



“We don’t see things as they are, we see things as we are.”

- Anias Nin

Inside this issue:

CADR Leadership Welcome	1
CORE PLUS Conference	1
ECR Conference	2
Q & A with John Burden	3
Golden Gate NRA’s Reg-Neg Experience	4
2007 Report on ECR	5
Training Snapshot	6
CADR and IDRC Contacts	6

CADR NEWS

Office of Collaborative Action and Dispute Resolution

CADR Leadership Notes From the Director’s Desk

Welcome to the 3rd edition of CADR News! This issue focuses on our CORE PLUS program for managing conflict in the workplace. We hope this information helps you see yourself as part of a CORE PLUS community throughout DOI where any concern can be raised and will be dealt with respectfully. A new feature in this issue is a Q&A column and we are fortunate to have John Burden, the Deputy Director of the Office of Civil Rights in the Office of the Secretary, share his thoughts on the CORE PLUS program. You will also find articles on the use of collaborative problem-solving tools to address contentious issues involving non-DOI stakeholders.

Albuquerque Conference Kicks-Off CORE PLUS

In January 2008, the Department’s Office of Collaborative Action and Dispute Resolution (CADR) sponsored the 2008 CORE PLUS Orientation Conference in Albuquerque, New Mexico. Over 120 DOI employees from all bureaus and offices, representing human resources, equal employment opportunity and alternative dispute resolution functions gathered together at DOI’s first national conference on conflict management. Bureau representatives, the Department’s Office of Human Resources, Civil Rights and the Solicitor worked collaboratively with CADR to plan the conference agenda. Participants worked together across functional areas, geographic, and organizational boundaries to develop strategies and tools for successful implementation of the Department’s new CORE PLUS system for managing conflict in the workplace. The agenda provided a comprehensive orientation to the CORE PLUS vision and policies. It included a full day of diverse skills training options designed to enhance the practice of DOI’s roster of in-house neutrals, as well as broaden understanding of the program across functional areas. Time was also



As we approach the end of the fiscal year and the upcoming transition in leadership, CADR is reflecting on past experience and thinking about future opportunities. We are eager to hear about your experiences, thoughts and suggestions as well. Perhaps you have an article to share for a future newsletter. You can email us at CADR@ios.doi.gov.

Hope you had a wonderful summer full of interesting conflicts!

Elena Gonzalez, Director
Office of Collaborative Action and Dispute Resolution

devoted to educational sessions and facilitated discussions with the entire group on important topics such as convening and confidentiality. The group also engaged in brainstorming and small group activities to generate ideas for how to make the CORE PLUS vision a reality in every bureau and office.

One of the major objectives of the conference was to educate key partners about CORE PLUS as an Integrated Conflict Management System (ICMS). Participants learned that an ICMS is more than an Alternative Dispute Resolution program. CORE PLUS encourages employees and managers to develop conflict management skills and to make informed choices about how to handle conflict situations. All of the conference participants learned that they play an important role in making CORE PLUS work. As part of the support structures available to provide information and assistance to employees and managers, they can help avoid problems whenever possible and resolve issues promptly and equitably. Many left the conference recognizing the success of CORE PLUS depends on all of us working together and supporting each other.

(Continue on page 2)

(CORE PLUS Conference continued)



Several participants of the CORE PLUS Orientation Conference pause for a photo.

Did you know?

The terms ADR and conflict resolution are used somewhat interchangeably and refer to a wide range of processes that encourage nonviolent dispute resolution outside of the traditional court system.

Source: Association for Conflict Resolution



Deputy Secretary Lynn Scarlett makes the opening speech at the National ECR Conference in Tucson, AZ.

Collectively, we help employees and managers make good choices about whether to pursue a complaint process, ADR, or some other approach, such as trying a different communication style, training, team-building or coaching when a conflict exists.

“An ICMS helps to create an environment in which ideas, issues and concerns can be raised with confidence that they will be respectfully heard and responsibly addressed,” said Carole Houk, one of the conference facilitators, and one of the expert consultants who assisted in the design of the CORE PLUS system.

“Proactively managing conflict includes skills, practices and processes for raising issues and a common language around how people communicate, treat each other, solve problems and make decisions,” said Houk.

The CORE PLUS policy is integrated into the Department’s new administrative grievance procedures and provides the ADR services when ADR is elected at the informal or formal stage of the EEO process. Opportunities to request conflict management assistance or ADR services are also available to any employee or manager without filing any type of complaint or grievance. Employees covered by a collective bargaining agreement need prior

approval from the union to elect CORE PLUS assistance.

