



THE MORRIS K. UDALL FOUNDATION

U.S. INSTITUTE FOR
ENVIRONMENTAL
CONFLICT RESOLUTION



ANNUAL REPORT

October 1, 2001 – September 30, 2002



Prepared for:
**The Board of Trustees of the
Morris K. Udall Foundation**

November 2002



Introduction

This annual report provides an overview of operations and activities of the U.S. Institute for Environmental Conflict Resolution (the Institute) during fiscal year 2002 (FY02). It is intended to inform the Udall Foundation's Board of Trustees on major accomplishments of the Institute and its progress toward achieving the objectives set forth in its annual performance plan:

- To produce high quality collaborative agreements and resolutions
- To increase the use of environmental conflict resolution
- To design more effective conflict management systems
- To improve the capacity for all stakeholders to participate in ECR

The Institute has now completed its fourth year of operations. It was a very rewarding year of accomplishments. The Institute continued to expand the number and range of activities around the country. The Institute's program staff now handles several sectors of activity, including: energy, transportation and environment; public lands and natural resource management; protected areas and resources; energy, transportation and environmental quality; litigation and court-referred ECR; and Native American and Alaskan Native environment program. The challenge ahead will be to keep pace with the growing demand that the Institute has so effectively generated.

The Institute's programmatic initiatives during FY02 were equally impressive. The national roster for ECR practitioners, now comprising 211 members, continued to grow and enabled the Institute to contract with over 60 qualified neutrals in FY02. The third national biannual ECR conference was a resounding success. The program evaluation system and other Institute program initiatives have received considerable national attention including that of the Hewlett Foundation, which has offered funding assistance to the Institute to expand some of its programmatic efforts in FY03 and 04.

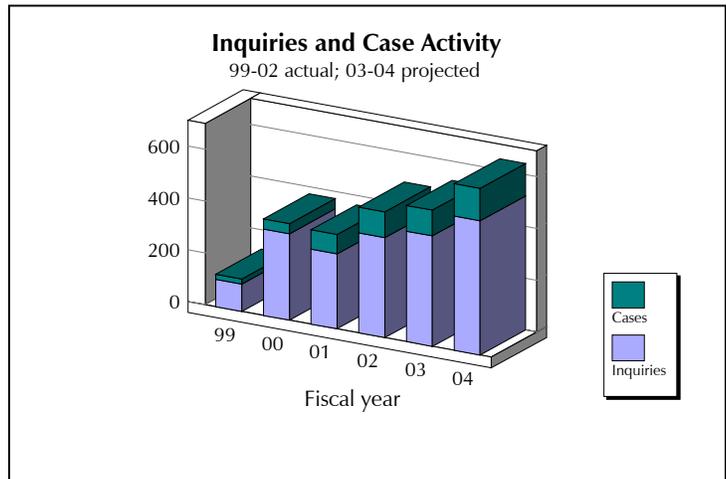
During FY02 the Institute was involved in 100 cases and projects, including case consultations, referrals of neutrals to parties and process sponsors, direct mediation and process facilitation, conflict assessments and process designs, dispute system designs, and trainings. The Institute's activities extended across 31 different states, the District of Columbia, British Columbia and included a number of projects of national scope. The issues in these cases and projects involved: wildlife and wilderness management, recreational use of and access to public lands, endangered species, water resources and rights, marine protected areas, watershed management and wetlands, ecosystem restoration, transportation and urban infrastructure. The majority of these activities were initiated by federal agencies (headquarters, regional and state offices) and ECR practitioners, but requests have also come from federal district courts, tribes, state government agencies, environmental groups, academic institutions and resource users.

Professional Services

During FY02, the Institute program staff was engaged in handling inquiries, providing case consultation, referring qualified roster members to parties and project sponsors, and providing conflict assessment, facilitation, mediation, system design, and training services. For most of these cases and projects, the Institute staff partnered with or managed contracts with private practitioners from the national roster. Over 60 private practitioners were on contract with the Institute during the year.

Inquiries and Case Consultations. The Institute received 386 unsolicited inquiries during FY02, on average 32 inquiries a month, which is a 40% increase in inquiries from FY01. Thirty-two percent of the FY02 inquiries were roster-related, 25% were regarding ECR services, and 20 percent were for general information. The majority of the inquiries came from the federal government (32%) and practitioners (27%).

Cases and Projects. The Institute staff provided direct assistance and case management services on 55 cases and projects during FY02: 39 were initiated during this fiscal year and 16 were ongoing cases initiated during or prior to FY01 (compared with 15 and 15 respectively in FY01). Cases and projects include extended case consultations, conflict and situation assessments, national projects/system designs, mediation and facilitation, and demonstration projects (Federal Partnership Program and ECR Participation Program projects). See Attachment A for the complete list of cases and projects addressed this year.



