



Udall Foundation

CIVILITY, INTEGRITY, CONSENSUS

Open Government Plan for the
Education and Conflict Resolution Programs of the Udall Foundation

2010 - 2012



Transparency | Participation | Collaboration

I. Introduction

A. Mission and Program Areas

The Morris K. Udall and Stewart L. Udall Foundation (the “Udall Foundation”) is an independent agency of the Executive Branch. It was created initially, in 1992, to honor the legacy of the late Morris Udall, who represented Southern Arizona in the U.S. House of Representatives for 30 years. In 2009, Congress changed the name of the Foundation to include Stewart L. Udall, the older brother of Morris Udall, who served as a member of Congress and was Secretary of the Interior from 1961 to 1969.

The mission of the Udall Foundation is two-fold:

- To provide educational opportunities related to the environment and natural resources, Native American health care, and Native American tribal policy, and
- To assist in resolving environmental disputes that involve federal agencies through mediation and related services.

The Education Program focus on providing educational opportunities related to the environment and natural resources, Native American health care, and Native American tribal policy through:

Merit-based awards for undergraduate scholars who intend to pursue careers related to the environment, Native American and Alaska Native scholars who intend to pursue careers in tribal public policy and health care, and Ph.D. candidates whose dissertations focus on U.S. environmental policy and/or conflict resolution.



Opportunities for disadvantaged youth, ages 9-12, to develop an appreciation for the environment and natural resources through the art of photography during outings in national parks and other natural areas.



Summer internships for Native American and Alaska Native students in Congressional offices and federal agencies that provide a comprehensive legislative experience to the interns.



Executive education tailored to the needs of tribal councilors and chairs delivered by the Native Nations Institute for Leadership, Management, and Policy (NNI). NNI has three program areas: 1) research and policy analysis; 2) leadership and management training; and 3) strategic and organizational development.



The Foundation's environmental conflict resolution mission is implemented by the U.S. Institute for Environmental Conflict Resolution (the U.S. Institute), a Foundation program created by Congress in 1998. The Environmental Conflict Resolution (ECR) Program helps resolve environmental disputes involving federal agencies through:

Case services such as conflict assessments and mediations that help federal agencies and other stakeholders find workable solutions for environmental conflicts;

Skills training and programmatic capacity building designed to help federal agencies and other affected stakeholders prevent, manage, and resolve environmental conflicts; and

Leadership initiatives to develop policies and practices to promote broadscale effective use of ECR and to improve environmental decision making.



B. Commitment to the Principles of Open Government

The Foundation is mindful that this country grapples with significant environmental and societal challenges -- among them climate change, making sustainable energy a reality, and ensuring educational and economic opportunity for all Americans. Addressing these challenges requires educating and enabling current and future leaders to move beyond conflict to constructive dialogue, active participation and collaboration.

The Foundation is committed to embedding the principles of openness into the ongoing work of the agency. The Foundation is unique among federal agencies in that the values of transparency, participation, and collaboration are squarely aligned with the very mission of the Foundation's environmental conflict resolution program, the U.S. Institute for Environmental Conflict Resolution. The Foundation is also different from other agencies in that the Foundation does not have regulatory, policy making, or adjudicatory functions. Rather, it serves as a resource for education, collaboration, and conflict management. The Foundation's open government plan reflects this unique role, and outlines efforts underway to embed the principles of openness into the Foundation's operations, as well as through its work promoting and enabling collaborative governance in the federal arena.

Across the federal government, greater use can be made of collaborative problem-solving and alternative dispute resolution processes to reduce the costs of conflict (e.g., project delays, poorly informed decisions, appeals and litigation) and to increase the benefits of collaboration (e.g., timely cost-effective solutions, innovative solutions, improved working relationships, buy-in and commitment to solutions). Embracing such approaches will be an important step in working to gain public trust and in creating a more transparent, participatory and collaborative government.

II. Embedding the Principles of Transparency, Participation, and Collaboration into the Foundation's Operations

The Foundation is committed to increasing transparency by improving online accessibility to its programs and services, and by strengthening its information dissemination policies and practices.

