



IS ENVIRONMENTAL CONFLICT RESOLUTION GOOD FOR THE ENVIRONMENT AND DOES IT PRODUCE GOOD DECISIONS

The Systematic Evaluation of Environmental and Economic Results (SEEER) is a joint project of the U.S. Environmental Protection Agency's (EPA's) Conflict Prevention and Resolution Center (CPRC) and the U.S. Department of Interior's (DOI's) Office of Collaborative Action and Dispute Resolution (CADR). SEEER's goal is to quantify the impacts of using environmental conflict resolution (ECR). The SEEER project is the first known systematic effort to compare the environmental and economic results of ECR to its alternatives. The findings of SEEER may assist public decision makers and other stakeholders determine how to address important environmental and natural resource issues and whether ECR may be appropriate in a given situation.

Origins

ECR involves a neutral third party, such as a mediator or facilitator, who assists stakeholders in collaborative problem solving and dispute resolution for environmental and natural resource issues. The use of ECR (also referred to as environmental alternative dispute resolution or ADR) in the U.S. dates back to the 1970s. In the federal sector, ECR has assisted in upstream environmental and natural resource decision making (e.g., site planning, policy dialogues, negotiated rulemaking) as well as downstream dispute situations (e.g., permit disputes, enforcement actions, Superfund allocations).

For the past several years federal and state agencies, as well as the ECR practitioner community, have been actively working to evaluate the use of ECR. Early evaluation work focused on the performance of the ECR *process* and *adherence to best practices* – critical information from the perspective of practitioners and ECR program administrators. The U.S. Institute for Environmental Conflict Resolution (USIECR), together with several federal agencies, the Policy Consensus Initiative, and state ADR programs, has led a highly successful effort in this regard. These early efforts, however, have not focused on the environmental and economic *results* of the ECR process. These results are of primary interest to organizations that sponsor ECR processes, such as public sector managers who are charged with making effective decisions in the most efficient way possible.

Objectives

In pursuit of a more results-oriented evaluation approach, the State of Oregon and EPA, with support from the Hewlett Foundation, began initial methodological development and testing of a

Why Evaluate the Impacts of ECR?

The most important reason for evaluating the results of ECR is that sponsoring organizations and potential ECR participants need sufficient evidence to determine whether to invest in an ECR approach or pursue other decision making processes. In addition, in the federal sector, programs must plan for and measure performance under the Government Performance and Results Act and demonstrate results through the Office of Management and Budget's Performance Assessment and Rating Tool. More recently, the Office of Management and Budget and Council on Environmental Quality issued a joint directive on November 28, 2005, to increase the use of ECR and specifically indicated that "agency leadership should recognize and support needed upfront investments in collaborative processes and conflict resolution and demonstrate those savings in performance and accountability measures to maintain a budget neutral environment."

new evaluation protocol that would emphasize environmental and economic results. The basic criteria for a useful result-focused evaluation methodology are that it:

- Provide a comparison between cases that used ECR and an alternative
- Attribute results to ECR and its alternative
- Apply to both policy decisions and site-specific matters
- Estimate results over multiple time periods
- Provide timely results without waiting for longitudinal research
- Produce valid and reliable results
- Be feasible from a resource perspective
- Be flexible enough to cover a range of different environmental and natural resource issues
- Be scalable from the case level to the program level

To date the methodology has been used to evaluate six cases in Oregon and four cases at EPA. Work on two additional cases is currently underway at EPA and DOI.

Results

The SEEER evaluation methodology produces information on the results of ECR compared to the alternative including the following:

- Environmental Effects – an index of environmental effects tailored to each case and aggregated into categories to facilitate analysis across cases based on judgments from the different sources of the importance, probability, magnitude of the environmental and natural resource effects.
- Economic Valuation of Environmental Effects – the value of environmental effects are calculated where relevant and credible economic valuation studies exists
- Effects on the Community -- an analysis of how decision addressed balance between conservation and use of natural resources and the effects that the decision had on regulating use.
- Effectiveness of the Decision– a comparison of impacts related to the efficiency of the decision making process, such as:
 - Information Sharing – the extent which information is shared at different points before, during, and after the ECR process.
 - Social Capital – existence of relationships among parties that may productively transfer to situations other than the case being evaluated, as well as benefits to the ECR process and effects on morale and public image.
 - Financial Statement Effects - Changes in the assets, liabilities, costs and revenues of parties.

