Federal Conflict Resolution Centers: Resources for Addressing Conflicts & Managing Everyday Challenges

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Moderator

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Panel

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Agenda

- Introduction
- Annual ECR Report to OMB/CEQ
- Evaluating Collaborative Processes
- Collaboration & Technology
- Services Provided by the Federal Centers
- Questions/Discussion
Introduction
Annual ECR Report to OMB/CEQ
What Agencies are expected to Report on:

- The Number of ECR Cases
- Capacity-Building Initiatives (Training, Funding, etc.)
- Infrastructure Building
- Development of Policy
- Development of Strategic Planning
- Program Areas Where ECR is Being Used
What Reports Show:

- Dramatic Increases in ECR cases since first Reporting year of FY 2007
- FY 2007: Approximately 250-270 Cases
- FY 2008: 320 Cases
- FY 2009: 420 Cases
Reasons For Increase:

- Better Reporting
- More ECR Taking Place
What Else Reports Tell Us:

- Over 95% of ECR takes place in EPA, DoD, USFS, DOI, FERC, DOT, and NOAA.
- ECR is used by these agencies to further missions directives:
  - In EPA and FERC, primarily for Enforcement.
  - In DOI and USFS, primarily for land management.
Programmatic Areas for ECR

- Over 80 areas mentioned, including:
  - NEPA
  - ESA
  - Historic Preservation
  - Superfund
  - Transportation
  - Energy
  - Tribal
Building Capacity Initiatives:

- Strategic Planning
- Training
- Infrastructure
- Outreach
Challenges to Undertaking ECR

- Resource-related
  - Lack of Funding
  - Lack of trained people
  - Lack of time
- Uncertain of Benefits of ECR
- Lack of Capacity
Evaluating Collaborative Processes
<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
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<tbody>
<tr>
<td>2009</td>
<td>USACE designed new evaluation instruments that draw from and complement the multi-agency instruments</td>
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<td>2008</td>
<td>DOI adopted the multi-agency ECR evaluation instruments</td>
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<td>2006-08</td>
<td>Multi agency ECR evaluation system (MAES) used to conduct the large scale study of ECR</td>
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<td>2006</td>
<td>EPA (CPRC) launched the Environmental and Economic Effects Study (SEEER) in partnership with DOI (CADR)</td>
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<td>2003</td>
<td>EPA adopted the multi-agency ECR evaluation system</td>
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<td>1999</td>
<td>Institute, PCI, and state partners began developing multi-agency collaboration and conflict resolution evaluation tools</td>
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Evaluation Uses & Audiences

- Case Feedback Reports (Project Managers, Practitioners, Parties)
- ECR Outreach Materials (General Audiences)
- Compliance & Accountability Reporting (OMB and CEQ)
- Training/Capacity Building Materials (ECR Community)
- Multi-Case Studies (ECR Community)
MAES: Key Evaluation Criteria

Case context:
- Willingness to collaborate
- Number of participants
- Degree of case difficulty

Assessment:
- Appropriate parties engaged
- Parties have the time, skills and resources to engage
- Appropriate mediator, skills and practices add value
- Relevant high quality trusted information integrated

Participants effectively engaged:
- Agreement is reached
- Agreement is of high quality
- Working relationships improve
SEEER: 
Systematic Evaluation of Environmental and Economic Results

SEEER evaluates the results of ECR processes.

SEEER compares the results to those of alternative decision making processes.

The environmental effects evaluated include: direct resource changes, and recreational, commercial and tribal resource use and resource management.