The skills training offered at the conference focused on providing high quality CORE PLUS assistance and services to our DOI employees. The sessions included group facilitation, an introduction to conflict coaching, ADR in the EEO process, mediating reasonable accommodation cases, emotional intelligence, conflict management skills, and drafting settlement agreements.

The conference was a great way for DOI employees committed to making our agency a better place to work to come together and share experiences.

Participants were challenged to think about ways to coordinate better and move CORE PLUS forward in their organizations.

“The CORE PLUS conference enabled invaluable interaction by USGS employees with personnel from other bureaus and the Department who also provide CORE PLUS services,” said Nancy Baumgartner, speaking from her perspective as the USGS Bureau Dispute Resolution Specialist. “The interpersonal relationships forged at the CORE PLUS conference will be the basis for effective collaborative efforts and efficient resource-sharing between and among bureaus in the future.”

Conference Looks at ECR and Climate

The U.S. Institute for Environmental Conflict Resolution (USIECR) of the Morris K. Udall Foundation hosted the fifth National ECR Conference at the Doubletree Reid Park Hotel in Tucson, AZ, May 20-22, 2008. It had been three years since the last ECR conference, and this year’s conference brought together ECR practitioners, academics, government employees and other stakeholders from a range of sectors, including Federal, State, Tribal, educational institutions, nonprofit, and industry. The three-day conference included sessions on a diverse set of ECR issues, including the role of technology in ECR, results of ECR evaluations, and ECR and collaborative problem-solving process design.

One of the dominant themes emerging during the conference was the role for ECR practitioners in helping address conflicts stemming from climate change. Deputy Secretary of the Interior Lynn Scarlett kicked off the climate theme

in her speech at the conference’s opening reception. Deputy Secretary Scarlett said she has seen the conflicts faced by DOI resource managers during her seven years as a senior leader at DOI, including two months as Acting Secretary of the Interior. She spoke from this experience while expressing her outlook on the future responsibilities of ECR practitioners to help address a range of potential climate change conflicts. For many in this diverse audience, it was an introduction to the nexus between climate change and ECR, and to hear it from the Deputy Secretary of the Interior had a tremendous impact.

The ECR/climate change theme was developed further on the second day of the conference during a breakout session on *Climate Change in the 21st Century: Challenges for the Practice of Environmental Dispute Resolution*. The speakers in this session addressed some key questions related to potential climate change disputes, such as: Who will constitute the public? Who will be the disputants? How will we identify the

CORE PLUS Q & A with John Burden, Deputy Director of DOI's Office of Civil Rights

Jonathan Steele of the CADR Office recently had a opportunity to talk with John Burden, the Deputy Director of DOI's Office of Civil Rights. John brings a wealth of EEO and ADR experience and knowledge to DOI, and he shared his perspective with us.

CADR: In your view, how will CORE PLUS help DOI employees deal with conflicts in the workplace?

JB: I believe CORE PLUS will help the Department's workforce understand that conflict is inevitable and unavoidable, and that the existence of conflict is not the problem; the real dilemma is how they respond to conflict. I also think CORE PLUS will equip managers, supervisors, and non-supervisory employees with an understanding of how conflicts evolve and strategies and approaches for resolving conflict through self-directed resolution and voluntary mediation.

CADR: How will CORE PLUS help DOI as an organization?

JB: I am convinced that CORE PLUS will reduce the costs of conflict at DOI, which is currently very significant and includes

both direct and indirect components such as high-profile class action litigation; attorney's fees, settlements, and judgments; lowered productivity associated with absenteeism and attrition; and management and employee time spent addressing conflicts.

CADR: How can CORE PLUS as an Integrated Conflict Management System work with existing EEO procedures?

JB: In my opinion, CORE PLUS improves the EEO process considerably. The Equal Employment Opportunity Commission regulations require federal agencies to establish and encourage the widespread use of a fair alternative dispute resolution (ADR) program that facilitates the early, effective and efficient informal resolution of disputes. Typically, mediation is the ADR technique utilized by federal sector EEO programs. Conversely, CORE PLUS addresses EEO matters by means of an integrated conflict management system that employs a variety of processes that combine both interest-based and rights-based methods. CORE PLUS and the EEO regulations are congruent in that they both encourage employees and managers to identify, address, and resolve conflict early.



USIECR News:

After 10 years as Director of the U.S. Institute for Environmental Conflict Resolution in Tucson, AZ, Kirk Emerson stepped down as Director at the end of June and returned to an academic career of research, teaching and service. She has accepted an appointment as visiting professor at the University of Arizona's School of Public Administration and Policy, and will continue to provide conflict resolution assistance.

