

# BLM Collaborative Stakeholder Engagement and ADR Program

August 3, 2011

WebEx Presentation on  
Creating “Off-Ramps” in a Collaborative Process  
A Consultation for BLM Advisors & Friends



# BACKGROUND

This recording is from a 90 minute August 3, 2011 teleconference hosted by Matt Magee, Acting Bureau Dispute Resolution Manager with the BLM ADR Program and with the BLM ADR Advisers. The teleconference used the WebEx technology to share the power point session presented by the instructors from the National Policy Consensus Center in Portland Oregon. The BLM National Training Center staff in Phoenix Arizona recorded and edited the presentation.



# AGENDA

1. Welcome and Introductions
2. Review Collaborative Governance Framework
3. Creating “Off-Ramps” in a Collaborative Process
4. Case Examples
5. Questions
6. Wrap up





**Matt Magee,  
Acting BLM Dispute Resolution Manager**

**Matt holds a Juris Doctor from Willamette University College of Law, with emphases in Dispute Resolution and in Sustainability, Environmental and Energy Law. He also holds a Bachelor of Arts in Environmental Studies and Politics from Whitman College. He is a certified mediator and a member of the Association for Conflict Resolution, and has previously worked on land-use, environmental, and ADR issues with the USDA Forest Service, Marion County Courts, and the office of Congresswoman Darlene Hooley.**

**You can contact Matt at (202) 912-7286 or email**

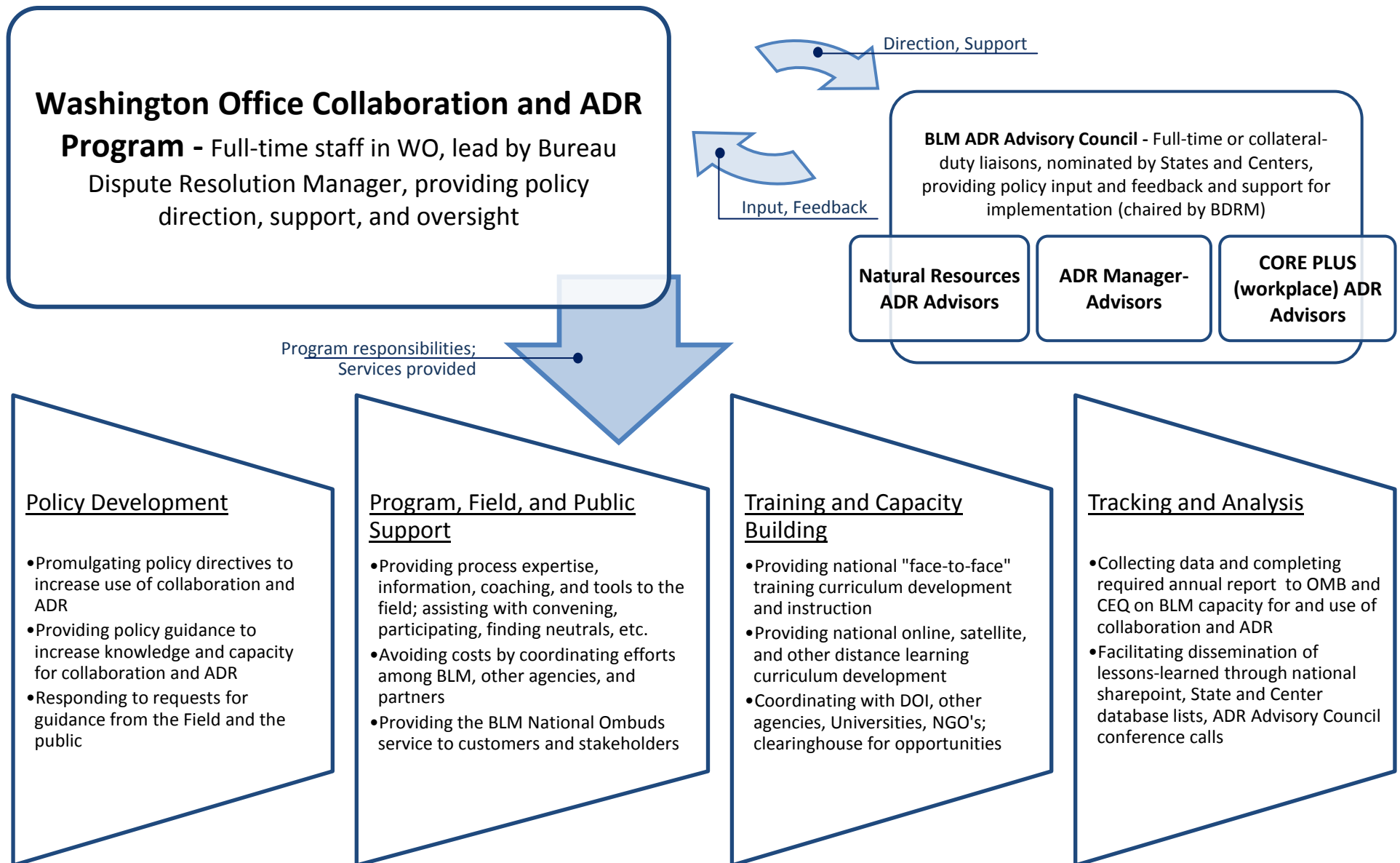
**[mqmagee@blm.gov](mailto:mqmagee@blm.gov)**



