Environmental Collaboration and Conflict Resolution Federal Forum Meeting Notes

White House Conference Center
726 Jackson Place NW, Washington, DC
Tuesday, March 12, 2019
10:30 AM – 12:00 PM Eastern

Welcome, Agenda Review, and Brief Introductions

Ted Boling welcomed everyone and went over the agenda. Everyone in the room and on the phone introduced themselves by name and agency.

General Updates from CEQ

The Council on Environmental Quality (CEQ) is reviewing and updating the National Environmental Policy Act (NEPA) regulations for the first time in 40 years.

General Updates from USIECR

The FY18 Annual Report on ECCR from individual agencies is due to Courtney Owen, owen@udall.gov, by **Friday, April 12th, 2019**. The template will **NOT** change for reporting for FY18. Please let Courtney know if you need more time to complete the Annual Report.

Phil Lemanski, the Executive Director of the Udall Foundation, will retire April 2019. The U.S. Institute is actively looking for his replacement. Please see the job announcement on USA Jobs:
https://www.usajobs.gov/GetJob/ViewDetails/526389900

General Updates from Other Agencies

Department of Energy (DOE): DOE will be hosting their annual attorney's training on either April 30th or May 8th in Washington, D.C. and online. Dana Goodson, U.S. Institute for Environmental Conflict Resolution (USIECR), will be presenting on ECCR. This training is open to federal employees only and CLE credits may be available. If you are interested, please e-mail Steve Miller, steven.miller@hq.doe.gov

Federal Permitting Improvement Steering Council (FPSIC): FPSIC is enhancing their collaboration in ECCR and building out tribal relations. If you have thoughts or connections, please speak with Anselm Beach, anselm.beach@gsa.gov

Discussion: Recommended Improvements to Annual ECCR Synthesis Report

Objective: Present and discuss potential improvements recommended by the work group.

At the last ECCR Forum Quarterly meeting on October 16, 2018, CEQ and the USIECR asked the agencies how to enhance efficiency in the reporting process and increase the utility of the annual ECCR synthesis report. A work group was formed to discuss the suggestions collected at that meeting and to make additional suggestions based on their experience with the report. The Work Group reviewed

recommendations made at the October 16th meeting, as well as a previous Work Group's suggestions from 2016 and sent out their suggestions to the ECCR Forum prior to this Quarterly Meeting.

Key points from the discussion by the full forum are captured below by work group recommendation:

Intro

Work Group Recommendation: Focus the annual synthesis on "telling the story" of ECCR in the federal government that year: highlight trends, changes, and new information, highlight at least one case study on interagency collaboration, and move information that doesn't change from year to year to a static document stored on the web (USIECR website).

> *Discussion:* One forum member said that the story of ECCR in the federal government is on the value of what we do and that it does not come free. Another forum member stated that the ECCR story is hard to explain with statistics. The forum member explained that ECCR's "story" is taking a conflict that is headed for disaster and then making it workable.

> There was some discussion around the purpose of the Annual ECCR Report and its purpose for federal agencies, OMB, and CEQ. One ECCR forum member stated that the report should be a standalone document and that "archived" or sections that are placed in permanent location on a website would not be beneficial to those seeking more information about ECCR. Another forum member described the purposes to be either: 1. To track numbers of what ECCR does and 2. To market to agency leadership on ECCR use in their agency.

> There was general consensus amongst members in support of the recommendation of the work group. present that the annual synthesis report should focus more on "telling the story" of ECCR in the federal government that year, however not at the expense of turning the report into a document that couldn't be stand alone. The work group will discuss how to strike this balance in the annual synthesis vs archiving information that doesn't change from year to year.

ECCR Sponsorship, Participation, and Context

Work Group Recommendation: Is there a better way to display data from small agencies for Figure 1 Distribution of ongoing ECCR cases in the federal government, FY 2007 to FY 20##?

> *Discussion:* Forum members questioned what the qualifications for small vs large agency would be. Some suggested that it would be number of cases per agency. A forum member suggested that we would display this information by how many FTEs and dollars are invested into ECCR. Several other forum members disagreed with this tactic as their agencies do not separate ECCR as specific line item on their budgets. For those agencies that do not have fully devoted ECCR centers, it is difficult to capture opportunities for neutral facilitators due to contracting and other issues. A forum member suggested that we provide this context within the report by specifying the investments, where the successes happen, and where they do not. This section could provide insights into why case numbers fluctuated that year due to the Administration's priorities, if the conflict is ripe for ECCR, and budgets for ECCR.