In the FY 2010 to FY 2012 timeline, Foundation efforts to improve online accessibility will include:

- Creating and maintaining open government webpages at www.udall.gov and at www.ecr.gov, the homepages for the Foundation's education and conflict resolution programs. These webpages, launched in early 2010, will be regularly updated to highlight actions undertaken by the Foundation in response to the open government directive.
- Making the Foundation's websites more user-friendly and accessible. Efforts are underway to redesign the Foundation's primary website www.udall.gov, with work already completed on the Parks in Focus portion. The Parks in Focus redesigned site offers much more information in a visually dynamic and user-friendly format.
- Revamping the National Roster of ECR Practitioners Web site and underlying programming to streamline access and make it more user-friendly. The National Roster is available via the Internet; anyone with Internet access can register and conduct searches. Agencies such as EPA, Interior and its bureaus, the Forest Service, Air Force, Navy, and Federal Highway Administration have utilized the Roster to find practitioners. The U.S. Institute uses this same system to identify practitioners in geographic proximity to disputes for which the Institute is providing services, as provided by its enabling legislation.
- Increasing the use of the Internet and social networking technologies to provide ongoing project information to the public, stakeholders and agencies. Project-specific sites provide detailed information about the issues, process, agenda, schedules and meeting summaries. When appropriate, interactive Web sites are set up to provide an efficient way for the public to ask questions and submit comments. Using in-house technology and program staff, the project sites are a cost-effective as well as efficient method to distribute information to groups that are located in a wide geographic area. E-mail updates assure that new information flows in a timely manner.
- Providing leadership to identify emerging information technologies (those for networking and collaboration, as well as decision support tools) to advance open government and conflict resolution. The Foundation's efforts include sponsoring a technology award to promote innovations in the field of environmental collaboration and conflict resolution. See the Flagship section of this report for more information on this initiative.

Foundation efforts to strengthen information dissemination policies and practices will include:

- Identifying and publishing high-value data sets. The Foundation has begun the task of creating an inventory of high-value information currently available for download, and is in the process of identifying high-value information not yet available and setting reasonable timelines for publication online in open formats. The high value information will include program and service reports that: increase the Foundation's accountability and responsiveness; improve public knowledge of the agency and its operations; further the core mission of the agency; and respond to information requests as identified through public consultation.

For example, in the first phase of this effort, the Foundation published a data set of Udall scholars by year, name, school, and state. The data set provides transparency regarding the 1,074 Udall scholarship recipients between 1996 and 2009, representing about \$5.4 million in award funding. In addition, in mid 2010 the U.S. Institute will post an interactive map on its website geographically highlighting ECR projects across the country, and guiding readers to project web sites and other information resources. The Foundation will undertake these efforts in compliance with Data.gov and other applicable Administration guidance.

- Streamlining operations related to FOIA requests, Congressional requests for information, and records management. This work will be undertaken by the Foundation's newly formed workgroup that includes the Foundation's legal counsel, records management staff, and the chief information officer. Jeff Silvyn, the Foundation's legal counsel (Silvyn@udall.gov), will serve as the primary point of contact. Currently, the Foundation does not have a backlog of FOI A requests, and records transfers to the national archives are in line with the Foundation's records schedule. The Foundation will use its newly created open government webpages to provide the public with information regarding the Foundation's FOIA requests, Congressional requests for information, and records management procedures.

In addition to transparency, the Foundation is deeply committed to increasing the participatory and collaborative nature by which the education and conflict resolution programs are managed.

Efforts to increase participation and collaboration in the Foundations operations will include:

- Strengthening the Foundation's network of faculty advisors designated by their schools as representatives for the Udall scholarship. Significant effort has been directed at recruiting and developing relationships with faculty representatives since the inception of the scholarship program. The Foundation believes the ideal level of faculty representatives is between 1,100 and 1,200 representatives. Foundation staff will work to ensure this level of commitment and participation by faculty representatives in the nomination process.