Referral Activity. The Institute's roster manager, Joan Calcagno, provided consultation and referral service for 54 ECR cases this year, handling 33 external requests and 21 in-house requests for referrals to roster members. Requests for ECR practitioner referrals were slow during the first half of FY02, but picked up by the second half of the year to a weekly referral rate.

Training. The Institute staff provided eleven trainings this year for users of ECR services. Training participants included federal employees, stakeholders in ECR processes, scientists, practitioners, attorneys, state agencies, consultants, and college students. The pre-conference training program in May provided 12 fully subscribed training sessions.

Service Agreements. Service agreements and memoranda of agreement enable federal agencies to draw on a number of Institute services as needed over the course of the year. The Institute maintains thirteen service agreements and Memoranda of Agreement (MOA) with federal agencies through which much of the work of the Institute is funded.

Program Delivery

In addition to its case- and project-specific professional services outlined above, the Institute was engaged in a variety of programmatic initiatives including the roster program, demonstration programs, and educational initiatives, consistent with its mission as a federal program, to increase and improve the appropriate use of ECR by federal agencies and other stakeholders.

Roster Program. The roster is the Institute's primary source for selecting qualified contractors and for referring neutrals to parties in dispute. There are currently 211 qualified practitioners on the Institute roster located in 39 states, the District of Columbia, and two Canadian provinces (see Attachment B for their geographic distribution). Their professional expertise ranges from mediation of court-referred environmental disputes to facilitation of complex consensus-building processes and policy dialogues. On average, these practitioners have handled approximately 31 ECR cases over the past ten years of their careers (with a range from 5 to 150 cases each).

A transportation sub-roster of 41 professionals with experience facilitating and mediating issues concerning environmental reviews of transportation projects was developed as part of the Environmental Streamlining Program with FHWA. These practitioners were provided special training on ECR and environmental streamlining. Of all referred cases, seven referrals were made to the transportation roster this year.

The Institute continues to recruit roster members, particularly for geographic balance and diversity in professional services and backgrounds. Service to roster members increased this year including the distribution of biannual confidential updates to all roster members. A roster working group meeting was held in February in Tucson including multiple agency staff and practitioners. The individuals provided valuable input towards future planning for the roster program.

Federal ECR Partnership Program (FPP). The Federal ECR Partnership Program (FPP) provides in-kind assistance and contracted neutral services (up to \$50,000 worth) on specific ECR cases or projects at the request of federal agencies. Agencies must provide at least 50% of the overall project funding and meet several selection criteria. The program is designed to increase awareness and use of ECR within the federal government; provide incentives and guidance for the effective use of ECR; and encourage innovative applications and demonstration projects. Starting with two funded FPP projects at the beginning of FY 2001, the FPP Program has committed \$555,082 along with additional staff support to 14 projects involving partnerships with several federal agencies (Bureau of Land Management, Bureau of Reclamation, Department of Energy, Environmental Protection Agency, Fish and Wildlife Service, National Marine Fisheries Service, National Park Service, USDA-Forest Service) (see Attachment C for the complete list of FPP projects). New projects are on hold pending further appropriations.

ECR Participation Program. This program, which provides assistance at the request of non-federal parties engaged in ECR processes, came on line in FY02. The ECR Participation Program provides guidance, technical assistance, and neutral services (up to \$20,000 in value) for conflict assessments. The program also anticipates a second stage of assistance for mediation and facilitation services in the future. Four conflict assessments were selected for support in FY02 (of twelve applications) including:

- 1. Pilot Alaskan Consultation Model for the Department of Defense American Indian/Alaskan Native Policy Issues Addressing Military Impact to Indian Land, Rights and Resources in Interior Alaska**

Tanana Chiefs Conference, Alaska

The Institute is providing assistance in the development of a situation assessment that explores opportunities for improved consultation between the TCC, three Alaskan Native villages and the branches of the armed forces. Consultation efforts are focused on the prioritization and mitigation of contamination at former military sites.

2. Sun River Total Maximum Daily Load (TMDL) Resolution

Sun River Watershed Group and Trout Unlimited, Montana

The Institute is providing support for assessment and meeting facilitation to explore the feasibility of irrigation efficiencies to address instream flows of the Sun River and meet TMDL requirements while building consensus among the members of the Watershed Group (including representatives of local, state and federal governments and agencies, members of the U.S. Congress, NGO's and private companies).

3. Future of Skagit Farms and Fish

Puget Sound Salmon Forum, Washington

The Institute is assisting the Puget Sound Salmon Forum in assessing conflicts, especially between farming and tribal communities, associated with the natural and constructed drainage systems in the Skagit River valley of Washington State. The purpose of the assessment is to evaluate the parties' readiness to participate in a conflict resolution effort, and if appropriate, to recommend the design of a process to collaboratively seek solutions to drainage system issues.