> The work group will consider the full group's thoughts on this issue.

Contexts for ECCR

Work Group Recommendation: A previous recommendation was made to add "Environmental restoration and mitigation activities" to *Figure 3: FY 20## contexts and agency decisions-making forums for ECCR application*. Would this present any difficulties for anyone?

> *Discussion:* There was consensus amongst forum members present to *not* add this category to Figure 3. Forum members felt that environmental restoration and mitigation activities is hard to quantify within the Figure 3 table as it can fall under permitting and implementation, or other categories, which would cause overlap and double counting.

Work Group Question: Could agencies send in a list of the interagency cases they worked on with other agencies so that we can cross reference for an accurate number? And/or highlight one or a few interagency cases in a narrative in this section?

> *Discussion:* There was support to highlight interagency cases in a narrative format.

Work Group Recommendation: General info (like in Figure 2) on common contexts be included as part of the intro every year, with more detailed information (like the bullet points below) in static document on USIECR website. Any new contexts for use can still be reported by agencies and included as submitted.

> *Discussion:* Forum members discussed the pros and cons of "archiving" certain data sets in a static report that would live on the USEICR web site. There was concern that any archiving shouldn't prevent the annual report from being able to stand on its own for a general audience. Work group members will consider this concern in their ongoing discussions.

Work Group Recommendation: Include definitions for the contexts for ECCR applications on Figure 3. FY 20## contexts and agency decision-making forums for ECCR application (table). Does anyone have definitions?

> *Discussion:* Forum members agreed that definitions would be helpful for understanding Figure 3, however no one present has readily available definitions to contribute.

Work Group Recommendation: Should we display non-third party ECCR resolution efforts data in Figure 3. FY 20## contexts and agency decision-making forums for ECCR application (table)?

> *Discussion:* Forum members disagreed on displaying the non-third party ECCR resolution efforts data in Figure 3. Some forum members referred to the memo of ECCR which defines ECCR as using third party intervention. Other forum members stated they have needed to turn to other creative ways to solve environmental conflicts due to various reasons and believe that these resolution efforts should be acknowledged. Forum members agreed that solving environmental conflicts can be done in a variety of ways but requiring reporting of these instances would create a workload problem for some agencies.

Investment in ECCR

Work Group Recommendation: Move detailed information of yearly investments in ECCR to a static document or on the USIECR website and only highlight new or increased investments in the body of the report.

- Narrative of big themes
- List of new notable agency-specific examples

Discussion: Forum members discussed the pros and cons of "archiving" certain data sets in a static report that would live on the USEICR web site. There was concern that any archiving shouldn't prevent the annual report from being able to stand on its own for a general audience. Work group members will consider this concern in their ongoing discussions.

Training

Work Group Recommendation: Is there interest in collecting this data as part of quantifying agency investments? Could present an increased reporting burden. Could also be optional.

> *Discussion:* An overall question was posed as to whether the top line number of the overall amount of trainings taken would be valid and comparable from year to year. While most forum members provide and/or take ECCR trainings, some forum members were concerned to have a standalone section as each year would not be consistent due to budget constraints yearly. Additionally, some forum members said that their staff may take ECCR trainings but may not record it in a central location and this may be a work load issue to acquire that information. A forum member suggested that this could be an opportunity to share what trainings your agency has participated in or provided and if your agency has not, that agency would report that there are no centralized trainings for their agency. From a marketing stand point, this section could be helpful to show what other agencies are doing.

Benefits of ECCR

Work Group Recommendation: Recommend this section will be reserved for only new information – general information on the known/demonstrated benefits should be moved to static report or on the USIECR website. Could highlight case studies here that demonstrate any new benefits or uses of ECCR, such as those that highlight current administrations priorities.

> *Discussion:* Forum members discussed the pros and cons of "archiving" certain data sets in a static report that would live on the USEICR web site. There was concern that any archiving shouldn't prevent the annual report from being able to stand on its own for a general audience. Work group members will consider this concern in their ongoing discussions. Regarding this section of the synthesis report, one forum member agreed that with keeping some portions "static" but reducing this section to three main buckets of benefits: cost reduction, improved relationships, and better outcomes. Within in each section, new contexts in which those benefits were actualized in an agency would be added in addition to a highlighted case example.

