Restorative Justice and the Way Forward for Natural Resource Communication

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Introduction

Equitable decision-making practices are becoming even more important as we recognize the full extent of the impacts that we have on long term ecosystem health and communities. In order to achieve equitable solutions to pressing environmental problems, it is essential to consider the processes of communication and public participation. As a result, my research focuses on the following key question: What tools can we use to improve the way that we communicate and collaborate on addressing natural resource issues? Environmental decision-making processes take many forms and incorporate public outreach in a number of different ways. I advocate for the potential of restorative justice to transform the practice of public input. By focusing on addressing harms and centering community members in decision-making, restorative justice can shift public input on environmental management from something hierarchical and passive in nature to an active and empowering part of interacting with landscapes.

Restorative justice finds its greatest potential in incorporation into collaborative governance practices, and ought to have greater consideration by the agencies and other entities attempting to navigate complex issues in environmental justice and natural resource management. Whereas existing public engagement efforts often rely on a predetermined set of stakeholders shaping land management policy, restorative justice asks the key question of who is being excluded from this process. It invites members of the public to share their stories and ideas in a way that has the potential to allow for greater inclusion of diverse voices. In this paper, I discuss how principles of restorative justice might fit into a collaborative understanding of environmental problem solving. In order to do that, I needed

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to learn more about what restorative justice actually looks like—what settings can it take place in, and how practical is it for developing decisions that have impacts at a community, ecosystem, or even landscape scale?

Traditional public input, while important, reinforces existing inequalities- in a sterile environment where the decisions seem predetermined by an in-group of stakeholders, restorative justice seeks to create a deeper sense of community. In this way, restorative justice can be a tool for a natural resource management that truly embraces democratic principles. Restorative justice seeks, ultimately, to address harm via community action. When it comes to natural resource management, the true harm can often be the reality that the desires and needs of community members aren't always met- or that those needs are ignored entirely. Natural resource management in the United States has traditionally been exclusionary on principle, federal public lands the direct result of the genocide of indigenous people [1] and subsequent exploitation of tribal lands.[2] I argue that public engagement in solving complex issues requires a foundation of trust and buy-in from all stakeholders, which may allow for restorative justice to become a larger part of the conversation around land management in the U.S.

Natural Resources and Why Communication Matters

The full range of human emotion, inspiration, and anger, can be found in the public comments on any public land management action proposal. Stories are told in our relationships with landscapes, and those stories are often told through the opinions that people share in official decision-making processes. Perhaps the reason why public comments are so full of emotion is because we (the public) care a lot about the idea of conservation and having healthy ecosystems. In Wyoming, for example, a recent study conducted through the University of Wyoming (UW) found that "Nine out of ten Wyoming voters said conservation issues involving public lands, waters, and wildlife are as important, if not more important, than other issues related to the economy, health care, and education, when deciding whether to support an elected official."[3] It is clear that Wyomingites understand the need for good resource management practices.

[1] Indian Removal Act, 4 Stat. 411 (1830).

[2] Lee et al., "Land Grab Universities."

[3] Freedman, "Public Opinion on Natural Resource Conservation in Wyoming – 2018."

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However, we are also witnessing increasing tensions, especially between community members and land management officials. In 2023, for example, the Bureau of Land Management faced backlash after the release of its management plan for the Rock Spring Field Office in South-Central Wyoming. In short, members of the public expressed outrage at the BLM field office for making decisions concerning limitations on activities like ranching and mineral leasing without proper public involvement. Some claimed that this outrage was fueled, at least in part, by miscommunication on the part of BLM representatives[4].This example is a reflection of a larger pattern when it comes to land management in the modern day: As resources become more threatened due to increases in demand and the impacts of climate change, exchanges between stakeholders and managing agencies are only going to become more tense. It is also important to understand the human elements of polarization- how do we find common ground when having particularly tense disagreements? It is clear that whatever the management decision is, communication is at the center of any plan that wants to see amicable interactions with key local players. This is the central point of my argument: that the most essential stepping stone for management agencies and communities alike is improving the processes that we use to communicate with each other.