4. Surface Lease Resolution on Split Estate Lands in Powder River Basin Coalbed Methane Development

Powder River Basin Council, Wyoming

This involves a conflict assessment to engage private property owners, the U.S. Bureau of Land Management, the Powder River Basin Resource Council, and the mining industry to determine ways in which surface lease agreements can be improved and made satisfactory to all involved.

New additions to this program are also on hold pending future appropriations.

Program Evaluation. The Institute's program evaluation system is currently in a test implementation phase. Using questionnaires approved by OMB, participants in the Institute's cases and projects and users of its services are evaluating performance in five program areas: Conflict Assessment, ECR Cases and Projects, the Roster of ECR Practitioners, Training, and Meeting Facilitation. Ten conflict assessment and ECR cases and projects, two trainings, and one meeting facilitation are included in the Phase 1 test. All current roster members and new users of roster services are being asked to complete questionnaires as well. The results of Phase 1 will be used to refine the questionnaires and administration procedures, develop analytic and reporting protocols, and address issues of respondent confidentiality and sharing of evaluation results. Program outcomes for each program area have been articulated during development of the evaluation system, and were integrated into the Institute's FY02 and FY03 work plans. The program evaluation system will be fully functional in FY03.

The Institute is working with such federal agencies as the Environmental Protection Agency, the Department of Interior and the Federal Energy Regulatory Commission to further their evaluation efforts and to assist in evaluating their ECR cases. The Institute hopes to serve as a coordinator/manager for the systematic and consistent collection and analysis of data on ECR activities within the federal government.

2002 ECR Conference. The biennial ECR conference (and the Udall Foundation's annual conference) co-sponsored by the Institute and the Udall Center took place May 14-16, 2002 in Tucson at Loews' Ventana Canyon Resort. The conference was entitled "Environmental Conflict Resolution: The State of

the Field and Its Contribution to Environmental Decision Making". The two-day conference was preceded by a full day of training sessions (twelve training sessions).

The Institute received support for the conference from the Council on Environmental Quality, Executive Office of the President; the U.S. Department of Agriculture, Forest Service; the U.S. Department of the Interior; the U.S. Environmental Protection Agency; and, the Association for Conflict Resolution and the Environmental/Public Policy Section of the Association for Conflict Resolution. The Institute also received significant cooperation from the Federal Energy Regulatory Commission, the Federal Highway Administration, the Federal Mediation and Conciliation Service, the Nuclear Regulatory Commission, the U.S. Departments of Agriculture, Defense, Justice and the Navy, as well as the American Bar Association Sections on Dispute Resolution and Environment, Energy and Resources.

The feedback from this conference has been overwhelmingly positive and enthusiastic. The conference drew 435 attendees from across the United States including more than 30 international visitors from Australia, Canada, Chile, Indonesia, Ireland, Japan, Scotland, and Thailand. Four plenary sessions, fifteen panel presentations and twelve roundtable discussions took place over the course of the two-day conference. The twelve pre-conference training sessions and the panel and roundtable sessions were organized along three tracks: Progress in the Profession, Evolving Institutional Capacity, and Enhancing Environmental Decision Making.



The conference proceedings include pre-conference session abstracts, post-conference session summaries, individual papers, PowerPoint presentations, presenters' biographical information, attendee contact information and an image gallery. Conference proceedings were sent in late October to all conference attendees and are available on CD by request from Institute staff.

National ECR Advisory Committee (FACA). In the fall of 2000 U.S. Senators Max Baucus, Mike Crapo, Harry Reid, and Craig Thomas requested that the Institute investigate how pilot projects can be used to evaluate the potential role of collaboration, consensus building, and appropriate dispute resolution processes in improving implementation of the National Environmental Policy Act (NEPA), specifically within the context of federal lands and natural resource management. The Institute does not have funding to pursue this project fully, but it has initiated several of the proposed efforts under the Innovative Collaborative Opportunities for NEPA (ICON) program. The Institute is developing a compendium of best practices for the field of environmental conflict resolution and has recently secured a full-time staff detail to be dedicated to NEPA projects and initiatives at the Institute.

In accordance with the Institute's legislative charge to assist with implementation of §101 of NEPA, the Institute has chartered a federal advisory committee to "provide advice to the director of the U.S. Institute for Environmental Conflict Resolution and to the Board of Trustees of the Morris K. Udall

Foundation regarding future program directions, including the Institute's role in connection with implementation of Section 101 of the National Environmental Policy Act of 1969." The Institute intends to make NEPA a priority for the federal advisory committee. The Committee's first meeting will take place in mid-November 2002, in Tucson.

