP). This includes providing affected tribes adequate opportunities to participate in data collection, consensus seeking, and associated processes. If a field office does not already have an established working relationship with potentially affected tribes, then the Services must work with the Regional HCP Coordinator and Regional Tribal Liaison to reach out to them. It is important to make every effort to engage potentially affected tribes. Outreach to the tribes can occur simultaneously or right before any of the HCP/NEPA

public participation processes, but the government-to-government consultation should occur separately from the general public process. Nothing in the Secretarial Order prohibits us from proceeding with HCP and NEPA processes if a tribe does not respond to our outreach when the outreach effort was the maximum extent practicable. See the [HCP Handbook Toolbox](#) for more information on Secretarial Order 3206, the FWS Native American Policy, the FWS Tribal Consultation Handbook, the DOI website on consulting with tribes, and NOAA Procedures for Government-to-Government Consultation With Federally Recognized Indian Tribes and Alaska Native Corporations.

4.1.4 State Agencies

The need for effectively communicating and coordinating the HCP project with the States is vital. Many federally-listed species are also State-listed species, with similar prohibitions to unlawful take. While many of these States have procedures to authorize take, others do not. For States that have these procedures, some will accept an ESA section 10 HCP in lieu of their own conservation plan requirement. Services HCP practitioners must understand these requirements, and facilitate effective communication and coordination between the applicant and the State.

4.1.5 Elected Officials

Communicating with elected officials is typically dictated by agency protocol at both national and Regional scales, which may change over time or be unique to specific Members of Congress. It is important that you consult with your External Affairs office or other appropriate office early in the process so that you understand proper protocols for communicating with these and other special groups.

Helpful Hint: To facilitate efficient communications with stakeholders, it is often helpful to organize and group stakeholders by their potential relationship to the HCP project. Consider using the following four groups of stakeholders.

Organize Stakeholders

Stakeholder Group 1 - individuals or groups who will be directly affected by the HCP project, either positively or negatively, as a result of issuance of an incidental permit. This category of stakeholders, often called “key stakeholders”, are those who can have a positive or negative effect on the HCP project, or who are particularly important within or to the agency. Examples of key stakeholders might be State natural resource agency personnel and special interest groups. Key stakeholders are often connected to large networks, and thus can both reach and sway people far and wide.

Stakeholder Group 2 - individuals or groups who have a vital interest in what we do and how we perform, have been actively involved in endangered species issues in the past, and may require additional opportunities to participate to fully explore their issues and needs. This category of stakeholders might include certain non-government organizations (NGOs); special interest groups; Federal, State, and locally elected officials; and landowners within the HCP planning area.

Stakeholder Group 3 - individuals or groups who have an interest in what we do and how we perform, have been involved in conservation issues in the past, and may or may not require additional participation to fully explore their issues and needs. This category of stakeholders might include certain NGOs, print and broadcast media, and landowners near the planning area.

Stakeholder Group 4 - individuals or groups who are potentially interested in what we do and how we perform, have not been involved in HCP-related issues in the past, and would be generally content with receiving information about the process through mailings, internet notices, or through other more general means.

Although we will provide information regarding the HCP project to all stakeholders, we may need to provide additional opportunities for participation to stakeholders in groups 1 through 3 to ensure that their issues and needs are adequately explored and understood. Generally, stakeholders in category 1 may be part of the planning Team, and they may take an active role, particularly in the development of complex HCPs.

4.2 Establish Communication Objectives

After the stakeholders have been identified and their interests and motivations understood, the next step is to decide on a desired response from each stakeholder or stakeholder group. The ultimate response from most stakeholders is some expression of support for the project and behavior that confirms it. First we need to know where the stakeholders are in terms of their “readiness to express support.” Consider the following example.