- Engaging a multi-disciplinary working group of members of the community to provide advice and assistance with the annual Udall scholar selection process. Beginning in 2010, the Foundation will post online the names of the selection advisory committee who donate their time to working with Foundation staff to select outstanding scholars for the scholarship award.
- Increasing outreach and consultation with Indian tribes and Native peoples. The Foundation's efforts will include reaching out to specific tribes and organizations such as the National Congress of American Indians (NCAI), National Tribal Environmental Council (NTEC), and the United South and Eastern Tribes (USET), and other tribal groups. The Foundation will send representatives to annual meetings and organize briefings and listening sessions to provide detailed information about Foundation programs, solicit input about ways to make Foundation programs more effective and meaningful for tribes, and identify appropriate partnerships. These efforts will include outreach to tribes, tribal organizations, former Udall scholars and interns, members of the Native Network, individuals affiliated with the Native Nations Institute (NNI), and others for input on how the Foundation may improve and implement its tribal consultation plan. As part of this effort, the Foundation is exploring further ways in which it can partner with the Udall Center for Studies in Public Policy, a program of the University of Arizona that currently houses NNI, on subjects of interest to tribal governments such as healthcare, water, and the U.S.-Mexico border. The two organizations are seeking ways to further the administration's objectives related both to improving tribal consultation and addressing natural resource issues in the Southwest and other areas of the country. Background information about the Center and its work is available at <http://udallcenter.arizona.edu/>.
- Strengthening partnerships with the public and private sector organizations and individuals in the field of environmental collaboration and conflict resolution. The U.S. Institute maintains a national roster of more than 300 professionals with expertise in collaboration and conflict resolution related to environmental and public policy issues. The U.S. Institute has also cultivated working relationships with consensus building and conflict resolution centers across the federal government, including the Environmental Protection Agency's Conflict Prevention and Resolution Center, and the Department of the Interior's Office of Collaborative Action and Dispute Resolution. Through its case, capacity building and leadership work, including its biennial conference series, the U.S. Institute develops and maintains relationships with federal, state, tribal and local governments and members of the public dedicated to collaborative solutions to environmental conflicts. The U.S. Institute will expand existing networks and will engage network members in discussions on how to continually improve the Foundation's programs to better serve the American public.

III. Enabling Greater Participation and Collaboration in the Working of the Federal Government as Part of the Foundation's Mission

The Foundation's environmental conflict resolution program, implemented by the U.S. Institute, contributes to the workings of the federal government by providing collaborative problem-solving and conflict resolution services to address known or anticipated conflicts.

The U.S. Institute's services are applied across the following areas of emphasis:

- 1) Interagency/intergovernmental conflicts and collaborative problem-solving challenges;
- 2) Multi-party high-conflict cases where an independent federal convener is needed to broker participation in a collaborative conflict resolution effort;
- 3) Environmental conflicts and challenges involving multiple levels of government (federal, state, local, tribal) and the public;
- 4) Conflicts and challenges where area expertise is required (e.g., conflicts involving tribes and native people, the National Environmental Policy Act);
- 5) Emerging areas of conflict, and pilot applications of collaborative governance to improve the workings of government;

In response to the Open Government Directive, the Foundation through the work of the U.S. Institute will work to promote and enable greater collaboration and participation as the federal government addresses environmental and natural resources conflicts and challenges nationwide. In the 2010-2012 timeframe, the Foundation's efforts will include:

- ***Promoting the adoption of the Principles for Agency Engagement in Collaborative Problem-Solving and Environmental Conflict Resolution across the federal government***

Basic principles for agency engagement in collaborative problem-solving and environmental conflict resolution were developed in recent years by senior staff from the Departments of Agriculture, Commerce, Defense, Energy, Homeland Security, Interior, Justice, Transportation, and the U.S. Environmental Protection Agency, the Federal Energy Regulatory Commission, the President's Council on Environmental Quality (CEQ) and the U.S. Institute. These principles draw on more than 30 years of experience and research on interest-based negotiation, consensus building, collaborative management, and environmental mediation and conflict resolution. These principles provide guidance for preventing and reducing environmental conflicts as well as for producing more effective and enduring environmental decisions. The U.S. Institute will continue to work to help agencies understand when it is appropriate to put these principles into effect to promote effective, transparent, participatory, and collaborative government.

