

# Environmental Collaboration and Conflict Resolution (ECCR) Federal Forum Meeting Notes

Tuesday, October 20, 2020  
10:30 AM – 12:00 PM Eastern

## Welcome, Agenda Review, and Introductions

Tom Sharp (Council on Environmental Quality) and Steph Kavanaugh (National Center for Environmental Conflict Resolution) welcomed ECCR Forum members and reviewed the agenda. Tom introduced himself as the new Chair of the ECCR Forum and shared information about his background and experience with the ECCR Forum. Tom replaces Ted Boling, who departed CEQ in September 2020. Next, call participants introduced themselves by name and agency. See [Appendix 1](#) for a participant list.

## General Updates

### Council on Environmental Quality (CEQ)

In addition to Tom's new role as Chair of the ECCR Forum, Amy Coyle, CEQ Senior Counsel, will play an active role in Forum meetings for CEQ moving forward. CEQ is currently focused on reviewing agency NEPA procedures and categorical exclusions.

### National Center for Environmental Conflict Resolution (NCECR)

Steph Kavanaugh and Brian Manwaring from the Udall Foundation's NCECR provided several updates:

- Comments and edits to the FY 2019 ECCR Report are due Friday, October 23, 2020 to Steph Kavanaugh and Katie Pritchard ([kavanaugh@udall.gov](mailto:kavanaugh@udall.gov); [pritchard@udall.gov](mailto:pritchard@udall.gov)).
- The FY 2020 ECCR Report template was distributed in early October and FY20 reports are due February 26, 2021.
- The Udall Foundation recently hired a new Director of Education, Alicia Harris, and new NCECR Program Associate, Monique Mullenau. Alicia and Monique are both based in Tucson.
- Registration is now open for NCECR's Understanding Conflict and Planning for Successful Collaboration training (November 9-17, 2020) and Collaboration with Native Nations and Tribal Consultation training (December 2-9, 2020). Both trainings will be conducted virtually and more information is available [here](#).
- In collaboration with the University of Arizona's Udall Center, NCECR will be hosting a series of dialogues around NEPA at 50 in 2021. The Udall Center will host a stakeholder dialogue in Spring 2021 focused on NEPA data science and access as part of Prof. Laura López-Hoffman's [NEPAccess Project](#). NCECR will host an agency dialogue in Summer 2021 on stakeholder engagement in NEPA consultation. A third dialogue in Fall 2021 will feature expert perspectives on NEPA at 50 and beyond. NCECR will share additional updates about these events with Forum members in the coming months.
- NCECR and the Udall Center are currently interviewing candidates for a joint ECCR postdoctoral position. The postdoctoral research scientist will focus on reassessing and re-envisioning stakeholder engagement and inclusivity in ECCR.

### Department of Energy (DOE)

DOE is planning to hold its next environmental attorneys training in February 2021 and any interested Forum members are welcome to attend. Typically, this training includes a module on ECCR led by Dana

Goodson, Senior Program Manager at NCECR's Washington DC office. Additionally, DOE continues to host monthly conference calls related to ECCR, which Forum members can join. Please email Steve Miller ([steven.miller@hq.doe.gov](mailto:steven.miller@hq.doe.gov)) if you are interested in attending the training or monthly calls.

#### Environmental Protection Agency (EPA)

Gina Cerasani was recently named as the new Director of EPA's Conflict Prevention and Resolution Center (CPRC). Gina has been with CPRC for more than five years and took over as Director after the position was vacant for more than a year. Congratulations, Gina!

## Report Out on Annual ECCR Report Data Collection and Reporting Processes

Steph Kavanaugh invited DOI, EPA, and USACE to share their Annual ECCR Report data collection and reporting processes to highlight methods and lessons learned that could help other agencies address common reporting challenges.

#### U.S. Army Corps of Engineers (USACE)

USACE's Collaboration and Public Participation Center (CPCX) manages USACE's data collection and reporting process. Key methods and lessons learned include:

- CPCX relies on its liaisons and public involvement specialists in USACE's nine divisions to collect ECCR data for the annual report. CPCX collects data from each division and prepares a final USACE synthesis report.
- At the start of each reporting season, CPCX sends a standard operating procedure (SOP) to liaisons in each division, which includes sample emails that liaisons can send to contacts within their division requesting information about ECCR cases.
- The Director of Civil Works at USACE Headquarters sends an email to districts and commanders with the SOP and reporting template at the beginning of the reporting season. This helps emphasize the importance of the data call and provides the effort with enhanced visibility. It also provides "cover" for liaisons and public involvement specialists for spending time on data collection and provides legitimacy in a time of constant data calls.
- CPCX develops an internal report template to share with liaisons and provides examples of what complete answers to questions look like. CPCX also adds a question asking how they could better support the field.
- CPCX formally recognizes notable ECCR cases that they feel are especially innovative by featuring these cases in newsletters and webinars. This helps raise awareness of the reporting process and provides divisions with recognition for their efforts.
- CPCX shares its final synthesis report with liaisons to reemphasize the importance of the report.

