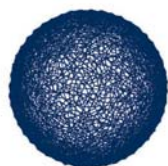




Case Studies Demonstrating the Use of Mediation, Consensus Building and Collaborative Problem Solving in Resolving Environmental and Climate-related Conflicts

“Since one of the most promising approaches to the peaceful settlement of disputes is skillful third-party mediation, we, the United Nations, have a responsibility to “we the peoples” to professionalize our efforts to resolve conflicts constructively rather than destructively and to save succeeding generations from the scourge of war.”



COP15
COPENHAGEN
UN CLIMATE CHANGE CONFERENCE 2009

Report of the Secretary-General on enhancing mediation and its support activities,
[United Nations Security Council, Report # S/2009/189]

The peaceful resolution of environmental and climate-related conflicts through mediation, consensus building and collaborative problem solving is a relatively new area of study, yet there are a multitude of documented cases demonstrating the effective use of such methods. The following brief compilation of projects and case study information provides an introduction to the potential for third party assisted negotiations of environmental and climate-related disputes including cross-border conflicts. The summaries included here have been researched through, and in some cases taken directly from, the source(s) cited at the end of each case.

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New Zealand RMA

The Dispute

Climate change in New Zealand has resulted in the increased need and awareness to manage environmental damage and incorporate ways in which current populations can use the environment without hurting future generations needs to use the environment. New Zealand is completely surrounded by ocean, therefore its economic activity is strongly dependent on the environment. The economy relies on overseas trade and tourism, both of which account for one-third of New Zealand's Gross Domestic Product. Both are also dependent upon New Zealand's natural resources. Thus it was important for New Zealand, and countries around the world, to find an efficient way to resolve economic disputes.

The Process

In 1991, New Zealand enacted the Resource Management Act (RMA), making it one of the first countries to use ways that balance environmental, social, and economic goals in their environmental legislation. The purpose of the Act is stated as promoting “the sustainable management in natural and physical resources” which include “land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures”. Section 5 defines sustainable management as “managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and their communities to provide for their social, economic, and cultural well being and for their health and safety while sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.” Section 247 of the RMA established the Environment Court. On top of the normal adjudication process, a variety of resolution techniques including Alternative Dispute Resolution (ADR) and mediation are used. ADR is becoming more important in New Zealand's resource management process. The Court encourages the use of ADR and mediation for settling or minimizing issues in disputes. The Court offers a mediation service run by Environment Commissioners who are professionally trained for the purpose. RMA does not specify what type of dispute resolution to use, and as long as the parties consent to ADR, the remaining arrangements are flexible to the Court. At the end of the mediation sessions the parties record the outcome in a Memorandum of Understanding. Where a dispute is resolved, or a settlement is reached, the Court must approve the consent by the parties. If a dispute is not resolved then the case is scheduled for a hearing in front of the Court.

The Result

A 2004 evaluation of the Environment Court's use of mediation showed that 80% of cases referred to mediation were successfully resolved. What's more is that the demand for mediation service in the Courts is increasing. The mediation sessions have made the Courts more efficient, as the simple matters get resolved through these sessions, while the more complex matters are left to the expertise of the Court. Mediation is cheaper and faster than litigation. Thus, the Environment Court's use of mediation displays an expeditious way of preventing, and peacefully settling, environmental disputes.

Oliver, Marlene. Implementing Sustainability – New Zealand’s Environment Court Annexed Mediation. Indian Society of International Law (ISIL) Fifth International Conference on International Environmental Law, 8 - 9 December 2007, New Delhi, India.

BLM Bridgeport Land Sale Mediation

The Dispute

The Bridgeport Paiute Indian Colony (“tribe”) is a federally recognized Indian reservation. A colony is a settlement closely intertwined with the economy of a city. Though some colonies are established on public land, other colonies, such as the tribe, own the land they are settled on. The Bridgeport Indian Colony is located in Northeastern California USA, approximately 15 miles from the Nevada border. The colony’s interest in the land dates to the 1980s. The tribe first attempted to obtain the land by administrative transfer, then legislative conveyance and finally, in 1998 made an offer to buy the land. In planning for the economic development of the land, the tribe considered adding a gas station/mini-mart/gift shop, an RV park and a community center. A community center would include an indoor swimming pool, a small theater, indoor basketball court and other amenities. A casino was not being considered. The sale would double the size of the Bridgeport Paiute Indian Colony.