The 9th Circuit Court Demonstration Project. The 9th Circuit Demonstration Project was completed with the conclusion of the Oregon Federal District Court pilot project in FY 2001. One of the immediate outgrowths of that initiative was a request by the Oregon District Court for a conflict assessment on a major Columbia River Basin case involving a contested biological opinion for the management of salmon species. A mediation on the project terminated in the fall of 2002. Formerly a law professor at the University of Oregon and now Dean of the University of Dayton School of Law, Lisa Kloppenberg published an analysis of the Oregon pilot project in the *Ohio State Journal on Conflict Resolution* that offers some valuable insights for the federal courts on the potential for environmental mediation.

Public Information, Outreach and Publications. Since the conference, the Institute's new program associate, Melanie Emerson, has been working on a comprehensive public information strategy for the Institute to include refinement and substantive revamp of the website, development of Institute-wide and program and sector-specific educational materials, identification of and focused outreach to specific user groups, and directed outreach approaches to maximize the Institute's educational opportunities (e.g., articles in newsletters, annually planned exhibiting schedule).

Several project-related reports were published in FY02 and have also been made available to stakeholders and the public via the Institute's website:

- Best Practices for Effective Public Involvement in Restricted Use Decommissioning of NRC-Licensed Facilities
- Assessing Prospects for Collaborative Planning and Public Participation for the Bruneau and Snake River Birds of Prey National Conservation Area Resource Management Plans
- Cana Island and Cana Island Lighthouse: Situation Assessment and Recommendations
- One River, Two Bridges: A Conflict Assessment of the Existing and Proposed St. Croix River Bridges Between Stillwater, Minnesota and Houlton, Wisconsin
- Crisis to Consensus - Restoration Planning for the Upper Klamath Basin
- ECR 2002 Conference Proceedings

Active outreach and networking has continued with federal agencies, state and local governments, and the practitioner community. The program staff have assumed responsibility for outreach in each of their own sectors. The Institute hosted a late fall meeting of the Federal ECR Roundtable, for specialists in alternative dispute resolution (ADR) at federal agencies. The Institute now participates as a member of the Federal ADR Steering Committee convened by the Department of Justice.



Operations

Administration. As a result of the Foundation-wide strategic and performance planning last year, the Institute started FY02 with an annual performance plan and individual staff workplans in place. See Attachment D for a review of the Institute's accomplishments.

The Institute's staff includes fourteen full-time employees, four shared staff positions for the information technology (IT) coordinator and the Foundation executive staff, one intern, and three student workers.

Each program manager serves as a designated lead for the following substantive program areas, or sectors, and each is responsible for his/her sector development and outreach to the federal agencies and other stakeholders that relate to that sector:

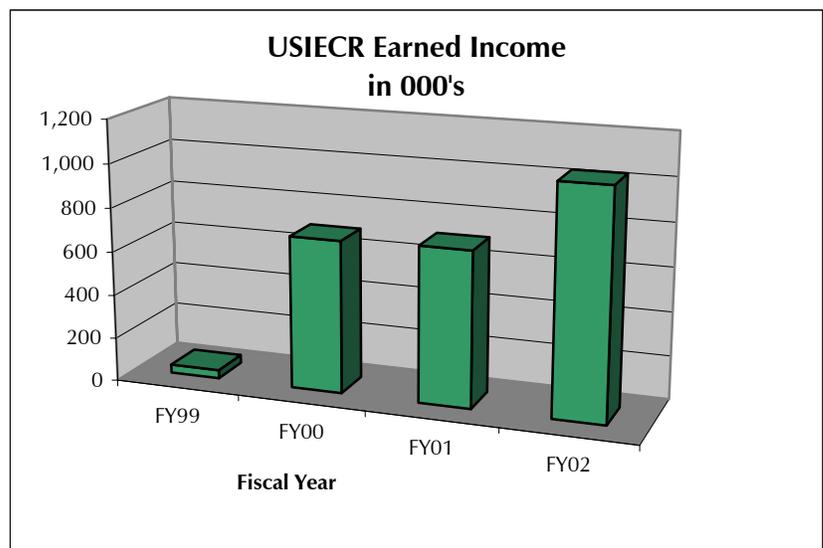
- Energy, transportation, and environmental quality
- Litigation: environmental conflict resolution and the courts
- Native American and Alaskan Native environmental program
- Protected areas and resources
- Public lands and natural resources management

Four staff members hired in FY02 are: Program Associate for Public Education and Outreach Melanie Emerson; Senior Administrative Assistant Pat Mahalish; Program Coordinator for the Institute's Evaluation Program Patricia Orr; and, Roster Assistant Dawne Wilson.



Financial Summary. The Institute's projected budget for FY02 was \$3.86 million. Expenditures this fiscal year were well within budget; however, project revenues did not match anticipated receipts. Corresponding project expense levels, on the other hand remained low. Earned revenues for FY02 were \$1.12 million including conference receipts. Project revenues were increased by 31% over FY01. (\$927,337 in FY02 compared with \$708,047 in FY01).

