

Environmental Collaboration and Conflict Resolution (ECCR) Federal Forum

Meeting Notes

Phone Conference
Tuesday, July 21, 2020
10:30 AM – 12:00 PM Eastern

Welcome, Agenda Review, and Introductions

Ted Boling (Council on Environmental Quality) and Steph Kavanaugh (National Center for Environmental Conflict Resolution) welcomed ECCR Forum members and reviewed the agenda. Everyone on the call introduced themselves by name and agency. See [Appendix 1](#) for a participant list.

General Updates

Council on Environmental Quality (CEQ)

CEQ recently published its first update to its National Environmental Policy Act (NEPA) implementing regulations in more than forty years. CEQ reviewed more than one million public comments in developing the final rule, which was published on July 16, 2020. CEQ highlighted several components of the new regulations, including expansion of public involvement provisions and emphasis on the value of ECCR in NEPA processes.

In the coming months, CEQ will be working on updating more than 30 NEPA guidance documents and the *Citizens Guide to NEPA: Having Your Voice Heard*. It also will be conducting trainings for Federal agencies, who will need to update their NEPA processes when the regulations go into effect on September 14, 2020.

National Center for Environmental Conflict Resolution (NCECR)

The Udall Foundation's NCECR provided several updates:

- The 2020 Udall Scholars orientation will be held virtually from August 4-7.
- The Udall Foundation recently hired a full-time, internal Contracting Officer, Terri Harrison.
- NCECR and the Udall Center for Studies in Public Policy established an ECCR Fellowship as part of the Udall Center Fellows program. Tom Sheridan, Professor of Anthropology at the University of Arizona, was awarded the 2020 Fellowship to investigate emerging community collaboration on the Sonoran Desert Restoration Plan.
- NCECR and the Udall Center are creating a postdoctoral position to explore reassessing and re-envisioning stakeholder engagement and inclusivity in ECCR, especially as it relates to political polarization and the pandemic.

Steph Kavanaugh reminded Forum members to share any updates about the virtual platforms their agencies are using with Katie Pritchard (pritchard@udall.gov). Katie asked members to complete the ECR Roster Survey by August 4, 2020.

Department of Energy (DOE)

DOE postponed its annual training, but is continuing to host monthly conference calls, of which ECCR is a component. Although the calls are currently limited to DOE employees, please email Steve Miller (steven.miller@hq.doe.gov) if you are interested in attending.

DOE and EPA have been discussing expanding their joint ECCR efforts to include issues involving federal facilities. They hope to continue that initiative in the coming months.

Finally, DOE successfully executed a consent order with the State of California that allows them to resume cleanup efforts at the Energy Technology Engineering Center. DOE noted this was a significant example of successful ECCR.

Virtual Engagement Options During COVID and Lessons Learned

Picking up on the conversation from the recent April 28 ECCR Forum meeting, Steph Kavanaugh led a round-robin discussion on agencies' lessons learned and continued experiences with engaging stakeholders in NEPA, Endangered Species Act, Section 106, and other processes during COVID-19 restrictions. Each agency in attendance was given the opportunity to comment on the following questions:

- Which best practices has your agency implemented? (Especially any for continuing to reach those without internet access)
- What, if anything, do you feel you are missing without having in-person engagement?
- What official guidance or new resources has your agency developed regarding alternatives to in-person public engagement?
- What guidance or lessons learned can you share for engaging Tribes during the pandemic?

Department of the Interior (DOI)

DOI's Office of Collaborative Action and Dispute Resolution (CADR) is working with Kearns & West to plan two sets of dialogues with DOI bureaus about experiences with and lessons learned from virtual public engagement. The first set of dialogues will be with the Bureau of Land Management – the bureau with the most experience facilitating virtual meetings. The second dialogue will be open to all other bureaus, including those that have already hosted virtual public meetings and those planning upcoming virtual public meetings. Following these dialogues, Kearns & West will develop documents summarizing best practices that DOI can share with its bureaus to help them improve their virtual public engagement.

Additionally, CADR recently purchased Zoom FedRAMP accounts, which they are using often.