The Bureau of Land Management (“BLM”) administers 264 million acres of public lands, and manages the associated natural, historical, cultural, recreational, and economic resources. In 2005, after lengthy negotiations, the tribe and BLM reached a deal.

Several homeowners neighboring the reservation objected to the sale. Sixteen formal protests were received by the State BLM Director. The homeowners raised a host of objections including: the sufficiency of the notice of the sale; the use of a direct, rather than competitive sale; the economic feasibility of the planned projects; the tribe’s statutory eligibility to purchase the land; and the environmental assessment of the area, specifically the accuracy of the biological plant and animal life surveys of the land. Further, homeowners were concerned with a potential increase in traffic and taxes, and the impact on local business. The claims were ultimately dismissed but three appeals were filed with the Interior Board of Land Appeals (“IBLA”). IBLA reviewed and affirmed the BLM decision to sell the land. Petitioners appealed to the Federal District Court in the 9th Circuit. While the appeals were pending, the parties explored and ultimately decided to try mediation to resolve the appeals of the IBLA decisions.

The Process

The U.S. Institute for Environmental Conflict Resolution (“USIECR”) designed and executed a mediation plan. BLM, the Bridgeport Paiute Indian Colony, and the local community of Bridgeport, California all agreed to the mediation. In July 2006, USIECR conducted a three day assessment of the issues to see if a negotiation was feasible. In February 2007, the parties engaged in three days of mediation which led to a final, written settlement in April 2007. The mediators helped the parties see the issues from a different angle and pushed the parties to “think outside the box, which resulted in an innovative solution to the conflict.”

The Result

The mediation ended the appeals from the IBLA decisions and allowed a binding agreement regarding the sale of land to be completed. The mediation helped to end years of litigation and finalize a deal more than a decade in the making. The assessment and three-day mediation cost \$19,000 USD. The mediation helped avoid lengthy litigation costs and the participants reported that mediation would be their “tool of choice if faced with a similar type of conflict in the future.” Prior to the mediation, the parties distrusted each other and could not collectively resolve any problems. The mediation helped to rebuild trust between the tribe, the town and BLM. One participant “anticipates an improvement in community relationships with BLM.” The parties agreed they would work together in the future to resolve any similar issues.

U.S. Institute for Environmental Conflict Resolution. [BLM Bridgeport Land Sale Mediation](http://www.ecr.gov/cases/pdf/Bridgeport.pdf). <<http://www.ecr.gov/cases/pdf/Bridgeport.pdf>>.

Acta de Brasilia Negotiations between Peru and Ecuador

The Dispute

The shared border of Peru and Ecuador has been the site of a great number of conflicts arising between these two countries. This territorial dispute can be traced back to the Spanish Colonial times in the 1800s, with the last major conflict erupting in 1942, after Peru invaded Ecuador. The invasion began a 10 day war which ended with the signing of the Rio de Janeiro protocol. The protocol gave 200,000 square kilometers of former Ecuadorian land to Peru. While the protocol was intended to resolve the ongoing territorial dispute, the protocol's new established border was poorly defined. This resulted in continuing tensions, most prominently seen in the military clashes of 1981 and 1995.

The Process

In 1998, following a series of lengthy discussions, interventions, and negotiations, with third party help from Argentina, Brazil, Chile and the United States, the Acta de Brasilia was signed. This act aimed to reduce tension between the countries, build cooperation across borders, and protect biodiversity. This act called for both countries, on both sides of the border in the Cordillera del Cóndor, to create Adjacent Zones of Ecological Protection. In 1999, both countries established “peace parks”. Ecuador created the El Cóndor park and Peru created an Ecological Protection Zone and the Santiago-Comaina Reserved Zone. These parks not only give both countries a means to cooperate for conservation purposes, but they also allow local communities to develop within those areas.

