



Training and program development services

The U.S. Institute conducts needs assessments, designs training plans, develops curricula, and delivers trainings to build core skills and knowledge competencies in environmental collaboration and conflict resolution. These trainings range from basic to advanced courses. Each training can be delivered in a number of formats including, half-day activities designed to introduce topics, multi-day sessions that build in-depth competencies in specific subject areas, and customized interactive workshops.

Leadership

Through its leadership initiatives, the U.S. Institute helps develop and improve environmental conflict resolution policies and practices in the federal government. For example, the U.S. Institute convenes dialogues for collaboration on critical areas of practice and policy development. The U.S. Institute's neutrality, status within the federal government, and experience working on environmental conflicts and challenges at national, regional, state and local levels make it uniquely suited to convene policy dialogues that bring together representatives of groups with divergent views or interests.

National Roster of Environmental Dispute Resolution and Consensus Building Professionals

The U.S. Institute, with the support of several federal partners, manages an online national roster of nearly 300 mediators and facilitators. The roster provides ready access to information on experienced environmental conflict resolution and consensus building practitioners around the country.

Native Dispute Resolution Network

The Native Dispute Resolution Network is a resource for anyone seeking practitioners to assist with collaborative conflict resolution and planning related to a wide variety of situations. It is the only national network of dispute resolvers with expertise in culturally appropriate dispute resolution and collaboration across tribal, federal, and state governments. Network members include American, Indian, Alaska Native, Native Hawaiian and other practitioners who work with Native peoples.



Workable Solutions to Environmental Conflict

Environmental issues can be particularly complex and difficult to resolve

Congress created the U.S. Institute for Environmental Conflict Resolution in 1998 to be an independent, nonpartisan, and impartial federal program. Our mission is to assist public and private parties in resolving environmental, natural resource, and public land conflicts. The U.S. Institute is part of the Udall Foundation, an independent federal agency.

Conflicts can be avoided or resolved through a variety of collaborative approaches. The U.S. Institute has more than a decade of experience helping federal agencies and other stakeholders find workable solutions to shared environmental challenges.

For more information about the U.S. Institute for Environmental Conflict Resolution, please contact us at (520) 901-8501 or visit www.ecr.gov

Services Provided

U.S. Institute services include consultations, assessments, process design, convening stakeholders, selecting a third-party neutral practitioner, mediation, facilitation, program design and project management, training, and evaluation. We also host an online database of qualified practitioners that anyone can use.

Areas of Emphasis

- Interagency/intergovernmental collaborations, partnerships, and conflicts.
- Multi-party cases where an independent federal convener is needed to facilitate participation in a collaborative process.
- Environmental issues involving multiple levels of government (federal, tribal, state, local) and the public.
- Projects or activities where impartial third-party neutrals with specialized expertise are required (e.g. conflicts involving Indian tribes and Native peoples, planning processes under NEPA).
- Projects that require the pooling of resources from multiple sources.
- Experience-based training on multi-party collaboration and conflict resolution in the environmental and natural resource arena.
- Policy dialogues and other initiatives that provide support, guidance, and leadership in the areas of collaborative problem-solving, consensus building, and conflict resolution.



Udall Foundation

CIVILITY. INTEGRITY. CONSENSUS

The Udall Foundation was created in 1992 initially to honor the legacy of the late Morris K. Udall, who represented southern Arizona in the U.S. House of Representatives for 30 years. Stewart L. Udall, who also represented southern Arizona in Congress from 1955 to 1961, was Morris Udall's older brother. The two worked together on many environmental and Native American initiatives while Stewart Udall was Secretary of the Interior and Morris Udall a member of Congress. In 2009, Congress amended the legislation to honor Stewart Udall and add his name to the Foundation, renaming it the Morris K. Udall and Stewart L. Udall Foundation. A board of trustees appointed by the President of the United States with the advice and consent of the U.S. Senate governs the Foundation. For further information about the Udall Foundation, visit www.udall.gov.

U.S. Institute for Environmental Conflict Resolution
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Spectrum of Collaboration and ECR Activities

Collaborative Policy Making Conflict Prevention and Management Conflict Resolution						
Policy Dialogues	Issue Forums	Planning	Policy and Program Implementation	Negotiated Rulemaking	Assisted Negotiation	Mediation
 <p>Landscape Conservation Policy Dialogue</p>	 <p>Pacific NW Regional Environmental Forum</p>	 <p>National Forest Planning Rule</p>	 <p>National Oceans Policy Implementation</p>	 <p>Negotiated Rulemaking for BIA School Facilities</p>	 <p>Kelly Air Base Collaborative</p>	 <p>Sullivan Dam Mediation</p>

The Impact of ECR on the Federal Budget and the US Economy

In recent years, more than 6,000 active cases have been on the litigation docket at the Environment and Natural Resources Division (ENRD) of the U.S. Department of Justice (DOJ). In FY 2011 alone, more than 2,000 new cases were received by ENRD.¹

Defensive cases make up the majority of the filings, with these cases arising as federal agencies work to balance public and private interests when implementing environmental governance responsibilities.

From the federal perspective, agency budgets are burdened by the costs of emerging conflict (e.g., increased staff time dealing with controversial issues, project delays). For issues that advance to litigation the costs of legal representation, expert witnesses, and transcripts are incurred by DOJ.