U.S. Forest Service (USFS)

USFS Headquarters has been discussing lessons learned from virtual public participation with the Nantahala and Pisgah National Forests in North Carolina. The Forests are currently moving forward with their forest plan revisions, which includes NEPA and National Forest Management Act processes. One challenge they have found is providing public participation opportunities for those without internet access. To address this issue, they are holding conference calls. Conversations about the “nuts and bolts” of virtual public facilitation are ongoing and USFS Headquarters is working on assembling lessons learned and best practices.

USFS noted that they are struggling to virtually engage Tribes since many are closed due to COVID. Headquarters is hosting a webinar with the Intermountain Region to discuss their experiences with Tribal virtual engagement during the COVID 19 pandemic. Given significant interest from Forum members about the webinar, Brad Kinder (USFS) offered to share key points with the Forum following the webinar.

Finally, USFS offered several observations about virtual versus in-person public engagement. With virtual meetings, USFS is attracting fewer participants and observed that there is limited ability for the agency and stakeholders to build relationships. The agency also noted that virtual facilitation is more challenging than in-person facilitation given the inability to read body language in a virtual environment.

NCECR

NCECR is focused on supporting other agencies and looking across the Federal family to help problem-solve.

NCECR has noticed significant energy and interest around ECCR capacity-building during the pandemic. As a result, NCECR has adapted its training program for the virtual environment, breaking up the two-day courses into several, shorter sessions. Additionally, NCECR is developing shorter webinars focused on building virtual engagement and ECCR capacity. A recording of the most recent webinar, “How to Facilitate Engaging and Productive Virtual Meetings,” can be found [here](#).

Stephanie Lucero, NCECR’s Native American and Alaska Native Service Area Coordinator, shared her experience about engaging with Tribes during the pandemic. She noted she has not seen Government-to-Government consultation conducted virtually and that Tribes have not displayed a willingness to engage in G2G virtually. However, Tribes have shown an interest in building their technological capacity and are interested in streaming webinars and virtual trainings.

Given several agencies’ interest in tribal engagement during the pandemic, Stephanie offered to host a webinar on engaging Tribes and environmental justice communities for Forum members and asked interested members to reach out to her directly (lucero@udall.gov).

U.S. Army Corps of Engineers (USACE)

USACE’s Collaboration and Public Participation Center (CPCX) shared several observations related to virtual public engagement:

- Virtual facilitation is new for the organization and they face many unknowns related to virtual public engagement. CPCX is working with project managers to determine how best to support their stakeholder engagement efforts and they are disseminating lessons learned through a series of webinars to USACE employees. CPCX offered to share their webinars and materials with Forum members and expressed interest in reviewing materials developed by other agencies.
- USACE is currently seeing an influx of COVID-related supplemental funding, along with increased pressure to execute infrastructure projects. They have been provided guidance that they will not hold any in-person meetings at this time, but that project timelines will not be extended, therefore increasing the need for virtual engagement to be used. In many cases, USACE is seeing stakeholders use their desire for in-person meetings to attempt to delay decision-making.

One Forum member asked whether USACE has received any legal challenges to the virtual meeting format. USACE noted that although they have received some criticism, they have not yet faced any legal challenges.

United States Army

The Army has received requests from the public asking them to delay projects until they can hold in-person meetings. The Army's response has been that the projects have a valid purpose and need and must be pushed forward. However, they are focused on engaging as many people as possible in virtual meetings. They shared several suggestions for virtual public engagement, including:

- Opening a conference line with every virtual meeting to ensure that those without internet access can participate by phone.
- Emphasizing the public's ability to submit written comments, both in lieu of or in addition to oral comments.
- Leaving virtual public meetings open for the entire scheduled duration, even if all those wishing to comment have spoken prior to the end of the meeting. This enables those who were planning to join late to still submit their comment.

Additionally, they shared [this article](#) with Forum members, which discusses tribal concerns with virtual public meetings during the pandemic.

