Western States Water Council

FEDERAL ENVIRONMENTAL CONFLICT RESOLUTION CENTERS

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INTRODUCTION

SESSION OUTLINE

1. Overview – Environmental Collaboration and Conflict Resolution
2. Federal ECCR Centers
    1. US Institute for Environmental Conflict Resolution
    2. Department of the Interior – Office of Collaborative Action and Dispute Resolution
    3. Bureau of Land Management –Collaborative Action and Dispute Resolution Program
3. Questions and Discussion

OVERVIEW – ENVIRONMENTAL COLLABORATION AND CONFLICT RESOLUTION

ECCR

HOW ENVIRONMENTAL COLLABORATION & CONFLICT RESOLUTION CAN HELP

- Evaluate **perspectives**
- Identify areas of **agreement** and **disagreement**
- Recommend a **process** to move forward

- Bring parties **together**
- Identify **goals**
- Set ground **rules**
- Define **responsibilities**
- Generate **possible solutions**

- **Agree** on a solution
- **Implement** the agreement
- **Evaluate and adjust** implementation
- **Recognize** accomplishments

WHY ECCR?

The Challenges of Unmanaged Conflict

- Delays in fulfilling agency missions and mandates
- Protracted and costly environmental litigation
- Unnecessarily lengthy project and resource planning processes
- Lower quality outcomes and opportunities
- Erosion of trust and confidence in one-another

Goals

- Expedient resolution of issues
- More creative solutions
- Reduced transaction costs
- Fostering a culture of respect
- Improved working relationships
- Increased likelihood of compliance
- Broader stakeholder support
- Better outcomes

APPLICATION SPECTRUM

ECCR

(SOME) ECCR APPLICATIONS & EXAMPLES

- Forest plan revision
- Ecosystem restoration
- Renewable energy interconnections
- Grazing disputes
- Tribal consultation
- Off-road vehicle use
- Hydropower licensing/relicensing applications
- Coastal zone management
- Land use/encroachment
- Transportation project development
- Energy fast tracked projects
- Water rights
- Cultural resource issues
- NEPA!

ECCR TRACK RECORD

WHAT ARE THE BENEFITS?

REPORT: Environmental Collaboration and Conflict Resolution (ECCR): Enhancing Agency Efficiency and Making Government Accountable to the People

Available at NEPA.gov

BENEFITS OF ECCR	
Efficiency	Cost savings, timely process, minimizes litigation
Outcomes	Better, more durable solutions
Relationships	Improves communication and understanding
Governance	Increased capacity to serve citizens

FEDERAL ECCR CENTERS

U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION

San Francisco Peaks, Flagstaff, AZ
Photo Credit: Nora Campbell

U.S. INSTITUTE

MISSION

Help agencies and other affected stakeholders **address environmental disputes**, conflicts, and challenges, including helping agencies **build internal capacity to address those challenges**

U.S. Institute for Environmental Conflict Resolution
Udall Foundation

U.S. INSTITUTE

KEY FEATURES

- **Unique program** dedicated entirely to **ECCR**
- Focus on **improving government processes and decision-making**
- Support work between federal, state and local agencies, Tribes, stakeholders, and the public
- **Neutral and Impartial**

U.S. Institute for Environmental Conflict Resolution
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U.S. INSTITUTE

SERVICES

Help resolve environmental conflicts involving federal agencies

Case Services

- Consultations
- Assessments
- Process Design
- Convening
- Mediations / Facilitations
- Project Management

Training and Program Support

- ECCR Training
  - Open Sessions
  - Customized
- ECCR System Design
- ECCR Program Support

ECCR Leadership

- Assist the federal government implement NEPA Section 101
- Help implement 2012 joint OMB/ CEQ ECCR Policy Memorandum
- Support National ECCR Conferences

NATIVE AMERICAN AND ALASKA NATIVE PROGRAM

We provide collaboration and conflict resolution services across a range of environmental, natural resources, public lands and trust land issues involving Native American and Alaska Native communities and agencies or interests, including

- Environmental planning;
- Government-to-government consultation;
- Policy development and implementation;
- National Environmental Policy Act (NEPA) actions; and
- Traditional cultural property and sacred sites.