How Do We Manage Landscapes?

The U.S. is a tapestry of public land agencies, private landowners, and networks of stakeholders. As a result, the process of stewarding landscapes is often a complicated one. Briefly discussing what the regulatory framework for U.S. lands looks like is helpful as we try to understand the decision-making process and the process for addressing environmental harms and including stakeholders. Federal land management agencies such as the United States Forest Service (USFS) the Bureau of Land Management (BLM) and United States Fish and Wildlife Service (USFWS) all rely on the guidelines set forth in the National Environmental Policy Act of 1970 (NEPA) in order to engage the public on matters concerning changes to land management practices. Essentially, NEPA sets guidelines for how agencies adopt and monitor federal land management actions and make other decisions concerning activities on public land.[5] U.S. environmental policy is guided in large part by the North American Model of Conservation (NAM). The NAM is focused primarily on promoting democratic resource management and regulating resource use from the perspective of the common good.[6] Notably, a game species has not faced extinction since its adoption and it has emphasized a democratic approach to public lands and natural resources. Our notions of political influence

[4] Tan, "Misinformation Steers the Public's Outrage at the BLM's Plan."

[5] United States Environmental Protection Agency, "What is the National Environmental Policy Act?"

[6] Mahoney and Geist, *The North American Model of Wildlife Conservation*, 112.

on landscapes are very much shaped by our struggle to grapple with notions of region, governance, and the influences that shape our concepts of place.[7] In other words, policy is guided by our relationships with the land: what we value, political influence, and how we interact with natural resources in our daily lives.

The ways in which decisions are considered and adapted is changing. First, the importance of ecosystem services- the intangible ways in which ecosystems benefit human activities are gaining increasing importance for land management agencies.[8] Incorporating public engagement into iterative forms of adaptive management is an important part of ensuring that decision-making will be met with support and that agencies are fully understanding the needs of the communities they impact. The question left for us after understanding this section is what are the limitations of the approach laid out in NEPA? Mainly, it seems as though it is difficult to fully build a comprehensive sense of engagement as an agency with wide reaching priorities. In other words, how does a federal agency cater to local needs and values while grappling with issues that are incredibly broad in scope and impact? The other issue is that the vast majority of public comment seems to be feedback based, rather than collaborative in nature. If an agency is committed primarily to public input on management proposals that have already been developed, how impactful can that public input truly be on the process of managing natural resources? This is not to say that public comments as they currently occur are not valuable, and managing agencies have an extraordinary task of balancing public interest with scientific management principles. It isn't always feasible or sensible from a scientific perspective to have the general public making every decision along the way. However, it is crucial to acknowledge that the public has as much stake in natural resource management as the decision maker. With this consideration in mind, perhaps experts would benefit from focusing as much on educating the general population as much as they focus on communicating with decision makers. In order for science to be truly effective, it must be understandable for those directly impacted.

Collaborative Governance

There is an increasing need for public policy built around stakeholder inclusion. Collaborative governance is one management practice that has grown more visible in recent decades and has been used in diverse areas of conservation, including water resources and various ecosystem restoration projects.[9] Collaborative governance is a process that focuses on consensus based resource management, and centers participation from stakeholders in solving environmental challenges.[10] Essentially, collaborative governance is meant to be a way of

[7] Foucault and Gordon, *Power/Knowledge*, 68-69.

[8] Moore et al., "Application of Ecosystem Services in Natural Resource Management," 15.

[9] Gerlak, Heikkila, and Lubell, "The Promise and Performance of Collaborative Governance," 415.

