

MEETING SUMMARY

National Environmental Conflict Resolution Advisory Committee

November 12-13, 2003

Westward Look Resort

Tucson, Arizona

MEETING ATTENDANCE

Committee Members and Surrogates

Tom Jensen, Troutman Sanders, L.L.P., Committee Chair

Dinah Bear, Council on Environmental Quality, Executive Office of the President,
Committee Vice Chair

Don Barry, The Wilderness Society

Gail Bingham, RESOLVE

Brent Blackwelder, Friends of the Earth

Cindy Burbank, Federal Highway Administration

Chris Carlson, Policy Consensus Initiative

Larry Charles, ONE/CHANE

Placido dos Santos, Arizona Department of Environmental Quality

John Ehrmann, Meridian Institute

Stan Flitner, Diamond Tail Ranch

Harry Grant, Riddell Williams, P.S.

Chris Kearney, U.S. Department of the Interior

Anne Miller, U.S. EPA

Julia Riber, USDA Forest Service

Dean Suagee, Hobbs, Straus, Dean, and Walker, LLP

Jim Souby, Western Governors' Association

Terry Williams, Tulip Tribes of Washington

Don Edwards, Justice & Sustainability Associates, LLC

Guests Presenters

Horst Greczmiel, Council on Environmental Quality

James Walsh, Arizona Attorney General's Office

Morris K. Udall Foundation Board/Staff U.S. Institute Staff

Kirk Emerson, Designated Federal Officer (DFO)

Ellen Wheeler, Committee Management Officer (CMO)

Terry Bracy, Chair, Morris K. Udall Foundation Board of Trustees

Jo Barnier, NEPA Coordinator

Tina Gargus, Special Projects Coordinator (recorder)

Chris Helms, Executive Director, Morris K. Udall Foundation

Anna Masayeva, Program Assistant

Cherie Shanteau, Senior Mediator and Senior Program Manager

Observers

Celia Barotz, Coconino County Alternative Dispute Resolution

Jonathan DuHamel

Tom Robinson, Grand Canyon Trust

MEETING SUMMARY

Wednesday, November 12, 2003

Dr. Kirk Emerson, U.S. Institute for Environmental Conflict Resolution (U.S. Institute) director and Designated Federal Officer (DFO) opened the third meeting of the National Environmental Conflict Resolution Advisory Committee (Committee) at 8:05am.

Committee Chair Tom Jensen welcomed everyone and reviewed the finalized meeting agenda.

Proposed Bylaws Revisions

Committee Chair Tom Jensen reviewed the proposed amendments to the bylaws, which he said were intended to improve the process for approving documents and recommendations by the Committee. The amendment proposed to Section V, paragraph A, would define “consensus,” establish a 50% quorum requirement, and establish a process for voting if consensus could not be reached. In the event of a vote, members voting in the minority could provide a minority opinion to the U.S. Institute. The amendments would also establish a process for approving work products between meetings.

The Committee also discussed adding language Section IV to provide for amendment of the Bylaws by the Committee with approval of the DFO.

The proposed amendments to the bylaws were approved by consensus of the Committee.

Approval of the June 2003 Meeting Minutes

The Committee agreed to defer the review and approval of the June 9-10, 2003 meeting minutes to the following day’s agenda.

NEPA Section 101 Subcommittee Report (Don Barry, Subcommittee Co-chair)

The NEPA Section 101 Subcommittee Co-Chair Don Barry introduced the work of the Subcommittee that has taken place over the last several months. The Committee reviewed the current works in progress:

- Primary Objectives and Principles
- Shared Agency Survey on NEPA Section 101
- Potential Case Studies List
- Draft Indicators

Agency Survey on NEPA Section 101

The NEPA Section 101 Subcommittee distributed a memo to federal agencies soliciting feedback on their use of NEPA Section 101. Jo Barnier discussed the number of responses received and summarized the feedback. She commented that the questions asked of the agencies were broad to allow for flexibility in how the agencies responded. She has written a summary report of all the responses received and it is currently in draft form and will be revised. Eventually, the final report will be distributed back to the agencies.