# BLM Collaborative Stakeholder Engagement and Appropriate Dispute Resolution

**Mission:** To increase BLM capacity for, and use of, collaborative stakeholder engagement and ADR processes.

**Vision:** Increased use of collaboration and ADR for BLM projects, plans, and decision-making will improve stakeholder relationships; reduce protests, appeals, and litigation; and realize long-term savings of time, budget dollars, and public resources.





**Laurel Singer**  
**Training and Human Services Program Manager**  
*laurels@pdx.edu*

Laurel Singer, MS, LPC, manages the National Policy Consensus Center's program providing training and practicum experience to students in conflict resolution graduate programs and law school within the Oregon University System. She also works to foster the use of collaborative approaches for addressing public policy issues in Human Services, including education, health care, housing and diverse communities. Laurel is a long time mediator and facilitator with expertise in designing and implementing the most effective process possible to assist an organization, public body, or collection of stakeholders in making decisions and resolving conflicts constructively and collaboratively. Laurel brings nearly 25 years of experience working in the human service arena at both the treatment and management level.

# **Turner Odell**

## **Natural Resources Program Manager**

[todell@pdx.edu](mailto:todell@pdx.edu)

Turner Odell has nearly 20 years of experience in environmental and natural resource law and regulation, including litigation, administrative practice, agency negotiations, and mediation of complex, multiparty environmental issues.

Before joining Oregon Consensus, Turner was a Senior Mediator in the Portland, Oregon office of RESOLVE, a non-profit organization providing neutral consensus-building services for resolving environmental, energy, and health-related public policy issues. At RESOLVE, Turner's practice focused on designing, convening, and facilitating policy dialogues, interagency and stakeholder workgroups, and other agreement-focused multi-party processes involving complex scientific, environmental, and public policy issues.

Prior to RESOLVE, Turner was a senior attorney with the Environmental Law Institute in Washington, D.C., where he conducted research and analysis, and facilitated stakeholder groups. As counsel to the Chesapeake Bay Foundation, Pennsylvania office, a regional environmental organization, Turner worked to restore and protect the Chesapeake Bay. Earlier, Turner worked as a Senior Project Attorney for the Natural Resources Defense Council and as an Associate with the Fried Frank law firm in New York.

Turner received his B.S. from Cornell University in resource economics and his J.D. from the Rutgers School of Law – Newark.



**Elaine Hallmark, Senior Associate**  
*elaineh@pdx.edu*

As Senior Associate, Elaine Hallmark advises on collaborative processes and provides training on collaborative government for NPCC. Elaine served as Director of Oregon Consensus from program inception in 2003 until January 2009. Elaine is a founding member and Board President of *Beyond War*, an international non-profit educational organization that models and promotes the means for living without war. She is a member of the Ethics Committee of the Association of Conflict Resolution, Environmental Public Policy Section and former Co-chair of the Section. She is also a former Chair of the Oregon Mediation Association Ethics Committee. Elaine served four years on the former Oregon Dispute Resolution Commission, including three years as founding Chair.