The CADR Office would like to thank Dr. Emerson for her leadership and for her contributions to the Federal ECR community through the Multi-Agency Evaluation Study and the OMB-CEQ memorandum on ECR.

Ellen Wheeler is the new executive director of the Morris K. Udall Foundation and continues the close partnership with the CADR Office.



Kirk Emerson

ECR Conference Continued

affected stockholders? And, what will be the impact on the legitimacy of neutrals?

As a capstone to the climate change/ECR theme, Dr. Jonathan Overpeck from the University of Arizona in Tucson, AZ, presented an assessment of the climate change situation and the potential conflicts that await us during his keynote lunch talk on the final day of the conference. Dr. Overpeck's discussion raised many of the harsh realities of climate change, including sea-level rise, wide-spread drought, and global loss of sea ice. His message had an impact on the audience.

"[Dr. Overpeck] set the big picture context for global trends, as well as effects we are seeing in our local communities," commented conference participant Olivia Barton Ferriter, Director of Conservation, Partnerships & Management Policy in DOI.

"He brought the issue home in a number of ways. DOI employees could certainly see how our mission, roles and responsibilities are impacted."

The conference allowed ECR practitioners to discuss climate change and to share ideas and information about other important ECR topics.

"Many of the most stimulating discussions spilled over into the hallways and into the evenings. The conference gave DOI employees great exposure to folks in other agencies and in the private sector that are grappling with these issues," said Ms. Barton Ferriter. "It gave me great hope for the future and confidence that we have the expertise, the tools and the professionalism to resolve environmental conflicts in a respectful way."

Golden Gate NRA reflects on Reg-Neg Process

By: Chris Powell

Environmental conflicts can center around many important problems—global climate change, use of our natural resources, quality of our air and water, etc. They can also deal with issues closer to home, such as how we use our national parks and when and where we recreate and how we share our parks with other users. Compared to the global problems noted above, these other problems can seem minor. Or are they?

This past fall, the Golden Gate National Recreation was the third national park to complete a Negotiated Rulemaking process to determine when and where dogwalking could occur in the park.

Are you surprised that conflicts over dogwalking in a national park have risen to this level? Not if you are a local resident who uses this local national park site to exercise and spend time with your favorite 4-legged animal companion, who is part of your family. And not if you are a birdwatcher who comes to the wetlands to watch the fall migration or to help monitor the health of a particular species. And not if you are a parent who brings their children to the park shoreline to picnic and play in the sand.

This issue is indicative of a bigger issue that has been occurring since our national park system was established—how do we use our national parks?

In GGNRA, the 80,500 acres national park site that encompass the San Francisco Bay Area, the conflict between dogwalkers and other users has been increasing since the establishment of the park in 1972. Throughout the past two decades, the urban area has become more densely populated and it became ground zero for dog owners (many articles have referred to San Francisco as having the highest number of dogs of any city in the country). The conflict came to a head in March 2000, when dogwalkers filed a lawsuit in federal court, seeking to prevent a 10-acre habitat closure for threatened and native species at Fort Funston. When park officials attempted to enforce the federal regulation requiring dogs on leash in 2001, it resulted in non-compliance, protests by dogwalkers, media attention and standing room-only public meetings.

In 2000, park officials determined that we needed another process to address this conflict. After much research and consultation with the U.S. Institute for Environmental Conflict Resolution, the park

decided to use Negotiated Rulemaking.

The Negotiated Rulemaking Committee was established by the Interior Secretary in 2005 and met numerous times until their last meeting in October 2007. *An impartial professional facilitator was engaged to assist the park and the committee members in their negotiations.* Although the discussions were rocky at times and some parties threatened to leave the table, all committee members remained until the end and worked to reach as much consensus as possible.

Was it all we hoped it would be? Not if you go by the usual definition of overall consensus, because the Committee did not reach overall consensus on all points.

But the Committee did reach consensus on 3 important points: a) guiding principles for dog management, b) consensus on dogwalking at one park site, and c) a proposal for professional dogwalking.

Was the time and money worth it? At this point, we can see the benefits gained from two-years of intense negotiations with the other committee members: a) a better understanding of the needs of the all parties involved, including NPS, and b) increased communication between all park users who now know each other as individuals and can discuss their differences face-to-face.

Will this solve all the conflicts over dogwalking at Golden Gate? The final plan for dog management is still in development. The park has taken the consensus agreements from the Negotiated Rulemaking Committee and is using them in development of alternatives for the Draft EIS. A final plan is expected in late 2010.