Economic effects measured include: social capital, organizational effectiveness, direct financial statement effects and the economic value of changes in resource quantities.
What can we say about ECR performance?
ECR Making a Difference
MAES Results

92% of Cases
Progress was Made

82% of Cases
Full or Partial Agreement Reached
Improved Working Relationships

After 78%

Respondents ability to work together cooperatively on this case

Before 41%

Respondents trusted each other

After 71%

Before 31%
**ECR Effectiveness**

**Perspectives from 400+ Participants**

- More effectively addressed the issues or resolved the dispute (75%)
- Better served the interests of the participants (79%)
- Led or will lead to a more informed public action or decision (80%)
- Results are less likely to be challenged (71%)
- Cost less, or if it cost more the extra costs were worth the investment (78%)
- Participants are more likely to able to work together in the future (81%)
SEEER: A Unique Contribution

Preliminary Results:
Less Time to Reach and Implement A Decision

<table>
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<tr>
<th>Change in hours per week</th>
<th>Superfund GE Pittsfield</th>
<th>Permitting Washington Navy Yard</th>
<th>Permitting Washington Aqueduct</th>
<th>Enforcement Philadelphia Prisons</th>
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<tr>
<td>Estimated hours saved per week</td>
<td>-27</td>
<td>-56</td>
<td>-41</td>
<td>5</td>
</tr>
<tr>
<td>Estimated value of time saved</td>
<td>78</td>
<td>13</td>
<td>13</td>
<td>13</td>
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<tr>
<td></td>
<td>-2106</td>
<td>-728</td>
<td>-533</td>
<td>65</td>
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<tr>
<td></td>
<td>($133,731)</td>
<td>($46,228)</td>
<td>($33,846)</td>
<td>$4,128</td>
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SEEER represents a major step forward as the first systematic collection of environmental and economic impact data for ECR
ECR Evaluation: What difference has it made?

- Developed organizational cultures that embraces feedback
- Strengthened our organizational goals & management tools
- Helps us better articulate the value of ECR
- Helps us work to improve our programs and ECR practice
- It’s a resource can share with others adopting ECR
Collaboration & Technology
Technology is Changing the way we do business

- Better analysis tools
- Better visualization tools
- One-way communication is becoming outmoded
- More technologically-savvy groups and individuals

Q: How do we take advantage of these changes to enhance collaboration and make better public policy?
Environmental Conflict Resolution & Technology Workshop

ECR & TECH

May 6-8 2009

- Agenda developed by Feds academics, technology providers, ECR practitioners, & workshops’ 90 participants
- Technology Fair, Presentations, Workgroups
- Focus on Strategic Planning
- Series of recommended next steps to guide the integration of technologies into environmental collaboration and conflict resolution processes.
Categories of Tools

- Engagement/Communication Tools
- Visualization Tools
- Monitoring/Evaluation Tools
- Decision Analysis Tools
- Implementation Tools

ECR 2.0
Engagement/Communication Tools

- Push Technologies (email, flyers, mail, etc.)
- Digital Story Telling (text, audio, photo, video, art, Google Earth Touring, etc.)
- Face-to-face (town meetings, gathering places, etc.)
- Feedback/Commentary (Blogs, Twitts, Forums, Surveys, Google Sites, etc)
- Collaborative Authoring (wiki, Google Docs, My Maps, Sites, mind-maps, etc)
- Polling Tools (Keypad, mobile phone, hand vote, etc.)
- Interactive Tools (Touch Tables, smart phones, anyWare Planning)
- Social Networking (FaceBook, MySpace, etc.)
Federal Centers

- US Institute for Environmental Conflict Resolution (USIECR)
- EPA – Conflict Prevention and Resolution Center (CPRC)
- DOI - Office of Collaborative Action and Dispute Resolution (CADR)
- USACE – Conflict Resolution & Public Participation Center (CPC)
- Others include USFS, USAF, FERC
Visualization Tools

- Maps (Google Earth, World Mapping Kit, Virtual Earth, Google My Maps)
- 3D (3D Studio Max, Blitz 3D, SketchUp, OGRE, etc.)
- Visual Media (photo galleries, videos, art, etc.)
- Photomontage/Visual Preference Surveys
- Serious Games (Second City, SimCity, etc.)
- Trendalyzer
- Narrative (text, audio, poetry, music, etc.)
Decision Analysis Tools