Assume we are working on an HCP with farmers located in a region rich with caves that support an endangered species. Runoff from livestock farms in the region is getting into the groundwater supply that feeds these caves, which is having an adverse effect on an endangered fish species. There are 50 farms located in this region represented by 250 farmers (stakeholder group) that may be contributing runoff to these caves. One of the FWS’s recovery goals for this species is to reach out to farmers in the region to promote the recovery of this endangered species. As one field office biologist asked, “Wouldn’t it be wonderful if through this HCP process we could get all the livestock farmers in this region to control their runoff?”

In this example, three types of information are valuable to us before we start developing communication objectives. The first would be gaining some insight into where the livestock farmers are in terms of their awareness of the problem, which is livestock runoff getting into the water supply that feeds the caves that support the endangered species. You can gain some understanding by developing a Communications Spectrum for the stakeholder group. The Communication Spectrum for this stakeholder group would look something like Table 4.2.

Table 4.2 - Communication Spectrum for Livestock Farmers in the Region		
LEVEL OF AWARENESS SCALE	WHAT THAT MEANS	PERCENTAGE OF STAKEHOLDERS (# OF FARMERS)
UNAWARE	Never heard about the problem.	40% (100)
AWARE	Heard about the endangered fish species, but nothing else.	25% (62)
COMPREHENSION	Heard about the endangered fish species and problems associated with runoff, but not convinced runoff from livestock farms is the problem.	20% (50)
CONVICTION	Heard about the endangered fish species and are convinced runoff is a problem, but currently not taking action aimed at eliminating runoff from their farm.	10% (25)
ACTION	Fully understand the problem, support efforts to conserve the endangered fish species, and are taking action to eliminate runoff from their farm.	5% (13)

The second piece of information that is valuable is to gauge the stakeholders familiarity with the agency; if you meet the stakeholders, one option is to ask them to circle the appropriate number on a Familiarity Scale (Figure 4.2a).

Figure 4.2a – Familiarity Scale

1 2 3 4 5 6 7 8 9 10
Never heard of Heard of only Know a little bit Know a fair amount Know very well

If most of the stakeholders circle the first two or three categories, our task will be to build greater awareness of the Services. However, if most stakeholders said they were familiar with the Services, stakeholders should be asked how they feel about the agency, using a Favorability Scale (Figure 4.2b), which is the third piece of information.

Figure 4.2b – Favorability Scale

1 2 3 4 5 6 7 8 9 10
Very unfavorable Unfavorable Indifferent Favorable Very Favorable

If most respondents check the first two or three categories, the Services will need to overcome a negative image problem, or pass off the role of communicator to another entity. The three scales would then be combined to develop insight into the breadth of the communication challenge.

The next step is to decide on a desired response from this stakeholder group. The ultimate response is gaining the support of all livestock farmers in the region to control runoff from their farms (i.e., to take some form of action conducive to the problem). However, from the Communications Spectrum we know that 100 of the livestock farmers in the region may be unaware that runoff from livestock farms is having an adverse effect on endangered species, while 50 others may recognize the problem, but are not convinced they need to do something about it. In this case, we develop communication objectives to: (1) inform those farmers who are unaware that a problem exists, and (2) motivate those farmers that are aware of the problem, but who are not yet taking action to control runoff from their farming operations. Communication objectives for this example might look something like this:

Examples of Communication Objectives

1. Within 6 months, 100 percent of the livestock farmers in the karst recharge area will recognize runoff from livestock farms as a serious problem facing the endangered fish species.
2. Within 1 year, 50 percent of the livestock farmers in the karst recharge area will be able to identify at least one conservation program that addresses runoff from livestock farms (i.e., a program that provides technical/financial assistance to farmers).

In the example above, we describe a planning and organizational approach aimed at potentially moving a stakeholder group from their present state of readiness to act to a higher state of readiness to act (i.e., unaware of the problem → aware of the problem → comprehend the problem → conviction → action). However, before you carry out the process, it is critically important that you properly “set-the-stage” with the stakeholder group so you don’t end up at the 11th hour with a project held up because of disgruntled stakeholders.