- ***Helping federal departments and agencies understand the spectrum of options when considering the public's role in collaborative governance***

There is an array of public engagement, partnering, negotiated rulemaking, and consensus building processes that federal agencies enter into with non-federal entities to manage and implement agency programs and activities. The U.S. Institute serves as a resource for assisting departments and agencies with the appropriate selection of collaborative processes, and for assuring the quality and integrity of the processes (www.ecr.gov).

- ***Engaging independent conveners and facilitators***

The U.S. Institute will continue to help federal departments and agencies consider when it is appropriate to engage independent conveners and facilitators. A third-party convener can be essential to brokering participation, to bringing credibility to a process, and to building trust among stakeholders. The U.S. Institute frequently serves as an independent federal convener for multi-party high-conflict low-trust cases. In addition to convening services, the U.S. Institute also maintains a national roster of experienced facilitators and mediators. The roster is accessible online at <http://ecr.gov/Resources/Resources.aspx>. The U.S. Institute's roster services include referrals from the Native Dispute Resolution Network, a resource for identifying practitioners to assist in resolving environmental disputes and issues that involve Native people.

- ***Providing collaboration and conflict resolution training across the country to help federal agency staff and stakeholders embrace the principles of open government***

The U.S. Institute currently delivers a suite of trainings, ranging from basic to advanced, that address collaborative competencies, multi-party negotiations, government-to-government consultation with tribal governments, NEPA and collaboration, and facilitative leadership (<http://www.ecr.gov/Training/CourseCatalog.aspx>). In response to the Open Government Directive, the U.S. Institute will look for opportunities to partner with other federal agencies to deliver trainings at key regional centers across the nation.

- ***Engaging federal agency leadership and staff in policy dialogues that further the goals of the Open Government Directive***

Beginning in FY 2010, the Institute is launching a policy dialogue series to bring together federal agency personnel to better coordinate policy making between agencies and consider appropriate public engagement in areas such as the environment, natural resources, and energy. This leadership initiative will support the Administration's commitment to transparency, public participation, and collaboration with the public. The collaboration resources provided by the U.S. Institute can facilitate public participation in federal programs, improve decision making, enhance acceptance of decisions, and allow for successful project implementation.

- ***Launching an Intergovernmental Collaboration Program that links various levels of government both vertically and horizontally in collaborative problem solving***

In FY 2011, contingent on funding, the Institute will launch the “Intergovernmental Collaboration Program.” This leadership initiative will focus on improving the effectiveness and efficiency of environment and natural resource programs at all levels of government, and in so doing, enhance the benefits and decrease the costs of implementing these programs. In particular, the program will facilitate efforts to identify innovative approaches to structuring and implementing regulatory programs. The program will include Regional Environmental Forums (REFs). The forums will link various levels of government both vertically and horizontally in collaborative problem solving processes related to current or emerging environmental and natural resource issues. They will engage representatives from federal, tribal, state, and local government in collaborative problem solving and reach out to nongovernmental organizations, industry, and academia as necessary to understand and resolve issues.

- ***Advancing the use of emerging technologies to enhance collaboration and conflict resolution in the environmental and natural resources arena***

The U.S. Institute is providing leadership within the federal government to increase the use of emerging technologies that enhance collaboration and participation on federal environmental and natural resource issues. This includes the use of geographic information systems, visualizations, decision support systems, and other tools to aid in the collaborative synthesis and transparency of key information and to ensure all stakeholders can participate effectively. See the U.S. Institute’s flagship initiative for further details.

- ***Helping federal departments and agencies evaluate the effectiveness of on-the-ground efforts to make government more open, participatory and collaborative***

The U.S. Institute has developed and implemented a comprehensive environmental collaboration and conflict resolution performance evaluation system, and has taken a lead role in helping a number of other agencies develop evaluation and feedback systems. During FY 2009, the U.S. Institute, the U.S. Environmental Protection Agency, the U.S. Department of the Interior, and the U.S. Army Corps of Engineers worked together to assure that design efforts are not duplicated and common methods for evaluating collaborative processes are promoted. The U.S. Institute will continue to encourage and further evaluation partnerships so that federal departments and agencies can assess their progress creating a more collaborative and participatory government.