Contact: Stephanie Lucero, Senior Program Manager, lucero@udall.gov

U.S. Institute for Environmental Conflict Resolution
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PARTNERING WITH THE U.S INSTITUTE

- **Matter must involve both:**
  - Environmental, natural or cultural resource, or public land issues
  - Federal interest
- **Issue may occur at a national, regional, state or local level**
- **Required to recoup costs for our services:**
  - Usually through interagency agreements (IAAs)
  - Staff time and direct costs, including travel
  - Donated hours
- **Other considerations:**
  - Contracted vs. Direct Service
    - In-house staff availability and expertise
    - Availability of other dispute-resolution experts and programs

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DEPARTMENT OF THE INTERIOR – OFFICE OF COLLABORATIVE ACTION AND DISPUTE RESOLUTION

Slide Rock State Park, AZ
Photo Credit: Nora Campbell

DOI COLLABORATIVE ACTION AND DISPUTE RESOLUTION

- Vision- DOI employees work collaboratively to prevent, manage and resolve conflict at the earliest opportunity to achieve organizational health, gain trust, maximize productivity, and improve efficiency in accomplishing mission.
- Mission: DOI CADR's conflict management and dispute resolution programs and provides:
  - **Policy and procedures** ECCR and work place processes
  - **Process expertise and impartial services** including confidential consultations, situation assessments, process design, coaching, facilitation, mediation, teambuilding, and organizational ombuds services
  - **Education and training** on managing and resolving conflicts
  - Feedback on process use and results to **identify opportunities for improvement**
- Key Goal: **Promote collaborative approaches to manage conflict and resolve disputes** within DOI and with external stakeholders including federal, state, local and tribal governments, non-governmental organizations, industry, and the public

DOI CADR: HOW WE WORK

- Direct assistance by CADR staff for:
  - convening and neutral selection,
  - process design, strategic thinking and,
  - where appropriate facilitation, mediation.
- Network of trained facilitators, mediators across DOI
- ECCR Contract - available to all DOI bureaus
  - Ensures timely access to qualified private sector dispute resolution professionals

DOI CADR: HOW WE WORK

- We are impartial on the substance of issues.
- Our expertise, and interest, is in the process of collaboration, dialogue, and consensus building.
- We start by listening. For every group, we want to understand the issues before you, your goals, and your concerns. We ask questions to gain understanding, uncover assumptions, and to clarify intent. Through this conversation we are able to determine what type of process may best fit your needs and if CADR can assist.

BUREAU OF LAND MANAGEMENT –COLLABORATIVE ACTION AND DISPUTE RESOLUTION PROGRAM

San Francisco Peaks, Flagstaff, AZ
Photo Credit: Nora Campbell

BLM CADR - MISSION

- **Empower BLM Collaboration Cadre to establish and implement bureau-wide direction;**
- **Communicate the value of collaboration and available resources;**
- **Enhance internal and external capabilities; and**
- **Track and evaluate results for continuous improvement**

BLM CADR – KEY FEATURES / SERVICES

- **External focus with partners – early collaboration, streamlining NEPA**
- **Collaboration Cadre**
- **Community of Practice**
- **Facilitation: third-party & in-house**
- **Mentoring Program**

PARTNERING WITH BLM CADR

- **Matter must involve the BLM**
- **Matter must involve the BLM's mission to manage public lands**
- **WO-funded projects must be consistent with this administration's priorities**
- **More complex, broader-scope issues are typically contracted out**

USING A NEUTRAL 3RD PARTY

USING A NEUTRAL – OR NOT

- Consider the following:
  - Are you re-visiting the same topics again and again?
  - Has communication slowed or ceased?
  - Are tensions escalating?
  - If you are the designated lead, do you find yourself torn between conveying substantive or policy information with managing communications among the group?
- If yes, then an impartial facilitator may be helpful by:
  - Managing process communications, group agenda setting
  - Serving as a confidential sounding board for parties
  - Designing a process that is acceptable to all

QUESTIONS & DISCUSSION

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FEDERAL ENVIRONMENTAL CONFLICT RESOLUTION CENTERS

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