[10] Emerson, Nabatchi, and Balogh, "An Integrative Framework for Collaborative Governance," 23.

facilitating stakeholders as not merely surface level participants, but guiding forces in solving environmental challenges. At the University of Wyoming, the Ruckelshaus Institute focuses on facilitating collaborative governance for regional land management issues. Collaborative governance has been used to mediate natural resource issues in partnership with agencies such as the Wyoming Game and Fish Department to tackle issues from disease management among game animals to addressing watershed management.[11]

One might wonder why collaborative governance has grown so much more popular as an alternative to conventional environmental problem-solving processes. One key argument is that its use is driven, in general, by an increase in global natural resource conflict, which in turn is exacerbated by climate change and other human driven natural resource crises. While collaborative governance is appealing as a means of navigating the complex social and ecological elements of resource management, it is not without its criticisms. For example, there have been instances of overly influential local interests "capturing" the collaborative process.[12] Furthermore, the democratic nature of collaborative governance also means that consensus can be a difficult thing to achieve. As Gerlak puts it, the idea of consensus decision-making "makes it very easy for single actors to veto any particular decision with which they do not agree".[13] Here is the central issue- collaborative governance, while important and in many cases, successful, still struggles to achieve a true sense of equity among stakeholders.

Trust is central to the discussion of how restorative justice might work to create a greater sense of trust between community members and respective land management agencies who may not be as directly connected with the land they are creating management plans for. Another important point to consider is the potential differences in trust of individuals versus trust in the institutions they represent.[14] At the same time, it is also important to understand the relationships between those stakeholders and established decision-making processes. In creating an integrative stakeholder framework, Hirsch and Brosius emphasize the importance of understanding the relationship between stakeholder values, governing processes, and power in understanding successful attempts at addressing conflict over natural resources.[15] Others focus primarily on methods of implementing effective communication techniques in different settings,[16] while Agrawal (2019) emphasizes the importance of community buy-in.[17] If some of the main issues with collaborative governance are creating a sense of inclusion and grappling with the complicated nature of democracy, how can a tool like restorative justice be used to navigate these challenges? The answer may lie in the idea

[11] Ruckelshaus Institute, "Collaborative Solutions Brochure."
[12] Mcloskey, "Problems with Using Collaboration," 423.
[13] Gerlak, Heikkila, and Lubell, "The Promise and Performance of Collaborative Governance," 420.
[14] Rapp, "Collaborative Governance, Natural Resource Management, and the Trust Environment," 17.
[15] Hirsch and Brosius, "Navigating Complex Trade-Offs in Conservation and Development," 105.
[16] Jurin, Roush, and Danter, *Environmental Communication*, 45.
[17] Agrawal and Gibson, "Enchantment and Disenchantment," 629.

of buy-in- perhaps environmental management is most effective when it is built on a sense of community and common ground.

Restorative Justice

Restorative justice is, in the simplest terms, a way of addressing harm in a community, or even a way of restoring a broken sense of trust. If governance is rooted in historical patterns of power and inequality, a natural resource management practice like collaborative governance can only be truly effective when these historical inequities are addressed. Whereas a traditional justice system is focused mainly on punishment for harm done, restorative justice is focused on addressing the needs of victims and on community healing.

Justice as it exists in our current legal and social system tends to be focused on retribution: we set expectations for how people ought to treat each other, and if those expectations are violated, usually some sort of punishment follows. The issue is that this system often doesn't address the underlying cause of harm, perpetuating a cycle of recidivism and continued damage to communities. In cases concerning environmental justice, the same trend is often true- the true impact of environmental disaster as a result of mismanagement or negligence is primarily the burden of community members. In the United States, several jurisdictions have experimented with utilizing restorative justice as a juvenile diversion tool.[18] Restorative justice is an evolving process that has a long history, although we may not attach the term "restorative justice" to many evolving traditions of justice, historians argue that RJ as a concept can be tied to many examples across human civilization,[19] in which forgiveness and transformative action is central to principles of justice.

A significant contributor to the success of restorative justice is voluntary participation. Forsyth et al (2021) frame restorative justice as something that " has long emphasized the need for skilled facilitators, significant investments in preparatory work and 'buy-in' from all key players."[20] In terms of structure, it seems as though successful application of restorative justice in court systems have also been in response to a very specific harm done to a specific group(s) of people, which suggests that restorative justice benefits from a clearly defined process. Successful implementation is reliant on buy-in from stakeholders and requires a fair and communicative mediator- particularly when tensions are high. At the same time, restorative justice is not merely focused on giving stakeholders equal voice, but on specifically empowering victims of environmental harm.