Chris Kearney (attending the meeting on behalf of NEPA Section 101 Subcommittee Co-Chair Lynn Scarlett) commented that the next step for this effort should be to take the responses received and prepare a matrix broken down by agency. He added that the comments could then be highlighted and perhaps recommendations could be made back to the agencies based on some of the good examples received. He discussed the NEPA Best Practices document developed by Lynn Scarlett and added that an option could be to incorporate some of the information received by the survey into this report. Another option would be to identify some key elements of the responses and provide some case examples.

In looking at the information, the NEPA Section 101 Subcommittee will review the agency responses to identify areas where it could most help the agencies improve. One of the goals would be to help develop models that would be useful to agencies. Follow-up calls will be made to the agencies that did not respond to the survey.

Terry Williams commented on the need for tribal engagement on designing best practices for training. He added that it was important to capture the tribal perspective on what is happening in NEPA; find out from tribes what issues in NEPA aren't being addressed, and to identify how tribes can be better involved with federal agencies.

Brent Blackwelder requested that the Committee be given time to review the responses and digest them. He liked the ideas of conducting some case studies and also recommended that more information be gathered on the types of NEPA training agencies are providing.

The Affected Communities Subcommittee has identified that NEPA is not being well implemented on the ground and that the Committee needed to keep in mind the type of agencies that responded.

The Committee provided some recommendations to the Subcommittee that included thinking about follow-up actions and the living impact of NEPA Section 101. One recommendation was for the Subcommittee to work on providing a good model for federal agencies to incorporate NEPA Section 101 in their strategic planning. Another idea included follow-up on the recommendation to gather more info about training.

Potential Case Studies List

The Potential Case Studies List consists of about 80 case studies that illustrate NEPA and the Committee was asked to provide suggestions for additional case studies not already on this list. Gail Bingham knew of several and Terry Williams had information on cases that involved tribes. Through the case studies, there is an opportunity to make a clear direct message to federal agencies on use of ECR and NEPA Section 101 in combination.

Draft Indicators Document

The Subcommittee created this document to help analyze their work and requested that the Committee provide feedback.

The Committee will review the Potential Case Studies List, Case Studies Criteria and Draft Indicators documents and provide feedback to Jo Barnier by December 15.

The Committee reviewed the following documents prepared by the Subcommittee for final acceptance:

- Primary Objectives and Principles
- Shared Principles

The Committee reviewed the changes that have been made to both documents since last reviewed at the June NECRAC meeting. It was clarified that the Subcommittee identified shared principles between ECR best practices and NEPA Section 101. NEPA Section 101 cites the impact of human activity, and the term “balance” was used to bring back balance in the situation. There was some discussion on the definition and concept of balance and what was identified as missing in the Primary Objectives and Principles document was the concept of economic productivity and/or productive harmony.

The Committee suggested revising the Primary Objectives and Principles document to include the language “Each objective is followed by principles that also underlie the principles of ECR.” Additional changes included adding “productive harmony” under the first objective as the first principle, moving “protection of health and environmental quality” to the second principle, and keeping “balance” as the last principle listed.

The Shared Principles document was created to demonstrate the linkage between the objectives and principles listed in the first document to consistent ECR practices and shared ECR/NEPA 101 outcomes. This document will need to be revised to reflect the recommended changes to the Primary Objectives and Principles document. Example: Objective 4 would be revised to include “productive harmony” in the last column third item. It was acknowledged that this document would be used as the basis for other products and would remain a working draft that may be amended in the future.

The Committee accepted the Primary Objectives and Principles and Shared Principles documents with the revisions discussed.

