

WORKING



A CROSS



BOUNDARIES



People, Nature, and Regions

Matthew J. McKinney • Shawn Johnson

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B O U N D A R I E S**

W O R K I N G

A C R O S S

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**PEOPLE, NATURE,
AND REGIONS**

Matthew J. McKinney

Shawn Johnson

L LINCOLN INSTITUTE
OF LAND POLICY
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Dedication

I dedicate this book to the two people who have most influenced my thinking about regional governance.

The first is John Parr, who passed away in 2007. I met John in 1979, when he was working for Colorado Governor Richard Lamm to facilitate a regional, multijurisdictional land use plan along the Front Range. Although a plan never emerged, this initiative demonstrated John's vision of the need to work across boundaries to provide cost-effective public services, manage urban growth, preserve agricultural lands and open space, and promote a sense of place and belonging.

The second person is Charles H. W. Foster, whom I met in 1990 at a workshop on the interstate management of the Missouri River. By this time, Henry had dedicated nearly 40 years to studying, creating, managing, and evaluating regional institutions for natural resource and environmental management. His breadth of experience and down-to-earth pragmatism captivated me. Like John, he encouraged me to find opportunities to help people think and act regionally, experiment with a diversity of approaches in bringing people together, and document the experiences.

I hope this book in some way reflects the profound influence that John and Henry have had on my professional life.

—Matthew J. McKinney
Helena, Montana

CONTENTS

<i>List of Illustrations</i>	ix
<i>Foreword, Armando Carbonell</i>	xi
<i>Acknowledgments</i>	xiii
Chapter 1 Why Work Across Boundaries?	1
Chapter 2 Closing the Governance Gap	11
Chapter 3 A Principled Approach to Regional Collaboration	27
Chapter 4 Diagnose the Need for Regional Collaboration	35
Chapter 5 Match the Process to the Situation	47
Chapter 6 Formulate and Implement Actions	75
Chapter 7 Evaluate, Learn, and Adapt	107
Chapter 8 Models of Regional Governance	125
Chapter 9 Improving Regional Collaboration	141
<i>Appendix</i>	147
<i>References</i>	149
<i>Index</i>	154
<i>About the Authors</i>	161
<i>About the Lincoln Institute of Land Policy</i>	162

Foreword

This work on regional collaboration grows out of what has itself become a long-standing collaboration between the Lincoln Institute of Land Policy and the University of Montana Center for Natural Resources and Environmental Policy (formerly the Public Policy Research Institute). Regional planning at different scales, territorial spillovers, and multijurisdictional governance has long been part of the Department of Planning and Urban Form's research and training agenda. Through a joint venture partnership, we have been able to study and field test the ideas in this book over nearly a decade, primarily through training sessions and place-based clinics on regional efforts that we held with Matt McKinney and his team at sites across North America. In addition to this volume, we have established a subcenter on the Lincoln Institute of Land Policy Web site that draws on this research and experience.

Although its first chapter answers the question, Why work across boundaries?, this book is really more about the how of regional collaboration than the why. That is appropriate, as it is intended for citizens, practitioners, and policy makers grappling with the challenges presented by transboundary issues who seek guidance on the process by which regional solutions can be identified and implemented. For them, the why is clear enough: complex regional issues and gaps in governance that occur when jurisdictions are unable to make effective decisions or take action to resolve problems.

The book presents an array of practical and tested strategies and techniques that can be employed across the range of land use, natural resource, and environmental issues at scales ranging from metropolitan to megaregional, including watersheds and ecosystems. Whether you are deeply engaged in a regional initiative, or just beginning to explore a regional strategy, this book can serve as the "missing manual." It provides ten guiding principles, five key questions for regional governance, and seven habits of effective implementation that can be referred to before, during, and after undertaking regional collaboration. I call particular attention to chapter 7 on evaluation, which can help in determining whether a regional initiative is working and whether it should be continued.