Case law cites the need for clear structure in order for RJ to be useful in addressing environmental harms. Some courts referred to the United Nations Office on Drugs and Crime's (UNODC) Handbook on Restorative Justice Programmes, which currently states

[18] Sliva, "A Tale of Two States," 255.

[19] Braithwaite, *Restorative Justice and Responsive Regulation*, 27.

[20] Forsyth et al., "A Future Agenda for Environmental Restorative Justice," 30,

that "the broader objectives of restorative justice can include dialogue, closure, reconciliation and healing which would normally dictate a deeper approach and require a genuine empowerment of the primary participants."[21]

Applying Restorative Justice: Laramie Waters

Introduction and Background

Restorative justice creates an alternative to traditional justice systems by placing victims on equal ground with the accused. In an effort to both better understand how the management of water resources impacts Laramie residents and explore the applicability of restorative justice in addressing local resource issues, I decided to create a simple outline for a restorative justice circle surrounding water resources in Laramie, Wyoming. Laramie has an active community concerning the management of local water supplies, which for Laramie are primarily the Casper Aquifer and the Laramie River, according to the latest version of the City of Laramie's Casper Aquifer Protection Plan adopted in 2023.[22]

Policy for protecting the Casper Aquifer has been an evolving process for the past several decades and is a current topic of conversation in formal and informal public spaces. Upon recognizing the need for a comprehensive plan to protect the quality of water in and around Laramie,[23] the city has since adopted multiple versions of the Casper aquifer protection plan, the most recent of which was approved in 2023. The plan addresses the water needs of City and County residents, along with the University of Wyoming, which functions as a state entity. The city balances the accessibility of water resources with precautions designed to prevent contamination. The City of Laramie faces the task of protecting the Casper Aquifer by collaborating with county and state entities, while simultaneously representing the varied interests of different community members. I thought that this case was particularly important to focus on considering the changing dynamics of water resources in the west[24] and the varying public interests involved in the creation of the plan—Albany County, the City, and the University all had to come to an agreement on how to best manage a local resource.

[21] United Nations Office on Drugs and Crime, *Handbook on Restorative Justice Programmes*, 45.
[22] City of Laramie and Albany County, *Casper Aquifer Protection Plan Update.*
[23] Laramie City Ordinance No. 1404 (2002).
[24] Wyoming Anticipating Climate Transitions, "Project Activities."

The Process

Using the guidelines for restorative justice we discussed earlier and the framework for restorative justice circles established through the University of Wyoming Dean of Students' Office, I worked to develop a facilitated conversation directed at community members in Laramie. For this circle, I wasn't necessarily seeking to address a specific harm that had occurred—i.e. there was no immediate problem impacting community members as a result of harm done to Laramie's watersheds—merely the *potential* impacts of a contaminated ground water supply and more long-term concerns over water resources in a changing climate.

I wanted to better understand how the concept of a talking circle actually works to build a greater sense of community and common ground; the goal of the talking circle, then, was to explore the process of restorative justice- what do we actually say, and how can language and custom serve to promote a sense of trust among people from different backgrounds? I also wanted to explore the sense of ownership that people have when it comes to their communities and a resource as precious as water. While not everyone can be an expert on natural resource management, everyone has a stake in what happens in their communities. With this in mind, I wanted to explore the following set of key questions in this exercise:

- How does the public perceive water resource issues in Wyoming?
- How is inviting the public different from holding a typical public comment period?
- How does this method of conversation enforce and subvert existing power structures?
- Does structuring a conversation like this actually build trust in a way that traditional public participation does not?

By asking these questions, I sought to reframe the traditional models that dictate how we decisionmakers and community members talk with each other. I frame restorative justice in the context of a local natural resource issue and, in turn, reflect on the goal of democratic resource management set forth in the NEPA process and in the principles of the North American Model of Conservation. I think it is useful to explore the implementation of restorative justice as a practice in community building- after all, it is community members who must face the consequences of wherever the decision-making process leads.