The Institute's level of activity is directly related to federal agency actions. It appears that the previous slowdown in FY01 associated with the change in the Administration extended into FY02 and was exacerbated by the challenges presented by the September 11 tragedy. By February, however, the pace of work accelerated.



ATTACHMENT A: FY02 CASES AND PROJECTS

U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION CASES AND PROJECTS IN FY02

Extended Case Consultations

- Forest Partnership Restoration Program (AZ, CO, NM)
- Coconino NF Landscape Scale Assessment (AZ)
- Big Sur Transportation Management Plan (CA)
- Giant Sequoia National Monument (CA)
- Golden Gate National Recreation Area Pet Leash Controversy (CA)
- Carbonate Habitat Management Plan (CA)
- Sable Seaside Sparrow Summit (FL)
- Savannah Harbor Dredging Process (GA)
- Lake Ontario Ordinance Works Site Remediation (NY)
- Gulf of Mexico Shrimp Summit (Southeast Region)
- Upper Sevier Watershed Management in Dixie National Forest (UT)

Continued from FY 2001:

- Rocky Mountain National Park Elk Management

Conflict/Situation Assessments

- AZ Kingman Field Office Conflict Assessment (AZ)
- Recreational Shooting Assessment and Facilitation – BLM Tucson Office (AZ)
- Las Cruces Oil and Gas Leasing on BLM Land Assessment and Mediation (NM)
- BLM Meadowood Farm Land Use Plan Dispute (VA)
- BLM Cana Island Lighthouse Assessment and Facilitation (WI)

Continued from FY 2001:

- Grazing and Environmental Compliance in the Southwest on Forest Service Lands Assessment and Workshop Facilitation (AZ, NM)
- Lower Snake River District Assessment, Process Design and Facilitation of Resource Management Plans and Off Highway Vehicle Planning (ID)
- Columbia River System, NWF vs. NMFS Assessment (ID, OR, MT, WA)
- St. Croix River Crossing/Stillwater Bridge Assessment and Ongoing Consultation (MN, WI)

National Projects/System Designs

- BLM National Situation Assessment and Program Design
- DOI Collaborative Action and Dispute Resolution (CADR) Program Development
- DOI Office of Hearings and Appeals – ADR Referral System
- USDA Forest Service Partnership Task Force – Collaborative Resource Teams
- USDA Forest Service – Objections Rule Guidance

Continued from FY 2001:

- NEPA Pilot Projects Program Initiative
- FHWA Environmental Streamlining Intergovernmental ADR Training, Case Consultation, and Transportation Roster Management
- NRC Restricted Use Decommissioning Guidance on Public Involvement

Mediations and Facilitations

- Wind Turbine Siting Guidelines Collaboration (National)
- FHWA WRC Environmental Streamlining and Stewardship Workshop (AZ)
- Santa Rosa & San Jacinto National Monument Management Plan (CA)
- St. Croix River Crossing Mediation (MN-WI)
- Collaborative Forest Restoration Partnership Program (NM)
- BLM Roseburg District Road Access Mediation [OR]

Continued from FY 2001:

- Antelope Herd Management on Coconino National Forest Facilitation (AZ)
- Navajo-Hopi Peacekeeper Program (Navajo Nation and Hopi Tribe)
- Everglades Collaborative Interagency Water Management Planning (FL)
- BLM Upper Klamath Basin Working Group (OR)

Federal Partnership Projects

- Bankhead N.F. Forest Health and Restoration Initiative (AL)
- GMUG N.F. Landscape Working Groups (CO)
- Willamette R. TMDL Consensus Building (OR)
- Willamette/Lower Columbia River ESA Salmon Recovery Executive Committee Facilitation (OR/WA)
- Mt. Hood N.F. Recreation Plan Assessment, Process Design and Convening (OR)
- Dixie/Fishlake N.F. Development of Proposed Action for Plan Revision (UT)
- Green Mountain/Finger Lakes N.F. Plan Revision - Assessment, Process Design and Facilitation (VT)
- Hanford Reach National Monument Comprehensive Conservation Plan Assessment & Mediation (WA)

Continued from FY 2001:

- Raymark Superfund Remediation Facilitation (CT)
- BLM Dillon Resource Management Plan Development (MT)
- Fire Island National Seashore Negotiated Rulemaking (NY)
- Rhode Island Greenhouse Gas Reduction Facilitation (RI)

ECR Participation Projects

- Tanana Chiefs Conference Consultation Model for DOD Impacts – Assessment (AK)
- Sun River TMDL Resolution – Assessment (MT)
- Powder River Resource Council Assessment to Negotiate Model Agreement for Coal Bed Methane Generation (WY)
- Puget Sound Salmon Forum Assessment of Skagit River Valley Conflicts (WA)

