

# Environmental Collaboration and Conflict Resolution Federal Forum

## Meeting Notes

White House Conference Center  
726 Jackson Place NW, Washington, DC  
Tuesday, February 27, 2018  
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

Ted Boling has been in talks with CEQ leadership and OMB about the *ECCR Benefits and Recommendations* paper. CEQ has edited the paper to keep it in line with infrastructure initiatives, including Executive Order 13807, but OMB may have further edits along these lines. The *ECCR Benefits and Recommendations* paper will be an important part of a suite of guidance products that support the “One Federal Decision” mandate. They will circle back with the document after it has gone through careful editing. There is no rough estimate of when it will be ready.

### General Updates from USIECR

Please send your agency’s ECCR Forum Annual Report FY2017 as soon as possible to Courtney Owen ([owen@udall.gov](mailto:owen@udall.gov)) or please let us know when you will have a completed version.

### Discussion A: Benefits & Recommendations Product

Objective: Determine how to publicize when the report is ready for release.

Ted asked the forum how they would use the *ECCR Benefits and Recommendations* paper in their offices and agencies to show why ECCR is useful and how it can be used for budget justifications.

Jeanne Briskin, EPA, suggested a Hill strategy where relevant committees are briefed on the substantive and technical sides, disseminating the paper to NGOs, industry, Tribes, and other stakeholders; CEQ meetings; meetings with agency heads and budget offices; and post on each agency’s website.

Steve Miller, DOE, offered to circulate the paper at DOE’s annual training on May 2, 2018. DOE’s annual training targets ECCR and other issues. This training is not just for attorneys and is available remotely and in person.

Ted offered to send an email with the *ECCR Benefits and Recommendations* paper to agency policy officials and relevant key stakeholder groups. He requested that all of the ECCR Forum send him a contact list. USIECR will gather the emails from the Forum.

USACE stated that they would brief leadership internally on the ECCR annual report and the *ECCR Benefits and Recommendations* paper. Ted emphasized that all forum members should do internal outreach.

Regarding messaging, Ted believes that the document sells itself and that once he receives OMB clearance he will send it to the ECCR.

## Discussion B: Agency Updates

Objective: Detailed reporting of experiences and current work.

Ted asked the Forum to go around the room and highlight any ECCR work from this year.

DOE had several successful mediations with uranium mine clean ups in the southwest of the United States, where they avoided and minimized conflict upstream instead of using litigation. DOJ is working with DOE to determine how cost effective ECCR was compared to litigation. DOE will share more information once they have deciphered what is for public consumption.

NOAA reported that they continue to build their ECCR program. They are partnering with the NOAA Facilitators Network which is an internal effort focused on facilitating NOAA working groups and collaborations. NOAA's Facilitators Network is currently looking outside of NOAA to apply ECCR as well as working with the NEPA office to use ECCR. USIECR has provided NOAA with several trainings.

EPA continues to expand knowledge of ECCR and work on ECCR cases. Recently they released confidentiality guidelines under the ADR Act as a tool for use by their clients and stakeholders. This product can be shared with and utilized by ECCR Forum members. In addition, EPA has:

- Produced a video about the difference between mediation and facilitation for public use (<https://www.youtube.com/watch?v=luGM9BMdbJQ&feature=youtu.be>)
- Started an internal diversity dialogue group.
- Revamped their trainings using a more narrative approach. This approach involves stakeholders sharing their stories. Their non-narrative guide is nearing completion for release.
- Begun implementation of performance measures throughout the agency – EPA Lean Management System, CPRC has already optimized timing through 3 measures: quality of services through contract, quality of services of training, and facilitated discussions.

EPA's current cases involve federal consultations, regulatory negotiation, Flint, Chicago, and one on scientific integrity.

DOT continues to work with USIECR on training through their permitting office. DOT is reviewing applications for coordinating liaisons in the field. Recently, DOT used a facilitator for a negotiated rule-making to set up self-government for tribes and the discussions went much better.