Best Practices Subcommittee Report (Chris Carlson, Subcommittee Co-chair)

Agency ADR Training Survey

The Best Practices Subcommittee distributed a memo to federal agencies soliciting information on the training they are providing on ADR. Jo Barnier commented that although only six agencies responded to the survey, there were very good examples of interagency training received. Additional responses are still expected.

Training Proposal

Chris Carlson presented a draft of the training proposal created by the Best Practices Subcommittee and asked for feedback. She clarified that the content of the training would focus on collaborative problem solving and decision-making rather than how to be a facilitator or mediator. There was some discussion on whether the training proposal would be designed for cross-agency training or simply serve as a model for training. It was suggested that the Subcommittee determine which option was most important (it could be both) and work with item number 3: (Institute work with CEQ on the development of cross-agency training in collaboration) to make it more specific.

Dean Suagee said the Best Practices Subcommittee is most interested in cross-agency training in an upstream model to prevent environmental conflicts. Additionally, they are hoping that the Institute is in a position to move forward on the development and design of an appropriate model. Though focused on agencies, the training could be open to other stakeholders, and the methodology useful in a wider variety of settings.

Cindy Burbank suggested that the Institute evaluate the current FHWA training workshops and collaborate with CEQ to develop a training model. She added that some case studies could be done on interagency conflicts and perhaps on specific agency conflicts with particular stakeholders.

The Subcommittee would like to take the results of the agency training survey as well as the evaluation results of the FHWA workshops to help identify the next steps of the Subcommittee. The next step would be to complete the recommendations for a clearinghouse and training model first then use what is learned to help develop cross-agency collaboration training.

Committee Chair Tom Jensen asked the Committee to approve the direction of the Best Practices Subcommittee's training proposal and its recommendations to the Institute. The direction was approved.

CEQ NEPA Task Force Report – Presentation by Horst Greczmiel, Associate Director for NEPA Oversight, CEQ

Horst Greczmiel discussed how the NEPA Task Force, consisting of eleven federal agency NEPA liaisons, was pulled together to help address how federal agencies are

implementing NEPA and its effectiveness and use. The Task Force focused primarily on implementation and the agency representatives made recommendations to CEQ on what they thought CEQ should be doing. The work of the Task Force was presented in a report to CEQ Chair Jim Connaughton. The report contains recommendations and priorities for implementation.

One of the Task Force's recommendations is to create a FACA committee to focus on better collaboration among agencies, develop guidance for successful agreements, and examine the lessons learned. Another recommendation is for agencies to provide a roadmap on how the information obtained in analyses will be used so stakeholder groups can understand it. Horst asked the Committee to review the report and provide feedback on the following:

- Whether the recommendations provided in the report are on point or need to be strengthened and/or revised?
- How and in what priority should the recommendations be implemented?

Horst updated the group on the roundtable discussion meetings that have been taking place to discuss whether the recommendations provided by the Task Force should be pursued, and if so, how. What is the right vehicle and what are the priorities of implementation? From these discussions, the Task Force has identified that there is a need for education of agencies, tribes and stakeholders on how NEPA is used. The Task Force will be meeting with different stakeholder communities to improve, strengthen and streamline the implementation of NEPA. The Task Force is also hoping to change the way environmental impact Statements (EIS's) are currently done so that they will be more readable and used.

Don Barry raised concern over adaptive management and the accountability of the agencies to follow through with the recommendations. Horst responded that requiring Environmental Management Systems (EMS) along with adaptive management would help hold agencies accountable.

Brent Blackwelder commented that he was disappointed that the Task Force did not take into consideration the report the Natural Resources Council of America did on NEPA implementation. He added that he thought this report was very thorough and that there were other good reports out there that have been conducted.

Dean Suagee commented that Task Force recommendation for training of stakeholders is very important and added that in regard to EIS's, guidance on how to do these alone is not good enough – he thought this recommendation needed to be strengthened.

