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Public Collaboration in Maine:

When and Why It Works

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Government by itself cannot address all complex public policy issues. Diane Kenty, Ann Gosline, and Jonathan Reitman write that "public collaboration" can alter the discourse on divisive local, regional, and state issues. Public collaboration is a process in which people from multiple sectors (government, business, nonprofit, civic, and tribal) work together to find solutions to problems that no single sector is able to resolve on its own. The authors describe the common features of effective public collaboration and provide detailed case studies and analysis of five recent examples of public collaboration in Maine.

INTRODUCTION

Maine people have a time-honored tradition of gathering to talk about community concerns—whether at town meeting, in the stands at the high school football game, or around the coffee pot at the store "in town." In recent years, Maine policymakers have tapped this custom by adopting a collaborative approach to tackle a number of complex public issues.

This article addresses forms of collaboration[1] that involve participation by one or more public sector entities and an issue or problem of keen public interest, for which we use the term "public collaboration."[2] Maine's use of this tool is part of a national movement that has seen many states and regions turn to collaboration to solve problems through joint efforts of the business, government and non-profit sectors.[3] It is consonant with increasing calls for broader civic engagement and citizen participation in government as a fundamental tenet of a healthy democracy (Leighninger 2006; Kemmis 1995; Susskind and Cruikshank 1989).

Public–private partnerships are not new. The evolution of networks connecting government with private and nonprofit sectors has been examined (Goldsmith and Kettl 2009). Many helpful examples of public–private partnerships have been documented (Susskind, McKearnan and Thomas-Larner 1999; Chrislip and Lawson 1994; Fosler and Berger 1982). Others have described the inner workings of the collaborative process (Chrislip 2002; Susskind, McKearnan and Thomas-Larner 1999; Gray 1989).

In this article, we examine five recent examples of public collaboration in Maine. We describe the features that distinguish effective collaborative efforts and discuss certain key elements in the case studies that affect the potential for success in public collaboration. We conclude with lessons for leaders who are considering a collaborative approach to solve community problems or shape public policy.

What Is Public Collaboration?

Public collaboration includes a variety of processes[4] in which one or more public officials invite representatives from other sectors—business, nonprofit, tribal, and civic—to work together to achieve pragmatic solutions to common problems that go beyond what any sector could achieve on its own. Often, multiple public agencies or departments are involved across local, regional, state and/or federal levels of government.

A collaborative approach to governing refutes the assumption that government is capable of, or should be expected to find workable solutions to every problem on its own. In Sirianni's model, government should play the role of "civic enabler" of productive engagement and collective problem-solving among ordinary citizens, civic associations, and stakeholder groups (Sirianni 2009). Public collaboration reflects not merely a search for new policy answers or new ideas, but a search for new types of governance that meet the needs of the twenty-first century (Ruckelshaus 2010). It presumes that groups and individuals outside of government are capable of jointly developing strategies to improve joint outcomes, thereby moving outside the range of voting, political organizing, campaigning, and lobbying activities that typify a representative democracy. Community and elected leaders may need to work together to develop and share knowledge in certain areas, or a new vehicle may be needed to allow traditional adversaries to talk with one another on an informal basis, outside of traditional regulatory or administrative channels. Public collaboration encompasses both formal and informal systems and networks for decision-making and problem-solving.

Public collaboration reflects not merely a search for new policy answers or new ideas, but a search for new types of governance that meet the needs of the twenty-first century.

Effective uses of public collaboration often have several features in common (Carlson 2007). While not uniformly present in every case, these features mark the most successful uses of public collaboration:

- **Initial assessment:** Before sponsoring a collaborative process, the potential sponsor evaluates whether the problem is sufficiently compelling

to devote the time and resources to a collaborative effort, whether the time is right, and whether necessary resources can be found.

- **Sponsoring agency or entity:** A government agency or other public entity brings parties together across governmental, sectoral, and/or organizational boundaries to achieve integrative solutions.
- **Convener:** In addition to sponsorship by a public agency or other entity, a respected leader serves as the "convener." By virtue of an office held, personal reputation, or leadership skills, the convener has the trust and credibility to bring differing or competing interests to the table. The convener may be assisted by a facilitator, a neutral third party who helps to assess, plan, organize, and manage the collaboration.

Most major public issues require involvement by more than one level of government...and more than the public sector alone.

- **Inclusive participation:** Public collaboration takes place within, not outside, the democratic process and works best when all necessary interests are included. All participants have a voice and share responsibility for the process and outcome.
- **Neutral forum:** A neutral forum is created in which disparate views are respected and diverse parties can work together to solve problems and make decisions.
- **Fair and reasonable procedural rules or guidelines:** With the assistance of a sponsor and/or facilitator, participants define the scope of discussions and adopt ground rules for conducting meetings and making decisions.
- **Gathering and sharing information:** Participants share and verify information and, when needed, jointly develop ways to acquire and manage new information.
- **Developing solutions:** Participants work together to explore possible solutions and come to agreement on the best course of action.
- **Implement result:** When an agreement is reached, the sponsor and all stakeholders affirm their commitment to identified steps for implementing the agreement. A mechanism is established to effectuate the agreed-upon plan.

Public collaboration typically proceeds in three phases (Carlson 2007). In the first phase, the sponsor or planning group lays the necessary foundation by conducting an assessment to determine whether or not to initiate a collaborative process. The second phase, the actual course of collaborating, is the most visible phase. The sponsor works with a convener to identify and bring diverse interests to the table. Participants come together and jointly agree upon procedural rules, begin to develop and exchange information, frame and discuss issues, generate and evaluate options, develop mutually agreed-upon solutions, and secure the endorsement of all constituencies and authorized decision-makers. The third phase is implementation. Participants work together to implement their agreement, including formalizing the decisions, carrying them out and monitoring the results.

