



UDALL
FOUNDATION

U.S. INSTITUTE FOR ENVIRONMENTAL
CONFLICT RESOLUTION

How Districts can access Third-Party Neutral Facilitation Services: USACE's
new MOA with U.S. Institute for Environmental Conflict Resolution

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Stephanie Kavanaugh, D.C. Office Director

INTRODUCTION

SESSION OUTLINE

1. Overview - U.S. Institute for Environmental Conflict Resolution
2. Case Illustrations – in partnership with USACE
3. Overview of the U.S. Institute/USACE Memorandum of Agreement
4. Questions and Discussion

U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION



THE UDALL FOUNDATION

PARENT ORGANIZATION TO THE INSTITUTE



U.S. INSTITUTE

KEY FEATURES

- **Unique program** dedicated entirely to **ECCR across federal government**
- Focus on **federal issues and decision-making**
- Support work between agencies, Tribes, stakeholders, and the public
- Provide ECCR services, and galvanize private sector work
- **Neutral and Impartial**

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MISSION

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

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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

ECCR

Federal Government Definition

Third-party assisted **collaborative problem solving** and **conflict resolution** in the context of environmental, public lands, or natural resource issues or conflicts, including matters related to energy, transportation, and water and land management.

WHAT WE DO

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

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SPECTRUM OF SERVICES

**COLLABORATIVE POLICY
MAKING**

**CONFLICT PREVENTION
AND MANAGEMENT**

CONFLICT RESOLUTION

**Policy
Dialogues**

**Interagency and
Cross-
Jurisdictional
Collaboration**

**Planning,
Permitting, and
Rulemaking**

**Program
Implementation
and Training**

**Facilitation,
Mediation,
and Assisted
Negotiation**



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 federal 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

(SOME) ECCR MISSION CRITICAL APPLICATIONS

- Forest plan revision (USFS)
- Ecosystem restoration (USACE)
- Renewable energy interconnections (FERC)
- Grazing disputes (DOI)
- Tribal consultation (DOI)
- Off-road vehicle use (DOI)
- Hydropower licensing/relicensing applications (FERC)
- Coastal zone management (DON)
- Land use/encroachment
- External civil rights (EPA)
- Transportation project development (DOT)
- Energy fast tracked projects (DOI)
- Water rights (USAF)
- **NEPA!**

ECCR TRACK RECORD

WHAT ARE THE BENEFITS?