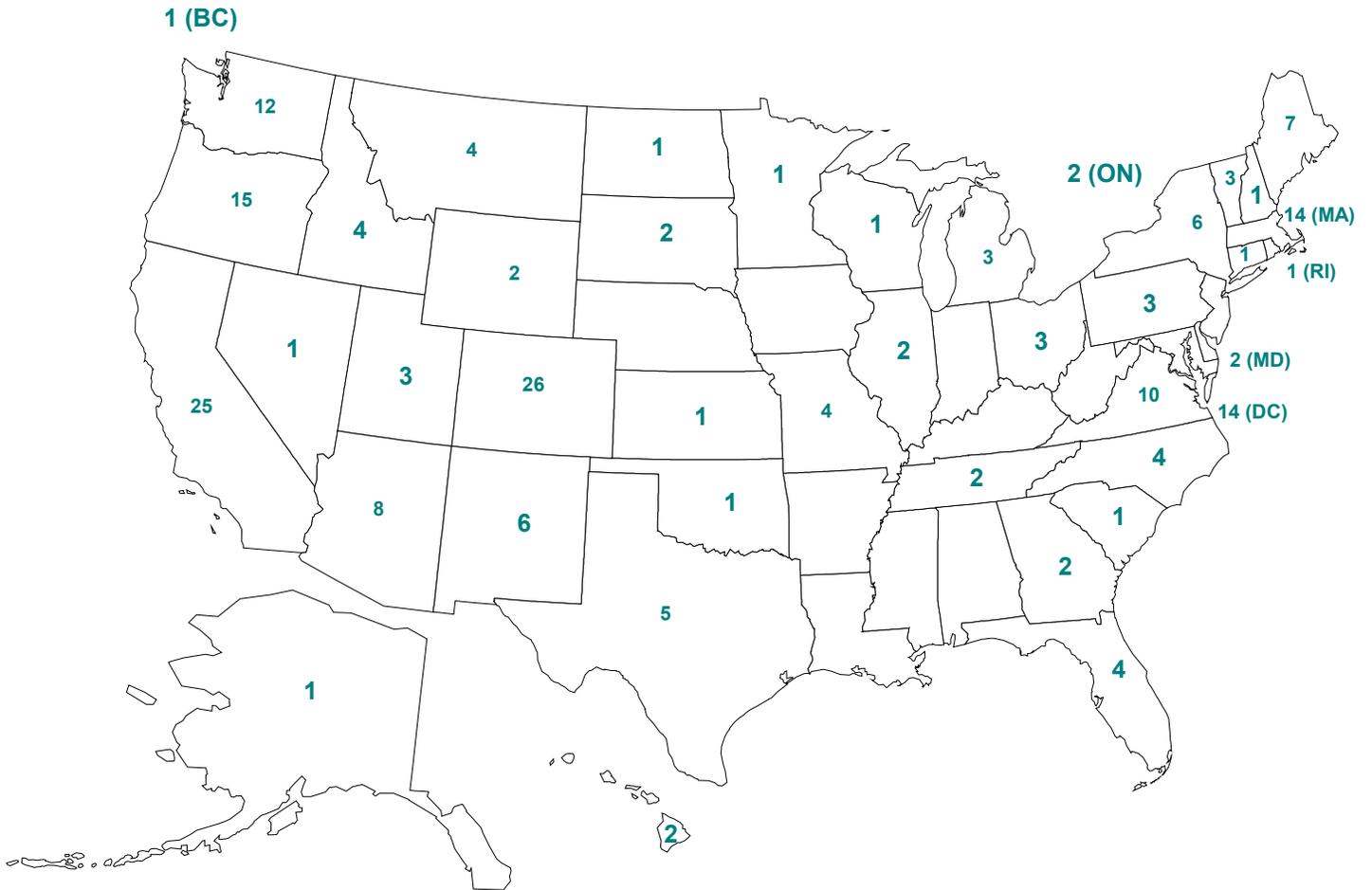
Training

- Pre-conference training program of 12 sessions delivered at national ECR conference (National)
- ECR Training for Scientists at Aldo Leopold Leadership Program (National)
- ECR and Collaborative Decision Making for Natural Fire in Ecosystem Mgt (AZ)
- Science-intensive Disputes Training at DOI University (DC)
- Public Involvement in Facility Decommissioning Training for NRC Regulators and Licensees (DC)
- Conflict Assessment Training for Attorneys Hawaii Bar Assoc (HW)
- ADR in NEPA Training at Duke University (NC)
- ECR Training for Coastal Resource Management Professionals (TX)
- Conflict Assessment Training for U.S. District Court of Utah (UT)
- ECR Overview for Undergraduate Class in Resource Economics (AZ)
- Collaboration Skills for Everglades Interagency Planning Team (FL)