WHY MORE PUBLIC COLLABORATION?

Despite generations of experience in talking about community concerns with neighbors or at town meeting, few people have experience working successfully in tandem with government officials and private organizations to develop responses to problems that transcend traditional notions of winning and losing. Collaboration can help to diminish divisiveness between citizens that occurs when polarizing issues are allowed to fester. It can also turn the focus toward future goals and a common vision. Public collaboration may be helpful to address longstanding differences

based on geography, background, partisanship and the many interpretations of "Two Maines."

Three trends are driving the increase in more public collaboration in Maine and nationwide. First, societal problems are growing more complex, and governance has become more challenging. Second, government simply lacks the resources to tackle problems on its own. Third, the population in Maine (and nationally) is becoming more diverse, and the populace increasingly expects to have a say in decision-making.

Increasing Complexity

In a global economy anchored by rapid technological change, Maine's challenges aren't getting any simpler. Most major public issues require involvement by more than one level of government (often local, regional, state, *and* federal), and more than the public sector alone. This is true whether the issue is planning for emergency management, public health, law enforcement and corrections, or social services.

Several precedents in Maine validate the complexity of problems and existing uses of collaboration.[5] The Long Creek case study discussed below required multiple levels of governmental involvement. Gateway 1, a project that includes 21 communities along Route 1 from Brunswick to Rockport working with the Maine Department of Transportation, exemplifies state and local collaboration.[6] At a single level of government, two counties collaborated to consolidate their jails,[7] and municipalities work together through several regional councils of governments in Maine.[8]

Other collaborative networks in Maine involve private partners, along with government agencies. The regional planning coalition known as Mt. Agamenticus to the Sea Conservation Initiative in York County is one example.[9] The latter stages of Mount Desert Island Today and Tomorrow also included both public and private partners.[10] Similarly, the case studies discussed in this article all combined private sector involvement—whether business, non-profit organizations, or concerned individuals—with the public sector.

Decreasing Resources

Instances of inter-governmental cooperation at the local and regional level have emerged in Maine, but only to a modest extent. Maine has nearly 500 municipalities and 16 counties, and a strong tradition of "local control." Demands on public resources are increasing, but those resources are dwindling. In most of the biennial state budgets adopted by the Maine Legislature since 2002, budget deficits have required substantial adjustments when anticipated revenues failed to materialize. State revenues have dropped sharply since FY09 and, for the biennial budget that will take effect in July 2012, the Maine Office of Fiscal and Program Review has estimated a structural budget gap of at least $800 million.[11] Especially while the U.S. economy continues its slow rise from recession, Maine government lacks the resources to tackle problems on its own. The public and private sectors will need to tackle problems as partners and leverage all available resources.

Growing Diversity and Popular Expectation

Maine's population is growing more diverse, and citizens increasingly expect to have a say in public issues According to recent demographic data from the 2010 U.S. Census, though the vast majority of Maine's population continues to be Caucasian, approximately 77,000 residents are of other races.[12] The increasing racial diversity of the population means a greater heterogeneity of perspectives and influences on governance. The public increasingly expects to have a voice in decision-making, especially given the explosion of information available on the Internet. With hundreds of thousands of households in Maine connected to the Internet, and the rest of the population enjoying access through libraries and other community venues, citizens have never been in a better position to "get up to speed" on issues quickly. Online discussion about all kinds of issues has proliferated. Mainers increasingly register their opinions online in response to news stories, routinely read and write blogs, and are accustomed to receiving information electronically on public issues through municipal Web sites. Community leaders and ordinary citizens expect to be consulted and involved in finding ways to capitalize on opportunity and to solve problems.

While the Internet has many redeeming features, it can also accentuate polarization or spread disinformation, if users visit only Web sites that confirm their thinking and beliefs. It can be a challenge to confirm the validity of online information, even when attempts

are made. Participation in a well-managed collaborative effort can cut down on this "cocooning" effect to bring people of different views together for discussion.

RECENT EXAMPLES OF PUBLIC COLLABORATION IN MAINE

We explore here five examples of public collaboration that represent a mix of issues, structural features, participants, and process design. Not all are universally acclaimed as resounding successes; as with most high-stakes, high-profile public issues, they have political implications that tend to spawn continuing debate. Some of the examples presented here also required further governmental or other institutional action, and are works in progress. Brief discussion follows each case study.

Sears Island: An Old Controversy in Need of a New Approach

Since the 1970s, controversy roiled over what to do (if anything) with Sears Island, an island in Penobscot Bay off the coast of Searsport and the largest undeveloped island on the eastern seaboard. Proposals had included a nuclear power plant, a cargo and cruise ship location, an oil refinery, a coal-fired power plant, and a liquefied natural gas (LNG) facility, along with conservation proposals for leaving the island undeveloped for wildlife and bird habitat and recreational use.

In December 2005, dozens of people gathered in the governor's cabinet room in Augusta to attend a "scoping meeting." The purpose of the meeting was to identify issues of concern to the various parties and agencies involved. It also explored the possibilities for creation of a group that would be empowered to recommend consensus solutions to the decades-old debate on appropriate uses for Sears Island. Subsequently, the governor sponsored the Sears Island Planning Initiative (SIPI), a group of 46 stakeholders. They represented land trusts and conservation organizations, transportation interests, state regulators, and local activists.

Over the next several months, the SIPI steering committee held eight day-long meetings to educate itself on the issues and to debate their merits. The steering committee also hosted a public "open space" meeting at which members of the public who could not attend the steering committee meetings could voice their opinions. By November 2006, emerging areas of agreement had gelled enough for the group to suggest that the facilitator develop a "straw man" proposal to summarize the group consensus to that point.