Setting the Stage

Bleiker et. al. (2000) said there are four key principles or “life savers” essential to building support for organizations and their actions. According to Bleiker “whatever you say, whatever you write, whatever you do, make sure that your public understands these four points:”

1. Establish that there is a problem or opportunity, one that must be addressed.

Rationale: Few people will support, accept, or even be interested in something that they do not perceive as a problem or issue. Our communication must consistently and clearly show that there are important issues that must be addressed here and now.

2. Establish that it’s our obligation to tackle the problem or opportunity.

Rationale: People tend to resist solutions or plans that have solutions to issues of importance to them if they feel the individuals or organizations proposing the solutions have no responsibility or obligation for tackling the problem. We must clearly demonstrate that the Service is dealing with issues for which it has an obligation to address. We must establish that, given our mission, if we did not address this problem or opportunity, we would be irresponsible and not be performing the duties of our jobs.

3. Establish that your approach is reasonable, sensible, and responsible.

Rationale: People do not support ideas that do not strike them as sensible. We must ensure that our activities and decisions consider all relevant information, are based on sound science, and result in sound management decisions that balance conflicting uses in an appropriate manner.

4. Demonstrate that you listen and care.

Rationale: Nobody likes to say something and be ignored. We must be open to all input and consider that input on its merits. If someone has presented an idea to the Services that cannot be implemented for some reason, we must provide a prompt, clear response as to why we could not use the idea. Where feelings run high, we must demonstrate that we do care about what others think and we must acknowledge the diverse input.

By incorporating these four principles into our communications, the Services will have a much better chance of achieving informed consent among its stakeholders.

Communication objectives that incorporate these principles might look something like this:

Examples of Communication Objectives Incorporating the Principles of “Setting the Stage”

- Within 6 months, 100 percent of livestock farmers in the region will understand that there is an important natural resource issue that needs to be addressed through planning.
- Within 1-year, 90 percent of livestock farmers in the region will understand that it is the responsibility of the Service to protect threatened and endangered species (i.e., it is our duty to tackle this issue).
- Within 2-years, 80 percent of livestock farmers in the region will feel that the HCP process is open and fair, and they will be satisfied with the opportunities for public involvement (i.e., our approach is reasonable, sensible, responsible).
- At the conclusion of the HCP process, 80 percent of livestock farmers in the region will feel that the Service listened to their issues and was responsive to their concerns (we listened and we care).

4.3 Messaging and Channels

Once we have identified the stakeholders, gained some prior knowledge about them, and decided on a desired stakeholder response, the next step is to develop messages. Messaging requires solving four problems, which means deciding on:

1. *Message Content* (what to say),
2. *Message Structure* (how to say it logically),
3. *Message Format* (how to say it symbolically), and
4. *Message Source* (who should say it).

It is important to state up-front that communicators must come to agreement on what needs to be said before any time and money is spent on how best to say it and through which channels. What can you say to farmers in the region that will move them from their present state of readiness-to-act to a higher state of readiness-to-act (i.e., unaware → aware → comprehension → conviction → action)?

To get at this question, brainstorm with people who have prior knowledge and experience with the stakeholder group. Think about what the stakeholder group needs to know and how they might be able to change their actions in simple ways to address the problem. Understand what motivates them. The more closely you tie the message to a message that resonates within the stakeholder group, the more likely you are to achieve the desired outcome. Be clear about what you want the stakeholder group to do, and make sure they have tools to do what you’re asking.

Ask:

- why have they not taken action on this issue in the past?
- what are potential barriers and benefits that the stakeholder group may associate with the action?

Understanding these questions and concepts will help you frame the messages in more appropriate ways. Our goal in communicating with others is to share and obtain information in a clear and concise manner.

Helpful Hint: Keeping the following “rules of the road” in mind will help us accomplish this goal.

Rules of the Road

- promptly respond to misinformation about the HCP project or the agency.
- communicate sensitive information promptly.
- Treat everyone with respect and all concerns as legitimate.
- Consider the merits of all issues.
- Be available for all who have something to say or need information.
- When we don’t know, admit it. Explain that we will work hard to find the information.
- Help all interested parties understand who we are, what we do, and why we do it.