Larry Charles commented that one of the key principles being discussed by the Affected Communities Subcommittee is engaging affected communities in ECR and policy processes. He would like to see the outcome of the Affected Communities Subcommittee be shared with the Task Force for consideration.

Horst commented that although he was not seeking feedback from the Committee as a whole, he encouraged Committee members to provide feedback and materials to him by e-mail and added that the information received will be used. He also added that he would be available to meet with Committee members and their organizations. As for the timeline on receiving feedback, Horst commented that he would like to provide a report to Jim Connaughton in February so that CEQ's response can be completed in March.

Enlibra Toolkit - Presentation by Jim Souby, The Oquirrh Institute

Jim Souby, new Executive Director of the Oquirrh Institute, began his presentation by defining Enlibra, which stands for "stewardship and balance." He explained the history of Enlibra created by Governors Leavitt and Kitzhaber and added that Enlibra is a set of eight principles that forms a philosophy that the field of ECR should embrace and that many people could benefit from. These principles were designed to help people think through and resolve environmental disputes. The Oquirrh Institute is a think tank primarily focusing on the principles set by Enlibra. Many people were involved in creating the Enlibra principles; Cindy Burbank and Chris Kearney also participated. The Enlibra Toolkit is a report consisting of 10 chapters that reviews the principles, and incorporates case studies, is designed to be a handbook that is easy to read and use. It is scheduled to be released at a Department of Interior conference scheduled in the upcoming week. The Oquirrh Institute will distribute and sell copies of the Enlibra Toolkit and will establish a training program on the application of the principles. Jim commented that although he will no longer be at the Western Governors' Association, the organization would continue to adopt the principles and apply them in their projects. He discussed the application of the principles to the work currently being done on coal bed methane projects.

Affected Communities Subcommittee Report

Larry Charles, Affected Communities Subcommittee co-chair, discussed the work of the Affected Communities Subcommittee and the several products in progress. The Subcommittee has worked on linking their work to that being done by the NEPA Section 101 and Best Practices Subcommittees based on the applicability and effectiveness of NEPA 101 and ECR. The Subcommittee will be providing a recommendation for training for federal entities to better engage affected communities in ECR processes.

Larry commented that the Subcommittee appreciated the acknowledgement the NEPA Section 101 Subcommittee has made in identifying the objectives of NEPA 101 and its role with affected communities. He discussed the paradigm and mind set changes that needed to occur in order to achieve the outcomes set by ECR. He added that a change of the environmental justice mindset also needed to occur, particularly in regard to assumptions that perfection can be achieved by science. The Subcommittee would like to start to encourage the standards identified and goals set by NEPA Section 101. The Subcommittee has done an analysis of barriers that keep affected communities from effectively participating in ECR processes and some examples include communication, language and cultural differences. Based on these barriers, the Subcommittee will work

to provide guidance to agencies on how to work through these issues. This will be done over the course of the next year. Dean Suagee suggested a renewed emphasis on the requirement in NEPA analysis to consider alternatives outside the lead agency's jurisdiction.

The Subcommittee has also created a draft model that included elements of a successful agreement which federal agencies and stakeholders should work towards. Larry clarified that the Subcommittee is focusing on changing the process of how decisions are reached, not who makes the decision. Stan Flitner added that instead of defining the table, defining the process would determine who would need to be at the table. It was discussed that there are ways in which people responsible for implementing NEPA can create incentives for engaging the necessary parties in a process and reaching agreement.

One of the approaches the Subcommittee will be taking is to recommend a process that engages communities early, involves identifying the appropriate affected communities, and then asks the question again – who is missing from the table? The recommended process would also change the model from an upstream or downstream process to one that is circular and engages all parties equally. This would contribute to the long-term sustainability of an agreement. The Affected Communities Subcommittee will work to validate the principles and strategies identified by the NEPA 101 Subcommittee, and specific strategies for addressing the barriers will support the Best Practices Subcommittee work and inform the NEPA Section 101 case reports.