FPSIC is focused on interagency work and has been working with USIECR to expand their facilitation and collaborative process design skills. FPSIC stated that they are learning more about how agencies can work on schedules together instead of looking at agreements of when it would work.

USACE is reviewing performance measures with Will Hall, DOI. There is a wide range of understanding across the USACE offices of definitions of ECCR and they are looking to smooth out the definition. Two new categories of use were added to the definition: risk communication (levy safety) and energy infrastructure (pipelines). USACE hosts a contest called the Gnarliest Collaboration Challenge. Districts around the country that have a particularly controversial project can "win" support and funds for that case. It has had success despite debate over the word "gnarliest".

FERC reported that their work has not changed too much. They do currently have two surveys that are being reviewed by OMB for more and better survey results.

USIECR updated the ECCR Forum that the Udall Foundation now has two new board members. As part of his position at CEQ, Ted has been and continues to be a non-voting board member. USIECR continues to work with USACE on the Missouri River Recovery Implementation Committee (MRRIC) and will be working with USACE on a similar project in the Columbia River. Both of these projects provide third-party science neutral (TPSN) evaluation of science conducted and utilized by the Corps. Other projects include the National Ocean Policy and Hopi Navajo water settlement issues. USIECR is in the process of hiring for their Native American and Alaskan Native Program Manager position. USIECR has several open trainings this year and is available for customized federal agency trainings.

BLM shared that they have a rotating BLM CADR lead. This has been challenging for the program and they are hoping to reenergize CADR. Susan Goodwin is creating a list of facilitators and helping to improve the facilitator's skills. BLM is learning to metricize performance as well as streamlining which includes alternative staffing models and adhering to NEPA in a fraction of the time. BLM shared that they have incentive funds for field projects that do not have their own funds. On July 10 and 11 they will be having a Latino engagement class at the BLM Office in Arlington. These tools can be used for other environmental justice populations.

## Calendar of Events

Agencies reported on any upcoming event, workshop, or training that is open to ECCR Forum Members.

Date	Event	Location	Point of Contact
<b>May 2, 2018</b>		Department of Energy	Steve Miller
<b>June 13 – 14, 2018</b>	Association for Conflict Resolution Environment & Public Policy Section Annual Conference	George Mason University, Arlington, VA	<a href="http://www.acrepp.dreamhosters.com/current-conference/">http://www.acrepp.dreamhosters.com/current-conference/</a>
<b>July 10 -11, 2018</b>	Latino Engagement Workshop	Arlington, VA	Tessa Teems <a href="mailto:tteems@blm.gov">tteems@blm.gov</a> 602 906 5567

## Next Forum Meeting

Tentatively scheduled for Tuesday, June 19, 2018. Forum Members will receive a calendar invite.

## Attachments

Attachment 1: Attendees

Name	Agency
<b>Brian Manwaring</b>	U.S. Institute for Environmental Conflict Resolution
<b>Cathy Humphrey</b>	Department of the Interior

<b>Courtney Owen</b>	U.S. Institute for Environmental Conflict Resolution
<b>Frank M. Sprtel</b>	National Oceanic and Atmospheric Administration
<b>Gerry Solomon</b>	Department of Transportation
<b>Jeanne Briskin</b>	Environmental Protection Agency
<b>Jennifer Hass</b>	Department of Homeland Security
<b>Josh Hurwitz</b>	Federal Energy Regulatory Commission
<b>Kelly Alexander</b>	Federal Permitting Improvement Steering Council
<b>Krystyna Bednarczyk</b>	Department of Transportation
<b>Melissa Leibman</b>	Department of Justice
<b>Stephanie Kavanaugh</b>	U.S. Institute for Environmental Conflict Resolution
<b>Steven Miller</b>	Department of Energy
<b>Ted Boling</b>	Council on Environmental Quality
<b>Thomas Sharp</b>	Federal Energy Regulatory Commission
<b>Tyson Vaughn</b>	U.S. Army Corps of Engineers