Using that proposal as a base, the steering committee continued its debates and refined the proposal, working through 12 successive drafts. On April 27, 2007, the group adopted a consensus proposal that set aside 330 acres of the 931-acre island for development of a potential port, protecting the rest with a conservation easement. Four members of the original group of 46 dissented, but in the spirit of consensus, they agreed to step aside to let the agreement move forward.

The consensus agreement was then approved by the governor and the town of Searsport, and, ultimately, the Maine Legislature's Transportation Committee. It is now being implemented through a follow-up joint use planning committee.

Assessment

The initial assessment to see whether a collaborative effort was feasible took the form of a scoping meeting convened by the governor, where it became clear that all parties felt that the current "limbo" status of the island was untenable. Based on the lengthy history of the Sears Island conflict, interested parties were battle-weary and at a stalemate. Conservationists and commercial interests had concluded that neither could prevail without the other. Continued uncertainty was growing costly to the town of Searsport, which was losing potential tax revenue, to conservationists, who sought to invest in a recreation center, and to commercial interests, who knew they could not attract investors or developers of a port proposal without precipitating bitter opposition. That stalemate brought about a tentative (if skeptical) willingness to participate in a group that was charged with developing consensus recommendations.

Sponsor and convener

In each of the case studies, a government leader or governmental entity served as the sponsor, and the sponsor assigned high-level employees or representatives to participate, signaling the importance of the

collaboration. In the Sears Island example, the governor sponsored the collaboration process, and a senior member of the governor's staff convened it. As sponsor, the governor intervened at critical moments when the deal was in the balance.

Inclusive participation

The Sears Island steering committee allowed participants to "self nominate," whether or not they represented any particular organization. This "big tent" strategy was deliberate. The governor and steering committee wanted to ensure as broad an array of stakeholders as possible. The eventual group of 46 participants could have been unwieldy, but the individuals who joined were also expected to commit to a set of ground rules designed to promote dialogue and encourage agreement.

Gathering and sharing information

In the Sears Island case study, the participants already had gathered extensive documentation (seven three-ring-binders' worth) during decades of controversy. After it was convened, the group received more than a dozen informational presentations from various perspectives. This information-gathering was intended to allow stakeholders to see the subtlety and complexity of the issues, in the hope that they would move away from the black-and-white thinking that characterized the start of the process.

Implementation

The Sears Island Agreement was specific about future steps that would happen following its adoption. For port advocates, the consensus agreement stated, "As part of this agreement, MaineDOT will be actively marketing, soliciting proposals and creating partnerships for a cargo/container port on Mack Point and/or Sears Island" (Sears Island Planning Initiative Consensus Agreement 2007: 2–3). For conservationists, the agreement stated that "the [proposed Education and Maintenance] Center and other public recreation improvements may be built as soon as the buffer easement is approved by the Joint Use Planning Committee and accepted by the easement holder" (Sears Island Planning Initiative Consensus Agreement 2007: 4). The group created an institutional structure and timeframe for implementation: "The terms of [the conservation] easement will be finalized by the Joint Use Planning Committee within twelve months of the date of this Agreement….MaineDOT, the town of Searsport, the easement holder, the DOC and other interested parties will enter into a Management Agreement consistent with the terms of the buffer easement" (Sears Island Planning Initiative Consensus Agreement 2007: 3).

Perhaps most important, the parties explicitly stated their shared commitment to implement their agreement. This mutual commitment was tested in December 2008 when the legislature's Transportation Committee sought assurances that the port proposal would be actively pursued; until it received those assurances, it voted to put the agreement on hold indefinitely, by accepting, but not approving it. This wariness prompted the governor and several members of the steering committee (representing differing perspectives) to work together to provide the Transportation Committee the assurances it sought. Ultimately, the agreement was approved by the committee and signed by the governor.

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Long Creek Watershed Restoration Project: Finding a Way to Get Ahead of a Looming Problem

In 2007, the city of South Portland learned that hundreds of businesses and other landowners in a 3.4-square-mile area around the Maine Mall might be required to undertake costly construction to comply with federal and state water quality standards. Long

Creek, a stream that meanders through this commercial area, had been found to contain high levels of heavy metals and other pollutants from runoff from the parking lots, roof-tops, and roads. An environmental group, the Conservation Law Foundation (CLF), was pressing its concern that unregulated runoff was contributing to the impairment of the stream's water quality and threatening the health of downstream waters, including Clark's Pond, the Fore River, and the Casco Bay. CLF announced its intention to petition the U.S. Environmental Protection Agency (EPA) to enforce the Clean Water Act by imposing strict new requirements on landowners with larger areas of pavement and rooftops. A similar petition in Vermont was the subject of an ongoing lawsuit.

In contrast with the Sears Island case study, Long Creek did not represent an old controversy requiring negotiation, but the need to create a new, collaborative model to avoid imposition of traditional "command and control" regulation.

The city of South Portland decided to use a collaborative approach to address this looming challenge. First, South Portland obtained a grant from the Maine Department of Environmental Protection (DEP). With this grant and significant in-kind resources in hand, city leaders in South Portland pulled together landowners in the Long Creek watershed (the area draining into Long Creek) to develop a plan for the watershed. The watershed includes portions of the municipalities of South Portland, Westbrook, Portland, and Scarborough, and includes public or quasi-public landowners (the four municipalities, MaineDOT, the Maine Turnpike Authority, ecomaine [a non-profit waste management company owned and operated by 21 municipalities] and the Portland Jetport), along with large and small commercial landowners.