It was commented that processes seem to work best when federal agencies express their interests and delineate realities in the beginning of a process. One possible recommendation created by the Affected Communities Subcommittee would be guidance to federal agencies on how to better engage affected communities in ECR processes. It was discussed that the barriers document focuses legitimately on communities that lack resources. Who convenes a process helps determine who will come to the table; consider joint convening more often.

John Ehrmann said the Subcommittee would benefit from the Committee's approval of the Subcommittee's work on a recommendation for increasing and improving the participation of affected communities in ECR.

The Committee received the Affected Communities Subcommittee report and will provide ongoing feedback to the Subcommittee. Additionally, the Subcommittee will identify recommended case examples that best illustrate the principles outlined in their report by December 1. The Best Practices and NEPA Section 101 Subcommittees will keep this report in mind in their efforts. Direction approved by consensus.

Collaborative Monitoring/Science

The NEPA Section 101 Subcommittee has identified the importance science plays in ECR processes. At the last NECRAC meeting, there were some discussions on science

and a draft list of questions was developed. Harry Grant discussed collaborative monitoring and adaptive management and the idea of how the Institute could be involved in this area. One idea is the application of the range of collaborative monitoring tools. He added that if the Committee decided to take on the issue of science in the review of collaborative monitoring, the Subcommittees would need to work together on recommendations for this.

Harry suggested that review of the resources available on the use of collaborative monitoring should be done to get a sense of what is out there and make a recommendation to the Institute that this is a worthwhile endeavor to pursue. If the Committee thinks that the Institute should be involved in collaborative monitoring, he hopes that this could be used as a platform to obtain funding to do further work in this field.

Based on the observations and feedback received by the Committee, the NEPA Section 101 Subcommittee will take the next steps on gathering a base of information. It was suggested that monitoring and evaluation could be used to test compliance with NEPA 101. Larry Charles commented that lack of access to credible science is one of the barriers of participation by affected communities. Collaborative monitoring is a way of increasing participant knowledge.

Harry Grant will be coordinating a Committee task group that includes two other members from each Subcommittee to conduct a survey on what is already being done use of collaborative monitoring and make recommendations to the Institute regarding their involvement. This task group will work over the next year.

Public Comment: Tom Robinson – Director of Government Affairs, Grand Canyon Trust

Tom Robinson raised two issues for discussion with the Committee:

The first involved overflights at the Grand Canyon that includes disagreement over what science to use. He updated the Committee on the issues taking place at St. George, Utah, in Mount Zion National Park that involves the National Park Service (NPS) and Federal Aviation Administration (FAA). The City of St. George is having an EIS conducted and is spending \$2 million with the FAA to do this; however, the FAA and NPS cannot agree on what science (noise models) to use. The models provided by the FAA are not very sensitive to quiet since they are generally used to measure airport noise. The NPS feels that the preservation of quiet is important and has developed its own models that are much more sensitive. This is the disagreement and it is also an issue in other places and will continue to happen in other communities wanting to expand their airports. This relates to NEPA Section 101.

The second issue involves the Grand Canyon Trust and its role in a healthy forest initiative. The Flagstaff Forest Partnership was created to have a dialogue on forest restoration. What they found was that NEPA challenges have hindered the process

because the Forest Service historically has been unable to do NEPA well and does not have the necessary resources available. He commented that if we are going to do NEPA, we have to do it well, and that agencies also have to have the resources available to them to do it well. On the next project, an EA on fuels reduction, the Forest Service is ignoring the feedback from the group. He commented that he sees these types of problems continuing to happen.

Tom Jensen asked whether the Committee thought there was something they could do either immediate or long term.

Kirk Emerson informed the Committee that both the FAA and NPS have signed an agreement with the U.S. Institute to work on reaching an agreement on the Grand Canyon overflight issue.

