

U.S. Institute for **Environmental Conflict Resolution**



Morris K. Udall Foundation

# ECR Performance Evaluation



*October 12, 2006*

# Presentation Outline

Overview of an **ECR case evaluation system** currently used by the U.S. Institute and a few state and federal agencies

**Respond to questions** raised during the September 14 Discussion Group Meeting on ECR Performance Evaluation

Point to **tools and resources** on ECR evaluation

# Evolution of the Evaluation System

A **multi-agency evaluation collaborative** working together since 1999,

Reviewed over **150 evaluation criteria** identified from the ADR literature, and

Solicited feedback from **funders, program managers, practitioners, evaluators, and researchers**

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Oregon Consensus Program

OREGON DEPARTMENT OF JUSTICE

Florida Conflict Resolution Consortium

# Applications of the Instruments

Plans	Proposals/ Recommendations	Procedural Agreements	Assisted Negotiated Settlements
			
<p>FHWA - St. Croix River Crossing (MN, WI)</p>	<p>Department of Defense - Barry M. Goldwater Range Task Force (AZ)</p>	<p>EPA - Oglala Sioux Aerial Spraying (NE, SD)</p>	<p>BLM - Scattered Apples Timber Sale Mediation (OR)</p>

# The Purpose of this Detailed ECR Case Evaluation System

- Measure and report on *what is achieved* as a result of using ECR
- Understand *how* ECR practice contributes to these achievements and *why* achievements meet or fall short of expectations
- Determine *when* ECR is most effective so that future applications are improved