The grant provided for an engineering study to identify significant opportunities to address pollution from runoff, facilitation to bring public and private landowners to the table and to develop the governing group, and project management by the Cumberland County Soil and Water Conservation District. Public and private entities provided substantial in-kind and volunteer time to the project. With help from the Casco Bay Estuary Partnership, the project developed a first-of-its-kind model for landowners to participate in a collaborative program to meet permit requirements by paying fees to a newly created entity empowered to undertake the most cost-effective projects in the watershed. This approach will potentially save landowners many thousands of dollars over time and is expected to be more cost effective in cleaning up Long Creek than requiring landowners to undertake separate projects on their individual properties.

The collaborative program was developed just in time. In December 2008, the EPA announced that CLF's petition had been granted and that designated landowners would be required to take significant steps to clean up pollution in Long Creek. Because the group had developed a collaborative program, EPA and DEP allowed landowners to participate in the collaborative program rather than undertake costly construction on their own land. More than 100 of the 125 landowners designated by EPA as requiring a stormwater-discharge permit made a preliminary election to participate in the collaborative program. The project had an additional unforeseen benefit: because priority construction projects had been identified, the project was granted millions in federal stimulus funds under the American Recovery and Reinvestment Act of 2009. To begin implementing the management plan, the four municipalities entered into an agreement that created a new non-profit entity to provide ongoing oversight.[13]

Assessment

In contrast with the Sears Island case study, Long Creek did not represent an old controversy requiring negotiation, but the need to create a new, collaborative model to avoid imposition of traditional "command and control" regulation. City government decided that

the best approach would be to get out in front of the problem by working with public and private landowners and all relevant regulating agencies to develop a joint solution to the water-quality problem. Recognizing that it lacked the necessary resources, the city of South Portland applied to Maine DEP for a grant to provide resources for both technical-engineering analysis and facilitation.

Sponsor and convener

In the Long Creek case study, the sponsor was the city of South Portland. The director of the Department of Water Resource Protection for South Portland and several city councilors participated in the Long Creek collaboration, underscoring the city's commitment to the initiative.

Participants

The Long Creek case study demonstrates a challenge different from Sears Island. Although public officials in the city of South Portland were aware of the challenges ahead, business leaders were not. With the assistance of a grant-funded facilitator, the city reached out to leaders in the public, non-profit, and business sectors, especially leaders in the business community, to bring them into the collaboration. Ultimately, these steps gained the participation of 38 steering committee members, including respected business leaders. The Long Creek steering committee also welcomed the membership and active participation of CLF, the environmental organization that eventually submitted the petition to EPA to enforce stricter requirements in the watershed. All parties ultimately agreed that CLF's participation in the public collaboration allowed for constructive communication and was important to the project's success.

Gathering and sharing information

The foundation of the Long Creek project was a strong analysis of the sources of pollution in the watershed and the identification of the combination of measures—targeted construction projects, pollution prevention, education—likely to be the most effective in reducing pollution. The project hired scientific and engineering consultants to perform this analysis. The steering committee and a large stakeholder technical advisory committee guided the technical analysis at every step, from the hiring of technical consultants to providing guidance on methodology. As a result, the steering committee had confidence in the soundness and integrity of the priorities and actions identified for cleaning up the watershed.

Implementation

In the Long Creek example, the Long Creek Restoration Project was convened in part because no institution, model, or mechanism existed to achieve the goals of the project. The project's steering committee recommended setting up a new entity to implement the collaborative program, address issues as they arise and make adjustments in light of ongoing water-quality monitoring. The four municipalities with land in the watershed entered into an interlocal agreement to create a new "Long Creek Watershed Management District," which was incorporated as a new non-profit entity. The district is governed by a board made up of representatives from the public, private, and non-profit entities in the watershed.

Comprehensive Land Use Planning: For Dialogue Only

The two previous case studies described groups that took action or adopted policies. The Maine Land Use Regulation Commission (LURC or the commission) sponsored a public collaboration process that was specifically designed not to take action, but rather to promote dialogue among conflicting parties. LURC was created by the Maine Legislature in 1971 to serve as the planning and zoning authority for the state's townships, plantations and unorganized areas.

The LURC statute requires that the commission operate under a comprehensive land use plan (CLUP) whose purpose is to guide the commission in developing specific land use standards, creating zoning boundaries and guiding development. The plan was originally adopted in 1976 and subsequently revised in 1983, 1990, and 1997. The commission began the process of revising its CLUP in June 2004. For the next four years, the commission and its staff conducted research, solicited landowner and citizen reaction to various drafts, and conducted eight public workshops attended by 725 people.

Despite this intensive effort, the level of discourse about critical issues to be addressed in the CLUP—principally the issue of how and where development was to be managed in the unorganized territories—remained highly polarized. Many private individuals expressed frustration that the traditional public-hearing format did not permit them to speak directly to the commissioners or get the commission's reaction to the points they were raising. Others complained that the process did not permit those with differing viewpoints to converse with one another to understand their respective concerns and explore any possibilities for common ground.

According to the minutes of its December 12, 2008, meeting, LURC adopted the staff's recommendation to accept The Nature Conservancy's offer to pay for creation of "a facilitated working group process to discuss specific issues in the Plan …before any further redrafts or proceeding to formal public hearings." Because of the commission's concern that it must retain decision-making authority, it was clear from the start that the working group would not be empowered to make substantive decisions. Rather, as reflected in the group charter adopted at the first meeting, "It is … hoped that the group's discussions will result in improved communication among affected private individuals, organizations, interested citizens and LURC" (LURC 2009: 1). The group's charter explicitly defined the limits of the process: "There will be no formal votes taken on any issue under discussion. The facilitator may periodically offer a 'sense of the group' for group consideration. Only those statements on which there is broad agreement will be adopted as representing the group's views" (LURC 2009: 1).