Julia Riber commented that she thinks the issue of agency capacity to respond to socio-economic issues is a recognized problem. She added that the Forest Service keeps statistics on where it is involved in litigation by region. The Forest Service uses this as a resource on the quality of documenting analyses. Julia added that she would like to meet with Tom Robinson further to discuss the details of the issues he raised and added that she is committed to following-up within the Forest Service.

The NEPA Section 101 Subcommittee has already raised the issue of the timing between collaboration and NEPA processes. Perhaps this could be used as a case study for timing.

Dinah Bear commented that legislation is not needed to submit an alternative to a federal agency. She also added that the Forest Service has the best examples of successful NEPA processes that included public involvement. She has encouraged stakeholder groups and federal agencies to call CEQ when they are experiencing problems with NEPA. She added that the NEPA alternative development process is an issue that is currently being reviewed.

Larry Charles commented on the value of having public participation at these meetings so that in situations such as this, the Committee can become aware of some of the issues that are affecting communities, but the Committee is also in a position to assist affected communities.

MEETING SUMMARY

Thursday, November 13, 2003

Meeting Minutes Approval

The following recommended changes were made to the June 2003 NECRAC meeting minutes:

Page 11: The second National People of Color Environmental Leadership Conference

Page 7: The Pinchot Institute work was focused on stewardship contracts (not on all initiatives – Dinah Bear)

The Committee approved the meeting minutes with the two mentioned changes.

The U.S. Institute for Environmental Conflict Resolution Update – Kirk Emerson

Kirk Emerson updated the Committee on the current activities of the U.S. Institute and commented that it is involved in an increasing number of disputes that involve tribes. The Institute's current challenge is sustaining its current workload given the current challenges with reauthorization. The Institute's statute requires that it work with neutrals in the field and a very good partnership has been established. Although the Institute utilizes support from practitioners on the Institute's Roster, it still cannot meet the current demand.

Kirk updated the Committee on the Institute's program evaluation and case studies efforts, identifying whether best practices are in place and what the outcomes are. The Institute will be looking at data at the end of January with a working group and hope to have a report shortly thereafter.

This year, the Institute actually received more than anticipated in earned revenue and 70%-80% of those funds have gone out the door to neutrals. The Institute has revised and reformatted its interagency agreements and has fully reviewed its fees and hourly rates. The Institute has set its rates not to undercut the rates of the neutrals but not overcharge the agencies, and an 8% administration fee is also charged. Over the last five years, the Institute has received a \$1.3 million appropriation from Congress and is currently exploring other revenue earning options.

Q&A:

Chris Kearney asked if the Institute has "champions" on the hill? Kirk responded that there were several key people championing the Institute – in particular Terry Bracy (Udall Foundation board chair) and the Arizona delegation. She added that it was Senator McCain who championed the creation of the Institute.

Dinah Bear commented that although there is good support of the Institute on the hill, there is not always the recognition of the value of the work Institute does. OMB

continues to question the Institute's federal government funding, and lack of public visibility is a challenge.

Gail Bingham discussed the impact of the Alternative Dispute Resolution Act and how it has impacted federal agencies. It has been ten years since the bill passed and perhaps it was a good time to review the progress that has been made and identify what could be done differently.

Chris Carlson commented that she wondered whether there was an opportunity to work more with states. She added that there is a legislative proposal for using court fees and penalties to fund mediation.

Julia Riber asked if the Institute was being considered for competitive sourcing and Ellen Wheeler clarified that it was not, due to its small size and the high percentage of its functions that are already contracted out.

Harry Grant asked if the Institute had a plan to attempt to increase the revenue it earns. Kirk responded that the Institute's chief financial officer, Phil Lemanski, has worked on several scenarios and that in the long run, the Institute would not be able to survive without some appropriations. She clarified that as a program of the Udall Foundation, the Institute has a public purpose and federal funding is appropriate.