Track ➔ Evaluate ➔ Report ➔ Learn ➔ Improve

# The Evaluation Audiences



Sponsors



Participants



Providers



Trainers

# Evaluation Instruments

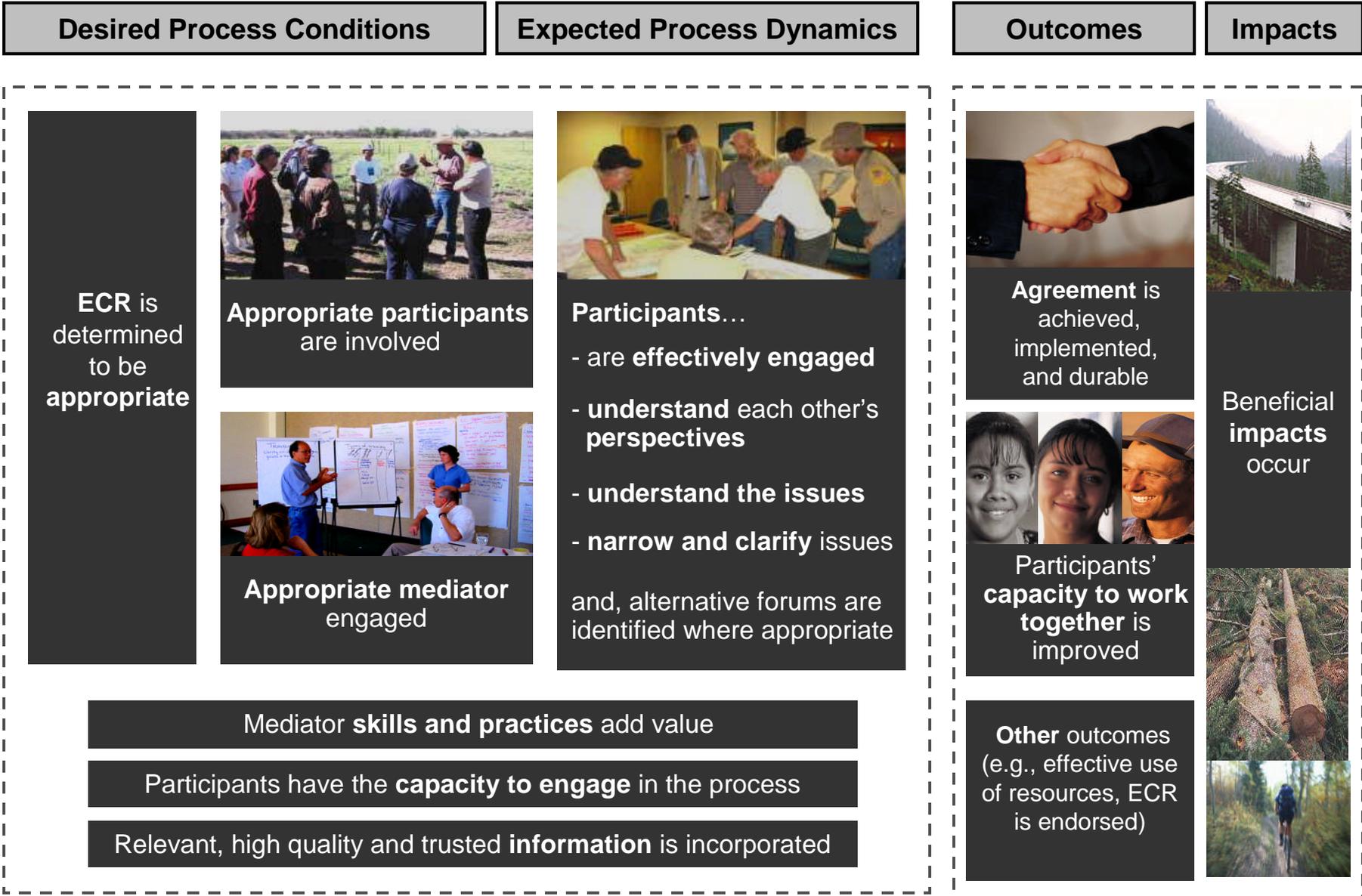
## Three questionnaires

- Participant conclusion of process (*when the participants have stopped deliberating whether or not agreement was reached*)
- Participant follow-up between 6 - 12 months after the end of the process.
- Mediator/facilitator conclusion of process

Comprised of open and closed-ended questions



# Evaluation Framework



# Indicators and sub-indicators

Indicator Theme	Key Indicators	Examples of Sub-indicators
Agreement	Agreement is <b>reached</b>	- Agreement reached on all, most, some key issues
	Agreement is of <b>high quality</b>	- The agreement specifies roles and responsibilities for implementation
	Agreement is <b>durable</b>	- The agreement is flexible enough to respond to changing conditions
	Agreement is <b>implementable</b>	- The extent to which the agreement has been implemented
	A <b>relative merits</b> critique of the agreement	- The results of the process are less likely to be challenged

# Evaluating Performance: Two Viewpoints



**Independent  
Accomplishments**



**Relative Merits**

# St. Croix River Crossing

## The Project Context

An aging lift bridge, its closure during floods, and traffic congestion in Stillwater's historic downtown, fueled the need for new bridge.



## Problems Encountered

**Competing goals** of enhancing of transportation services, preserving historic resources, and protection of a wild and scenic river gradually **produced gridlock** between seven federal and six state agencies. **Parties were at loggerheads...tired of a seemingly endless regulatory impasse**, etc.

## The ECR Solution

### Independent Accomplishments

Parties reached agreement

Parties are confident the agreement can be carried out

Strong working relationships have been established

Stakeholders recommend ECR to others

Stakeholders feel the benefits outweighed the costs



### Relative Merits

ECR more effectively addressed the issues.

The results are less likely to be challenged.

Parties are more likely to be able to work together

ECR is endorsed as a preferred alternative

The process cost more, but the extra costs were worth the investment.



# Dimensions of Performance

	<i>Tangible ----- Less Tangible</i>		
<i>Short-term</i>	Saved on <i>direct process costs</i> (e.g., the process costs to mediate were less than litigation)	Avoided inflaming relations and escalating the conflict with litigation or unattended conflict	Improved stakeholder commitment to the agreement and its implementation
	Likely reduced or avoided the <i>direct cost of appeals</i> (e.g., the solution is less likely to be contested)	Better outcomes were crafted (e.g., less costly settlements, timely project progression, innovative solutions, more efficient monitoring)	Avoided or reduced negative on-the-ground environmental, social, and economic impacts
<i>Longer-term</i>	Created efficiencies that reduce future <i>indirect process costs</i> (e.g., field staff time dealing with conflict)	Case used as a prototype for resolving other similar problems or conflicts	Created the potential for stakeholders to work together productively on related issues in the future

# Evaluation Products

# Case Evaluation Reports

## Barry M. Goldwater Range: Military Training and Protection of Endangered Species



	n	Performance Category Percent (%) of Respondent Ratings										Mean (Std)	
		0	1	2	3	4	5	6	7	8	9		10
The extent to which the process helped you identify and focus on the key issues that had to be addressed (Q12g)	9	0%	0%				0%					100%	9.00 (0.87)
												100%	
The extent to which the mediator/facilitator made sure that the view and perspectives of all participants were heard and addressed (Q11e)	9	0%	0%				0%					100%	9.52 (0.58)
												100%	
My first choice would be to use this type of process again for similar situations (Q18a)	9	0%	0%				11%					89%	9.11 (1.62)
												100%	

Agreement is achieved			
	Percent Frequency and Number of Responses		
Agreement reached on all key issues.	78% (n=7)	100% (n=9)	Agreement Reached
Agreement on most key issues.	22% (n=2)		
Agreement on some key issues.	0% (n=0)		
No agreement on any key issues, but progress was made towards solving the problem or resolving the conflict.	0% (n=0)	0% (n=0)	No Agreement, but progress was made
No agreement, we ended the process without making much progress.	0% (n=0)	0% (n=0)	No Agreement

The Barry M. Goldwater Range is one of the premier combat aviation training ranges available to the Department of Defense and will remain critical to the military readiness of the armed services into the foreseeable future. At the same time, the Range comprises 42 percent of the current U.S. habitat for the endangered Sonoran pronghorn and is necessary to the recovery of the species.