The University of Wyoming utilizes a "talking circle" approach to restorative justice, where the program is focused mainly on community building. The goal of the talking circle on Laramie water was essentially the same. It was meant to be a space to share stories and better understand the values that drew people together. I invited members of the public to attend a gathering at a local coffee shop, where around a dozen of us worked our way through the following discussion over pastries. The discussion was facilitated by myself and UW's Restorative Justice Program Manager, Connor Novotny, on April 4, 2024.

"Introduction to Restorative Justice" Talking Circle Plan

Community Guidelines[25]

- Respect the talking piece.
- Be present and curious.
- Speak and listen from the heart.
- Speak and listen with respect.
- Say just enough.
- Participation is voluntary.
- Explore intentions and tend to impact.
- Take the learning, leave the stories.
- You may hold space for silence (passing on your turn if you choose).
- Feel encouraged to respond also to the other comments in the circle, not just the prompt at hand.

Purpose. The purpose of this discussion circle will be, first and foremost, to build a greater sense of community among Laramie residents and introduce the concept of restorative justice as a tool for talking about issues we may face in our community. Being able to communicate about water and other natural resources is especially important because at the same time as collaborative environmental governance is being used more often, there is also increased tension concerning resource scarcity, and the subsequent management of resources like water. As a result of participating in the circle, individuals will hopefully be able to better understand how restorative justice can be used to encourage productive conversations. Additionally, the feedback from participants will allow for a better understanding of how this tool can be improved and where it might be most useful in other settings.

Centering. 3 Deep Breaths

Introductions. Please introduce yourself as you'd like to be known in the circle, and let us know what your main role is in Laramie.

Check In. To check in today, share how you are currently feeling based on a type of weather. Then, as comfortable, explain why that metaphor fits your state.

Connection. You are all here because you are invested, in some form or another, in the Laramie community. What do you value about living in Laramie, and what is a story you

[25] Community guidelines are reviewed at the start of a talking circle to establish norms and to ensure that everyone is on the same page. The "talking piece" in the first guideline refers to a physical object used to define who the speaker is, and who the listeners are. It often has meaning attached to the conversation. In this case, we used a rock from the Laramie River.

can tell about your experience as a citizen that exemplifies that value. Write that value on a plate, and place plate in the center of the circle when finished speaking.

Core Issues. In order to brainstorm ways to strengthen our water resource governance and work towards meeting the needs of the Laramie community, it is necessary to identify the core issues facing water in Laramie. What are some of the core challenges present in how we manage water resources? Co-Facilitator take notes on markerboard and summarizes at the end of the round.

Impacts. Looking at these central concepts, how do those things listed here impact you, or the community? How do they impact your ability to thrive in your personal life, in the roles that you have in Laramie, in thinking about the future? Example: "A core issue listed previously is that I feel anxious about whether water access will remain abundant and affordable in the future. I pay a utility fee in order to use city water and I'm concerned about that fee increasing over the next several years."

Alternative Narratives. In order to understand the complexities of the work here, it is helpful to look for narratives that can tell different stories about how water is managed in Laramie. We can look towards these examples while looking at inspiration for change, collaboration, and action. Looking at the previous round of impacts, what are some examples of situations or interactions that counteract or complicate the previous narrative. Example: "Even though there is a lot of conflict over water resources, the Casper Aquifer Protection Plan is an example of how scientists, city officials, and citizens were able to come up with a long-term plan to protect the health of an important water resource for Laramie."

Preferred Narratives. Looking at these previous rounds, what are the desired narratives you'd like to be able to tell about the Laramie community? What would be the impact on you if you could tell them as the dominant narrative? Example: "Having a community where we are willing to use science in order to formulate water management plans would contribute to the overall health and wellbeing of me and my family."