Elaine has received numerous awards for her work in alternative dispute resolution in Oregon, including the Oregon State Bar's Lezak Award of Merit for Outstanding Achievement in Appropriate Dispute Resolution, and the Lewis and Clark Law School Outstanding Environmental Alumni Award. She has a J.D. degree from Northwestern School of Law of Lewis and Clark College and a B.A. degree from George Washington University.



# Introductions

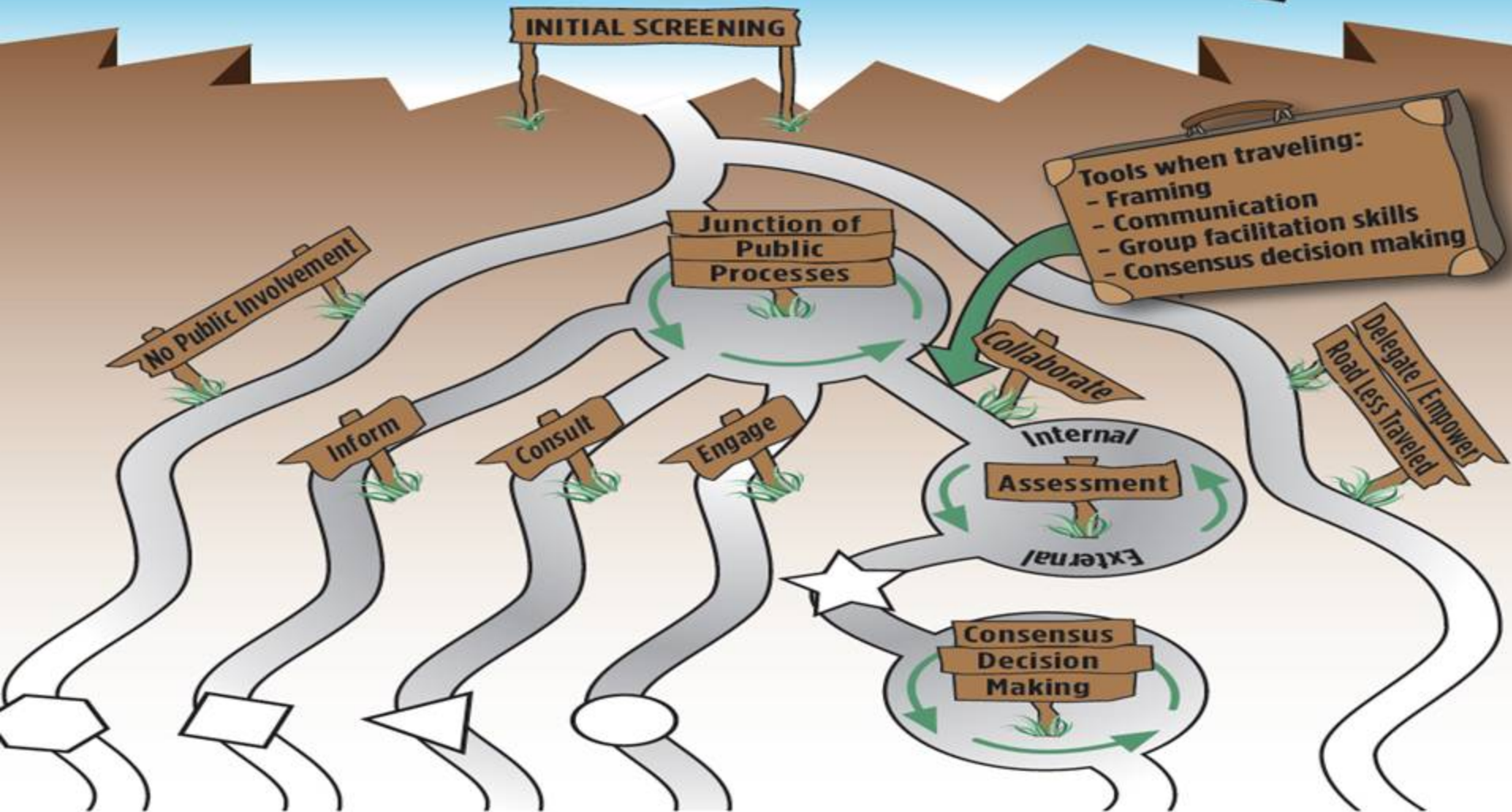
- Name
- Role in agency
- Where in the world are you calling from?
- One thing that motivated me to call in to the session today:





