

Alternative Dispute Resolution/Collaborative Action (ADR/CA)

- **Bureau ADR/CA Policy Development and Use**

The Department is placing significant emphasis on development and implementation of ADR/Collaborative Action policy as a means of fostering a culture reflecting the Secretary's 4 C's. Under their authority for department-wide policy, the Department has given a formal mandate to the bureaus to prepare ADR/Collaborative Action policy, "where collaborative and consensual approaches to problem-solving and decision-making are fully utilized to produce innovative, equitable, and durable solutions, improve communication, and strengthen working relationships." Since the use of ADR/CA has proven to be good business practice in the Bureau and the bureaus' preparation of policy is being mandated by the Department, we are undertaking more formalized development of a policy framework and model implementation strategies reflecting the principles of ADR/CA.

The BLM is using the term **Alternative Dispute Resolution/Collaborative Action (ADR/CA)** to fully reflect the Department's ADR policy that embraces all phases of collaborative action, conflict management, and dispute prevention, resolution, and/or mitigation. ADR/CA policy in the Bureau is a business practice and management strategy that involves collaboration as well as management of potential and existing conflict to identify, avert, resolve, and/or mitigate the impacts on the Bureau. Opportunities for use of ADR/CA span all bureau resource programs and administrative areas.

A cross-program field-/Center-based internal Bureau ADR/CA Advisory Group has been established consisting of natural resources, workplace, and contracting/procurement/federal assistance representatives from the States, Centers, and the Directorate. This Group serves as an umbrella for all ADR/CA resource programs and administrative areas in the Bureau. An internal Bureau Natural Resources ADR/CA Advisory Group also has been established with representatives from the States and Centers and the Directorate.

The umbrella Advisory Group will develop an overall Bureau ADR/CA Policy Framework, and the Natural Resources Advisory Group is developing a Bureau ADR/CA policy framework for resource program activities. In addition, the Natural Resources Advisory Group is developing model ADR/CA strategies, a model business plan for ADR-based partnerships, and ADR/CA pilots in certain States. **Upon completion, the Bureau Natural Resources and cross-program ADR/CA Policy Frameworks should be implemented by integrating the principles into the BLM's programs in the States, Centers, and the Directorate.** The Bureau's Workplace ADR policy is being revised in the Department and will consolidate principles from EEO and CORE. Contracting/procurement/federal assistance ADR policy is well established in the Bureau.

Many field offices have been pursuing ADR/CA in natural resources cases to varying degrees. Much of the Bureau's ADR/CA work has been successful. In natural resources, an additional dimension is supplementing past Alternative Dispute Resolution/Collaborative Action practice. The Bureau's natural resources ADR/CA policy framework will involve the full spectrum of engagement with stakeholders and partners. The engagement begins early, before a conflict or dispute arises, in a collaborative setting ("upstream strategies"), then may move through structured ADR/CA approaches in land use management decision-making, and finally to more

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formal conflict management and dispute resolution ADR/CA approaches (“downstream strategies”). The downstream strategies may include mediation, preventive facilitated or unfacilitated joint problem-solving meetings, and negotiations; assessments and identification of alternatives; fact-finding; partnering; and other approaches to community-based consensus building. Downstream strategies may be utilized at any point after informal strategies are attempted, and also may be utilized, where appropriate, just prior to, and during, formal adjudication (protest, appeals, litigation).

Significant budget and other resources can be saved through the use of ADR/CA strategies where they have not been used in the past. Three major objectives in the use of ADR/CA are: the elimination of, or reduction in, the volume and/or impacts on BLM resources of protests, appeals, and litigation wherever possible; the growth and enhancement of partnerships; and better informed and more involved publics.