The Result

Since the Acta de Brasilia was signed, there has been further cooperative acts between both countries to maintain conservation of the parks. The Acta de Brasilia has helped resolve the territorial dispute between Peru and Ecuador by promoting diplomacy across borders and initiating cooperation and strengthening of relations. The Cordillera del Cóndor peace parks

have benefited the local communities and the countries involved. Because of the success of the Cordillera del Cóndor, other areas of border conflict (i.e. Israel and Syria, North Korea and South Korea) have since discussed similar establishments of parks to resolve disputes over border areas by turning those areas into trans-boundary conservation zones. These countries hope for a similar outcome of cooperation and a resolution of tensions, as was the case with Peru and Ecuador.

Halle, Silija, ed. United Nations Environment Programme. From Conflict to Peacebuilding. 2009. Page 25.

Alcalde, Martín et al. Peace Parks in the Cordillera del Cóndor Mountain Range and Biodiversity Conservation Corridor. <http://www.wilsoncenter.org/events/docs/ponce.pdf>

Sun River Watershed Management Collaboration

The Dispute

The Sun River flows 110 miles through west-central Montana, USA crossing through forests, mountain prairies, and several communities before emptying into the Missouri River. The Sun River Watershed covers 1.4 million acres, and provides water for ranchers, irrigation districts, and fisheries.

As a result of the watershed's crucial role in the area, struggles over issues of water rights, water quality, pollution, and erosion have been a constant sources of controversy for those who depend on the resources the Sun River provides.

The Sun River Watershed Group had spent ten years trying to organize the various parties that had significant interests in the basin's health and use. Among the issues the Sun River Watershed Group sought to resolve involved disputes over water rights between ranchers, irrigation districts, the declining health of the river, and its effect on local fisheries.

The Process

The U.S. Institute for Environmental Conflict Resolution (USIECR) contracted with a neutral assessor to conduct an assessment of water management issues in the Sun River Watershed. With combined efforts of the assessors, USIECR, and the Sun River Watershed Group, the environment of distrust and hostility that had plagued previous attempts to collaborate and resolve the many issues facing Sun River disappeared. Ways to more efficiently manage the Watershed's reservoirs were researched and recommendations to help reduce pollution were discussed.

The Result

As a result of these efforts, significant progress was made. Achievements include: Half of a 40 mile stream segment that was considered the worst non-point source issue in Montana was stabilized by reducing sediment load by 80%; four miles of primary fishery and spawning habitat

were restored; prescriptions for grazing management were applied on 50,000 acres of rangeland; automated canal gates were installed, improving water control and heightening efficiency.

One watershed group participant concluded: “Without the process funded by USIECR, we would never have achieved the progress in our discourse on flows in the Sun River. The work that the Sun River Watershed group did in connection with the Institute's support moved the different parties' positions from irreconcilable and outright hostility to productive discussions about ways to collaboratively solve the problem.”

U.S. Institute for Environmental Conflict Resolution [Sun River Watershed Collaborative Process](http://www.ecr.gov/Projects/CaseBrief.aspx?Project=461). <<http://www.ecr.gov/Projects/CaseBrief.aspx?Project=461>>

Agacher Strip Mediation between Burkina Faso and Mali

The Dispute

Burkina Faso and Mali both sought to control the 100-mile long Agacher Strip, and with it the considerable amounts of natural gas and mineral resources it contained. Where the border between the two countries should be drawn was the source of ample tension and two eruptions of armed conflict, first in 1974 and again in 1985. The second conflict, dubbed the Agacher “Christmas” War, lasted five days and cost dozens of lives.

The Process

The “Christmas” War ended when the two sides signed a peace treaty sponsored by the West African political mediation group, ANAD. Though the December 30, 1985 accord ended the violence, where the border along the Agacher Strip should be drawn was still a matter of heavy dispute. Both sides refused to fully withdraw, and preparations were made to begin the conflict anew if a resolution could not be made.

The matter had been brought before the International Court of Justice, the primary judicial body of the United Nations, in 1983. With tensions still high in the months after the Agacher “Christmas” War, both countries submitted the matter again to the ICJ, hoping a decision could be made that would help avoid a renewal of violence in the region.

The Result

The ICJ came to a final decision by December 22, 1986. After extensive investigation, the ICJ decided to only make minor corrections to the border, and gave ANAD the authority to control the withdrawal of troops. Key to the mediation was the nearly equal division of the Agacher Strip, with Burkina Faso receiving the east portion and Mali the west.