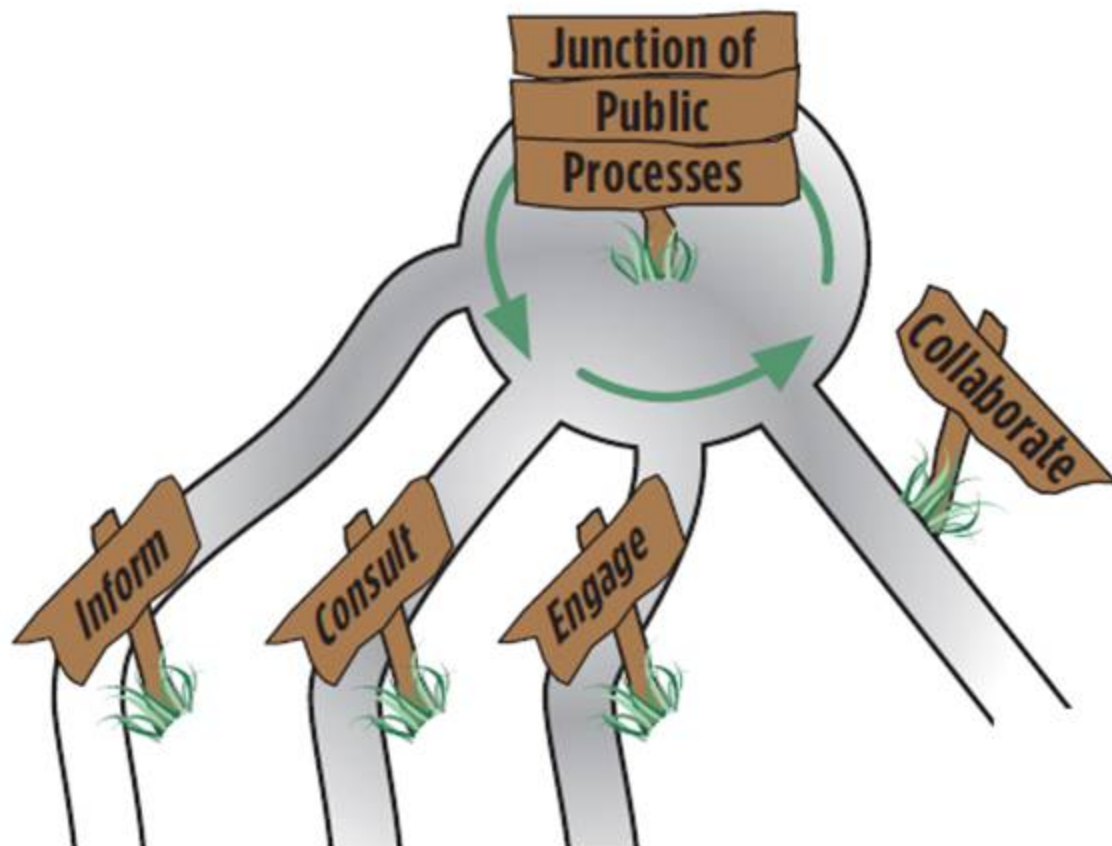
# Framework Review

# PROBLEM ABYSS



**IMPLEMENTABLE SOLUTIONS**

# Junction of Public Processes: Deciding How



# The Spectrum of Collaborative Approaches:

Type of Approach	Inform	Consult	Engage	Collaborate
<b>GOAL</b>	Provide to the broad public and stakeholders balanced and accurate information	Obtain stakeholder feedback on analysis, alternatives or decisions	Work directly with stakeholders throughout the process to ensure their concerns are consistently understood and considered	Partner with stakeholders on each aspect of the decision making, including developing and identifying preferred solution

**INCREASING LEVEL OF ISSUE COMPLEXITY, PUBLIC IMPACT, STAKEHOLDER ACCEPTANCE AND COMMITMENT NEEDED.**



\*Chart combines information taken from NPCC, the Policy Consensus Initiative, and from the International Association for Public Participation