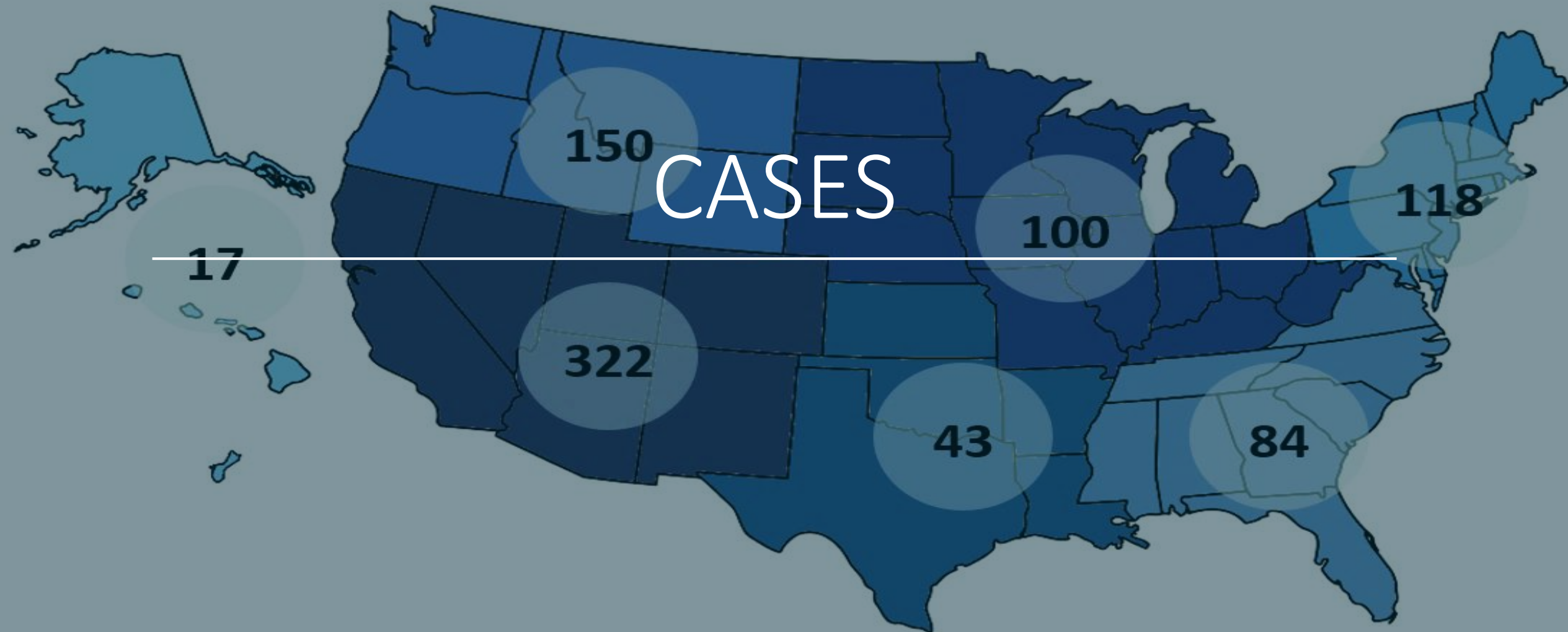
REPORT: Environmental Collaboration and Conflict Resolution (ECCR): Enhancing Agency Efficiency and Making Government Accountable to the People

Available at [NEPA.gov](https://www.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

NUMBER OF U.S. INSTITUTE CASES AND CONSULTATIONS BY REGION



CASE ILLUSTRATIONS

In Partnership with USACE

- **Missouri River Recovery Implementation Committee**
 - Convening, Facilitation and Independent Science
- **Everglades Restoration Transition Program**
 - ESA Facilitation and Joint Fact Finding
- **CWA Section 404 Assessment**
 - Programmatic Assessment and Process Design
- **Levee Risk Communication**
 - Collaboration Support & Stakeholder Engagement
- **St. Paul Tribal Assessment and Consultation Support**
- **Training for CPCX and Collaboration & Public Participation CoP**



An underwater scene featuring a diver in the upper left and a large sea turtle swimming towards the right. The water is a deep blue with light filtering through from the surface, creating a textured, shimmering effect. The text 'OUR SERVICES' is centered in white, with a thin white horizontal line below it.

OUR SERVICES

How to Access

PARTNERING WITH THE U.S INSTITUTE

- **Matter must involve both:**
 - Environmental, natural or cultural resource, or public land issues
 - Federal party or 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

MEMORANDUM OF AGREEMENT

USACE/U.S. Institute

- Framework for USACE to access U.S. Institute services
- Applies to all HQ elements, laboratories, major subordinate commands and district commands
- Enacted in 2018, effective through 2023
- Coordination Process:
 - Reach out to U.S. Institute for Project Consultation
 - Determine staffing approach, scope of service, timeline, etc.
 - Co-develop SOW/Support Agreement & Budget
 - Execute MIPR
- Points of contact
 - U.S. Institute – Brian Manwaring, Manwaring@udall.gov, 520.901.8529
 - USACE – Hal Cardwell, hal.e.cardwell@usace.army.mil, 703.428.9071

MEMORANDUM OF AGREEMENT

Services Include

- Consultation
- Assessment
- Process design
- Convening
- Facilitation & Mediation
- Stakeholder Engagement
- Tribal Consultation
- Training



QUESTIONS & DISCUSSION



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