Closing Round

- What do you think about this process?
- What are the strengths and challenges of using this process in discussions of natural resource issues?
- In what settings would this be most useful?
- Where can this process be improved or tailored to fit communities like Laramie or Wyoming in general?
- What is something someone else shared that resonated with you?

Check Out. Time allowing, close the circle by sharing one word that describes your thoughts at this moment.

Results: What did We Learn?

Upon collaborating with the working group of participants on this project, several strengths were made apparent: First, bringing people together in the more informal environment created by a circle talk made it easier to promote a sense of community. Often, participants felt that traditional meeting settings- i.e., those set up to allow the public to speak to officials- create "ivory towers" in the sense that they don't allow for the managing agency to be approachable. In contrast, the informal setting of the circle, in which participants were given equal time to voice their opinions and concerns, made people feel a sense of connection with each other. Approachability is essential for forming a restorative justice circle. Things like where the meeting is being held, who is facilitating the circle, whether and how notes are being taken, are all important considerations for what is meant to be a very personal and tight knit process. In relation to the idea of approachability, participants acknowledged that not everyone arrives to conversations around natural resources with the same amount of prior knowledge. Just as in collaborative governance processes and in other methods of encouraging public participation, everyone has a different story of a particular issue. While restorative justice allows communities to share these stories, it also requires facilitators to understand that not everyone has the same background knowledge when they decide to participate.

Let's return to the questions set forth at the beginning of the process and provide some reflections. One of the common themes that emerged when it came to water resources in Laramie was the need for greater collaboration and education. When asked about potential solutions to perceived issues in water use, participants mentioned things like setting limits on certain activities, collaborating with entities like the University of Wyoming to address overwatering, and promoting greater awareness of community water resources. Participants also identified potential harms: when it comes to accountability for environmental impacts on water, the "big players"- corporations, businesses, and larger government entities like the University of Wyoming- often *don't* take responsibility in a way that attendees thought was fair. For example, participants cited the fact that the University operates a golf course using water from the Casper Aquifer while not paying for the water resource as a state entity.[26]

Most importantly, when citizens were invited into a space where they could speak their minds, they did. And they weren't just passive actors voicing their concerns- they had *ideas.* They understood the stake that they had in the future of water resources, and they pointed

[26] Hesse, "Water Below."

out gaps in the current understanding of the issue. They imagined a future in which the burden of caring for resources is shared by the public, and education is consistent and wide-reaching. Rather than a one-sided public comment process, restorative justice is formatted as a conversation between decision makers and the public. And this is its greatest strength. Even if managing entities can't always fully take into account the desires of the public, they can use restorative justice as a means of building trust- as a means of building relationships.

Perhaps the most important thing to consider was that these participants were regular citizens with various levels of understanding of natural resource management and hydrology. One participant knew very little about water resources and said that she was simply curious about natural resources. She viewed the restorative justice circle as an introduction to the City's management of water. Another had extensively studied hydrology and was able to contribute a perspective rooted in his experiences and existing knowledge of water. The restorative justice circle allowed all stakeholders to voice not only their concerns, but also potential solutions. In terms of other outcomes from the discussion, we were able to get an idea of what people valued, what they knew (and didn't know) about water in Laramie.

Participants highlighted both a sense of responsibility for protecting water resources and, oftentimes, a sense of powerlessness when it came to interacting with governing entities and even private corporations, listing the following reflections:

- Pressure on individuals vs. corporations: Individual actions can only do so much when compared with the influence of corporate entities.
- Water contamination: Something that impacts everyone but is often traced back to individual entities.
- A sense of powerless can create a sense of apathy around natural resource management.
- Water is an essential element of everything.
- Sense that the current economic model doesn't support change.
- There is a need for creative solutions.

In terms of alternative narratives—that is, alternatives to the sense of powerlessness discussed earlier in the talking circle, participants noted the following ideas:

- Public responsibility and sharing the burden: Common resources belong to everyone, and so does the responsibility of stewarding them.
- Funding for projects is equitable. This is a necessary part of making sure that resource management is truly democratic and a means of righting the scales of power.
- Frequent and more intensive public input on management decisions.
- Greater stakeholder interaction, especially utilizing resources like talking circles.
- Using tech to incentivize sustainable action, i.e., working with corporations to develop solutions

- More opportunity for education, especially when it comes to issues that people generally have a limited understanding of.