After you decide what needs to be said to whom, the next step is to identify the channels most appropriate for communicating with stakeholders. The channels we list below span a continuum from simply providing information to stakeholders to → soliciting information from stakeholders to → facilitating shared decision making with stakeholders. For most HCP projects, you can identify appropriate communication channels by simply asking stakeholders what will work best for them. For large or complex HCP projects, commercial databases that contain demographic and lifestyle data, along with media preferences for consumers, are available.

4.3.1 Written Media

Written media includes newsletters, brochures, newspaper and magazine articles, displays in public places, Websites, etc. These methods provide for a one-way flow of information from the agency (or applicant) to the stakeholders and they are usually designed to garner support for agency actions or simply provide information on issues of importance. There are a variety of commercial tools to help you match your stakeholders with the most appropriate channels and written mediums. Factors to consider when selecting a medium include the amount of time the message will take to reach the stakeholder, cost, and whether or not it conforms with your confidentiality need.

4.3.2 Personal Contact with Stakeholders

Personal contact with stakeholders usually involves Services personnel talking informally with key stakeholders. Through these discussions we can gain a sense of the issues or concerns around

a proposed Federal action. Important considerations when you interact personally are to keep a contact log of the conversations you have with stakeholders and always be aware that the conversation could be recorded and released to the public.

4.3.3 Public Comments

We receive public comments on Services actions, typically solicited through the *Federal Register* (through Notices of Intent and Notices of Availability) as letters, telephone calls, and increasingly through electronic media (e-mail, regulations.gov, etc.). Solicited and unsolicited public comments are a major source of information an agency receives. However, public comments do not allow for discussion among participants or between participants and our personnel.

4.3.4 Public Meetings

Public meetings are forums in which our staff can present information to interested stakeholders. Many public meetings, such as “open house” type public meetings, are designed to encourage discussion and feedback. Public meetings can be very effective and useful for conveying information, educating the interested public, and identifying interested parties. They often allow for discussion between agency staff and the public in a one-on-one or small group setting which can be more congenial and usually allows for a greater exchange of ideas than a public hearing format.

4.3.5 Public Hearings

Public hearings are a common method for soliciting stakeholder input on agency actions. Hearings provide all or selected participants an opportunity to present their opinions on an issue, usually in a formal manner in an allotted amount of time (often 2-5 minutes each). The information is recorded and becomes part of the public record. Laws and agency regulations often mandate public hearings. The major criticism of public hearings is that they provide little opportunity for discussion and feedback among participants and between participants and agency representatives.

4.3.6 Focus Groups

Focus groups are a structured method for collecting stakeholder opinions. They are facilitated discussions on specific issues. Participants are often invited because they are either subject matter experts or because they represent or understand certain viewpoints. Discussions are guided by a set of predetermined questions. There is limited opportunity for feedback between the agency and participants, but substantial opportunity for discussion among participants.

4.3.7 Nominal Group Process

A nominal group process is another structured technique for gathering stakeholder feedback. It involves asking small groups of participants (usually 6-10) to brainstorm on a specific question or series of questions. Responses are then discussed and ranked. The nominal group process allows for some feedback between the agency and participants, particularly as it allows the

agency to respond immediately to individual concerns. It also provides for considerable discussion among participants.

4.3.8 Workshops and Forums

Workshops and forums provide an opportunity for discussion and feedback. They can be used to identify and discuss important issues, and help participants arrive at agreements. They generally last longer than other meeting types, from a half-day to several days. Two important criteria for workshop success is having the right mix of participants that represent the stakeholders you are trying to reach and having an experienced facilitator.