The group, representing forest, conservation, recreation, regulatory, development and environmental advocates, met four times over three months. Those day-long meetings were planned and facilitated to retain the group's exclusive focus on the development issue. The principles of constructive participation (ground rules) adopted by the group permitted dialogue on issues on which the various stakeholders held differing and sometimes conflicting views. The parties had the opportunity to react to one another's ideas, to test each others' data, and, where possible, to build on mutually acceptable concepts. One of the sponsors commented that the process "altered the communications between commissioners, their staff and certain stakeholders" (The Nature Conservancy, personal communication).

By the end of March 2009, the group approved a final summary report of its discussions that highlighted several areas of agreement, while also noting specific areas of disagreement. The Comprehensive Plan was amended to reflect many of the themes and perspectives articulated during the process, and the plan was approved by LURC and the governor. It is now being implemented. The process itself appears to have been instructive, since the CLUP now explicitly states that future policy explorations on the theme of how to manage development in areas of the jurisdiction be undertaken using a collaborative model. LURC staff are now pursuing an implementation process that begins with attempts to reach out to stakeholders.

Assessment

In this case study, the sponsoring agency and key stakeholders (landowners, conservation and recreation interests, and state regulators) realized that a mechanism outside of the normal regulatory structure was necessary to provide a way for the parties to better understand each others' perspectives and to explore common ground. Based on numerous complaints it had received, LURC concluded that if it simply continued with the traditional regulatory process, divisions would likely undermine any plan it adopted. Because LURC had no monies with which to fund the process, a non-profit group provided private funding.

Sponsorship and convener

In the CLUP case study, LURC and The Nature Conservancy (TNC) were co-conveners. The prior relationships of TNC with forest interests and the conservation community played a role in bringing people to the table.

Gathering and sharing information

The LURC working group provided not only an opportunity to receive information, but one that would help to understand, and perhaps challenge, assumptions and limitations. In this case, parties drew different conclusions from the same sets of information

depending upon what additional information they relied upon and upon how reliable they determined the information to be. This ability to poke and probe information as a group is a key element that separates a collaborative process from a public hearing.

Relationship-building as a basis for future collaboration

When the parties arrived at the first meeting, they were quite candid that there was very little trust in the room. Several different interests said they had felt "disrespected" throughout the regulatory process. In contrast, during this collaboration, former adversaries shared meals, suggested topics for discussion and explored values they had in common (e.g., interest in exploring transfer of development rights as a potential tool in managing growth).

In delivering the approved CLUP to the governor following the collaborative process, LURC stated, "History shows that collaborative processes can achieve unprecedented levels of success both from the perspective of the regulated parties and public interests. They can result in creative, equitable and enduring solutions" (LURC 2010: vi). In looking ahead to implementation of the CLUP, LURC said, "we are committed to collaborative stakeholder processes that allow us to find solutions that work for landowners and residents of the jurisdiction while protecting public interests in this extraordinary area and its resources" (LURC 2010: vi).

Ocean Energy Task Force: Intensive Focus on a Potential Resource

The Ocean Energy Task Force presents a variation on public collaboration. By Executive Order dated November 7, 2008, the governor created the Ocean Energy Task Force, charging it with recommending strategies to meet or exceed goals established in the Maine Wind Energy Act, 35-A M.R.S. §3404(2)(B); identifying obstacles to development of offshore wind resources and recommending solutions to overcome those obstacles; and addressing a number of other goals associated with energy from off-shore wind, tidal, wave, and off-shore oil and natural gas resources. Members of the task force were appointed by the governor, the speaker of the house, and the president of the senate and included legislators from both parties.

The governor appointed as co-chairs the director of innovation and assistance at Maine DEP and the president of the Gulf of Maine Research Institute, a non-profit organization that works to develop solutions to the complex challenges of ocean stewardship and economic growth in the Gulf of Maine bioregion. Staff members from the Maine State Planning Office and other state agencies provided staff support. The task force engaged in extensive fact-gathering and analysis.

> The [Ocean Energy] task force addressed emerging policy, rather than issues in which there had been conflict.

The task force addressed emerging policy, rather than issues in which there had been conflict. Though the composition of the task force and its charge were set by the executive order, the task force sought to include others who wished to participate and to foster a collaborative approach to fact-gathering, analysis, and problem-solving. The task force created eight subcommittees, which increased opportunities for participation. It adopted process rules providing the public with the opportunity to present information and comment. The task force and each of its subcommittees established lists of interested persons who were given notice of the meeting and provided with materials considered at meetings. When possible, the task force provided opportunities to monitor or participate in meetings electronically or via telephone. Studies, reports, and drafts were posted on a Web site hosted by the Maine State Planning Office. In its final report, the task force noted, "Through their active participation in these meetings, research, and provision of information, members of the public made important contributions to the work of the Task Force and helped inform and shape development of its findings and recommendations" (Ocean Energy Task Force 2009: 4).

The task force ultimately agreed on wide-ranging recommendations, including recommendations to

establish state renewable ocean energy goals; to improve the siting, governance and permitting framework for renewable ocean energy development; to promote financing and development of renewable ocean energy projects in Maine; and to support formation of a private-sector-led entity to spearhead renewable ocean energy development efforts in Maine. The Maine Legislature passed two bills (one unanimously) implementing the task force's recommendations, including a process that resulted in the approval of three offshore wind and tidal power test sites.[14]

Assessment

The governor and his staff determined that an intensive evaluation of ocean energy was timely. The reasons for this decision are set out in the executive order, which cited Maine's renewable ocean energy potential to address state and regional energy-related needs and to stimulate ocean energy-related economic opportunities.