Although this is not a book of theory, it is worth noting that regional collaboration as presented here draws heavily on consensus building, which is itself based on the theory of mutual gains negotiation. In a sense, regional collaboration is about consensus building in space, and some of the approaches

and terminology will be familiar to those trained in consensus building, mediation, negotiation, and related areas of practice. One shared insight from theory is that these processes, to be sustained, need to fulfill an expectation that the benefits to participating stakeholders will exceed the costs. In the long run, regional efforts need to be measured by regional results.

The spatial component makes this process interesting to many of us, but also helps to explain why regional collaboration can appear bewilderingly complex and difficult. We often deal with diverse stakeholders and conflicting interests that play out across complicated geographies. One case study that runs the gamut of regional land use, natural resource, and environmental issues is Calgary, Alberta, Canada, described in chapter 1. Calgary is at the core of a metropolitan region of 19 municipalities struggling with serious urban/suburban conflicts over rapid growth, including water supply and wastewater issues, played out in a landscape of massive resource extraction (oil sands) and important habitat for moose, bear, and beaver.

Having been involved in the regional consensus processes that ultimately led to the creation of the Barnstable County Assembly of Delegates, an elected legislative body, and passage of the Cape Cod Commission Act by the Massachusetts legislature, I can say from experience that the path from regional insight to regional action is not always easy or short. In the case of the commission, which was at the heart of a new regional planning and regulatory system, it took five years from conception to execution, and required extensive public engagement and formal acceptance by voters following an elaborate visioning process. Although the result would be categorized by this book in the strict compliance family of regional governance models, I like to think that all of those evening meetings led to a more democratic and friendly, albeit legislatively mandated, institution.

I tip my hat to Matt McKinney and his team for so concisely bringing together the rich learning and experience of many fellow practitioners in the regional arts and sciences. For those of you who have chosen to respond to the challenge of activating the potential that is locked up in your regions, may this book serve you well.

—Armando Carbonell

Chairman

Department of Planning and Urban Form

Lincoln Institute of Land Policy

Acknowledgments

This book is the product of collaboration. The Lincoln Institute of Land Policy supported the research and writing of the book, and allowed my colleagues and me to undertake a series of regional collaboration clinics. These clinics allowed us to add value to local efforts and to develop and refine our thinking about regional collaboration.

Special thanks go to Armando Carbonell and Lisa Cloutier of the Institute's Department of Planning and Urban Form for their ongoing commitment and support; Peter Pollock, Ronald Smith Fellow of the Lincoln Institute, who reviewed countless drafts of the manuscript; and Ann LeRoy, director of publications, who masterfully edited the manuscript and brought it to life.

Many of the lessons and practical strategies presented in this book emerged from our on-the-ground work with citizens and leaders in multiple regions throughout North America. We appreciate the opportunity to work with these pioneers, and hope this book celebrates and reflects their hard work.

I thank many colleagues who reviewed earlier drafts of the manuscript over the past few years, including Todd Bryan, Tom Christoffel, Bill Dodge, Pat Field, Henry Foster, George Frederickson, Malka Kopell, Cameron Moore, John Parr, Doug Porter, Michael Quinn, Ethan Seltzer, Ken Snyder, and Ron Thomas. I would also like to acknowledge the graduate students in the University of Montana's Natural Resources Conflict Resolution Program who consistently challenged our thinking on this topic and compelled us to sharpen our presentation.

Finally, I acknowledge the dedicated work of our team at the University of Montana Center for National Resources and Environmental Policy (formerly the Public Policy Research Institute). Shawn Johnson conducted research, organized and convened regional workshops, and helped write significant chunks of the original manuscript. Will Harmon refined that manuscript into a compelling narrative. Sarah Bates, Sheila Hoffland, and Daisy Patterson provided research and administrative support, and gracefully took care of innumerable pesky details.

WHY WORK ACROSS BOUNDARIES?