The decision was enthusiastically accepted by both sides, both of which praised the ICJ for their evenhanded efforts.

International Court of Justice. [Frontier Dispute \(Burkina Faso/Republic of Mali\)](http://www.icj-cij.org/docket/index.php?p1=3&k=b3&case=69&code=hvm&p3=5). <<http://www.icj-cij.org/docket/index.php?p1=3&k=b3&case=69&code=hvm&p3=5>>.

Mediating Water Quality Standards in Oklahoma

The Dispute

In early 2006, the State of Oklahoma, USA, the Quapaw Tribe, and the U.S. Environmental Protection Agency (EPA) Region 6 sought to develop a Cooperative Agreement addressing water quality issues in Oklahoma, with assistance from the U.S. Institute for Environmental Conflict Resolution and Mr. J. Michael Harty of Harty Conflict Consulting & Mediation. The parties requested an assessment of their joint ability to come to a resolution through assisted negotiations, noting a low level of mutual trust and differing interests as potential obstacles to resolution.

The Process

Mr. Harty conducted the assessment in the context of Section 10211 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (“SAFETEA”) and Section 518 of the Clean Water Act (33 U.S.C. §1377), accounting for the interests of the Quapaw Tribe, other Native American tribes in Oklahoma, and the EPA as trustee.

The Result

In 2007 and 2008, the parties, with Mr. Harty’s assistance, developed a set of factors that were likely to impact negotiations, and a process by which the EPA would effectively coordinate construction of the Cooperative Agreement. Mr. Harty determined that due to the Tribe and State leaders’ commitment, subject area knowledge, and determination to reach a resolution, the parties could effectively manage their low level of mutual trust in order to align their core interests in a Cooperative Agreement. Moreover, the assessment process proved that all parties had an interest in continuing negotiations, and could accomplish their mutual goals without third party assistance.

U.S. Institute for Environmental Conflict Resolution. [EPA-Quapaw-Oklahoma Water Quality Assessment and Design.](http://www.ecr.gov/Projects/CaseBrief.aspx?Project=1069)

<<http://www.ecr.gov/Projects/CaseBrief.aspx?Project=1069>>

Mt. Hood National Forest Collaborative Planning

The Dispute

Mt. Hood National Forest covers 1.1 million acres in Northwestern Oregon, USA. The forest has more than six million visitors per year, and serves as an urban recreation zone for residents who live within a two-hour drive of the Forest. The Forest experienced conflict over balancing appropriate uses of land. A primary concern was that the construction and year round operation of overnight ski and lodging accommodations would cause irreparable damage to the wetlands, streams, and fragile alpine meadows in the vicinity. Furthermore, the proposed expansion into the White River drainage was viewed as being inconsistent with the classification of the White River as a wild and scenic river. Other issues included balancing use of land by hikers, bikers, picnickers, campers, etc. with the need to conserve the environment.

The Process

Together with public and private sector leaders, forest leadership worked to plan for recreation management in and around the Forest. The Forest Service enlisted the help of the U.S. Institute for Environmental Conflict Resolution and the state of Oregon's Public Policy Dispute Resolution Program to conduct an assessment of stakeholder thoughts, interests, and concerns. Together, they arrived at a foundation for the strategic planning process to build a collaborative approach to recreational uses of the Forest.

The Result

The strategic plan identified a range of design options for developing the approach to recreational uses of the Forest. These included outreach to stakeholder groups and development of the internal staff to encourage collaboration. In one case, the mediators developed a series of training workshops for Forest Service staff and potential program partners. These are ongoing initiatives. The Forest Service was able to learn about collaboration and determine goals for long-lasting positive progress through its mediator partners.

U.S. Institute for Environmental Conflict Resolution. Mt. Hood National Forest Recreation Management Plan: Collaborative Intervention.
<<http://www.ecr.gov/Projects/CaseBrief.aspx?Project=278>>.

Washington Navy Yard Stormwater Permit Mediation

The Dispute

A National Pollutant Discharge Elimination System storm water permit for the Washington D.C. USA Navy Yard was issued by the Environmental Protection Agency. As one of two parties, the U.S. Navy did not agree with the process and appealed the permit. A four year long dispute arose.