# Levels of Stakeholder Involvement

## WHO

Key stakeholders with ability to problem solve and implement solutions

Technical/resource advisors  
Stakeholders with specific relationship

Stakeholders with specific interest or information

Broad public and constituency

## HOW

**COLLABORATE**

**ENGAGE**

**CONSULT**

**INFORM**

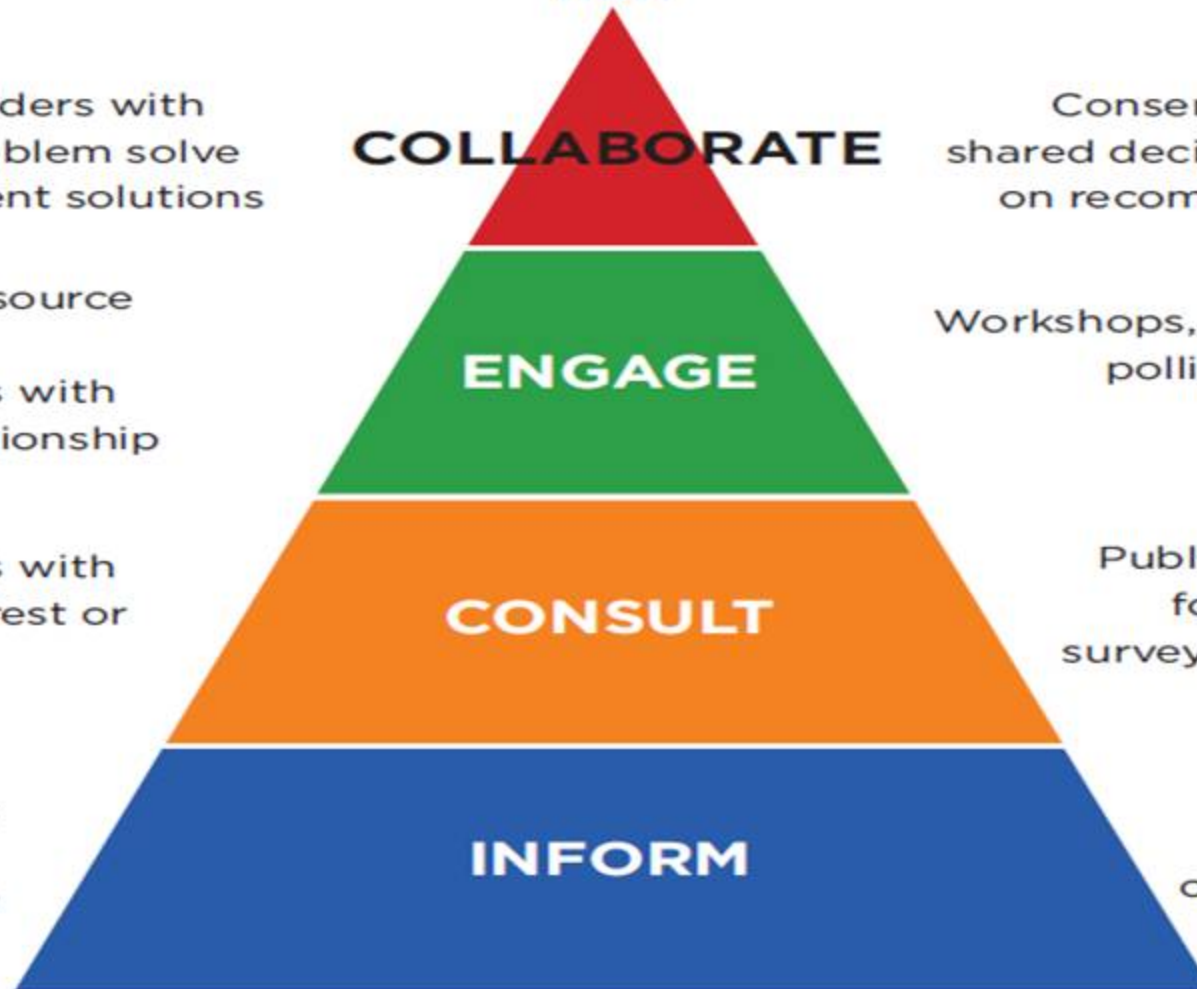
## TOOLS

Consensus groups, shared decision making on recommendations

Workshops, deliberative polling, advisory committees

Public comment, focus groups, surveys, web tools

Fact sheets, websites, open houses, media



# Framework for Collaborative Decision-Making



## Creating “Off-Ramps” in a Collaborative Process A Consultation for BLM Advisors & Friends



**Provided By  
National Policy Consensus Center**



# Phases of Collaborative Decision Making on Public Issues

## CONVENE

### 1. Assessment/Planning

**Guiding Questions:**

Can a collaborative process be successful?  
If so, how should the process be designed for the greatest likelihood of success?

**Key Areas of Exploration:**

What: is the issue or problem to be resolved  
(Define scope/initial framing)  
Who: needs to be involved and how represented  
How: should the collaborative effort be structured

### 2. Organization

**Guiding Questions:**

How does the group best organize itself to achieve its outcomes through a collaborative process?

**Key Areas of Agreement Sought:**

Purpose/Outcomes  
Group structure: membership, roles, timelines  
Decision making, conflict resolution, and communication process  
Creation of "working agreements"

## SEEK AGREEMENT

### 3. Education

**Guiding Questions:**

What common base of understanding among the group is needed to serve as the framework for joint problem solving and negotiation?

**Key Areas of Education:**

Historical, context, legal or statutory framework  
Underlying interests and alternatives to a negotiated agreement  
Critical data about the problem/issue/options

### 4. Negotiation/Resolution

**Guiding Questions:**

What criteria will the group use and how will it be applied to make decisions to achieve agreed upon goals and satisfy stakeholder interests.

**Key Areas of Focus:**

Decision making criteria and process  
Option generation, linking, and packaging  
Reconciling conflicting interests  
Trial balloons & bringing constituents along