> ...the River Drivers case study provides an example of an apparently successful collaborative process that later foundered because it failed to address implementation adequately.

Sponsorship and convening

As noted, the governor sponsored the task force by issuing an executive order. The task force was convened by its co-chairs, one from a government agency and one from a non-profit with a reputation of neutrality.

Participation

Though the composition of the task force and its charge were set by the executive order, the task force made efforts to include others who wished to participate. It established procedural rules providing the opportunity to present information and comment and established subcommittees allowing for expanded participation.

Gathering, sharing and validating information

The task force engaged in extensive fact-gathering and analysis, aided by information provided by the University of Maine, state agencies, and other entities. Additionally, the task force considered two reports prepared specifically for it: an independent policy analysis of Maine's regulatory and proprietary (submerged lands leasing) authorities and a project-oriented economic analysis of offshore-wind-energy development and conversion of home heating and transportation to more efficient options.

Implementation

The task force proposed detailed legislation to streamline and clarify state permitting and leasing laws, addressing the roles of DEP, LURC, the Maine Public Utilities Commission, Maine Department of Conservation, and Maine municipalities. The task force also recommended a federal-state partnership with the federal agency having primary responsibility for leasing and environmental review of offshore renewable-energy projects. This task force has since been established. Last, the task force recommended the Maine Coastal Program to create a free, on-line coastal atlas and to develop ways to address data gaps.

River Drivers Agreement: Access to the Allagash

Created by the Maine Legislature in 1966, the Allagash Wilderness Waterway is a 92-mile ribbon of lakes, ponds, rivers, and streams that winds its way through northern Maine's woods. In the 1970s the waterway was named the first state-administered component of the federal Wild and Scenic River System. For the next 33 years, the Allagash was the subject of ongoing legislative fights, lawsuits, controversial management plans, and consent decrees between state and federal agencies. In 2002, the issues came to a head when the sitting governor proposed an additional access point at John's Bridge. John's Bridge became a lightning rod for longstanding, simmering issues: for environmentalists it signaled further threats to an overburdened river and to sportsmen it represented an acknowledgment of their historic rights to use the river.

In the spring of 2003, the commissioner of the Department of Conservation invited a group of 23

stakeholders and advisors to gather for a two-day facilitated retreat at the River Drivers Restaurant in Millinocket. The goal was to forge consensus on access to the river and a variety of other management issues. The representatives were from conservation, sportsmen, recreational, and local interests.

After two days (and one night) of negotiations, negotiators emerged from the session with the "River Drivers Agreement," which the governor hailed as comprehensive and visionary approach to access and management issues on the river. An editorial in the April 9, 2003, *Bangor Daily News* praised the agreement as a road map for "preserving both the wilderness character of the waterway and recreational access to it." However, this agreement did not anticipate what would happen if the agreement encountered challenges. Within three years, such challenges arose. In 2006, the Maine Legislature enacted a statute that revised several provisions of the River Drivers Agreement by adding vehicular access points to the river and making several bridges permanent.

Implementation

In contrast to the Sears Island and Long Creek case studies, the River Drivers case study provides an example of an apparently successful collaborative process that later foundered because it failed to address implementation adequately. The River Drivers Agreement did address access to the Allagash River and other management issues. However, the agreement did not specify future steps in the event of a challenge by others who were not part of the joint discussions. Moreover, the participants reached agreement in isolation from those they represented, thus violating one of the core principles of public collaboration: making sure that each participant has the authority to sign an agreement, especially when participating as representative of a group or recognized constituency.

In the River Drivers Agreement, participants lacked the opportunity to consult with their constituents to seek their consent before announcing the agreement. This was likely a contributing factor to the discontent that later surfaced. In response to dissatisfaction with the agreement expressed from some corners, the Maine Legislature acted three years later to revise several provisions.

Sharing and exchanging information

Before the meeting, assessment interviews conducted on behalf of the sponsor revealed that despite their positioning, the parties had much in common. Tapping those shared values and interests could set the groundwork for agreement. As with other nascent collaborative efforts, the risk was that if participants started their work in the large group, there might be temptation to posture and reiterate past arguments, demonizing "the other." The assessment suggested that it would be helpful if participants began to see one another as appreciating the river for many of the same reasons.

From those two insights, the collaboration began with a small group exercise in which participants told others the story of their first trip on the Allagash, their best trip, and why those trips were so special to them. The participants realized that, collectively, they had more than 500 years of experience on this special river. Participants called this exercise a "breakthrough." This illustrates that the information-sharing aspect of public collaboration may include personal reflections, as well as technical data.

LESSONS FROM MAINE'S EXPERIENCE

The case studies discussed in this article suggest the following lessons for leaders when considering possible collaborative efforts for community problem-solving or policy-making.

Is Public Collaboration the Best Approach?

The critical first step is a thoughtful analysis of the underlying conflict or roots of inaction, along with a survey of prevailing attitudes and timing questions, to determine if collaboration is viable. The problem must be so compelling and the need for a solution so great that stakeholders recognize that the gain from a negotiated solution outweighs the possible compromises or concessions—however small or large—that will have to be made from their preferred outcome. In assessing whether a public collaboration process is worth the investment, a true cost-benefit analysis should examine what costs the parties (including government) will incur from alternative courses of action, including no solution at all. This is examining

the parties' "best alternative to a negotiated agreement" (BATNA). If a key party already has an option that is superior to collaboration and perceives no possible benefit from involvement (and no incentive can be offered), there is a high risk that a collaborative effort will not succeed, or could be used to seek delay or to derail resolution.