The Process

The U.S. Institute for Environmental Conflict Resolution managed to have the parties agree on a formal mediation process to settle the dispute. The mediation process only took 5 months for a settlement to be reached.

The Result

The settlement through mediation ended a four year long dispute. As a result an environmentally protective permit was agreed upon that related to the interests of both sides

U.S. Institute for Environmental Conflict Resolution. Briefing Report for Federal Department Leadership. June 2004, Revised May 2005. 102.
<<http://www.ecr.gov/pdf/BR.pdf>>.

The Middle East Climate Change Assessment

The Dispute

The Levant—made up of Syria, Lebanon, Israel, Jordan and the occupied Palestinian territory—has experienced more than 60 years of conflict. In addition to the conflicts over land and national relations, as well as religious tensions, there is the mounting scientific evidence confirming the speed and scope of climate change. However, climate change—by redrawing the maps of water availability, food security, disease prevalence, population distribution and coastal boundaries—may hold serious implications for regional security. Climate change may increase competition for scarce water resources, complicating peace agreements: The impact of increased water scarcity as a result of climate change may make some existing peace agreements untenable, could complicate the negotiation of new peace agreements and could be a factor in national instability. Climate change may intensify food insecurity, thereby raising the stakes for the return or retention of occupied land and may hinder economic growth, thereby worsening poverty and social instability.

The Process

The International Institute for Sustainable Development (IISD), an independent Canadian environment and development research institute, prepared a neutral analysis of the security threat of climate change in the region over the next 40 years (to 2050), drawn from consultations and extensive interviews with experts from across the region’s political and ethnic divides. The study involved two research trips (October 2008 and January–February 2009) and desk-based research. IISD’s neutral/impartial position enabled the authors to hold consultations and conduct interviews on several sides of the region’s many political divides; a total of eight informal and frank consultations and dozens of interviews were held in Amman, Beirut, Damascus, Jerusalem, Ramallah and Tel Aviv. The Research focused on four major questions: 1. What are the economic, environmental and social implications of climate change in the region? 2. Does the legacy of conflict in the Levant undermine the region’s ability to adapt to these challenges? 3. To what extent will the impacts of climate change in the Levant affect the likelihood or longevity of violent conflict? 4. Could the shared challenge of climate change somehow lead to new ways to address present and potential tensions?

The Result

Aside from conclusions about the aforementioned questions, the research team posed strategies for how to defeat these impending conflicts. The first was to start by fostering a culture of conservation in each country. Recommendations include raising awareness on the need to conserve and recycle, to invest in efficient water infrastructure, to reassess how water is used in agriculture and to appropriately price water to encourage efficiency. Another suggestion included working together to adapt to the changes that are taking place in the climate. Governments can share strategies for “best practices” and integrate the impact of climate change into national development strategies and existing policies. Additionally, they should establish a Regional Centre for Adaptation to Climate Change that can develop and disseminate innovative ways to deal with drought and maximize water and energy efficiency. Hopefully, this shift will help the parties work towards goal three of avoiding dramatic and drastic climate change. Other

suggestions include, facilitating a shift in the way the world produces and uses energy; ensuring global agreement on stronger commitments to reduce greenhouse gas emissions at the COP-15 meeting in Copenhagen while recognizing the legitimate development needs of those countries producing fewer greenhouse gas emissions; and enabling the Palestinian Authority to engage meaningfully in the international debate on climate change and to participate in processes such as the COP-15 meeting in Copenhagen in December 2009.

Brown, Oli, and Alec Crawford. Ministry of Foreign Affairs of Denmark. Rising Temperatures, Rising Tensions - Climate change and the risk of violent conflict in the Middle East. International Institute of Sustainable Development, 2009.

Lake Michigan – USA Mediation

The Dispute

Since the beginning of the 20th century the U.S., the Federal Government has been in conflict over the use of Lake Michigan's water. Removing too much water, critically affects the lakes in other states. This dispute led to more than four U.S. Supreme Court cases between 1920 and 1995.

The Process

In 1995, when another US Supreme Court litigation on that issue arose, the eight Great Lake states (Illinois, Michigan, Wisconsin, Indiana, Minnesota, Ohio, New York and Pennsylvania) and the U.S. government entered into mediation. They decided to split the cost thereof. In less than one year, the parties produced a framework to permanently settle the dispute.