One Forum member asked if USACE could share copies of the SOP they share with liaisons as well as the email from leadership. USACE agreed to share those documents with the Forum.

Additionally, a member asked if USACE liaisons experience any resistance from contacts when collecting ECCR data. USACE noted that their emphasis on relationships and its ongoing work to determine how to ask for the right information from the right people generally minimizes resistance.

However, USACE acknowledged experiencing other reporting challenges. CPCX noted that they likely miss cases in their data collection process and that it can be challenging to ensure that the data they receive back from liaisons is correct, complete, and useful. CPCX works closely with liaisons to ensure they understand what the report is asking for and uses the modified internal report template and examples to demonstrate the type of responses CPCX is seeking.

#### Department of the Interior (DOI)

DOI's Office of Collaborative Action and Dispute Resolution (CADR) shared the following information about its Annual ECCR Report data collection methods and reporting process:

- CADR relies on close relationships and a strong network across its 12 bureaus and 65,000+ employees to collect information for the ECCR Report. CADR has designated points of contact within each bureau and also has a DOI ECCR Community of Practice that it leans on for information about cases.
- DOI benefits by having an ECCR contract, which means that CADR is typically aware of most of the ECCR work conducted within the department each year. This serves as the starting point for the ECCR Report and CADR works with the bureaus to confirm that all cases are accounted for.
- CADR sends a modified report template and spreadsheet to bureaus. The template includes definitions to important terms and typically includes a smaller subset of questions.
- Several CADR staff work on the report, primarily Sarah Palmer and Will Hall.
- Bureaus often have questions about how the report is valued and used. CADR staff see value in the ECCR case numbers and case studies and noted that when contacts see the value in the report, they're more likely to participate and cooperate.
- One challenge DOI faces in reporting is defining a neutral third-party. Although external contractors or CADR staff are clearly neutral third parties, it's unclear as to whether bureau staff working in program areas to facilitate meetings or processes are perceived as neutrals by participants.

#### Environmental Protection Agency (EPA)

EPA CPRC manages the reporting process for EPA each year and noted that its data collection and reporting process is similar to both DOI and USACE's.

- EPA has an ECCR contract, managed by CPRC, that serves the entire agency and provides mediation and facilitation services.
- CPRC obtains case numbers from its contractor for the reporting year and combines those with unfinished cases from the previous year. CPRC adds these cases to a spreadsheet and shares this information and a modified report template with its ten regions for review. CPRC also contacts POCs at several program offices.
- The Office of the General Counsel's Principal Deputy General Counsel sends out the call for data at the beginning of the reporting season. By doing so, this signifies that the report is an important priority and gives POCs in the regions justification for collecting data.
- CPRC developed an SOP and email templates for POCs to make it easier for them to reach out to contacts in their regions for data.

- This year, CPRC developed SharePoint spreadsheets for each region to provide them with a tracking system that they can update periodically. This helps reduce the burden of collecting all ECCR case data within a month-and-a-half timeframe.
- Like DOI, CPRC noted the challenge of defining a third-party neutral. In the past, when EPA was holding public hearings in-person, they often did not have a third-party neutral facilitator. However, EPA's IT office is often stepping in to serve in a facilitation role for virtual meetings and it's unclear whether they qualify as neutral third parties.
- CPRC reorganized and reformatted its own synthesis report several years ago to make the report more usable internally.
- CPRC has not yet started mining EPA's internal community of practice for contributions to the annual report but that may be a source of information in the future.

A participant noted that it would be helpful to see EPA's internal SOP and email templates and EPA agreed to share these documents.

NOAA commented that they have experienced challenges reaching out to their internal community of practice for ECCR data and asked if EPA would be interested in discussing their experience with their community of practice. Both EPA and USACE expressed interest and agreed to set up a call offline.

Finally, one member asked how EPA makes the case internally for putting out the data call each year and how they build support among leadership for the effort. EPA noted that having the Principal Deputy General Counsel put out the data call helps build internal support for the data collection. They also emphasize the fact that the report is mandated by the Office of Management and Budget and CEQ. USACE added that having their Director of Civil Works send out the data call is helpful, but since the person in that role changes every few years, CPCX does need to make an effort to share information about the report and why it's important periodically. DOI commented that they largely rely on their relationships to persuade staff to take the report seriously. DOE added that they do not experience challenges in collecting data or building support from leadership and that they use a three-phase effort for collecting data.