Terry Williams suggested that the Institute become involved in tribal water disputes. Resources available to fund these processes are from state, tribal and federal agencies. He added a second big issue is climate change and its effects on cultural resources for tribes. Dispute resolution could focus more on landscape restoration rather than the species by species approach. For cultural sustainability and survival, the tribes and federal agencies will need to talk about these issues.

The Committee discussed ideas on how to better integrate the Institute's services within the government and commented on how the Institute is currently working with their own organizations:

Dinah Bear commented that two actions Committee members can take are to direct people to the Institute and raise awareness of the Institute's role. She added that she is working on increasing use of the Institute's services by agencies that are not doing so already. She mentioned the CEQ/Institute forum being planned for high-level officials of a wide variety of agencies.

Stan Flitner said there is a need for an organization like the Institute to help agencies and stakeholders look at the impacts between ecosystems as well as within them (e.g., there are off-site impacts of preservation as well as of development).

Dean Suagee commented that there was the possibility the Institute could become involved directly in NEPA training for tribes this March. He added that his experience on the committee has helped him in several projects: working on a tribal environmental

management plan, and working on a tribal mediated agreement with DOI on the Missouri River. He mentioned that at tribal summits there is a tendency to bring federal agencies into the process later and that earlier involvement might be more effective.

Larry Charles suggested that there is an opportunity for the Institute to develop appropriate training modules for urban stakeholders on NEPA and ECR. ECR strategies could be used in other types of conflicts as well.

Placido dos Santos discussed the Institute's role in assisting with the serious issue of wastewater management along the Arizona and Mexico border. He added that agencies needed to know that the Institute could provide value in assisting with resolving international environmental conflicts.

Terry Williams suggested that the Institute look at current technology on improving water quality. He mentioned that a training handbook is being developed on the use of traditional knowledge, and it is an example of tools that the Institute and others can use.

Chris Carlson commented that PCI and the Policy Consensus Center (state agencies) have developed a consensus protocol that can provide guidance to federal agencies that has been sent to Jim Connaughton (CEQ) for approval.

Chris Kearney said Institute is involved in various DOI projects. He added that an ADR referral system has been established (agreement with the Interior Board of Land Appeals) and Elena Gonzalez has been instrumental in moving this along.

Gail Bingham commented on the NAS panel on increasing deliberation in public involvement processes related to scientific risk and decision-making. She thinks there is synergy between this work and the work of the NECRAC.

Cindy Burbank reported that FHWA needed the Institute's help to raise the level of discussion beyond specific projects and jurisdictions, especially considering the way authorities for land use are fragmented. At this point, Kirk discussed the St. Croix River bridge case, where stakeholders are helping to collaboratively develop alternatives that all participants could live with.

John Ehrmann said the Meridian Institute sees its relationship with the Institute as mutually beneficial. Institute successes are creating momentum.

Julia Riber commented that she finds that people talk more about the U.S. Institute within the Forest Service. She added that the Forest Service is looking towards a certification system for their NEPA practitioners that could include ECR and ADR training, and has also considered using NEPA Section 101 concepts in review and award systems.

Harry Grant said he has learned a lot from the NECRAC Subcommittees in regard to ECR, NEPA and best practices and has applied them to his work.

Brent Blackwelder commented that he sees the effort of the Institute as a valuable educational force on NEPA 101. He added that increasingly we are deadlocked with the legislative process on pollution cleanup and sees value in the Institute's role in pollution related projects.

Discussion on Integrating Subcommittee Products and Final NECRAC Report

The Committee discussed how the Subcommittees plan to complete their work in the next year for a final report to the Institute. It was suggested that an outline for the committee's final report should include NEPA 101, ECR best practices, and illustrations supporting recommendations to the agencies and the Institute to do more of this. The outline should also include a set of specific recommendations or principles on working with affected communities and provide case examples that illustrate successes and failures.

Part of the Institute's mandate is to assist federal agencies with the implementation of NEPA 101. The Committee would need to provide a report that the Institute could provide to the government as a whole. This report could also be used to inform Congress of the Institute's work.