The circle itself allowed for mediators to connect to a circle of people who were interested in doing more in their community. In the future, it seems as though informal talking circles would be valuable for outreach especially considering that participation was driven by informal processes itself; Rather than reaching out to specific stakeholders beforehand, I put out an open call to anyone who wanted to participate. I wasn't dictating who had a voice before the process had even started.

Guide for Restorative Justice in Natural Resources

After the talking circle, I reflected on ways in which this process can be useful for managing agencies in the future. Restorative justice seems to have the most impact as a means of building trust and community in the preliminary phase of environmental management. This could mean that, prior to the comment period in municipal, state, or federal decision-making processes, managing entities take the time to arrange for small scale discussion in individual communities. Whereas public comment hearings are formal and generally don't serve to promote conversation, talking circles can be a means for officials to address potential concerns in a more open way. Whereas collaborative governance identifies stakeholders to play a direct role in decision-making, restorative justice can be a means of learning more about individual community members and exchanging stories.

Recommendations for those involved in the process of natural resource decision-making, including local and federal officials and mediators of environmental conflict:

- Focus on training good facilitators, regardless of the type of governance being used; facilitators should fully understand where and how to apply processes like restorative justice and should also be well-versed in the interests and values of local stakeholders.
- Successful governance is built around trust; ideally, any restorative justice process be focused on developing a sense of trust and community.

The following is a template of questions that natural resource managers may find useful to ask as they navigate the task of building a sense of community. This table is a reference to frame how managing entities approach education and create conversations that will allow participants to emerge with a better understanding of how other community members and decision makers are thinking about a particular issue.

Guiding Questions for Environmental Restorative Justice

Topic	Sample Questions
Identifying the Issue	What is the scope of the issue?
	What harm is being done, and who is defining that harm?
	What context will be needed for the average participant?
	What are the desired outcomes in discussing the issue?
	How much time/resources are available to devote to this particular issue?
Finding Common Ground	What do people value about their community?
	Is there a common culture people relate to?
	How can we use the format of restorative justice to establish common ground from the beginning?
Formulating Problem and Solution Based Questions	How does each question help to better understand the issue?
	What aspects of the problem are not currently being addressed?
	How can the questions encourage participation from multiple perspectives?
Empowering People: Identifying Action Items	What can we do, right now?
	Is another restorative justice circle an appropriate action?
	How do we decide the process for future action (e.g., choosing a facilitator, communication with various stakeholders, etc.)?

Identifying a Specific Issue of "harm" seems to give clear direction to the restorative justice circle, which is important for not only formulating questions, but also for narrowing the scope enough so that the circle is approachable for everyone. If we are trying to talk about too complex of an issue, it can be difficult to provide enough context and to properly discuss the issue in a limited amount of time. In identifying key stakeholders, two elements are crucial. First, understanding the interests and influence of stakeholders- if restorative justice requires buy-in, how do we encourage buy-in from people who may have historically been excluded from decision-making? The issue, again, is ensuring all stakeholders are considered "equal" in the context of environmental decision-making. Of course, all individuals ought to have an equal say in how community resources are managed, but in Wyoming, for

example, those in ranching communities and the oil and gas industry tend to have a much larger influence over land management policy in the state than, say, indigenous tribal representatives. The second part of fully engaging stakeholders is reaching out to those stakeholders in the "right way." In other words, facilitators must be mindful of how they approach stakeholders and ensure that they are actually communicating to potential participants in an effective way.

Finding common ground is probably the most important step in starting any kind of productive conversation- RJ or not. This can also be the most difficult part of formulating a dialogue outline, especially in contentious issues where stakeholders are seemingly at odds with one another. Finally, formulating problem and solution-based questions should be centered around potential harms done towards individuals or communities. If we can't fully understand the problem we are trying to address, we can't begin a conversation around that problem.