Boundaries are ubiquitous features of civilization. People use them to distinguish one nation—or one backyard—from the next. Boundaries bring the world down to a manageable scale. Most landscapes are overlaid with patchworks of many boundaries, creating myriad jurisdictions at every level, from property lots to villages, towns, cities, and counties, up to states, provinces, nations, and international blocs. Add to those all the landholdings or management responsibilities of various public agencies, nonprofit groups, and private property owners, and the map quickly becomes a finely diced jigsaw puzzle of kingdoms large and small.

Generally, people are happy to work within the boundaries they have created for themselves. With no boundaries, we would not know where our responsibilities begin and end. Clean lines on a map solve that problem for many professionals and practitioners—a city planner knows the limit of her duties; a forest ranger knows precisely how far to range; and a state governor knows the physical extent over which he governs. Drawing a boundary around our work helps us focus and also prevents our jobs from expanding to fill all available time and energy.

But increasingly we are finding that we may have diced up our world to such a fine degree that the subsequent jurisdictions are often too small or too constrained in purpose to meet larger challenges and opportunities. A host of issues routinely transcends our elaborate grid of boundaries. Air pollution wafts across continents and oceans. Water carries contaminants downhill. Many wildlife species routinely cross imaginary lines to reach habitats and migration corridors. Invasive plants and animals move from homelands to new frontiers. Drought and wildfire can threaten whole landscapes.

Even our cities are not immune to such transboundary concerns. Planners and decision makers grapple with transportation, job markets, health

care, crime, and other issues that do not stop at geopolitical boundaries. Such issues should make us smarter. They remind us that we are interdependent, tethered to our neighbors. They reveal that no single jurisdiction can effectively address every challenge on its own. In short, transboundary concerns reveal gaps in our strategies for governing and making decisions on natural resource and environmental issues.

When people work together across boundaries, they take part in something larger than their individual jurisdictions. They begin to function more or less as a region. Most people think of a region as a place tied together by topographic features—New England, the Great Lakes, or the Colorado Plateau. But regions are also places where people share a common understanding of their built and natural environments. Regional landscapes may be metropolitan, rural, undeveloped, or some mix of these. Regional collaboration, then, is working together on a scale that transcends the usual jurisdictional boundaries.

This is the sense of region that informs this book: a landscape that encompasses a given challenge or opportunity and that fits people's sense of identity and purpose.

THE PROBLEM: A GAP IN GOVERNANCE

Increasingly, the territory of the land use, natural resource, and environmental issues we face transcends the legal and geographic reach of existing jurisdictions and institutions. The people affected by this spatial mismatch have interdependent interests, which means that none of them has sufficient power or authority to address the problems adequately on their own. This creates a gap in governance—no single entity has the power or authority to address these types of transboundary issues, so there is a need to create informal and formal ways to work across boundaries.

What do we mean by the term *governance*? For starters, governance differs from government. Government occurs when people with formal, legal authority make plans and take action. In contrast, governance is what happens when citizens and groups (often including government agency officials) work together to plan and act based on their shared goals. Such efforts may or may not have formal authority or power (Blomgren Bingham, Nabatchi, and O'Leary 2005). If government is our elected representatives and experts at work, then governance is the people at work—citizens taking part in planning, decision making, and implementation. In short,