Analyzing ECCR Costs and Benefits

Work Group Recommendation: Only include new costs and benefits in synthesis report, move summary of recurring information to static document or on the USIECR website.

- Narrative of new benefits of ECCR
- Examples of new benefits of ECCR

Discussion: Forum members discussed the pros and cons of "archiving" certain data sets in a static report that would live on the USEICR web site. There was concern that any archiving shouldn't prevent

the annual report from being able to stand on its own for a general audience. Work group members will consider this concern in their ongoing discussions.

Data Collection and Reporting Challenges

Work Group Recommendation: Only include new information from agencies in body of report, move static info to an appendix or on the USIECR website.

Discussion: As stated previously, there was disagreement on whether the ECCR Annual Report should be a standalone document that incorporates all "static" information.

Work Group Recommendation: Could this be a separate working document? Still ask the question in annual report template but keep data in a separate document that the Forum uses as a working document through the year.

- Narrative of new data collection and reporting challenges
- Suggestions on how to aid future data collection efforts

Discussion: Forum members discussed the pros and cons of "archiving" certain data sets in a static report that would live on the USEICR web site. There was concern that any archiving shouldn't prevent the annual report from being able to stand on its own for a general audience. Work group members will consider this concern in their ongoing discussions.

Appendix B:

Work Group Recommendation: Separate, "static" document on the USIECR website that archives data that doesn't change from year to year.

- Benefits of ECCR (list)
- Investment in ECCR (list)
- Analyzing ECCR Costs and Benefits
    - Methods for assessing ECCR use, costs, and benefits (table)
- Data Collection and Reporting Challenges (narrative and list)

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Other Topics

- A ECCR forum member was asked if it would be helpful to add a section about when you didn't use ECCR and should have. There was agreement amongst members that while this information would be helpful to know, it would not be practical to collect this information.
- Forum members expressed a desire to have a "real time" online application to add their ECCR cases instead of compiling the list at the end of the year. The U.S. Institute does not have the capacity to design and manage the online application, but encourages agencies to implement such processes internally and use the ECCR Forum as an avenue to share progress and lessons learned.

Next Steps

The U.S. Institute has put together a small group that will work on changes to the template. The following have responded to joining the work group:

1. Steve Miller, DOE
2. Sarah Palmer, DOI
3. Jake Strickler, EPA
4. Krystyna Bednarczyk, DOT
5. Frank Sprtel, NOAA
6. Crorey Lawton, USACE

Please let Courtney Owen, owen@udall.gov, know if you would like to be on the work group call.

Next Forum Meeting

CEQ and the U.S. Institute will identify a date for the next forum meeting in June 2019. Forum members will receive a calendar invite.

Attachments

Attachment 1: Attendees

Name	Agency
Ami Lovell	Department of Transportation
Amy Coyle	Council on Environmental Quality
Anselm Beach	Federal Permitting Improvement Steering Council
Anthony Bobo	Bureau of Land Management
Brian Manwaring	U.S. Institute for Environmental Conflict Resolution
Carrie Greco	U.S. Army
Catherine Johnson	Veterans Affairs
Cathy Humphrey	Bureau of Land Management
Ciera Miller	Department of Energy
Courtney Owen	U.S. Institute for Environmental Conflict Resolution
David Cohen	Federal Highway Administration
Faris Mohammed	Department of Transportation
Frank M. Sprtel	National Oceanic and Atmospheric Administration
Fred Clark	U.S. Forest Service
Hal Cardwell	U.S. Army Corps of Engineers
J.D. Hoyle	Federal Energy Regulatory Commission
Jacob Glass	Office of Management and Budget
Jacob Strickler	Environmental Protection Agency

Jeanne Briskin	Environmental Protection Agency
Karen White	National Guard Bureau
Krystyna Bednarczyk	Department of Transportation
Lamar Echols	Council on Environmental Quality
Lauren McKeever	Bureau of Land Management
Pat Collins	U.S. Air Force
Stephanie Kavanaugh	U.S. Institute for Environmental Conflict Resolution
Stephanie Lucero	U.S. Institute for Environmental Conflict Resolution
Steven Miller	Department of Energy
Ted Boling	Council on Environmental Quality
Tyson Vaughan	U.S. Army Corps of Engineers
William Hall	Department of Interior