4.3.9 Advisory Committees

There are two types of advisory committees that are often used in HCP projects. They are: (1) citizen advisory committees and (2) technical advisory committees. Citizen advisory committees involve citizens who are called together to represent the views of the wider public. Technical advisory committees are committees typically comprised of experts from outside the organization who bring technical or scientific expertise to the HCP project (e.g., forestry practices, economics, statistics, etc.). Both forms provide an opportunity for interaction between the participants and the Services. Members in both types of committees also expect to have their input included in the decision-making process. Important considerations for advisory committees include:

- who establishes them (i.e., applicant, Services, others),
- who the stakeholders are,
- how their representatives are chosen,
- who facilitates the committee,
- what technical skills are needed, and
- what the specific role of the committee will have in the HCP project.

Note: The Federal Advisory Committee Act (FACA) governs the establishment of and procedures for committees that provide advice to the Federal Government when at least one member of the committee will be from outside of a government agency (Federal, State, or local). FACA's statutory triggers do not exist where a permit applicant or project proponent meets with agency staff members concerning a proposal, nor is it applicable to a contractor or consultant hired by a Federal agency. It is also important to understand that FACA's requirements apply when the agency establishes, manages, or controls a group in order to obtain group advice (as opposed to when you are seeking advice from individuals). In other words, we may consult with groups, so long as we only seek individual advice. FACA risks increase if these consultations become repeated and appear like we are seeking group advice. For more information on the requirements of the FACA, consult the General Services Administration's Committee Management Secretariat at or consult your legal counsel.

4.4 Analyzing Stakeholder Input

Much of what has been discussed in this chapter has focused on facilitating effective communication with stakeholders. What we do with all the information we receive is just as

important. One effective tool for analyzing and understanding qualitative information is “content analysis.” Content analysis involves determining the meaning, purpose, or effect of any type of communication, such as literature, newspapers, or broadcasts, by studying and evaluating the details, innuendoes, and implications of the content. It helps you see where there are echoes (i.e., the same thing being said from different people or groups), saturation (i.e., no matter how much more data you collect you receive no new information/perspectives), discordance (i.e., groups are saying different or opposite things) and lone truth tellers (i.e., a topic is only mentioned once or a few times, but it is provocative because it reframes the issue in a new or different way that may be important to recognize). This analysis is important when building a stakeholder communication plan, especially when developing targeted messaging, because it links back to the story in which the stakeholder groups believe.

4.5 Implementation and Monitoring Communications

With the vast number of communication channels and messages available for reaching stakeholders, it is imperative that we manage and coordinate the communication process effectively. Mis-managed communications lead to ill-timed messages and missed opportunities, messages that lack consistency and create confusion among stakeholders, or messages that are not cost-effective and burn up the communication budget. For instance, for HCP projects involving an Environmental Assessment (EA) or Environmental Impact Statement (EIS), it is important to be precise about the underlying Federal action. For some projects, there has been considerable confusion over what the actual “scope” of a Federal action was in response to an incidental take permit application. Misunderstanding the scope often leads to an overstatement of impacts, potentially foregoing the use of our categorical exclusions or “mitigated EAs,” and encumbering applicants and the Services with unwarranted, costly, and time-consuming EIS’s.

A basic tenet underlying incidental take permit applications is that the Services are not authorizing the applicant’s activities that are causing the take. Instead, the Services are authorizing the incidental take that results from the applicant’s covered activities. However, stakeholders often do not understand this concept, at least initially, so we find ourselves spending weeks or months responding to issues and concerns that are associated with an applicant’s project for which the Services have no control over via our ESA authority. For these issues and concerns, we must clearly and consistently distinguish between our proposed action (i.e., issuance of an ESA incidental take permit for the purpose of authorizing incidental take for covered activities within the context of an HCP) and the specific activities of the applicant. We must never defend or express our opinion on the advisability or appropriateness of the applicant’s otherwise lawful activities except as they relate to impacts to resources over which the Services have responsibility. However, depending on the level of controversy, we may want to ask the applicant to address these issues or concerns.