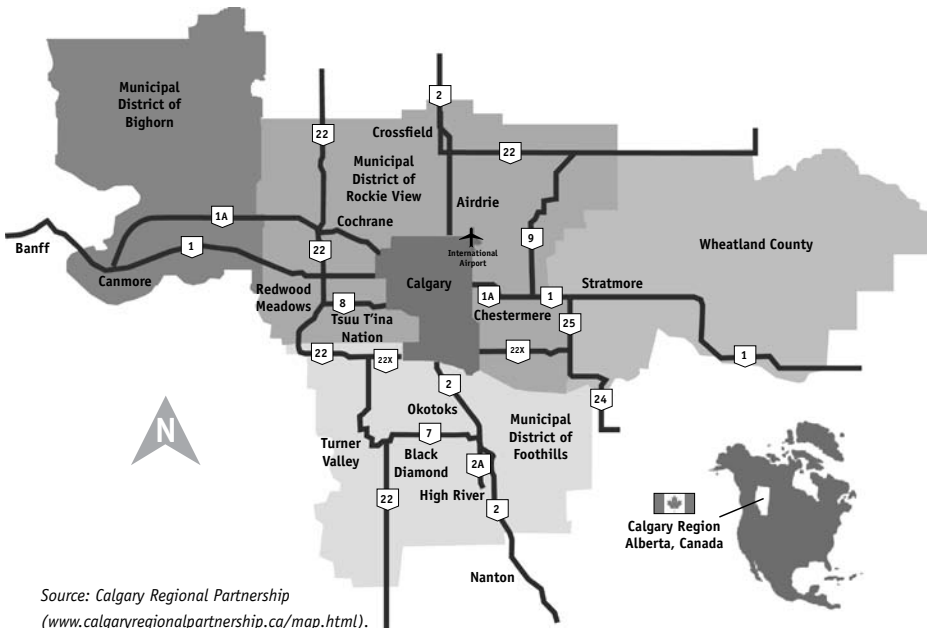
governance is a transparent, public process that engages diverse interests through inclusive, informed, and deliberative dialogue and action.

The governance gap exists because no adequate forum or mechanism exists within government or through existing entities to address trans-boundary issues. Merely applying scientific or technical knowledge to address economic, social, or environmental concerns cannot close this gap. Nor is closing the gap simply about managing land more effectively and efficiently. At its core, working across boundaries is a sociopolitical challenge. It is a question of how people can integrate the interests and concerns of multiple jurisdictions, government agencies, and public and private stakeholders to address land use and other regional issues.

TYPES OF RESPONSES: THE CASE OF CALGARY

Life in the Calgary region in the province of Alberta, Canada, aptly illustrates the nature of regional issues and how people can work to close the governance gap (figure 1.1). The City of Calgary and its 18 neighboring municipalities are among the fastest growing areas in North America (Hope

Figure 1.1
The Calgary Region, Alberta, Canada



2007). Between 2001 and 2006, Calgary's population increased by 12.4 percent, 84,000 new homes were built in the region, and 162,795 homes changed hands. Housing prices increased more than 40 percent in 2006 compared to 2005. Jobs in the goods-producing sector soared 21 percent in 2006, the most ever for a city in Canada, and the average earnings in Calgary jumped 19 percent between 2006 and 2008.

The primary driver of this growth is energy development, specifically the rich oil sands along the eastern front of the Canadian Rockies. These oil sands represent the world's largest proven petroleum reserves outside Saudi Arabia and cover an area larger than the state of Florida. The area is home to moose, bear, and beaver that inhabit the watery woodlands where oil is locked in the tarry soil. The energy industry estimates that enough oil can be economically extracted to fill Canada's needs for three centuries (Al-Qudsi 2005). With United States demand for Canadian crude oil forecast to double within eight years, investment in Alberta's oil sands began to snowball in 2007 and continues to grow (Schmidt 2007). Investment in oil sands has surged from \$5.2 billion in 2003, when oil prices began to climb, to \$16.1 billion in 2007, the latest year for which figures are available.

While growth in the Calgary region creates enormous opportunities for economic prosperity, it is also generating a number of challenges in managing the built and natural environments. A recent report prepared for the Calgary Citizen's Forum (Couroux et al. 2006) asserts that current growth patterns:

- promote and support sprawling, automobile-dependent development;
- increase reliance on fossil fuels and their impact on climate;
- create a loss of wildlife habitat and greenspace;
- deplete and degrade water resources;
- diminish the capacity of the region's infrastructure and social services;
- increase disease, premature death, and health care costs; and
- magnify social inequities and the loss of community.

These and similar concerns were cited by nearly one hundred elected officials and other people interviewed in 2006 by the Consensus Building Institute and the University of Montana's Public Policy Research Institute as part of an assessment of the Calgary region's response to ongoing pressures from growth and development (McKinney, Field, and Johnson 2007). One of the primary conclusions of this assessment was that working across

boundaries would improve the ability of citizens and government officials to respond to both the positive and negative consequences of growth in the region. Consider the two following examples regarding water resources and economies of scale.