Referrals from Institute Roster

- Dept. of Transportation Meeting Facilitation (AZ)
- EPA Specialists Conference Facilitation (AZ)
- Grazing/Drought Issues Meeting Facilitation (AZ)
- Upper San Pedro Facilitation (AZ)
- Base Closure Team: Team-building Meeting (CA)
- Base Remediation Team Consensus Building (CA)
- Landfill Dispute (CA)
- Listing Action Prioritization Workshops (CA & DC)
- Stormwater Management Report Mediation (CA)
- Rocky Flats Contract Disputes Panel (CO)
- Environmental Management System Policy Facilitation (DC)
- Indian Education Regulatory Negotiation (DC)
- Wastewater/Injection Well Contamination Mediation (FL)
- Fisheries Management Forum Facilitators (HI)
- Power Plant Stormwater Discharge Lease Dispute (KY)
- Dam Relicensing Mediation (ME)
- Property/Development Dispute (NY)
- Dam Relicensing Facilitation (NY)
- Groundwater Contamination Mediation (OH)
- DOI Tribal Revenues Accounting and Environmental Disputes (OK)
- Farmer Grain Facility Grant Dispute (TX)
- Ranch Forest Fire Damage Mediation (SD)
- Dam Relicensing Facilitation (TN)
- Air Force Base Community Involvement Facilitation (TX)
- I-69 NEPA Facilitation (TX)
- Interagency Facilitation on Transportation Project Planning (UT)
- Water Allocation Facilitation (UT)
- Wind Turbine Farm Expansion (VT)
- NEPA Transportation Federal Court Mediation (VA)
- Clean Air Climate Change Program Development (WA)
- Dam Relicensing Meeting Facilitation (WA)
- Hydroelectric Relicensing Mediation (WA)
- National Forest Plan Revision (WY)
- Site Contamination Cleanup Mediation (BC, Canada)

USIECR Roster Members



ATTACHMENT C: APPROVED FEDERAL PARTNERSHIP PROGRAM (FPP) PROJECTS TO DATE

PMD#	Project Name	State	Institute Funds	Matching Funds	Supporting Agencies	Project Description
102	Fire Island Off-Road Vehicle Reg-Neg	NY	\$34,000	\$88,000	NPS	Negotiated rulemaking for off-road driving in national seashore.
150	Tongass National Forest Overflight Noise Mediation	AK	\$45,575	\$63,000	USFS City & Borough of Juneau	Mediation of a conflict over permits for helicopter flights from Juneau to Tongass glaciers.
162-1	Dillon Resource Mgt Plan Assessment	MT	\$18,000	\$18,000	BLM- Montana	Situation assessment preliminary to development of a resource management planning process.
162-2	Dillon Resource Mgt Plan Design	MT	\$32,000	\$32,000	BLM - Montana	Support for public participation process during plan revision.
240	Greenhouse Gas Reduction Plan	RI	\$27,767	\$62,513	EPA – Region 1 RI Dept of Env Mgt	Collaborative process to develop a greenhouse gas reduction plan for the state.
241	Raymark Superfund Site Remediation Plan	CT	\$48,090	\$143,010	EPA – Region 1 CT Dept of Env Protection	Collaborative process to design a remediation plan for the Raymark Asbestos Superfund site.
278	Mt. Hood Recreation Initiative	OR	\$50,000	\$58,350	BLM - Oregon	Collaborative process to develop a strategic recreational plan , including assessment, process design, stakeholder meetings, and model development.
279	Green Mt/Finger Lakes Forest Plan Revision	VT/ NY	\$50,000	\$152,500	USFS	Conflict analysis, process design and facilitation of public participation for issues in Land and Resource Mgt Plan Revision.
290	Dixie-Fishlake Forest Plan Revision	UT	\$50,000	\$225,000	USFS So. Utah University (in kind)	Collaborative forest plan revision effort at landscape level.

PMD#	Project Name	State	Institute Funds	Matching Funds	Supporting Agencies	Project Description
332	Grande Mesa, Uncompahgre, and Gunnison National Forests (GMUG) Landscape Working Groups	CO	\$50,000	\$761,500	Public Lands Partnership, Uncompahgre Plateau Project, San Miguel Watershed Coalition	Community-based stakeholder collaboration to develop revised land and resource management plan for Grande Mesa, Uncompahgre, and Gunnison National Forests.
334	Bankhead National Forest Forest Health & Restoration Initiative	AL	\$25,000	\$25,100	USFS	Conflict assessment and facilitation of stakeholder participation in decision-making over a forest health and restoration plan.
341	Hanford Reach National Monument Assessment and Facilitation	WA	\$49,650	\$50,125	USFWS DOE BOR	Conflict assessment to inform management planning for new monument and facilitation of key issues in dispute.
368	Willamette River TMDL Facilitation	OR	\$50,000	\$96,500	BLM – Oregon Oregon Dept of Env Qual	Collaborative process to develop TMDL standards for the Willamette River Basin .
435	Willamette and Lower Columbia River Salmon Recovery Executive Committee Facilitation	OR/ WA	\$50,000	\$50,000	NMFS	A two-state collaborative recovery planning process for ESA-listed salmonids in the Willamette and Lower Columbia River Basins.
TOTAL FUNDS OBLIGATED TO DATE			\$580,082	\$1,825,598		

