

Understanding Decision Authority and Decision Space in Collaborative Conservation

Gary Severson 2022

In federal land and resource management decision-making processes, the terms **decision authority** and **decision space** are frequently used. Unfortunately, they are often used as synonyms and are interchanged freely without regard to their meanings. This misuse of terms can lead to confusion of agency personnel and citizens alike. This makes collaboration among agencies and stakeholders overly complicated, difficult, and threatening because appropriate roles and responsibilities are blurred and not clearly defined.

Why is this important to collaborative conservation groups?

In the fifteen states comprising the western United States, 47.9% of the total land area is retained by the federal government. In these states, federal land ownership encompasses 582,097,285 acres.¹ The federal lands are administered by a host of federal agencies including USDOJ Bureau



of Land Management, USDA Forest Service, USDOJ Fish and Wildlife Service, USDOJ National Park Service, and the US Department of Defense. In my home state of Colorado, 35.9% of the state's land area is in federal ownership. These federal lands are adjacent to lands of local and state jurisdictions and private lands. In the West, collaborative conservation groups frequently interact or collaborate with federal land management agencies.

The National Environmental Policy Act (NEPA) requires federal agencies to assess the environmental effects of proposed major federal actions prior to making decisions. Furthermore, NEPA requires federal agencies to “...*foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.*”² NEPA's procedural requirements apply to a Federal agency's decisions on proposed actions, including providing permits for private actions; financing, assisting, conducting, or approving projects or programs; issuing agency rules, regulations, plans, policies, or procedures; making Federal land management decisions; and an agency's legislative proposals. NEPA applies when a Federal agency has discretion to choose among one or more alternative means of accomplishing a particular goal.³

¹ Congressional Research Service Report R42346, December 29, 2014

² 42 U.S.C. 4331(a)

³ A Citizen's Guide to NEPA, Having Your Voice Heard, Council on Environmental Quality, Executive Office of the President, January 2021

NEPA requires agencies to consider the significant environmental consequences, including those of economic and social significance, of their proposed actions and to inform the public about their decision making. NEPA identifies:

1. Who is responsible for making a decision?
2. What must be considered prior to the decision being made?

Who is responsible for making a decision?

Decision Authority is the statutory right, power, or responsibility to make a decision and to be accountable for its success or failure. Decision authorities are those decision responsibilities that are statutorily conveyed to a government official, office, or agency by Congress, state legislatures, or local governing boards or councils.

Citizen participation, including collaboration, in federal land and resource management is not equivalent to ‘shared decision-making’. The responsibility for making a decision is statutorily conveyed to a designated federal, state, or municipal official. This decision authority cannot be delegated nor abdicated – it is statutorily conveyed. However, under NEPA a responsible federal official with statutory authority must inform and consult the public prior to making the decision.

What must be considered prior to the decision being made?

Decision Space is the zone of possibility in which decisions can be made and implemented with a degree of probability, feasibility, and acceptance.

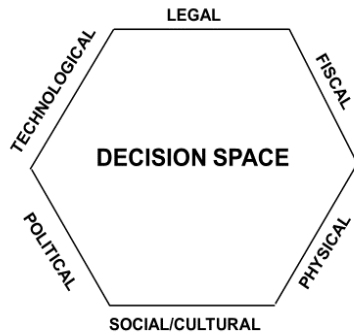
Since collaborative conservation groups do not have statutory decision authority, this is where collaboration with all stakeholders is most useful and productive for all involved – agency personnel and citizens alike. NEPA requires that federal agencies consider the physical, social, and economic impacts of possible decision alternatives prior to the final decision being made.

The decision space is determined by an assessment of six decision parameters:

- Legal – What are the statutory and regulatory requirements?
- Fiscal – What financial and human resources are available?
- Physical – What are the capacities of the natural resources?
- Technological – What technologies are available?
- Political – What are elected officials and governing bodies willing to support?
- Social/Cultural – What are the norms, mores, values, traditions, and preferences of communities and stakeholders?

For the sake of diagram, the Decision Space depicted has six equal parameters. However, in the real world this is seldom the situation. We find that one or more of the parameters exerts more influence than the others. As examples:

DEFINING THE DECISION SPACE



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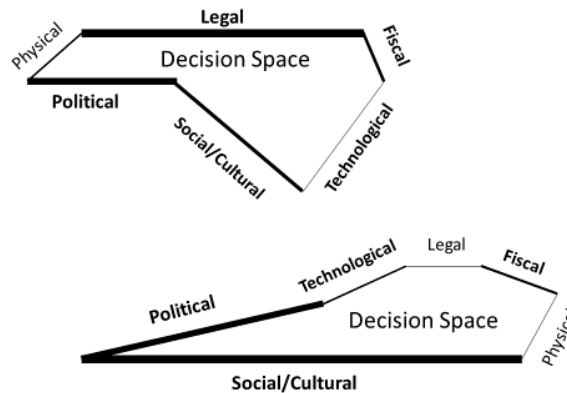
- The budgetary and staffing capacity of the federal agency is insufficient to effectively implement the decision.
- The social, cultural, and economic well-being of communities are so intrinsically

tyed to livestock production that responsible federal decisionmakers must make that a primary consideration in their assessment and evaluation of possible alternative decisions.