- **Designate representatives to serve on the BLM Natural Resources ADR/CA Advisory Group and the cross-program BLM ADR/CA Advisory Group where they have not yet been designated**

Certain States/Centers have not yet designated representatives to the Natural Resources Advisory Group and/or to the cross-program ADR/CA Advisory Group. **By December 31, 2002, those States not yet represented on either or both Advisory Groups should please e-mail the names of your office (State/Center) representatives to Paul Politzer (WO-200), Bureau Dispute Resolution Manager. At a minimum, please ensure that you are represented by one natural resources ADR Advisor to represent your State on both Advisory Groups, one representative for workplace ADR to represent your State on the cross-program ADR/CA Advisory Group, and where appropriate one representative for contracting/procurement/federal assistance to represent your State on the cross-program ADR/CA Advisory Group.**

Through the work of these Advisory Groups, the Bureau will establish such teams as may be appropriate to fully develop the Bureau’s ADR/CA policy and implementation procedures. **Each State/Center should plan to provide support (up to 1 WM) when needed for development of national ADR/CA policy.**

- < **Participate in Case Assessments and Related Analyses for Natural Resources ADR/CA**

Under an Interagency Agreement (IA) between the BLM and the U.S. Institute for Environmental Conflict Resolution, and/or through other sources, case assessments, pilots, cost-benefit analyses, and other ADR/CA work products (as identified by the States/Centers/Directorate) will be developed. (The IA authorizes the States/Centers/Directorate to develop task orders for mediation, case assessments, etc. with the Institute). Each State should plan to provide support (up to 1 WM) when needed.

- < **Plan for Participation in a National cross-program ADR/CA Workshop and a National Natural Resources ADR/CA Workshop: Designate and Send Representatives from Each State/Center**

The National cross-program workshop will include all ADR/CA programs and administrative areas - natural resources, workplace, and contracting/procurement/federal assistance (location, date TBD - last quarter of FY 2003). **Please designate appropriate attendees from your State/Center/Directorate, including at least one natural resources, one workplace representative, and where appropriate one representative for**

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contracting/procurement/federal assistance. The attendees will work jointly to develop an overall Bureau ADR/CA policy framework; identify common policy and implementation themes of the Bureau's ADR program components; develop a structure for annual, cross-program reporting on ADR/CA activities to the Department; identify strategies for ensuring improved communication among the ADR program components; and develop strategies for consistency for common policy and implementation themes. In addition, a short-course in ADR/CA will be offered, and separate work team "tracks" will be developed for the individual ADR/CA program areas in addition to the meetings/activities held in plenary sessions. To provide participants with a common framework and basis for developing these products, a panel of experts in the various related ADR fields will discuss successful ADR approaches and strategies based on their ADR practices. Also, as appropriate, consider possible external attendees, such as program partners; Tribal, State, County, and local government representatives; and community leaders.

By February 1, 2003, please e-mail the names of your office (State/Center/Directorate) representatives who will attend the cross-program Workshop to Paul Politzer.

The Natural Resources ADR/CA Workshop will focus on completing a draft Bureau national natural resources ADR/CA policy framework, model ADR/CA strategies, a Bureau model business plan for natural resources ADR/CA-based partnering, implementation of the ADR/CA policy framework initially in high priority Bureau natural resources programs, and development of pilots in certain States.

The natural resources ADR/CA workshop will be held in January or February 2003 in Tucson.

Each State/Center should plan at least as much as 1 WM to support the development of national policy and for attendance at the workshops.

< Plan for Participation in Natural Resources Conflict Management ADR/CA Training

Through the Bureau's National Training Center, natural resources conflict management training will be offered in FY 03. **Plan to send at least one State/Center representative to one pilot conflict management training session in Phoenix and plan to ensure that managers and program leaders participate in/attend the training when it is offered in specific State or Field offices.**

< Report on Field Office/SO cases where the principles of ADR/CA (natural resources), Dispute Resolution (contracting/procurement/federal assistance), and ADR (workplace) are being/have been used during FY 03/or could be used

Each State's ADR/CA or ADR representative should provide this case information to the Washington Office for the Bureau's required Annual Report to the Department. The State Natural Resources ADR/CA Advisor (representative) should provide the field cases to Paul Politzer by January 17, 2003; information for contracting/procurement/federal assistance and workplace ADR will be requested by contracting and workplace WO program staff. All of the information will be consolidated into a single Bureau report. **For natural resources, please ensure consultation between Natural Resources ADR/CA Advisors and Field Offices to allow for reporting on cases for all "priority" Bureau resource programs fully reflecting the work in your State.**

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