ATTACHMENT D: U.S. INSTITUTE PROGRESS ON FY02 ANNUAL PERFORMANCE PLAN

The FY 2002 performance plan for the Institute includes four strategic goals:

1. To achieve high quality collaborative agreements and resolutions for environmental conflicts involving federal agencies and interests.
2. To increase appropriate and effective use of environmental conflict resolution.
3. To design more effective systems for managing classes of environmental disputes by the federal government.
4. To improve capacity for all stakeholders to participate in environmental conflict resolution when appropriate.

An evaluation system to track the Institute's progress toward these goals was developed in FY02 and will be fully implemented in FY03. What follows is a summary assessment of the Institute's accomplishments in FY02 in accordance with the annual performance plan target goals and measures. As can be seen from this review, the majority of the stated performance objectives were met or exceeded.

1. High quality collaborative agreements and resolutions.

The nature and quality of the ECR processes and their outcomes will be measured through the Institute's program evaluation system which was cleared by OMB and pilot tested in FY02.

2. Increased use of environmental conflict resolution.

Several performance goals were set for FY02 to achieve this strategic goal. The Institute's accomplishments were as follows:

- Efficient and professional screening and case consultation was the goal and will be more carefully measured through the upcoming program evaluation system.
- In addition to working on 16 continuing cases and projects, staff worked on 39 new cases and projects. (Annual FY02 goal for new cases was 30.)
- Staff have provided direct services (consultation, assessment, process design, facilitation and/or mediation) to a varying degree on all 39 of these new cases and projects, 16 of which were also supported through the Institute's demonstration programs: Federal Partnership Program and the ECR Participation Program. (Annual goal for direct services was 10.)
- Panels of qualified neutrals from the Institute's national roster were referred to parties in 34 additional cases by the Institute's roster manager. (Annual goal for new referrals was 60.)
- There were 211 roster members by the end of FY02. (Annual goal for roster members was 175.)
- In addition to memoranda of agreement with the USDA Forest Service and the U.S. Fish and Wildlife Service, there are currently eleven funded services agreements with other federal agencies. (Annual goal for funded service agreements was eight.) These include the following:

Department of the Interior:

DOI's Collaborative Action and Dispute Resolution (CADR) Office
National Park Service
Office of Hearings and Appeals
Office of Surface Mining
Bureau of Land Management (BLM) National Office
BLM Oregon State Office
BLM Arizona State Office

Department of the Navy

Department of Transportation: Federal Highway Administration

Environmental Protection Agency

Department of Commerce: National Marine Fisheries Service

- The Institute has supported and is co-funding 16 ECR cases and projects; 12 through the Federal Partnership Program and four through its ECR Participation Program. (Annual goal for co-funding was 20.)
- The NEPA pilot projects initiative continued to be developed; additional workshops were conducted at two national conferences and the National ECR Advisory Committee was chartered to guide the Institute's effort on its statutory charge to assist the Federal government in implementing Section 101 of NEPA. (Annual goal was to initiate this program in FY02.)

Other activities that contribute to this strategic goal include the fall meeting of the Federal ECR Roundtable, participation in the Federal ADR Steering Committee, and the hosting of the national biennial ECR conference, as well as numerous presentations at other meetings and conferences.

3. *Design more effective conflict management systems*

- Program development assistance was provided to the Department of the Interior's CADR Office and to the USDA Forest Service.
- Design assistance for developing mediation referral and dispute resolution systems was provided to six federal agencies, including:
 1. DOI Office of Hearings and Appeals
 2. DOI Bureau of Land Management
 3. Nuclear Regulatory Commission
 4. Federal Highway Administration
 5. USDA Forest Service on Forest Partnerships
 6. USDA Forest Service on the Objections Rule

(Annual goal was three to five projects involving conflict management systems.)

4. *Improve capacity for all stakeholders to participate in ECR.*

- Although the multi-stakeholder training pilot was not designed in FY02 (Annual goal was to conduct a pilot training), the Institute was involved in delivering ten training sessions in addition to

managing another 12 pre-conference training sessions at the national conference in Tucson. (Annual goal was six to eight stakeholder trainings.) Those trained included:

1. Scientists at Aldo Leopold Leadership Program
2. Fisherman at the Pacific Marine Conservation Council
3. Attorneys at Hawaii Bar Association ADR conference
4. Court staff and attorneys at US District Court of Utah
5. Federal and state agency staff engaged in Everglades Restoration project
6. DOI staff at DOI University
7. Federal agency staff at Duke University
8. Practitioners, stakeholders, federal agency staff at the pre-conference training sessions

November 6, 2002