SEEER Components

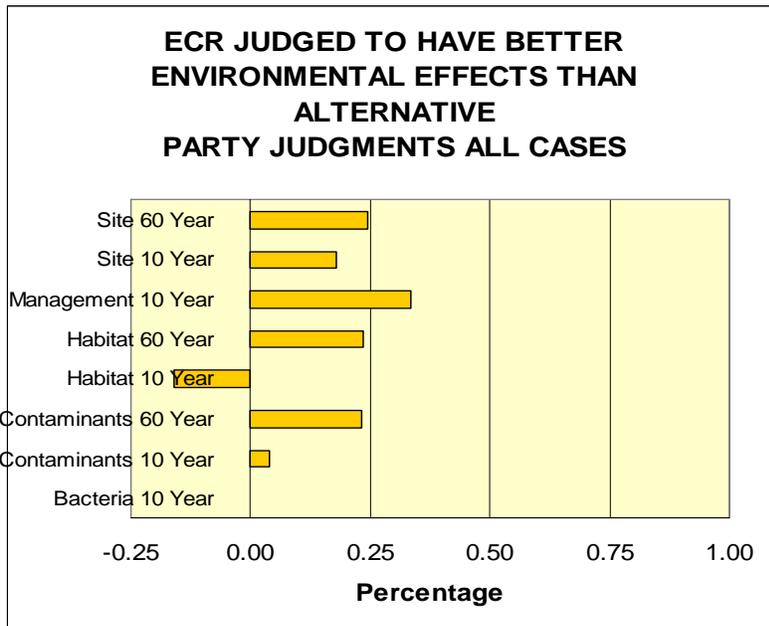
The SEEER methodology has multiple components:

- Select Cases – determine which cases to evaluate. A variety of factors influence case selection, but it is desirable to arrive at a programmatically representative selection of cases.
- Gain Key Case Information – learn about the case background, including specific issues at stake and parties involved, and expected environmental and/or natural resource outcomes, and develop a case summary for each case.
- Identify an Alternative to the Case – based on case information and consultation with key parties, utilize an existing non-ECR case where possible, or construct an alternative non-ECR case where necessary, to compare to the ECR case.
- Collect Information From Multiple Sources – ECR case participants receive a case-specific web-based questionnaire with tailored environmental effects. Science advisors respond to a subset of questions focused on effects. A facilitated session allows a science panel to provide similar assessments.
- Analysis – compare results between ECR and alternative cases and compare to other independent assessments where available to enhance validity and reliability.
- Reporting – communicate results as needed to decision makers, parties and ADR practitioners in a variety of media and forums.

- Time to Reach and Implement and Reach a Decision – estimated savings in terms of time and monetized.

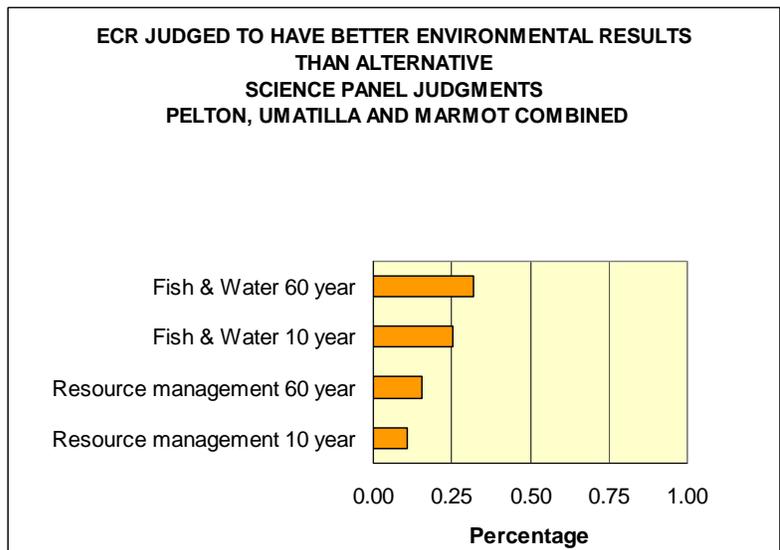
Example Data

The following examples show types of information that the SEEER evaluation methodology can produce:



This chart illustrates the environmental effects from four EPA water cases in which ADR was used compared to the alternative. The effects are displayed as incremental differences, are compared over two time periods (10 and 60 years), and are aggregated into generic effects categories.

This chart portrays the judgments of a panel of scientists convened to assess the environmental effects of three Oregon ECR cases (two FERC hydrolicensing cases and one water exchange case) compared to the alternative.



Benefits of Social Capital		
	Oregon	EPA
Effects of Social Capital	0=totally disagree, 10=fully agree	
Our organization benefits directly	7.2	9.4
Can address environmental issues more quickly		8.8
Enhances effectiveness of my organization	6.8	8.4
Better address environmental issues	7.3	8.2
Lower risk of negative outcomes	7.1	8.1
Better forecast likely outcomes	6.7	8.0
Enhances my effectiveness within my organization	7.4	7.8
Organizations less likely to take adversarial positions	6.9	7.8
Reduces uncertainty	7.2	7.7

This table shows data reported from parties in both Oregon and EPA environmental ADR cases indicating to what extent social capital had an effect on their organizations.

Looking Forward

Having developed an evaluation methodology capable of providing valid and reliable results when comparing between ECR and its alternatives and conducting preliminary analysis on a selected set of cases, the SEEER project team is undertaking the following activities:

- Preparation of a final report on the Hewlett Foundation portion of the project
- Completion of the initial set of EPA cases and preparation of a final report
- Completion of the initial set of DOI cases
- Application of the SEEER methodology to a set of 13 ECR and non-ECR Superfund cases

Further Information

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