Best Practices Subcommittee

The Best Practices Subcommittee anticipates that products from the NEPA and Affected Communities Subcommittees could help the Best Practices Subcommittee identify who their audience is for the Subcommittee products. It was recommended that the Best Practices Subcommittee meet with a representative from the two other Subcommittees to help identify these audiences and the types of products that should be created, keeping in mind that the Subcommittee did not want to create another best practices document given that there are already many good ones out there. The Subcommittee will also work on integrating the work of the collaborative monitoring task group.

Chris Kearney mentioned the NEPA Best Practices document created by DOI that could be used as a starting point for the Best Practices Subcommittee to draw on and expand. He added that he sees a real opportunity in this committee to identify the tools and models that demonstrate success in NEPA and best practices and present them to agencies. How and why things worked in particular places could lead to recommendations on how these can be replicated. This contributes to the educational effort.

NEPA Section 101 Subcommittee

The NEPA Section 101 Subcommittee has two documents that are final, and there are three others that are close to completion (with the exception of the case reports). The Subcommittee will be looking at case studies and the ECR outcomes and will provide case reports that will be "snapshots" that other Subcommittees can use. These case reports will be used to illustrate the objectives of NEPA 101 (the five objectives identified by the NEPA Section 101 Subcommittee). Jo Barnier said it would probably take about two months to write up case studies with help from a detail or intern, or four months without such assistance. Cindy Burbank informed the Committee of several

federal training and leadership programs that have participants that are looking for detail work. State, local, tribal, and non-Governmental employees all qualify under the Intergovernmental Personnel Act and could be considered as details to help with NECRAC related work.

Affected Communities Subcommittee

The Affected Communities Subcommittee will look at case examples that best illustrate good examples of affected communities engaged in ECR processes. Stan Flitner would like to see a common denominator that makes a case example successful. The case examples must be relevant to affected communities.

Tom Jensen asked for volunteers who could participate on a Drafting Committee for the “wrapping” of the final report that he would chair: those who volunteered were Dinah Bear, Brent Blackwelder, Lynn Scarlett, Dean Suagee and John Ehrmann.

Summary of Next Steps:

- Chris Carlson will draft a Best Practices Subcommittee work plan and review it with Kirk Emerson. The Subcommittee will have a conference call in mid-December to discuss next steps.
- All Subcommittees (or individual committee members) will provide input on questions for case studies that help illustrate their issues by December 15. They should include which indicators they think are most important.
- In April or May, the case reports will be done, as well as a draft of the Affected Communities report, for review by the whole committee. These would include material for the final report, and more detailed information for appendices to the report.
- At that time, the “wrapping” of the committee’s work will need to be written up as a separate task. The Drafting Committee will work on having a draft by the next meeting in April or May.
- Interested members or Subcommittees should provide input for follow up on the agency NEPA 101 response to Kirk Emerson.

Purpose and Scope of Second NECRAC Term (Discussion postponed to next meeting)

The Committee agreed to defer discussion of a second NECRAC term to the next full committee meeting scheduled in the spring of 2004.

Schedule of Next Meetings

Kirk Emerson suggested that given the proposed Subcommittee products and timeline for a final a Committee report, the Subcommittees meet during the winter and/or early spring and that the full committee meet in May or June. It was recommended that the Subcommittees should aim at getting their work done prior to the next full committee meeting rather than having Subcommittee meetings in connection with the full meeting.

Additionally, the Committee could meet in the fall of 2004 in Washington, DC to unveil its final report. Other federal agencies could be invited to attend.

Tom Jensen suggested the option of having Subcommittee meetings in other locations. (Stan Flitner and Larry Charles have recommended Wyoming or Connecticut for the Affected Communities Subcommittee). Members of other Subcommittees could be invited for cross-fertilization of ideas and work between Subcommittees.

Adjournment

The Designated Federal Officer adjourned the meeting at 12:00 noon.