When the Municipal District of Rocky View proposed the development of a shopping center and horse racetrack in 2006, it approached its neighbor—the City of Calgary—to supply the necessary water. The city, which owns most of the water licenses on the nearby Bow River, declined the request. A moratorium on new water licenses from local rivers then compelled Rocky View to look north to the Red Deer River. Instead of building a three-kilometer water line from a city hook-up, Rocky View was forced to consider a sixty-two-kilometer line from the Red Deer River at a cost of more than \$40 million.

As the population in the Calgary region continues to surge, neighboring communities are likely to face similar water-supply issues. Although studies show that the region has enough water to meet its projected growth needs until 2075, the supply depends in large part on the City of Calgary's licenses for the Bow and Elbow rivers. During interviews conducted by researchers at the Consensus Building Institute and the University of Montana, Calgary officials said that they are willing to share the city's water supply only if future development in surrounding jurisdictions is tied to a regional land use plan. Clearly, Calgary wields significant power, yet no single jurisdiction can solve water-supply or growth issues on its own. The fiscal impacts of uncoordinated growth are high, which seems to be steering jurisdictions away from competition and toward cooperation, especially with regard to basic resources such as water.

In the second example, opportunities of scale may lure the 19 jurisdictions in the Calgary region into working across the boundaries that separate them. A recent study suggests that these communities can best satisfy their individual demands for wastewater services by creating one or more “regional” facilities (CH2MHILL 2007). The study analyzed social, economic, and environmental impacts and concluded that shared wastewater facilities would reduce costs in all three arenas. In short, by collaborating, regional partners can jointly seek out opportunities and economies of scale that are unavailable to jurisdictions acting on their own.

Concerns over transboundary issues in the Calgary region are not new. As early as 1951, the Alberta Provincial Government created the Calgary

Regional Planning Commission (CRPC) to develop and regulate land use in and around Calgary, including the municipal districts of Rocky View, Bighorn, and Foothills, and Wheatland County. CRPC wielded the power of subdivision approval, giving it complete control over development and conservation within the region. Such consolidation (called amalgamation in Canada) was occurring elsewhere in Alberta and throughout Canada, mandated from the province and often without asking for or obtaining local consent. In the Calgary region, some of the surrounding urban centers supported consolidation, and by 1964 Calgary had more than tripled in size (to 157 square miles). Significantly, consolidation occurred early enough in the city's development that it was not encumbered by preexisting, disparate planning institutions and cultures, as were nearly all other Canadian examples of consolidation.

While consolidation in the Calgary region apparently added value to the urban centers, neighboring rural municipal districts were much less supportive of those plans. When CRPC was granted the power of subdivision approval, rural municipalities felt condemned by a "biased, selfish, and prejudiced" system to be in a "powerless position" (Bettison, Kenward, and Taylor 1975). Consolidation also created an inequity in the distribution of the business tax base, since taxes were directed to the municipality that provided municipal services to the workers and families of a business (in this case the City of Calgary). As such, rural districts were denied revenue desperately needed for their own improvements. This inequality reinforced longstanding resentment on the part of the rural districts regarding their rights as landowners and the feeling that the rural municipalities were nothing but "land banks" frozen in anticipation of future urban expansion.

In short, rural communities around Calgary grew to feel that CRPC enabled the City of Calgary to impose its vision on others. CRPC and all other regional planning commissions across Alberta were eventually eliminated via the Municipal Government Act in 1995, which authorized local jurisdictions to develop intermunicipal development plans (IDPs) to address transboundary issues. Under this approach, which remains in force today, regional planning once again became contingent on voluntary, cooperative participation.

Under the Municipal Government Act, growth management and land use planning have not been as coordinated (or as regulated) as under the CRPC. Instead, individual municipalities have taken ownership for plan-

ning and development within their borders. Though numerous IDPs exist, they are mostly bilateral (between two adjacent jurisdictions) and are limited in scope and/or weak in their monitoring and enforcement provisions. The variation in growth pressures throughout the region has resulted in different policies and paradigms from one municipality to the next.