On the question of timing, if the situation is an emergency, and there is not enough time to gather and exchange information and for deliberation—notwithstanding the fact that an emergency can sometimes focus attention and bring about more efficient discussions—it is less likely that public collaboration will be useful. Good timing assumes the ripeness of an issue; that is, parties must be willing to come to the table and be sufficiently motivated. In the Long Creek example, some public leaders knew that it was critical to find a creative solution before EPA imposed a solution requiring individual permits for each property, and they worked to persuade other stakeholders to come to the table. In the Sears Island example, motivation arose from years of stalemate. With all relevant interests at apparent impasse, there was grudging acknowledgment of the need for a joint effort if any movement were to be accomplished. Motivation may be highest before parties are entrenched in their positions, but the Sears Island case study shows that it may also be present when the parties perceive that they are at a stalemate. There is a right time to collaborate, and leaders must ascertain if and when they can hit that "sweet spot" in the history of a conflict or controversy at which collaboration is likely to succeed.

The assessment should also consider whether the issue calls for the response of several governmental agencies, none of which could completely tackle the problem on its own. This strongly supports the need for collaboration, as demonstrated by the Long Creek, Sears Island, and Ocean Energy examples. For example, the outcome of the Sears Island Consensus Agreement required actions by the governor, the Department of Transportation, the Department of Conservation, the State Planning Office, the legislature's Transportation Committee, the town of Searsport, and the Waldo County Commissioners.

Critical Roles of Sponsor and Convener

In addition to a sponsoring agency or other entity, the use of a convener (or co-conveners) helps to confer legitimacy and secure broad participation. A respected leader can single-handedly raise the profile of an issue and secure the involvement of reluctant, though necessary, participants. The convener helps to frame the issues for consideration, and when discussions come to difficult points and emotions run high, the convener is invaluable in emphasizing the importance of staying with the effort, building confidence, and encouraging creative thinking and hard work. Sometimes, the convener's assurance that he or she will be guided by the group's decision may be all the encouragement that is needed. At other times, it may be the convener's own knowledge and imagination that spurs on collaboration or helps participants adapt to changing circumstances.

As in the case of the Ocean Energy Task Force, the convener of public collaboration is not always from the public sector. A leader from the private sector (in this instance, the nonprofit community) in the role of a co-chair may fit the bill perfectly. Having active support from other community leaders who are not elected officials or government employees is a hallmark of true public collaboration.

Public collaboration is generally most effective when linked to political leadership in some way. It cannot be entirely divorced from political institutions and the political process. Because the focus is a public issue or community problem, implementation of a solution is likely to require some form of governmental action—whether legislative or regulatory in nature. In the Sears Island case study, the agreement rested on the ensuing state legislative response. In Long Creek, EPA-enforced water-quality standards had to be satisfied. In such situations, the convener may also serve as a conduit to government agencies or may bring political instincts to bear on the direction of collaborative effort.

Inclusive Participation Is Essential

The first major challenge to confront is exactly who will participate in public collaboration, and it is often one the group itself must address. For the sake of credibility and to come to the best and most durable

solutions, it is important that all significant interests who are willing to commit to the agreed-upon principles and guidelines have the opportunity to participate. However, the principle of inclusivity may be in tension with the need for efficient time management. It takes longer to discuss issues in very large groups, but some collaborative groups have found that tradeoff worthwhile.

In cases involving large numbers, participants may be willing to agree on a representative steering committee. But where tensions are high or trust is low, the most effective approach is usually to work with the large, apparently unwieldy group to identify issues and to develop information. Later in the process, as participants come to know each other, larger groups are more likely to agree to form subcommittees and discuss issues in smaller, more manageable groups.

Gathering, Sharing and Validating Information as a Foundation for Agreement

In most collaborative efforts, the joint exploration of information is critical. Stakeholders usually come to the table with strong views—and incomplete information—about the sources of problems and possible solutions. It is important to give stakeholders the chance to present information that they consider critical and to ask the group to identify additional information it needs to develop and evaluate potential solutions. In the Sears Island example, the participants listened to presentations from various perspectives, which allowed members to see and understand the complexities presented by the issues (e.g., were rail and marine transportation actually "greener" ways to move goods than trucking?). The solutions developed in Long Creek were based on an analysis of the sources of pollution in the watershed and identification of approaches to address runoff. The Ocean Energy Task Force engaged in extensive fact-gathering and analysis. The LURC working group provided an opportunity not only to receive information, but to understand and challenge assumptions and limitations. And one of the successful aspects of the River Drivers collaboration was drawing out the commonalities among the participants by inviting their personal stories. The joint learning process, at its best, creates a common understanding of challenges and a common language that become the platform for creative thinking. As a result, the joint learning process often results in an important shift from rancorous discussion to joint problem-solving.

Finding Necessary Resources

Collaborative efforts require resources. Significant energy is required from participants. The costs for bringing people together, maintaining communication, procuring technology, and obtaining information can be significant. (Local efforts that are less data-driven may be far less costly and time-consuming.) When evaluating whether to undertake a collaborative process, it is important for sponsors and conveners to make a realistic assessment of the resources that will be required and the availability of these resources.

In most collaborative efforts, the joint exploration of information is critical.

In gathering the necessary resources, conveners and stakeholders are sometimes required to be creative. Resources may be provided by the sponsor, stakeholders, or some combination. In Long Creek, for instance, a grant was obtained from the DEP; two private stakeholders provided meeting space at no cost; and individual participants with scientific and economic expertise helped the group develop economic models for participation by landowners. In the LURC Comprehensive Plan case study, a nonprofit conservation organization believed in the collaborative approach strongly enough to underwrite the costs of the collaboration.