- Spatial Analysis (ArcGIS)
- Scenario Planning and Trade-offs (INDEX, Shared Vision Planning, FRAME, OASIS, MetroQuest, CommunityViz, etc.)
- Predictive Modeling (TRANSIM, EcoGen Predictive. Ecosystem Mapping, etc.)
- Online Scorecards (i.e. Walkscore)
- Spreadsheet Analysis (i.e. LEAP)
- Multi-Criteria Decision Analysis (i.e. InfoHarvest)
- Ecosystem (PMlink360, HydroLogics)
- Resources (Tools Explorer, EBM Tools)
Implementation Tools

- Project Management Tools (Basecamp, Google Groups/Sites, Zoho Projects, etc.)
- Content Management (Drupal, Joomla, Wordpress)
- Process Tools (Dynamic Charrettes, Appreciative Inquiry, etc.)
Evaluation/Monitoring Tools

- Indicator Tracking
- Case Studies
- Impact Analysis Tools (INDEX, MetroQuest, CommunityViz, etc.)
- Feedback Tools (Online Surveys, Twitter, face-to-face, etc)
Tech and ECR: 5 Key Next Steps

- Develop resources to help facilitate the integration of technologies into ECR
- Create incentives to encourage the innovative use of technologies
- Build cross-disciplinary partnerships to promote the evolution of ECR appropriate technologies
- Develop capacity for integrating technologies into ECR processes
- Encourage practice and policy development related to the integration of technology into ECR
Services Provided by the Federal Centers
Why are there Federal Centers?

- Administrative Dispute Resolution Act 1996
- Focal Point
- Federal Partnership
What Services Do They Provide?

- Internal Case Consultation
- Technical Support
  - Outreach
  - Stakeholder Assessments
  - Public Input
  - Mediation
  - Facilitation
  - Dispute Resolution
- Contractual Mechanism to Reach Experts Across the Nation
- Training
- Support Development of Agency Policy
USIECR Services

Case Services
- Consultations
- Mediator referrals
- Assessments
- Process design
- Convening
- Mediations / facilitations
- Project management

Training and Program Support
- Project-specific training
- Skill-based training
- ECR program development

ECR Leadership
- Co-host national ECR conferences
- Help implement federal directives related to ECR
- Help guide appropriate and effective use of technology tools
- Help convene policy dialogues
USIECR Case Services: Areas of Emphasis

Interagency/intergovernmental conflicts and challenges

Multi-party high-conflict cases where an independent federal convener is needed to broker participation

Conflicts and challenges involving multiple levels of government (federal, state, local, tribal) and the public

Conflicts and challenges where area expertise is required (e.g., conflicts involving tribes and native people, NEPA)

Emerging areas of conflict and pilot applications of collaborative governance
Case Study - MRRIC

- **What** – basin-wide collaborative forum working together to develop a shared vision and comprehensive plan for recovery of T&E species in the Missouri River
- **Challenge** – long-term, large scale, many interests
- **Response** – Facilitation and consensus building support by USIECR and neutral third parties
- **How** – Economy Act/Funding to Other Fed Agency
Services for MRRIC:

- Conducted MRRIC Situation Assessment
- Convened MRRIC Planning Group which established MRRIC Charter
- Ongoing MRRIC facilitation and consensus building
- Ongoing facilitation of Federal Working Group

Services for the Ecosystem Restoration Study and Plan:

- Facilitating inter- and intra-agency coordination and communication
- Providing advice on collaboration in NEPA EIS
- Working with USACE and Public Policy Institutes to create Civic Engagement Strategy

Case Study – MRRIC
Evaluation from Planning Group (i.e. Chartering Process)

- 100% felt collaborative process more effectively addressed issues/resolved conflict
- 96% felt confident that they had built strong enough relationships to ensure that agreements will last
- 86% were totally satisfied with the results of the process
- 87% felt moderately to strongly confident the agreement could be carried out
- 92% felt their first choice would be to use this type of process again for similar situations

Case Study – MRRIC
Case Study – Hunter Reservoir

- **Who** – EPA CPRC
- **How** – “Just-In-Time” Task Orders where expert facilitators/mediators can be quickly and easily obtained for projects
- **Services Provided** – Conducted a situational assessment, provided mediator
- **Benefits** – expert facilitators/mediators, neutral 3rd party, 2 week turnaround
Questions?