To ensure that we are communicating effectively, we must periodically check our progress and effectiveness in implementing the communication plan. If we are not communicating in a manner that meets the needs of the stakeholders, we must consider how we can modify our approach to be more effective. Effective communication is a measure of how well we are communicating, to a defined audience, information and a frame-of-mind that ultimately stimulates action (or inaction). We must consider how our communication is working both internally and externally.

Measured Results

- Not the number of stakeholders reached by the communications....
- Not what the stakeholder or stakeholder group likes or dislikes about the way you communicate...
- But the changes that occur in the stakeholders awareness, comprehension, conviction, and behavior as a result of the communications.

4.6 Effective Coordination

In the past, many HCP practitioners approached communication and coordination simply to fulfill what was required under the NEPA process. NEPA regulations required us to inform the public and obtain comments from the public, but not necessarily involve the public. How public input is to be used in agency decision-making was not discussed in the regulations until fairly recently. Coordinating with stakeholders involves listening to and understanding their diverse opinions and motivations, while at the same time, giving those people who make the effort to involve themselves in the HCP process a sense of ownership in the outcome.

Shared learning, negotiating, building trust, and planning and executing an effective stakeholder involvement strategy all take time. NEPA regulations state agencies must “make diligent efforts to involve the public...” (40 CFR Part 1506.6), while Department of Interior (DOI) NEPA regulations go even further by stating “Responsible Officials must, whenever practicable, use a consensus-based management approach to the NEPA process” (43 CFR 46.110) (see the [HCP Handbook Toolbox](#)). A consensus-based management approach involves “outreach to persons, organizations, or communities who may be interested in or affected by a proposed action with an assurance that their input will be given consideration by the Responsible Official in selecting a course of action.”

Attitudes have changed as managers have become more comfortable with involving stakeholders and agencies have learned through experience that the additional time and money spent consulting, coordinating, and cooperating with key stakeholders saves us time and money in the long-run. It helps us avoid administrative appeals, lawsuits, and other forms of protest, which often take years to complete. HCP projects are multidisciplinary endeavors that typically involve people with varied backgrounds, disciplines, and motivations (e.g., biologists, engineers, lawyers). Therefore, to coordinate an HCP project effectively implies that someone acts as a central point (i.e., “project manager”), ensuring close contact among those actively involved in the HCP project, for the purpose of developing and maintaining productive relationships, so that the HCP project meets everyone’s expectations about the appropriate amount of time, budget, and quality. HCP projects usually stall not because of a lack of technical skills on the part of those executing the project, but because of inadequate coordination of project activities with the people involved. The subsections below describe a few key concepts to consider when tasked with coordinating an HCP project.

4.6.1 *Develop a Project Charter*

A project charter (e.g., project agreement, project statement, MOU, MOA) is a concise statement of purpose and goals, principles and values, and roles and responsibilities that establishes the tone and direction for developing the HCP. A project charter is more appropriate for complex HCPs. It should be developed early in the HCP process and describe all aspects of the HCP project at a general level. Once approved by the applicant and the Services, it becomes the basis for the upcoming work. For most HCP-related projects, the project charter should reflect:

- Applicant's purpose and need - Why take action? Why here? Why now?
- Objectives and scope - What are the potential benefits to the applicant, the species, and the public?
- Approach and organization - How will the HCP be developed? Who are the decision makers for the applicant and the Services? How will the Services communicate with the applicant? Who are the project managers? Who is the planning team and what are their roles and responsibilities.
- Assumptions and concerns - What are we taking for granted (e.g., ability to estimate take)? What are the major concerns (e.g., ability to monitor take)?

4.6.2 *Develop a Work Breakdown Structure*

After you've prepared the project charter, create a work breakdown structure (e.g., Gantt chart). The work breakdown structure is a hierarchical decomposition of the work that the project team needs to accomplish, including assigning resources and estimating work as far out as reasonable. It is the primary tool for organizing HCP development activities into manageable sections.

Helpful Hint: Use a prior work breakdown structure from a similar HCP project as a model, if one exists.