When the final plan is developed, the park will work with all former committee members to help implement it. At that time, we will know if the time and funding spent on the process was worthwhile. We don't expect that we will resolve all conflicts surrounding dogwalking, but we do expect Committee members to help educate their constituents on the final plan so all users can enjoy the park in the manner they wish—with or without dogs-- and are not disturbed by other uses.

Continued bottom of page 5



A jogger with her dog at Ocean Beach in San Francisco—part of Golden Gate NRA.

Did you know?

Several Federal agencies, including DOI, worked together to develop a list of Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving.

The principles include **Informed Commitment, Balanced and Voluntary Representation, Group Autonomy, Informed Process, Accountability, Openness, Timeliness, and Implementation.**

To learn more about these basic principles, call the CADR Office or visit the following White House Webpage: <http://www.whitehouse.gov/ceq/joint-statement.html>

Federal agencies prepare an annual report pursuant to the Office of Management and Budget and the Council on Environmental Quality's Joint Memorandum on Environmental Conflict Resolution (ECR) issued in November 2005. David Emmerson of the DOI CADR office helped OMB and CEQ prepare the government-wide analysis of the 2007 ECR Reports submitted by 19 federal agencies (Analysis). The findings discussed in this article were presented at the 2008 ECR Conference in Tucson, Arizona in May, and at the most recent ECR Task Force meeting at CEQ in DC in June.

ECR is defined in the OMB/CEQ Joint Memorandum as any conflict resolution or collaborative problem-solving process involving a neutral third-party. Agencies reported engaging in 320 ECR cases in 2007. The cases are spread throughout nine agencies, with EPA being the agency most frequently engaged in ECR (90 cases) and other agencies reporting as follows: DoD (74), USFS (63), DOI (46), FERC, (21), DOT (12) NOAA (8), DVA (3), and NRC (3).

Government-wide, 25% of the reported cases took place in enforcement and compliance, and 23% of ECR cases involved monitoring and implementing agreements. Planning was the third largest category of ECR use at 20 percent of the total. Policy development accounted for 12 % o, with Licenses and Permits (7%), Rulemaking (2%), Siting and Construction (2%) and "Other" (8%) accounting for the remainder of cases. As a land management agency, DOI's cases tended to be concentrated in the areas of planning, licensing and permitting.

The total number of cases reported for 2007 is a 50-70 case increase over the 250-270 cases reported for 2006. DOI agencies reported approximately an 80 percent increase in ECR activity in 2007. This increased ECR activity is encouraging. Collecting this information from all DOI bureaus and offices is a challenging task. The CADR office works through the Bureau Dispute Resolution Specialist in each bureau to gather ECR data for DOI's annual report. Given the breadth of DOI sites and activities throughout the country, it is not entirely clear whether all of DOI's ECR activity

was reflected in the data collected for 2006 and 2007.

Agencies also reported on their efforts to build capacity to engage in ECR, consistent with Section Five of the Joint Memorandum. All agencies that engage in ECR reported investing in training. Several agencies reported that they had integrated ECR into their strategic plans and GPRA plans. Agencies also reported engaging in out-reach, and building infrastructure to support ECR. DOI's report on ECR capacity building efforts included all of these activities.

Many agencies also shared their experiences with forms of conflict resolution that did not fit the Joint Memorandum definition of ECR. For example, DOI Bureaus and other agencies included the use of unassisted collaborative problem-solving processes to resolve environmental or natural resource conflicts. Several agencies utilized advisory committees for the purpose of gaining expert assistance to resolve tough and sometimes controversial issues. Other agencies reported on language in federal facility agreements setting up a dispute resolution process to help resolve conflict. Agencies also frequently engaged in direct negotiation with other parties to resolve conflict without the help of a neutral facilitator or mediator.

Continued use of ECR is reflected in such priority areas as NEPA, environmental cleanup and restoration, natural resource conflict on federal land, species and habitat conservation, hydropower and natural gas, coastal zone management, historic preservation, tribal consultation, property rights, and conflicts under the Clean Water Act.

In sum, the 2007 ECR Reports build on the information submitted in the 2006 ECR reports. The reporting reaffirms many of the conclusions and patterns identified in the 2006 Analysis. On the whole, the reports show that agencies are making significant progress in meeting the goals of the Joint Memorandum.

For DOI, there is still opportunity for increased use of ECR and collaborative problem-solving processes. Our commitment to collect and share our experiences and the lessons we have learned will benefit us all.



A Lilly Pad at Okefenokee National Wildlife Refuge in Georgia

Did you know?

The Council on Environmental Quality (CEQ) coordinates federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. Congress established CEQ within the Executive Office of the President as part of the National Environmental Policy Act of 1969 (NEPA). Additional responsibilities were provided by the Environmental Quality Improvement Act of 1970.