## IMPLEMENT

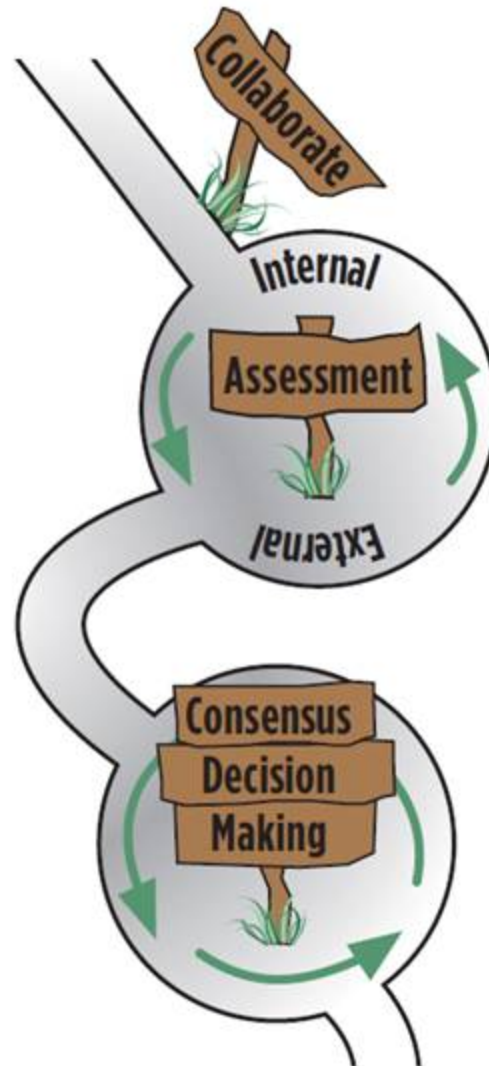
### 5. Implementation

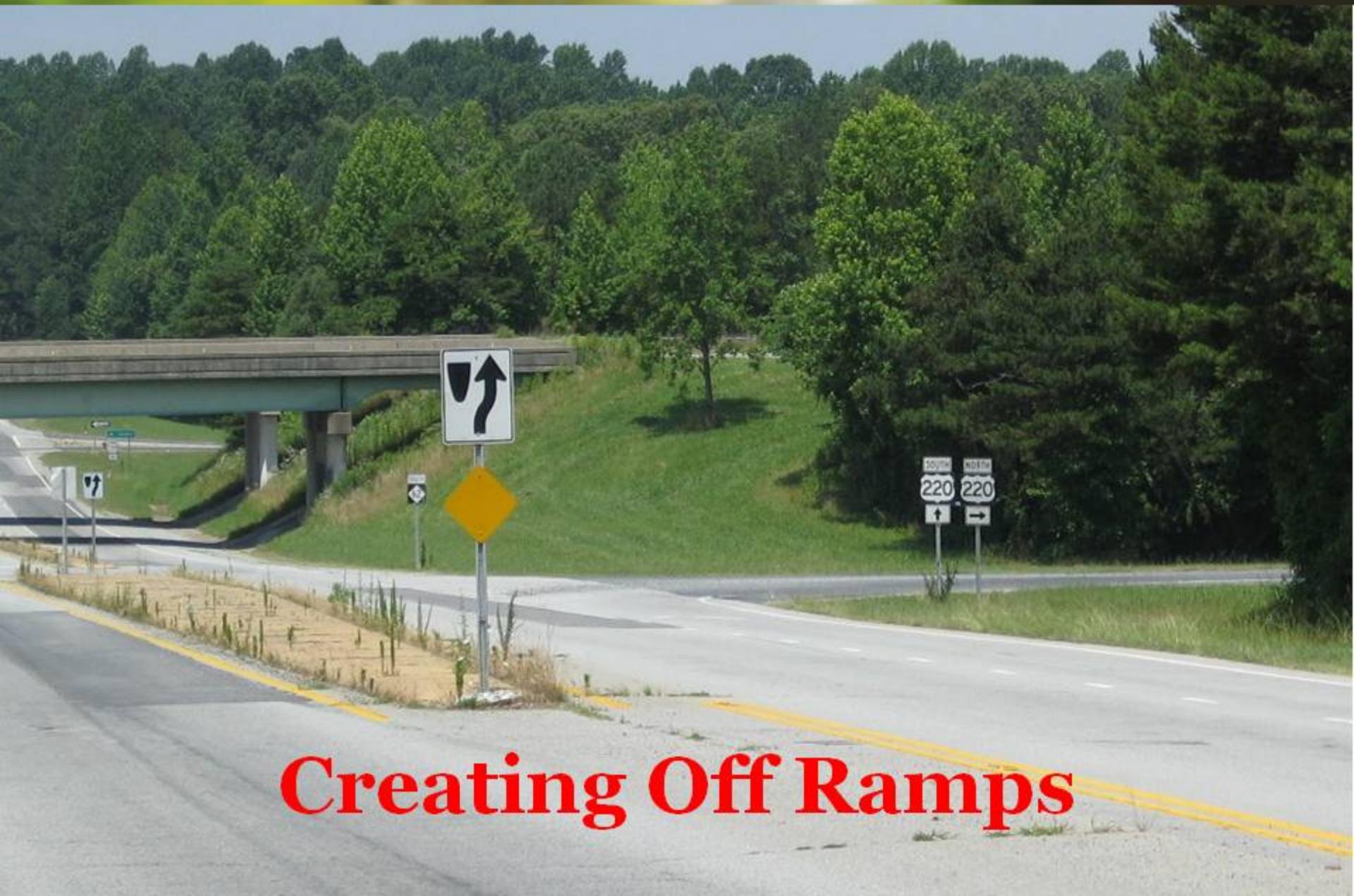
**Guiding Questions:**

How does the group link the agreements made to external decision making and implementation?

**Key Areas of Clarity:**

Defined responsibilities for implementation and timelines  
System of monitoring implementation to assure compliance  
Method of integrating changing conditions into implementation - system of on-going adaptive management and collaborative decision making





# Creating Off Ramps

Guiding Principle:

Build “On and Off Ramps” at  
Each Step

# Commit only to Framing

## Example: Conflict between Dental Associations

“...a phase 1 discussion focused on “framing” the issues for potential resolution”

“1 – 2 meetings to frame the goals of a potential, on-going dialogue to explore the dental needs in the state...”