4.6.3 *Establish an Organizational Structure*

Who is the project team and what are their roles and responsibilities? Who are the key decision makers for the HCP project, both within the Services and from outside the Services?

4.6.4 *Establish Management Procedures*

Project management procedures explain how we will resolve disputes, make decisions and manage issues, address scope changes, ensure quality control and effective communication, etc. These may include regular team meetings, conference calls, emails, status reports, or other tools tailored to the project's specific needs (i.e., contact log, request tracking spreadsheet, etc.). Effective project management procedures prevent disputes, conflicts, and delays. It is critical that all parties have a common understanding of how the HCP process will be managed, and remain committed to fully using the tools and techniques to which we all agreed.

4.7 Maintaining an Administrative Record

Keeping a complete administrative record is very important. We intend for the guidelines in this section to provide a framework for assembling and maintaining an administrative record for HCPs and the related NEPA processes. They were developed from recent Department of Justice and DOI administrative record guidance.^[1] Since the guidelines only provide a framework for what generally should be included in the administrative record, HCP practitioners in the FWS should direct questions about individual documents to the Office of the Solicitor. The National Oceanic and Atmospheric Administration (NOAA) General Counsel has issued guidelines for compiling an agency administrative record online (see the [HCP Handbook Toolbox](#)). Documents that do not fit the general categories described in these guidelines should be placed in a temporary file that you can periodically review to determine whether to include them in the administrative record.

Generally, an administrative record should contain the complete rationale of the agency decision-making process, including options considered and rejected. It should include important substantive information that was presented to, relied on, or reasonably available to the decision-maker. The administrative record should establish that the agency complied with relevant statutory, regulatory, and agency requirements, and should demonstrate that the agency followed a reasoned decision making process.

4.7.1 General Guidelines

- date and label all documents.
- identify the author(s)/source of all records and documents.
- identify those documents that are protected by attorney-client or deliberative-process privilege.
- keep electronic and paper copies of all records in accordance with policy.
- organize materials in a logical order, e.g., chronologically or by topic.
- avoid chain emails with multiple topics and responses.
- avoid emails that commingle personal and official information.
- If you obtain information from a Website, keep a contemporaneous copy of the site, including address and date downloaded.
- do not redact, edit, or alter any documents unless such alterations were part of the original document. The redaction of privileged information may occur later during Solicitor review of the administrative record.
- ensure that documents are complete, clean, and legible. If an excerpt of a lengthy document is included in the record, make sure that the source of the excerpt is identified.
- prepare an index to the administrative record that provides a brief description of each document, including the date and source. A separate index is normally prepared for any privileged documents after the entire record is compiled and numbered.

^[1] See Guidance to Federal Agencies on Compiling the Administrative Record, Department of Justice, January 1999 and the Standardized Guidance on Compiling a Decision File and an Administrative Record, DOI, June 2006 (“DOI June 2006 Guidance”) (see the [HCP Handbook Toolbox](#)). Note that the DOI 2006 guidance distinguishes between a decision file, which contemporaneously documents the decision, and the administrative record, which is compiled to submit to the court after litigation begins. The term “administrative record” is used for purposes of these guidelines

with an understanding that compilation of administrative record documents during project development facilitates the compilation, indexing, and certification of the formal administrative record if there is litigation.

4.7.2 Documents that Should Be Included in the Administrative Record

All primary documents, which are documents that explain the agency action that may be challenged, should be in the administrative record. Examples of primary documents include EISs, Records of Decision (ROD), and biological opinions.