The Result

The agreement, in the form of a memorandum of understanding, signed by all eight states, was announced on October 9, 1996. Illinois agreed to several limitations. One limitation was compliance with earlier court decrees limiting its use of water. If Illinois makes clear progress in meeting its obligations and an independent panel accepts the lakefront measuring system, the parties are to ask the U.S. Supreme Court to incorporate their agreement in a final decree.

Policy Consensus Initiative. Mediating the Use of Lake Michigan's Waters.
<http://www.policyconsensus.org/casestudies/docs/MI_water.pdf>.

Coeur d'Alene Lake Management Plan Mediation

The Dispute

Lake Coeur d'Alene is located in the Silver Valley of Idaho, USA. The shoreline, cluttered with resorts and luxury homes, has been developing rapidly in the last half century. Due to historic mining in the Silver Valley region, metal sediments (zinc, lead and cadmium) have accumulated

on the bottom of the lake. As various environmental regulations have come into effect, water quality in the lake has improved, but remains an issue. The challenge facing the Idaho Department of Environmental Qualities, the EPA and the Coeur d'Alene tribe, is how to ensure that the human development of the area is managed in ways that will protect the lake's water quality.

The lake is partially owned by the Coeur d'Alene tribe and the State of Idaho has jurisdiction over the remaining part of the lake. In 1998 the EPA initiated a plan to address the issues related to the accumulation of those metals and the effect on water quality. The goal of the plan was to “protect and improve lake water quality by limiting basin-wide nutrient inputs that impair lake water quality conditions, which in turn influence the solubility of mining-related metals contamination contained in lake sediments.” Implementation of the actions in the plan required successful negotiation on a new Lake Management Plan (LMP). The Tribe and the State were unable to reach an agreement by 2004.

The Process

In 2005, the U.S. Institute for Environmental Conflict Resolution (USIECR) joined the EPA, the Idaho Department of Environmental Qualities and the Coeur d'Alene tribe to resolve the conflict. The Institute first assessed the possibility of a new LMP. The first part of the resolution process involved an extensive assessment of the problem. USIECR appointed a neutral third party to determine the source of disagreement and the particular points of contention. The assessment included interviews with the parties both individually and in groups. A report that was submitted to the parties for input in 2006 and a final assessment, with various options and recommendations for course of action, was submitted in 2007.

The second part of the mediation was a negotiation of a draft LMP. The third party mediator helped guide the parties away from disagreements. Each party was provided an opportunity to add suggestions to the draft LMP. This phase of the conflict resolution process took approximately a year. At the end of this phase, the state and the tribe were able to reach an agreement on a draft 2008 LMP, which was released to the public on June 24, 2008. Subsequently, there were opportunities for members of the public to comment on the draft and participate in the debate on implementation of the plan and proposed funding.

The Result

The mediation resulted in a LMP that was signed in 2009. Additionally, the process helped improve the working relationship between the state agency and the tribe. The LMP was signed in March, 2009. The LMP identifies the actions and resources that will be required to manage Coeur d'Alene Lake. The scope of the LMP encompasses the entire Coeur d'Alene Lake. The scope, based on the natural boundaries of the lake, was essential to address the problem. Both parties submitting to the LMP helps promote integrated solutions and maximizes the use of available resources to benefit water quality. Through the mediation the parties established the shared goal of protecting the lake. This mutual interest was fundamental to the agreement to protect the lake, support new LMP negotiations and the final implementation of the plan.

U.S. Institute for Environmental Conflict Resolution. [Coeur d'Alene Lake Management Plan.](http://www.ecr.gov/Projects/CaseBrief.aspx?Project=914)
<<http://www.ecr.gov/Projects/CaseBrief.aspx?Project=914>>.