“ identifying the other parties that might be included in next stages

Resulted in sponsoring joint legislation that won approval

# Commit Only to Understanding Needs and Interests

## Example: Affordable Housing Dialogue

“...to enable group to more clearly define the issues and build mutual understanding of needs and interests”

Resulted in joint sponsoring of housing legislation that won approval

# Negotiate Issues in Stages

Example: Land Use Regulation of Aggregate mining  
in Oregon

Stakeholders agreed to focus on data needed and a  
process for getting it

Agreed to a truce during legislative session

# Focus on High Level Policies

## Example: Climate Change Strategy

High level decision makers agree on policy framework and principles

Other processes followed to develop specific applications of that policy



# Start with a Pilot Project

Example: "Friends of Metolius" Project

Began with a small section to demonstrate thinning.

Success led to larger project

# Use Fall Backs to Consensus

## Example: Scope of Practice

- “If consensus is not reasonably forthcoming, the facilitator may...
- “If consensus cannot be reached, the group will articulate areas of agreement and disagreements..and why the differences...and prepare language reflecting their views.”

## **What we will do in the next 90 minutes:**

- Introductions
- Review Frameworks
- Creating “Off Ramps”
- Case Examples
- Questions

# For More Information about NPCC Training Programs



Laurel Singer, NPCC Director of Training  
Services: 503-725-8224

Turner Odell, Oregon Consensus Program  
Manager 503725-8200



Training Programs, NPCC :  
<http://www.pdx.edu/npcc/training-program>

Oregon Consensus, NPCC:  
<http://www.orconsensus.pdx.edu/>

# BLM Collaboration and ADR Program

BUREAU OF LAND MANAGEMENT

DOI COLLABORATION SITE

BLM COLLABORATION AND ADR PROGRAM



VIEW ALL SITE CONTENT

## Documents

- ADR Advisory Council Contacts
- Authorities, Regulations, Mandates
- Policies and Procedures
- Resources and Guidance
- WO ADR Program
- Reports
- Working/Draft Documents

## Lists

- Calendar
- Links
- BLM National Collaboration and ADR Database

## Discussions

- Team Discussion
- Collaboration/ADR

Bureau of Land Management &gt; BLM Collaboration and ADR Program &gt; Resources and Guidance

## Resources and Guidance

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Type	Name	Modified	Modified By		
	BLM Desk Guide - 2011 Cooperating Agencies (draft) - 2011-04-01	6/1/2011 8:38 AM	Magee, Matthew Q		
	BLM Field Guide - Collaboration and ADR Field Guide - 2009-11-12	5/12/2011 1:23 PM	Magee, Matthew Q		
	BLM Field Guide - Federal Advisory Committee Act - 2005-05-01	5/12/2011 1:23 PM	Magee, Matthew Q		
	BLM Field Guide - Negotiation - 2009-12-09	5/12/2011 1:23 PM	Magee, Matthew Q		
	BLM Guidance - IBLA Negotiation Orders - 2009-11-19	5/12/2011 1:23 PM	Magee, Matthew Q		
	NPCC Collaborative Governance Workbook - 2010-10-21	5/12/2011 1:24 PM	Magee, Matthew Q		

# BLM Collaboration and ADR Program

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BLM COLLABORATION AND ADR PROGRAM

Bureau of Land Management > BLM Collaboration and ADR Program > Resources and Guidance



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- Collaboration/ADR Incentives Fund Discussion

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#### People and Groups

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Bureau of Land Management > BLM Collaboration and ADR Program > ADR Advisory Council Contacts



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	BLM Natural Resources ADR Advisors list	5/16/2011 8:28 AM		Magee, Matthew Q											

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# CONTACT THE ADR PROGRAM

Any questions on this presentation or ADR in general please contact the Matt Magee (mqmagee@blm.gov) 202-912-7286 with the WO ADR Program or your State or Center ADR Advisor. Questions related to ADR training can be directed to either the BLM's National Training Center (602-906-5500) or you can contact the National Policy Consensus Center: <http://www.policyconsensus.org>, (503-725-9077) for a listing of their courses.

## ADR Program

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Website: <http://www.blm.gov/adr>

SharePoint: <https://portal.doi.gov/blm/portal/ADR>

KRC: <http://www.ntc.blm.gov/krc/resource.php?type=byProgramArea&programAreaId=95>