Reg-Neg Continued

This won't answer the bigger question of our expectations surrounding Negotiated Rulemaking—are our expectations too large when we expect full consensus on all issues? If an issue is

contentious enough to warrant a facilitated Negotiated Rulemaking process, then we may be expecting too much to ask a committee to reach overall consensus. This is an ongoing dialogue in the conflict resolution arena and one that should continue in DOI.

Training Snapshot

On May 7-8, 2008, CADR hosted 18 participants from several bureaus and offices in an advanced CORE PLUS training session in Arlington, Virginia. Two NPS experts, Sarah Conlon and Nancy Woods, developed and delivered this group facilitation training based on the principles of Patrick Lencioni's book, Overcoming the Five Dysfunctions of a Team—a field guide. The instructors presented Lencioni's description of the five typical dysfunctions of a workplace team: absence of trust; fear of conflict, lack of commitment, avoidance of accountability, and inattention to results. Participants discussed tools for helping a group to recognize the dysfunctions and deal with them. With the skills learned in the session, participants are better able to help groups identify these dysfunctions and turn them into strengths that make a team more productive.

Here's an overview of the five components of this common-sense model: Building trust is the foundation of teamwork. When trust is broken, groups often overlook the need to rebuild it so the members can be open and vulnerable with each other. Healthy teams are not afraid of "constructive" conflict – unfiltered, passionate debate around issues using clear conflict norms. Commitment requires clarity and buy-in. Clarity requires avoiding assumptions and ambiguity, and reaching a common understanding about decisions. Everyone doesn't have to agree, but everyone has to feel that his or her point of view has been heard and considered. Embracing accountability depends on a strong leader that is willing to confront difficult issues; it also depends on team members motivating and keeping each other on track. No one is defensive when reminded of an assignment because the bigger goal is the focus. Team members must clarify desired results and keep them visible and measured. In the end, if a team consciously adopts these five strengths, it will become a functioning team that accomplishes the results it sets out to achieve.

Interior Dispute Resolution Council

CADR Office

Name	Position	Phone	Email
Elena Gonzalez	Director	202-327-5352	Elena_Gonzalez@ios.doi.gov
Dave Emmerson	ECR Program Coordinator	202-327-5318	David_Emmerson@ios.doi.gov
Susan Goodwin	Conflict Management Specialist	202-327-5346	Susan_Goodwin@ios.doi.gov
Jonathan Steele	Conflict Management Specialist	202-327-5345	Jonathan_Steele@ios.doi.gov

Office of the Solicitor

Name	Position	Phone	Email
Shayla Simmons	Senior Counsel for CADR	202-208-7950	Shayla_Simmons@ios.doi.gov
Tonianne Baca-Green	Attorney/Advisor-CADR	505-831-3095 (Mon.-Wed. 8am-4pm MST)	

Bureau Dispute Resolution Specialists

Bureau Dispute Resolution Specialist (BDRS) from each bureau sit on the Interior Dispute Resolution Council. To find out more about conflict management and ADR in your bureau, contact your BDRS listed below.

Bureau	BDRS	Phone	Email
BIA/BIE	Michele Singer	505-563-5415	Michelle_F_Singer@ios.doi.gov
BLM	Paul Politzer	202-254-3325	Paul_Politzer@blm.gov
BOR	James Hess	202-513-0543	JHess@usbr.gov
FWS	Julia Bumbaca	703-358-2349	Julia_Bumbaca@fws.gov
MMS	Eric Hager	202-208-2941	Eric.Hager@mms.gov
NPS	Kate Stevenson	202-208-5651	Kate_Stevenson@nps.gov
OSM	Ruth Stokes	202-208-2611	Rstokes@osmre.gov
OS-Exec Sec	John Strylowski	202-208-3071	John_Strylowski@ios.doi.gov
OS-OHA	Charles Breece	703-235-3810	Charles_Breece@oha.doi.gov
USGS	Nancy Baumgartner	703-648-7474	nbaumgartner@usgs.gov

The CADR Office provides basic conflict management skills training and other training to bureaus and offices on request.

Office of Collaborative Action and Dispute Resolution U.S. Department of the Interior

CADR Office location:
1801 Pennsylvania Ave. NW
Suite 500
Washington, DC 20006

CADR Mailing Address:
1849 C Street NW
Mail Stop: MIB 5129
Washington, DC 20240

Phone: 202-327-5383
Fax: 202-327-5390
E-mail: cadr@ios.doi.gov
www.doi.gov/cadr