All relevant, supporting documents that were considered, followed, or relied on by the people involved in the decision-making process should also be in the administrative record. These documents may relate to either the substance or procedure of making the decision, or both. Examples of supporting documents include:

- documentation of all public involvement and information activities, including published notices, scoping meetings, open houses, fact sheets, press releases, and project newsletters.
- comments and other communications and information received from the public and other agencies, and any responses to those comments and communications.
- documentation provided by the applicant in response to agency requests for information relevant to the NEPA and HCP processes.
- technical information, monitoring data, sampling results, survey information, engineering reports or studies, and other factual information or data.
- if a report or study is based on predictive computer modeling, sufficient information must be included in the report or the backup file in the administrative record (including electronic files as necessary) to allow a third-party reviewer to understand and replicate the model run(s) that was ultimately relied on for the analysis.
- if a report or memorandum is based on collected data, the data should normally be included as an appendix to the report or memorandum or, if the data are voluminous, in the administrative record as an electronic backup file for the report or memorandum with a cover memorandum explaining in general the data content and method of collection.
- documents cited as a reference in a primary document, such as the bibliography to the EIS or HCP.
- reports and other information compiled by consultants or contractors.
- meeting minutes, transcripts of meetings, and other formal recordings of meetings and telephone conversations during which project status, substantive issues, or other important decision points were discussed, memorialized, and circulated to the project team.
- status reports prepared by contractors for the Services.
- departmental, office, and bureau policies, guidelines, directives, and manuals that were relied on during the decision-making process.
- documents that have been released to the public through Freedom of Information Act (FOIA) requests, or are available to the public, including those made available on the internet.
- articles, books, and other publications relied on during the decision-making process (but be sensitive to copyright laws).

- the NEPA contractor's certification that it does not have a conflict of interest regarding the project consistent with the NEPA regulations.
- all documents and materials that were available to those involved in the decision at the time the decision was made, regardless of whether they support or are contrary to the final decision. Include documents that were available to the agency at the time of the decision, even if they were not specifically considered by the final decision maker.
- documents that fall under the categories above that may end up later being redacted or removed from the record on the basis of privilege.

4.7.3 Other Documents that May Be Included in the Administrative Record

You may need to include electronic or other internal communications, such as emails and their attachments, if they contain factual information, substantive analysis, or discussion, or if they document the decision making process (such as substantive supervisory instructions to staff relating to the decision making process). You only need to include it in the administrative record if it is not already included in the decision documents (i.e., ROD, biological opinion, or EIS) or otherwise reflected in the administrative record.

Preliminary and administrative drafts of the HCP, EIS and ROD are not normally included in the administrative record unless they are necessary to substantiate and evidence the decision-making process. Only include this type of documentation if it's not otherwise reflected in the administrative record under a ROD or similar document.^[2]

4.7.4 Documents that Generally Should Not Be Included in the Administrative Record

You typically do not include the following documents in the administrative record:

- documents that are not relevant to the decision-making process.
- documents associated with, but not part of, the decision-making process, such as fax cover sheets. NEPA contractor-generated emails that were not received or considered directly or indirectly by the Services, phone memoranda, and other routine communications among a report's authors and contributors during report development.
- documents and communications that are related to logistics of the NEPA contractor's work on the EIS, including travel arrangements, coordination among study participants, meeting room arrangements, and other similar activities.
- preliminary and draft iterations of technical reports, studies, and analyses that are reflected in final versions of reports.
- raw field notes where the finalized data and analyses are reflected in final versions of reports.
- documents that were not in the agency's possession at the time the decision was made.
- documents that post-date the agency decision.
- informal notes about routine meetings, conference calls, or telephone calls among the NEPA contractor staff, between the NEPA contractor staff and its subcontractors, or between the NEPA contractor staff and the Services.
- documents that pertain to the administration of the NEPA contractor, such as documents detailing the scope, phasing, modification, and payment for work under the EIS-preparation contract, as well as technical progress and financial status reports.

- personal notes, journals, “to do” lists, or appointment calendars maintained by an individual solely for personal use and not circulated to colleagues or added to the agency file.
- news stories and other media reports on the project.

[2] Consult your Solicitor or NOAA General Counsel on whether such documentation should be included as part of your Administrative Record. Whether deliberative material is part of the Administrative Record or not may depend on the Circuit the HCP is challenged.