Build Implementation into the Collaborative Agreement

At the end of a collaborative process, it is critical for stakeholders to commit to supporting implementation. It is also important that they provide for a mechanism for implementation.

Issues that call for public collaboration are usually long-lasting. The issues may continue to generate controversy long after any agreement is signed in a

collaborative process. It is important for participants consider how to address issues that may arise in the future. This may mean that the sponsor exercises existing authority with the support of stakeholders, or that the sponsor and other stakeholders work together to create a new group or entity to implement the agreement. For example, when the Long Creek stakeholders agreed to set up a new entity to implement their watershed plan and collaborative program, they explicitly provided that this new entity could modify the program in light of new information and new circumstances. In contrast, the River Drivers case study provides an example of an apparently successful collaborative process that later foundered because it failed to address implementation adequately. Had the Allagash Wilderness Waterway Management Plan Advisory Committee been designated in the River Drivers negotiations as the appropriate body to address future access issues, the subsequent debate might have been managed in a way that was more consistent with the collaborative spirit that led to the original agreement, rather than through the ensuing legislation.

CONCLUSION

Public collaboration has been used effectively in Maine to address new policy challenges and to tackle longstanding, vexing problems that have defied answers. It has the potential to alter the quality of public discourse on divisive local, regional and state issues. Confronting complex dilemmas, it is important for Maine's leaders in the public and private sectors to learn from each other about effective design and use of the collaborative approach to problem-solving. This approach can lead to successful, workable solutions, but it is not guaranteed to do so. For the right challenge, at the right time, and with the right elements, public collaboration is an increasingly important part of governance in Maine.

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We are indebted to Christine Carlson, founder of Policy Consensus Initiative, who has shaped consensus-building efforts and collaborative governance nationally, along with our own thought and practice.

ENDNOTES

1. Collaboration means "to labor together." The word "collaborate" is from the Latin "collaborare." *Webster's Third New International Dictionary* (unabridged) also defines it as "to work jointly with" others. Though often used indistinguishably with such terms as "cooperation," collaboration suggests a deeper level of effort and engagement. Himmelman defines collaboration as "exchanging information, altering activities, sharing resources, and enhancing the capacity of another for mutual benefit." He observes that "when organizations collaborate, they share risks, responsibilities, and rewards, each of which contributes to enhancing each other's capacity to achieve a common purpose" (Himmelman 2002: 3).
2. Some have adopted the term "collaborative governance" to describe the process in which the public is involved and has a part in decision-making about a policy or solution to a community problem (Carlson 2007; Sirianni 2009).
3. A few examples include Oregon Solutions (www.orsolutions.org), a program affiliated with the Oregon governor's office; Envision Utah (www.envisionutah.org), a public–private partnership for quality growth in Utah; the Florida Conflict Resolution Consortium (www.consensus.fsu.edu), created by the Florida Legislature; and successful efforts of a Wyoming governor to convene state and federal agencies at the "kitchen table," as reported at http://www.policyconsensus.org/publications/news/PCI_Newsletter_July_04.html.
4. The spectrum of processes includes (1) information exchange, in which government leaders or staff members meet with representatives of the private and civic sectors, or concerned citizens, to give them information or obtain information from them; (2) consultation, in which feedback, advice or input is sought from a broad array of stakeholders, on a one-time or ongoing basis; and (3) engagement, which includes direct and genuine participation of

citizens and organizations in an active, intentional partnership with public officials (Carlson 2007). This article focuses on the third category: collaborative, consensus-building efforts among diverse participants.

5. More examples of public collaboration in Maine exist than are named here, thanks to visionary leaders, skilled facilitators and tireless participants.
6. For more information, see www.gateway1.org.
7. The Two Bridges Regional Jail serves Lincoln and Sagadahoc Counties. See www.tbrj.org.
8. Regional councils of municipal governments in Maine include the Androscoggin Valley Council of Governments (www.avcog.org); Greater Portland Council of Governments (www.gpcog.org); Kennebec Valley Council of Governments (www.kvcog.org); Penobscot Valley Council of Governments (www.pvcog.org); and Washington County Council of Governments (www.wccog.org). Similar regional functions are performed by the Eastern Maine Development Corporation (www.emdc.org) and the Northern Maine Development Commission (www.nmdc.org).
9. The coalition includes the U.S. Department of Fish and Wildlife and Maine Department of Inland Fisheries and Wildlife, along with other national, regional, and local partners. See www.mta2.org.
10. For more information, see www.mditomorrow.org.
11. Revenues declined from sources other than "stimulus" funding pursuant to the American Recovery and Reinvestment Act of 2009 (http://maine.gov/legis/ofpr). The estimate of the structural budget deficit gap appeared in the "Fi$cal News" newsletter (November 2010) of the Maine Office of Fiscal and Program Review, which is available at http://maine.gov/legis/ofpr/other_publications/fiscal_news/FiscalNews_2010_11.pdf.
12. U.S. Census data for Maine is available at http://quickfacts.census.gov/qfd/states/23000.html.
13. For more information, see www.restorelongcreek.org.
14. (http://www.mainelegislature.org/ros/LOM/LOM124th/124R1/PUBLIC270.asp) Public Law 2009, Chapter 270, An Act to Facilitate Testing and Demonstration of Renewable Ocean Energy Technology; and (http://www.mainelegislature.org/ros/LOM/LOM124th/124R2/PUBLIC615.asp) Public Law 2009, Chapter 615, An Act to Implement the Recommendations of the Governor's Ocean Energy Task Force.

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