Conclusions and Reflections

The example I explored is at a very small scale and based on a relatively small community that shares a common local culture. But what would a restorative justice approach to decision-making look like at a broader level? Is it even possible? What works for one issue, community, or injustice may not work for others, and as a result, it is difficult to gauge with certainty (at this time) whether restorative justice could be a truly effective tool to incorporate into the decision-making processes set forth in regulatory schemes. Like collaborative governance, restorative justice seems to be rooted in the need for trust among community members and stakeholders. It is ultimately a lack of trust and a shared sense of direction that I think leads to breakdowns in communication, especially in hierarchical systems such as the current U.S. system of land management.

Returning to the public engagement process as it currently exists under federal land management policy: what do we envision as truly effective engagement? Who do we want to include? Again, we have to understand that community-based action is based on an idea that everyone has at least a basic level of knowledge surrounding the issue on the table. But what if they don't? Not everyone in Laramie can be an expert on water resource issues, but a restorative justice circle can be a space for asking questions as much as it is a space for answering them. And, finally, if we return to the idea outlined in the North American Model of Conservation of land as something held in the public trust, and natural resource management as something that ought to be democratic in nature- how can restorative justice help to fulfill that process? Restorative justice is reliant on the stories we tell about ourselves and our communities- it is about giving greater voice to those harmed by environmental mismanagement.

Ultimately, what I learned from the process of exploring what restorative justice might really mean for addressing environmental harms is that public involvement is complex. To truly address harms in a meaningful way and understand the power structures that governance processes enforce is to continually challenge the framework we use to solve environmental problems.

Limitations, Future Directions, and Recommendations

Given the results of our informal Laramie Waters talking circle, what can we say about future applications of restorative justice in localized settings? A holistic incorporation of restorative justice into public engagement by land management agencies clearly requires all stakeholders to voluntarily come to the table. In other words, restorative justice cannot be forced upon any particular situation; instead, it has to happen as an organic process in which all parties have the opportunity to share their stories and speak to the personal and community impact of environmental harms. Pilot programs may be implemented on a local level in order to better understand the efficacy of restorative justice as a method for improving collaborative governance. Additionally, I think it would be helpful to compare restorative justice in U.S. legal systems to other places where restorative justice is successfully implemented, in order to gauge how RJ can be adapted to different legal environments. Furthermore, restorative justice as a vehicle for building trust could also be explored.

Many of the criticisms of restorative justice are rooted in ideas of power- in other words, when we set out to use restorative justice to establish productive communication networks, who is the "we" doing the organizing? Are restorative justice practices being implemented in a truly equitable way, or are they only serving to reinforce the same power structures that ultimately leave certain stakeholders out of the process of decision-making? There is no shortage of research interested in the power dynamics present in stakeholder engagement, including attempts to create an integrative understanding of the processes, values, and inequalities present in decision-making.[27] At the same time as we acknowledge the strengths of restorative justice, it is also important to ask questions about the purpose that RJ is truly trying to serve in a given setting, and whether it is achieving that purpose effectively. One of the most difficult challenges of creating a just system of governance in general is in creating and implementing the standards for who will be included and how the process will be defined. If we assume that the application of restorative justice requires a clearly defined set of harms, affected groups, and appropriate buy-in, then it is important to ask who or what is doing the defining. From the perspective of trying to implement restorative justice as an equitable process, it serves to ask questions about who the victims are of a particular harm,

[27] Hirsch and Brosius, "Navigating Complex Trade-Offs in Conservation and Development," 105.

who should have a voice in the first place, and how things like harm are even being measured.

These recommendations are focused mainly around relationships, but also around the idea that restorative justice isn't a catchall for solving challenging environmental problems. Rather, it is a means of changing the historical hierarchical narrative of resource management and is a resource for those who seek to move towards a greater sense of democracy when it comes to environmental decision-making. A truly democratic form of governance is one which works not only to address harms as they happen but also includes citizens at every stage of the process.

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