# Multi-Case (Program) Indicators



What is the percent of mediations for which *full or partial agreement was reached*?

What is the percent of mediations for which *ECR more effectively addressed the issues*?

# ECR Case Briefings

## BLM Scattered Apples Timber Sale Mediation

April - October 2005

**Location:** Oregon

### Background

A lawsuit filed against the U.S. Bureau of Land Management (BLM) by residents of Williams, Oregon, and a conservation group over a timber sale led the BLM and other affected parties to request the assistance of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute). The U.S. Institute, working with mediators Theresa Jensen and Jonathan Lange, conducted an initial assessment to determine if a negotiated agreement would be feasible and, if so, how to proceed. Based on the recommendations from the assessment, the parties agreed to a focused mediation of the Scattered Apples timber sale. Legal representatives for the parties worked with the mediators to agree on a process design along with conditions and basic ground rules for the mediation.

### Results and Accomplishments

The seven-month mediation resulted in an agreement that dismissed the lawsuit. The mediated settlement canceled logging on 152 acres (25% of the timber sale), leaving in place mature trees that serve as habitat of old-growth species such as the northern spotted owl. The remaining Scattered Apples timber sale will continue under the agreement.

Nationally, the annual cost to the federal government of canceled and suspended timber sales due to legislative and legal efforts are in the millions of dollars. These include contractors' claims for the value of replacement timber and damages resulting from the cancellation of timber sale contracts (e.g., effects of cancelled contracts on jobs, payroll, and taxes).



The mediated agreement for this case was reached by investing \$66,000 in mediation services plus the costs associated with participation of the affected stakeholders and their legal representatives. In the words of plaintiff Lesley Adams, outreach coordinator for Ashland-based Klamath-Siskiyou Wildlands Center, the agreement *"is a great example of the BLM working with conservationists and the community to come up with a plan everyone can support."*

### Highlights/Innovation

Nearly 80% of the average annual sale of timber volume from national forestland is currently tied up in litigation. This case highlights the potential avenues available for resolving these timber sale disputes and represents a possible prototype for successful timber sale conflict mediations.

The mediated settlement is innovative in that it includes a provision for community oversight. The stakeholders can ride along with contract administrators during logging activities and visit post-harvested sites. Post-agreement efforts to improve longer-term communications and working relationships are also planned.

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# ECR Evaluation Tools and Resources

## Tools and Resources:

- ECR Case Evaluation Instruments
- ECR Case-Level Evaluation Report
- Case Briefing
- Overview of the Current Multi Agency ECR Evaluation Study (MAES)
- ECR Evaluation Confidentiality Protocols
- An Inventory of ECR Performance Indicators

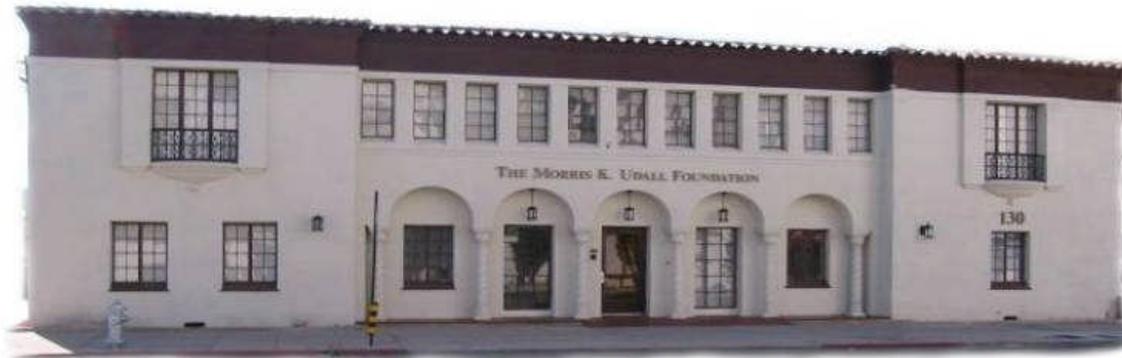
*Available at: [www.ecr.gov](http://www.ecr.gov)*

# Acknowledgements

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For more information visit the  
U.S. Institute website:

*www.ecr.gov*



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