- The desire for wildfire mitigation to make local communities more fire resilient, is constrained by Congressional land designations, degree of slope, inaccessibility, and percentage of wetlands.

These are the types of decision spaces we often see:

The Six Parameters Influence Each Other and Define the Decision Space



What is the role of collaborative conservations groups?

Collaboration and the Decision Space is where the collaborative process can be of productive assistance to statutory decision-making. Often, citizen collaborative groups ask the question *“What assistance does the agency need to help them make and implement decisions that will be of mutual benefit and at a pace and scale acceptable to all?”* Agency personnel often ask, *“What do citizen collaborative groups bring to the table that can assist in providing things necessary to the decision process?”* Taking inventory of the skills, expertise, and experiences of agency

personnel and citizens in an environment of collaboration can help to answer these two questions.

Usually, professional personnel of the responsible government agency have expertise regarding natural resources and technical capabilities. Their requirement to work in interdisciplinary teams providing analysis to the responsible official is a valuable part of the decision-making process. In addition, agency personnel can provide the legal and fiscal information needed as well. Collaborative conservation groups participating in collaborative efforts with the agency can provide historical context, understanding of the social norms, mores, values, and traditions of the communities, and local, state, and federal political understanding. Many citizens also have abilities and experiences in technical aspects of land and resource management that can supplement agency understanding from other perspectives. Citizen collaboration can also assist in expanding the decision space. Citizens often have access to sources of funding and access to people that agency personnel do not.

A personal example of how a collaborative conservation group expanded the Forest Service's decision space.

In 2013, the Rim Fire burned 402 square miles of productive forest on the western slope of the Sierra Nevada Mountain Range in California. The massive burn area involved portions of the Stanislaus National Forest, Yosemite National Park, San Francisco's Hetch-Hetchy Watershed, and adjacent private lands. The fire was so hot that most vegetation was killed. For much of the burn area there were no remaining natural seed sources, and the soils became so baked that water could not penetrate their surface. The burn area became a prime candidate for a chaparral and manzanita brush field for generations to come. I was contracted by the USDA Forest Service to assist in establishing a citizen's collaborative conservation effort to aid in the recovery and restoration of the burn area. The Yosemite Stanislaus Solutions (YSS) collaborative conservation group stepped up to provide collaboratively developed suggestions to the Forest Service.

The Forest Supervisor of the Stanislaus National Forest was the designated federal decision maker with statutory decision authority regarding all NEPA documents and decisions. In the development of possible alternatives for the environmental impact statement (EIS) regarding forest restoration, the forest supervisor asked YSS to give their advice on whether herbicides could be utilized in the planting of new trees for forest restoration? Herbicide use on federal lands in California is a controversial social and political issue. YSS deliberated among themselves for nearly a month and recommended the following:



- Herbicides could be used within certain parameters:
 - No aerial spraying of herbicides
 - Herbicides were to be applied by hand, not extending beyond a three foot radius around each newly planted tree.

The forest supervisor included the YSS recommendations in the final EIS and the record of decision. The Central Sierra Environmental Resource Center, testified on May 9, 2016, *“The Forest’s decision [re: herbicides on 6,000 acres] doesn’t implement exactly what YSS suggested, but the agency’s plan is clearly based on the group’s recommendation.”* YSS had successfully, through collaboration expanded the decision space for the forest supervisor with statutory decision authority.

Conclusion. A former district ranger on the Francis Marion and Sumter National Forests in South Carolina was asked why he thought collaboration was important. He responded, *“Well, if I help my collaborative partners get some of what they want, then they will help me get some of what the agency wants?”* Understanding the difference between **decision authority** and **decision space** is imperative to productive collaborative conservation. It is necessary that all collaborative partners understand that decision authority cannot be usurped, delegated, or abdicated. However, defining, clarifying, and even expanding the decision space is something that can be shared between collaborative partners to attain mutual benefits in an environment of collaboration with stakeholders, communities, and agencies.

Gary Severson is an original member of the USDA Forest Service National Collaboration Cadre. He has worked with more than forty national forests and their community collaborative partners and served on the USDA Secretary’s National Advisory Committee for Collaborative Forest Landscape Restoration. He is a co-founder and former chair of the Colorado Bark Beetle Cooperative and is the retired Executive Director of Northwest Colorado Council of Governments. He makes his home in Evergreen, Colorado.