Typically, environmental conflicts are divisive, protracted, complex and costly to resolve. The costs of environmental litigation range from tens of thousands to millions of dollars per case.

As documented by DOJ, the annual time and cost savings from substituting alternative dispute resolution services (ADR) for litigation are significant. For example, in FY 2010 DOJ invested \$1.5 million in ADR across a spectrum of applications and saved \$11.7 million in litigation costs alone² -- representing more than \$7 dollars saved on litigation costs for every \$1 dollar spent on mediation process costs (Figure 1).



Figure 1. Cost Savings in FY 10

Table 1. Use and Benefits of ADR – Statistics the Department of Justice

Alternative Dispute Resolution - Summary Statistics from the Department of Justice				
	2007	2008	2009	2010
Funds obligated for Mediation Services	\$1,049,890	\$1,362,320	\$1,141,102	\$1,547,874
Litigation or Discovery Costs Saved	\$3,001,000	\$3,387,750	\$5,450,287	\$11,662,500
Days of Attorney/Staff Time Saved	2,797 Days	23,010 Days	5,829 Days	12,260 Days
Months of Litigation Time Saved	429 Months	661 Months	849 Months	930 Months

DOJ also estimated that mediation saved more than 43,000 days of staff time from 2007 through 2010 – which translates to millions of dollars more in savings. These DOJ figures don't include savings of staff time and costs by other federal agencies represented by DOJ or the other parties involved in the lawsuits.

DOJ measures performance over time and the benefits of ADR are consistently positive (Table 1).

¹ U.S. Department of Justice, Environment and Natural Resources Division. "Summary of Litigation Accomplishments Fiscal Year 2009." www.usjog.gov/enrd.

² Office of Dispute Resolution, U.S. Department of Justice, Statistics posted at: <http://www.justice.gov/odr/doj-statistics.htm>.

The Benefits of ECR Beyond Litigation Costs

ECR is among the more important tools that federal departments and agencies can use to make more informed, timely, comprehensive, and workable decisions that balance public and private interests. In a time of tight budgets, it becomes ever more important that environmental conflicts and challenges are not simply routed into litigation.

For agencies and the public this translates into:

- agency staff time and resources focused on mission not conflict;
- economic opportunities created not squandered when planning and permitting issues are addressed in a timely manner; and
- improved environmental and natural resource stewardship when more informed decisions balance competing interests.

Effective agency programs and operations have significant economic and public service implications. For example:

BLM-managed Lands' Total Economic Output is \$122 Billion Annually – DOI's Bureau of Land Management (BLM) is one of a handful of federal agencies generating more revenue than they spend. A Department study showed extractive and non-extractive uses of BLM-managed lands in 2010 generated an estimated total economic output of \$122 billion nationwide and supported about 550,000 U.S. jobs.³

ECR contributes to BLM's mission impacts. The U.S. Institute recently helped EPA and BLM agree on a streamlined process for interagency coordination and analysis of air quality impacts of proposed oil and gas activities on public lands. Participants said the agreement will allow critical energy projects to proceed with less delay and improve air quality and public health. The U.S. Institute also provides collaboration/conflict resolution services to DOI's efforts to coordinate 21 Landscape Conservation Cooperatives (LCCs) for BLM and other DOI offices and bureaus. The LCCs will develop "landscape-scale" or ecosystem level strategies for understanding and responding to climate adaptation impacts, providing tools to managers to target biological objectives for native species and habitats across jurisdictions.

National Forest Recreation Contributes \$14.5 Billion Yearly to the US Economy - Outdoor recreation and tourism related to national forests contributes \$14.5 billion annually and 223,000 jobs to the economies of communities within 50 miles of national forests.⁴ This economic activity suffers when litigation and other conflict interferes with effective forest management.

One example of ECR's contribution to the Forest Service's economic impacts: Multiple efforts to update the national Forest Service Planning Rule were blocked for years by legal challenges. In 2009, Agriculture Secretary Tom Vilsack called for development of a new rule, and the U.S. Institute helped develop and implement a comprehensive collaboration strategy to engage stakeholders. Ultimately, over 40 public meetings and roundtables engaged more than 3,000 participants. The final programmatic EIS was issued early in 2012 and a final rule is expected soon. Secretary Vilsack said the new rule is intended to move beyond the era of litigation. Time-consuming appeals and litigation increase the cost of land management and also limit opportunities for effectively and efficiently managing forest resources and uses.

³U.S. Department of the Interior – Bureau of Land Management. President Proposes \$1.1 Billion for BLM in Fiscal Year 2013 to Protect Resources and Manage Uses of Public Lands. News Release. Available at: U.S. Department of the Interior – Bureau of Land Management. President Proposes \$1.1 Billion for BLM in Fiscal Year 2013 to Protect Resources and Manage Uses of Public Lands. News Release. Available at: http://www.blm.gov/wo/st/en/info/newsroom/2012/february/nr_02_13_2012.html

⁴U.S. Department of Agriculture Forest Service. Budget Justification - Fiscal Year 2012 President's Budget. Available at: <http://www.fs.fed.us/aboutus/budget/2012/justification/FY2012-USDA-Forest-Service-budget-justification.pdf>