The most recent phase of regional governance in the Calgary region is represented by the Calgary Regional Partnership (CRP). This nonprofit organization emerged in 1999 under the guidance and leadership of elected officials in the 19 jurisdictions that compose the Calgary region. It provides a valuable forum or platform to share information, build relationships, and develop joint projects. After several years of developing a solid foundation, in 2006 CRP launched what many believe to be its most ambitious project to date: the creation of a regional land use plan. Originally, this project was referred to as the Regional Growth and Sustainability Framework, reflecting the overwhelming fear and resistance to the ideas of “land use” and “planning.”

In early 2007, members of CRP unanimously adopted a regional vision and “Terms of Agreement for Working Together: A Commitment to Develop a Regional Land-Use Plan for the Calgary Region.” Among other provisions, this agreement specifies the following points.

- The regional land use plan shall be the comprehensive plan for land use and growth management in the region.
- The plan shall acknowledge, respect, and uphold the autonomy of individual jurisdictions, while serving as a plan for land use and growth management throughout the region.
- The plan shall not create another level of government or bureaucracy, but rather shall supplement the function and structure of all existing municipalities.
- The plan shall represent the region’s desire to capture the opportunities of coordinated regional growth planning, including environmental and socioeconomic balance and administrative and land use efficiency.

As of this writing, CRP is managing the process of developing and drafting a regional land use plan, which is scheduled for completion in 2009. Ongoing efforts to improve regional water, wastewater, and public transit systems are being integrated into the land use planning process. For example, in 2008 the Province of Alberta earmarked \$2 billion for

regional transportation projects in the Calgary area. CRP anticipates using at least a portion of these funds to improve the network of commuter bus service among outlying communities, and to use bus-based public transit to complement new heavy commuter and light rail projects throughout the region (Hope 2008).

The Calgary region's history of experiments in regional governance reflects trends throughout North America, and not just in fast-growing metropolitan areas. The governance gap—and ways to close it—plays out in many different land use, natural resource, and environmental arenas and at many different scales. Cities and their collar communities can clearly benefit from collaborating as a region. Based in part on the success of regional collaboration at the metropolitan and watershed scale, people are bringing these same concepts and practices to bear on ecosystems (such as the Florida Everglades, the intermountain Crown of the Continent, and habitat conservation plans) and megaregions (such as Cascadia in the Pacific Northwest or the Great Lakes in the Midwest).

THE FOCUS OF THIS BOOK

Practical experience—supported by research into many regional efforts in North America—suggests that there is no single model for closing the gap in governance created by transboundary issues. In fact, the best ways to fill the gap are homegrown, tailored to suit the issue at hand, and adapted to the unique needs and interests of each region. Based on this premise, this book presents an effective process to address land use issues that cut across boundaries. Presenting such a process is quite different from assessing existing policies or plans to deal with such problems, or even generating additional substantive prescriptions.

The distinction here between substance and process is not trivial. There is a huge difference between what should be done about a particular transboundary land use or water issue and how people who care about such issues should determine what ought to happen. The first problem is one of substance and the relative effectiveness of alternative policies and plans. The second is one of process—how to bring together the appropriate people with the best available information to address land-related issues that cut across multiple jurisdictions, sectors, and disciplines.

This book is a guide to improve the process of working across boundaries, which we call “regional collaboration.” It presents a variety of princi-

ples, techniques, strategies, and concepts to help people diagnose regional problems, design an appropriate regional forum, develop and implement regional action plans, and evaluate and adapt their regional initiatives. We refer to these materials as “tools,” not because of their technical complexity—most of the ideas are just organized common sense—but because of their emphasis on utility and their application to land use, natural resource, and environmental issues at several different scales, including metropolitan areas, watersheds, ecosystems, and megaregions. We offer these ideas and tools as a work in progress and look forward to your feedback on how to improve the emerging field of regional collaboration.