The Lakeview Biomass Oregon Solutions Project

The Dispute/Problem

More than 90 million acres of western USA dry forests are at moderate to high risk of severe drought stress, insect and disease epidemics and uncharacteristically severe fires due to excessive levels of small diameter biomass from forest floor to canopy. In addition, thousands of acres of rangeland are being degraded by encroachment of western juniper due to fire suppression. The absence of utilization options for small diameter trees and western juniper makes their removal prohibitively costly, and therefore, this material is usually left on the site where it perpetuates unhealthy forest conditions. Currently, the piled material is often disposed of in the forest in open burns that degrade air quality and release significant amounts of carbon into the atmosphere. Bringing all the involved and interested organizations together to come to a single solution is the challenge.

The Process

The Lakeview Biomass Oregon Solutions Project was a community-based, multi-stakeholder effort designed to create an ecologically sound solution to forest restoration that included the development of an economically viable biomass energy facility. Located in the center of the 492,642 acre Lakeview Stewardship Unit on the Fremont –Winema National Forest, this new energy production effort strayed from traditional project development tasks to use a more collaborative, transparent and multi-sectoral approach. It also occurred simultaneously with public policy development around rural economic development, forest management and renewable energy.

The community governance model provides the power of a neutral forum that helps people think beyond parochial interests, enabling greater participation and broad ownership in the solution. Each project is designated by the Governor, who appoints a highly-respected and fair-minded convener to bring the parties together and chair the meetings. Together, these features provide an “elevated forum” and a sense of urgency for all parties and their commitment to find a solution. The Lakeview project partners were identified through an extensive independent assessment and came to include local government, state and federal agencies, businesses and nonprofits and other local stakeholders with interests in ecosystem restoration, renewable energy production and local employment and job creation. Once their vision and objectives were in place, Governor Kulongoski designated the Lakeview Biomass Project Team (Team) an Oregon Solutions project, and appointed OSU College of Forestry Dean and a Lakeview County Commissioner to serve as project co-conveners, both respected and impartial leaders. This multi-sector Team was co-managed to make efficient use of available resources, accelerate the pace of the project, deal quickly with challenges as they arose, raise awareness of the initiative on a statewide level and help bring and keep effective partners to the table.

The Result

Within six months, all Lakeview Project Team members had signed a Declaration of Cooperation (LBOST 2006) that included an implementation plan for a 13 megawatt biomass facility that called for an initial capital investment of over \$25 million and would create 60 new jobs in the community. The biomass facility was sited on land adjacent to the Fremont Sawmill in Lakeview to provide steam for the mill’s operation. When up and running, the biomass facility

will consume 250,000gT of forestry biomass material from regional lumber mills and the national forest. The implementation plan activated the partners to work both individually and as a group to move the project forward. In early 2008 with all needed agreements, permits and financing in place, construction began on the facility. Commercial operation is scheduled to start in 2010.

Greenwood, Steve. The Lakeview Biomass Oregon Solutions Project: Case Examples of collaborative Governance in Service of Climate Change.
<http://www.orsolutions.org/central/lakeviewbiomass.htm>

Apple Timber Sale in Oregon

The Dispute

The residents of Williams, Oregon USA filed a lawsuit against the US Bureau of Land Management (BLM) over apple timber sales in their community.

The Process

At the request of both parties, the US Institute for Environmental Conflict Resolution contracted mediators in an attempt to settle the issue outside the courtroom. The mediators, in conjunction with both parties' counsel, determined a negotiation was possible, then made recommendations.

The Result

After the short process of mediation, the two parties came to agreements concerning the sale of Apple timber in Oregon. The arrangement allowed 75% of the original sale to be executed, while 25% was left untouched. Additionally, it afforded community members the opportunity to have oversight over their town's lumbering activities.

Although costing both parties involved and the US government money, the process was the first example of successful mediation in Oregon timber sales with the BLM. Most importantly, the mediation permitted community members to assume a key role in lumber sites and is a compelling example of successful mediation.

U.S. Institute for Environmental Conflict Resolution. [BLM Scattered Apples Timber Sale Mediation](http://www.ecr.gov/Projects/CaseBrief.aspx?Project=912).<<http://www.ecr.gov/Projects/CaseBrief.aspx?Project=912>>.

Credits & Contacts

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For further information, please contact:

Mark Batson Baril, Mediators Beyond Borders, COP15 Project
(markb@disputeresolutionpartners.com)

Kirk Emerson, Mediators Beyond Borders, COP15 Project (kirk_emerson@mindspring.com)