



Inside Ag

August 2012

What is the Colorado Agriculture Mediation Program?

The Colorado Agricultural Mediation Program (CAMP) mediates agricultural disputes between farmers and ranchers and U.S. Department of Agriculture (USDA) throughout the State of Colorado. The program is federally grant funded and the USDA has authorized the Colorado Department of Agriculture to administer the program.

CAMP provides a voluntary alternative to litigation, arbitration, or formal appeals through the use of an impartial third party mediator. The mediator facilitates communication and assists the parties in resolving their disputes. Mediation allows disputing parties to discuss options in a controlled setting and provides all parties the opportunity to express their views and provide input toward the solution. The mediator does not impose his/her own judgments on the issues for that of the parties. Thus, the mediation process is an extension of the traditional negotiation process with the addition of a third party to assist in negotiations.

The CAMP program provides mediation to USDA agencies and clients in the following areas:

- Wetland determinations
- Compliance with farm programs
- Agricultural credit
- Rural water loan programs
- Grazing on National Forest System lands
- Pesticides; and
- Such other issues as the Secretary considers appropriate

What is mediation?

Mediation brings disputing parties together in a neutral setting with a trained, impartial mediator to work out a solution where everyone "wins." Mediation provides a forum for borrowers and creditors to resolve their financial disputes and explore any options that can keep the family farmer in business and keep our rural communities viable.

The process promotes calm and rational discussion of the issues to identify goals and options, reduce fault-finding and construct a plan that will benefit borrowers as well as creditors. All participants in the mediation process get to speak and be heard. Mediation is an efficient and economical way to resolve disputes.

However, this is a voluntary settlement process. Mediation is not legally binding and the mediator has no power to find fault or impose a particular solution. The goal is to help all parties to reach agreement on an acceptable course of action.

Where Does One Go For Mediation?

Contact the Colorado Agricultural Mediation Program (CAMP) at 1-800-358-8837 to request the mediation service. CAMP will contact all of the parties involved to arrange their participation and will help

assemble the necessary information. In order to protect the privacy of all involved, a mediator may be assigned from a different part of the state to reinforce confidentiality.

How is Mediation Initiated?

The mediation process can be initiated by any agricultural producer that has received an adverse determination from the Farm Service Agency, the Natural Resource and Conservation Service, Rural Development, the National Forest Service, or any agricultural lender, by contacting CAMP.

The mediation process used by CAMP can be described by the following steps:

- Initial contact with parties
- Selecting a strategy to guide mediation
- Collecting background information
- Designing a plan for mediation
- Building trust and cooperation
- Beginning the mediation session
- Defining issues and setting an agenda
- Uncovering hidden interests of the parties
- Assessing options
- Formal settlement.

How is Mediation Terminated?

The mediation process is terminated when a mutually agreeable settlement is reached by the parties. However, in keeping with the voluntary nature of the mediation process in Colorado, the requesting party may terminate the mediation process at any time, with or without cause, by written notification to CAMP. Likewise, CAMP may terminate the mediation process at any time if it is determined that further efforts at mediation are no longer worthwhile.

What are the benefits of mediation?

Typically, the mediation process allows for a much quicker resolution of a legal dispute than litigation, and is less expensive than formal litigation or appeals process. But perhaps most importantly, mediation provides a mechanism for resolving disputes that does not destroy the working relationship between the disputing parties.

Agreements reached in mediation typically have a very high rate of compliance. This is because the disputing parties actually participate in the development of the settlement agreement. Most other processes impose a solution on the parties with very limited participation in the development of an agreement.

The greatest benefit derived from mediation is intangible. This is the benefit of improved communication that results in strengthened ties and relationships with the other party. The mediation process tends to leave the parties with a greater sense of satisfaction than litigation because the process is designed to increase the understanding of all the parties.

If you have any question regarding the program, please contact Mark Gallegos at mark.gallegos@ag.state.co.us or 303-867-9213.