Bureau of Land Management (BLM)

BLM recently received Zoom FedRAMP licenses and assembled a team dedicated to supporting the agency's virtual engagement efforts. The team created an internal SharePoint that includes resources like a virtual playbook for public meetings and lessons learned for working with Tribes. Several Forum members expressed interest in the playbook and BLM agreed to share the document. Other updates included:

- BLM held several virtual meetings on the Farmington Mancos-Gallup Environmental Impact Statement (EIS). BLM is reviewing lessons learned from these meetings and considering opportunities to open a dialogue on the project.
- BLM recently conducted successful virtual meetings with the U.S. Air Force and U.S. Marine Corps on the Barry M. Goldwater Range.
- Like the Army, BLM has been leaving public meetings open until the scheduled end time, even if public comment ends early. This enables people to join the meeting late and, in some cases, enables BLM to allow commenters to submit a second public comment.
- The National Wild Horse and Burro Advisory Board meeting will be held virtually in September for the first time in its more than forty year history.

Nuclear Regulatory Commission (NRC)

NRC is working with tribal liaison groups to enhance its capacity to reach out to Tribes. NRC recently updated its database of tribal leaders, which includes all but nine federally recognized Tribes. On some projects, NRC coordinates with DOE and asks them to send out notices about public meetings that may be of interest to Tribes.

For virtual public engagement, NRC has been conducting virtual meetings using both WebEx and an operator-managed conference line. The operator manages the queue during question & answer periods. During the meetings, NRC panelists use Skype chat to internally discuss who will answer questions.

One Forum member asked whether the Skype chat becomes part of the public record. NRC noted that since the meetings are informational in nature, they did not believe the chats would be part of the

public record. Another member suggested the chat could be considered part of the administrative record since it's part of what the agency is soliciting with regards to public comment.

Finally, NRC commented that while the available technology can make facilitating meetings virtually easier than in-person, virtual meetings eliminate the ability to have face-to-face discussions before and after meetings. Additionally, many Tribes are not comfortable with virtual meetings.

Next Steps

Ted Boling thanked Forum members for joining the meeting and for the productive discussion. Steph Kavanaugh asked Forum members to share ideas for topics and dates for the next Forum meeting with her (kavanaugh@udall.gov), as well as any feedback about using Microsoft Teams for future meetings. CEQ and NCECR will identify a date for the next forum meeting in Fall 2020 and share a calendar invite.

Appendix 1

Meeting Attendees

Name	Agency
Sydney Beasley	Council on Environmental Quality
Krystyna Bednarczyk	Department of Transportation
Megan Blum	Federal Transit Administration
Ted Boling	Council on Environmental Quality
Terry Bowers	Department of Defense
Kevin Bowman	Council on Environmental Quality
David Brown	National Center for Environmental Conflict Resolution
Hal Cardwell	U.S. Army Corps of Engineers
David Cohen	Federal Highway Administration
Michelle Degrandi	Department of Veterans Affairs
Arthur Ferraro	Bureau of Land Management
Josh Fitzpatrick	Federal Permitting Improvement Steering Council
Dana Goodson	National Center for Environmental Conflict Resolution
Susan Goodwin	Department of the Interior
Carrie Greco	United States Army
Will Hall	Department of the Interior
Elizabeth Heck	National Oceanic and Atmospheric Administration
David Howlett	United States Army
J.D. Hoyle	Federal Energy Regulatory Commission
Stephan Jaksch	Department of Energy
Katherine Johnson	Department of Veterans Affairs
Stephanie Kavanaugh	National Center for Environmental Conflict Resolution
Joy Keller-Weidman	National Center for Environmental Conflict Resolution
Brad Kinder	U.S. Forest Service
Corey Lawton	U.S. Army Corps of Engineers
Amber Levofsky	Federal Permitting Improvement Steering Council

Stephanie Lucero	National Center for Environmental Conflict Resolution
Brian Manwaring	National Center for Environmental Conflict Resolution
Steve Miller	Department of Energy
Joan Olmsted	Nuclear Regulatory Commission
Caleb Parker	Department of Transportation
Katie Pritchard	National Center for Environmental Conflict Resolution
Tom Sharp	Council on Environmental Quality
Kathryn Simpson	Department of Labor
Gerry Solomon	Department of Transportation
Jake Strickler	Environmental Protection Agency
Tyson Vaughan	U.S. Army Corps of Engineers
Stephanie Walters	Department of Transportation
Karen White	National Guard Bureau
Ben Zukowski	National Center for Environmental Conflict Resolution