## Discussion of FY 2019 Data Collection and Reporting Challenges for the Annual ECCR Report

Building off USACE, DOI, and EPA's presentations, Steph Kavanaugh opened a broader discussion on data collection and reporting challenges, as well as potential solutions, experienced by agencies in collecting FY 2019 data.

CEQ asked agencies if and how they use the overall synthesis report and their internal reports to support ECCR efforts within their agencies. Several agencies responded as follows:

- USACE sometimes distributes its own synthesis report but does not distribute the Federal ECCR Synthesis Report. However, if a USACE case study is featured in the Federal synthesis report, they will share that with the relevant POC. USACE does use the [10-year synthesis report](#) to convey the value of ECCR to multiple actors.
- EPA shares their internal synthesis report with high-level staff in the regions and program offices. They do not distribute the Federal synthesis report and agree that the 10-year report is helpful in showing how they're part of the larger Federal ECCR network.

- DOI shares their internal synthesis report to the staff that supported its creation. They do not share the Federal synthesis report since staff are primarily interested in DOI's accomplishments.
- NCECR uses the 10-year synthesis report as a tool for marketing ECCR.

Several agencies, including EPA, USACE, and Army, discussed the value of developing a centralized database to collect ECCR case data. EPA noted the challenge of gathering good data and shared that staff often misunderstand what a third-party neutral is, when a case started and ended, and the policy venues in which a case took place. A centralized database could ease some of these reporting challenges and reduce the burden on those analyzing and synthesizing agency data.

Finally, several agencies reflected on how they might apply some of the strategies discussed by DOI, USACE, and EPA to their own data collection and reporting processes.

- The Army noted that modifying their internal reporting template could be helpful, as well as adding a question to the template to ask how they could better support ECCR efforts internally. Ultimately, they would like to set up a SharePoint or database to make reporting cases easier.
- USFS is trying to make the case for why leadership should support putting out an ECCR data call. Information about what other agencies are doing, how they're collecting information, and how they're using information will help USFS make the case for why USDA leadership should support the agency's efforts to develop a report.
- NOAA shared that DOI's emphasis on building relationships and a strong network is helpful to consider in addressing its challenges reaching out to field offices for data. NOAA also noted that modifying the report template could be helpful, as well as reinforcing the importance and relevance of ECCR to NOAA's mission to leadership.

## Next Steps

Tom Sharp thanked Forum members for sharing their challenges and successes with collecting data for the Annual ECCR Report and offered his assistance to any Forum members facing roadblocks. To close the meeting, Steph Kavanaugh asked Forum members to share any documents for distribution to the Forum with herself and Katie Pritchard ([Kavanaugh@udall.gov](mailto:Kavanaugh@udall.gov); [pritchard@udall.gov](mailto:pritchard@udall.gov)) by Friday, October 23. CEQ and NCECR will identify a date and topic for the next Forum meeting in early 2021 and distribute a calendar invite and agenda.

## Appendix 1

### Meeting Attendees

<b>Name</b>	<b>Agency</b>
<b>Krystyna Bednarczyk</b>	Department of Transportation
<b>Megan Blum</b>	Federal Transit Administration
<b>Hal Cardwell</b>	U.S. Army Corps of Engineers
<b>Gina Cerasani</b>	Environmental Protection Agency
<b>Seth Cohen</b>	U.S. Army Corps of Engineers
<b>Pat Collins</b>	U.S. Air Force
<b>Amy Coyle</b>	Council on Environmental Quality
<b>Arthur Ferraro</b>	Bureau of Land Management
<b>Carrie Greco</b>	United States Army
<b>Will Hall</b>	Department of the Interior
<b>Susie Holmes</b>	Federal Energy Regulatory Commission
<b>Stephanie Kavanaugh</b>	Udall Foundation
<b>Brad Kinder</b>	U.S. Forest Service
<b>Corey Lawton</b>	U.S. Army Corps of Engineers
<b>Brian Manwaring</b>	Udall Foundation
<b>Steve Miller</b>	Department of Energy
<b>David Moora</b>	Federal Mediation and Conciliation Service
<b>Katie Pritchard</b>	Udall Foundation
<b>Krista Sakallaris</b>	Federal Energy Regulatory Commission
<b>Tom Sharp</b>	Council on Environmental Quality
<b>Kathryn Simpson</b>	Department of Labor
<b>Pat Spillman</b>	Department of Homeland Security
<b>Frank Sprtel</b>	National Oceanic and Atmospheric Administration
<b>Jake Strickler</b>	Environmental Protection Agency
<b>Tyson Vaughan</b>	U.S. Army Corps of Engineers
<b>Karen White</b>	National Guard Bureau
<b>Ben Zukowski</b>	Udall Foundation