IV. Flagship Initiative

In line with the Administration's Open Government Initiative, the U.S. Institute has taken a lead role in working to advance technology-enhanced environmental conflict resolution (ECR) in the federal arena.

To launch this initiative, the U.S. Institute hosted a Technology in ECR National Strategic Planning Workshop in May 2009. Approximately 90 participants representing the federal government, academia, technology providers, and ECR practitioners participated in this national planning effort. Workshop sessions engaged participants in discussions about the opportunities and challenges of integrating emerging technologies into ECR processes to improve environmental governance.

The following is an outline of the key components of this initiative including the federal and public partners involved, and details of how this initiative will promote open, participatory and collaborative government.

- **Innovation in Technology and ECR Award**

The U.S. Institute has established an innovation award to encourage and showcase effective technology-enhanced ECR. The call for award nominations opened in December 2009, and the first awards will be presented at the U.S. Institute's sixth national ECR Conference to be held in Tucson, Arizona, in May 2010.

- **Conference Track and Technology Fair**

The ECR2010 conference will open with a technology fair to introduce participants to a growing suite of technology tools and applications that can enhance collaborative processes. One of three conference tracks will be dedicated to panel presentations and roundtable discussions about new tools and technologies and their applications to the field of ECR.

- **Network of ECR Technologists**

In conjunction with a multi-stakeholder coordinating committee, the U.S. Institute is providing leadership to create a network of ECR technologists. The network will be a resource for identifying those at the forefront of development and adoption of technologies that enhance ECR processes. The network will also serve as a "learning community" for those interested in working collaboratively to share skills and resources to increase the appropriate and effective use of technology-enhanced ECR.

- **Technology Tools Compendium**
 In conjunction with Redlands University California, the U.S. Institute is helping sponsor the development of a tools compendium that will serve as an educational resource to guide practitioners and agency personnel as they select tools for technology-enhanced ECR.

- **Best Practices for Technology-Enhanced ECR**
 The U.S. Department of the Interior's, Office of Collaborative Action and Dispute Resolution, in conjunction with the Technology and ECR Coordination Committee, is leading the effort to develop best practices to guide appropriate and effective use of technology to enhance ECR.

- **Workshop on Federal Policies Related to Online Collaborative Technologies**
 The U.S. Institute in partnership with the U.S. Department of the Interior, the U.S. Environmental Protection Agency, the U.S. Department of Agriculture and the General Services Administration, is reviewing federal rules and regulations governing the use of online collaborative technologies and applications. The goal is to develop a workshop to help federal agency staff and ECR practitioners better understand the federal rules and regulations related to technology-enhanced ECR. The workshop will be delivered at the ECR2010 conference in May 2010, and the workshop materials will also be made available online.

The U.S. Institute's partnership with a multi-stakeholder coordinating committee, including several federal partners, is designed to capitalize on public and private sector expertise and resources to guide and sustain this initiative.

To learn more about the work of the Technology and ECR National Coordinating Committee visit: <http://sites.google.com/site/techechr/Home> or contact Larry Fisher, project lead and U.S. Institute senior program manager at fisher@ecr.gov.

V. Designated Leads and Feedback Mechanisms

The Foundation has designated open government liaisons for its education and environmental conflict resolution programs. The designated officials will regularly review and respond to feedback received on the Foundation's open government initiatives, and will work to ensure that the commitments put forth in this plan will be carried out within a reasonable timeframe. The Foundation welcomes feedback at any time through its open government webpages at www.udall.gov and at www.ecr.gov.

In addition, although the Udall Foundation has a small staff, it has significant resources available through a national network of dispute resolution professionals with which its teams on a regular basis. The Foundation offers its services to assist the Office of Management and Budget and federal departments and agencies in meeting the goals of the Open Government Directive. Further information about Foundation resources and programs are available on the Foundation website and from the Foundation's designated open government leads.

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