

Environmental Collaboration and Conflict Resolution Federal Forum

Meeting Notes

Phone Conference
Tuesday, April 28, 2020
10:30 AM – 12:00 PM Eastern

Welcome, Agenda Review, and Brief Introductions

Ted Boling (CEQ) and Steph Kavanaugh (NCECR) welcomed everyone and reviewed the agenda. Everyone on the phone introduced themselves by name and agency. See [Appendix 1](#) for a participant list.

General Updates from CEQ

The Council on Environmental Quality (CEQ) is reviewing and analyzing public comments on its proposed updates to the National Environmental Policy Act (NEPA) implementing regulations. CEQ received more than 500,000 comments on its proposed rule and saw robust participation in public meetings.

CEQ has also been working with agencies to help them determine how to advance decision-making processes during the COVID pandemic. Although CEQ has not issued generalized guidance about involving the public in such processes during this time, it has been supportive of agencies conducting virtual public hearings and pursuing other alternatives to in-person meetings.

General Updates from NCECR

The Udall Foundation's U.S. Institute for Environmental Conflict Resolution was renamed as the John S. McCain III National Center for Environmental Conflict Resolution (NCECR) in December 2019 to honor the legacy of the late Senator John McCain. Other updates include:

- NCECR recently hired two new Program Associates in the Washington DC office, Katie Pritchard and Ben Zukowski. Katie will be assuming Courtney Owen's role as support staff for the ECCR Forum moving forward.
- NCECR's Training Program is adapting to the COVID pandemic by transitioning in-person agency trainings to virtual trainings when possible. NCECR is also hosting a webinar on April 28 on facilitating engaging virtual meetings. Given strong interest in this webinar, NCECR may offer it again or post a recording online.
- Stephanie Lucero, a Senior Program Manager at NCECR, is finishing Phase 1 of an assessment of NCECR's Native American and Alaska Natives program area. A report will be available shortly.
- NCECR is undertaking an assessment of the National Roster of ECR Professionals and may be reaching out to some ECCR Forum members to discuss their experiences with the Roster.
- In partnership with the University of Arizona, NCECR is sponsoring a faculty fellow to support research in the ECCR field, topic to be determined.

Finally, Steph Kavanaugh noted that although NCECR has received FY 2019 ECCR Annual Reports from most agencies, there are still a couple outstanding reports. Steph asked agencies to submit their annual reports as soon as possible so work could begin on the FY 2019 Summary Report.

Best Practices for Public Engagement During COVID Restrictions

Steph Kavanaugh led a round-robin discussion on agencies' experiences with and best practices for 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:

- What is working well for your agency to engage the public outside of in-person meetings?
- What are the biggest challenges you are encountering?
- What official guidance, if any, has your agency given regarding alternatives to in-person public engagement?

U.S. Army Corps of Engineers (USACE)

USACE's Collaboration and Public Participation Center of Expertise (CPCX) has facilitated several internal webinars on virtual teaming and collaboration. Given the popularity of these webinars, CPCX may offer them again and has been asked to lead additional trainings by internal groups and Districts.

The Assistant Secretary of the Army for Civil Works has released guidance stating that USACE will not change project timelines during the COVID pandemic and that USACE will move all public meetings to virtual platforms. The guidance also gives commanders discretion to postpone or cancel public meetings. The guidance does not address how USACE should engage non-wired or other vulnerable communities, and USACE asked other ECCR Forum members to highlight best practices in reaching those communities.

In its Districts, USACE is conducting public engagement for projects and some Districts have already hosted virtual meetings. USACE is assembling lessons learned, best practices, and experiences from the Districts and offered to share this information with ECCR Forum members.

Finally, USACE shared that anecdotal evidence suggests that public engagement may be increasing with the transition from in-person to virtual meetings. Several factors could explain this increased participation and USACE noted that it may be valuable to study whether moving public meetings to virtual platforms could help agencies achieve broader public participation.

National Oceanic and Atmospheric Administration (NOAA)

Frank Sprtel is compiling best practices for virtual public engagement and has reached out to colleagues across the federal family for their experiences and information.

NOAA commented on the challenge of reaching underserved communities during COVID and suggested that agencies assess a community's ability to participate in a process prior to initiating it. Some communities may not have the capacity to participate at all, while others may only be able to participate through certain avenues. NOAA emphasized the importance of ensuring that non-wired communities receive hard copies of public meeting materials so that they may participate by phone or by submitting written comments. Additionally, NOAA shared several experiences with and tips for hosting virtual meetings, including:

- Troubleshooting virtual platforms and technology ahead of time;
- Considering potential security risks within different platforms;
- Clearly stating ground rules at virtual meetings (e.g., how long the public has to speak); and

- Keeping an updated project website with recordings of public meetings.

U.S. Forest Service (USFS)

USFS is internally discussing how they can use virtual platforms like Adobe Connect, WebEx, GovDelivery, and others to support public engagement with the National Forests and Grasslands. The National Forests and Grasslands are moving forward with public engagement for various projects in the context of NEPA and are meeting with collaborative groups and trying to engage with the public virtually. They are also looking into the use of radio, television, and print media to inform the public.

Field offices have shared several challenges with public engagement during the time of COVID:

- Communities with limited connectivity cannot engage in virtual meetings;
- Virtual platforms have many different features and functions, which can make selecting the appropriate platform for your meeting difficult; and
- The public seems more interested in extended public comment periods than engaging in virtual public processes.

The Deputy Chief of the National Forest System has issued guidance directing responsible officials to evaluate the initiation of new public engagement or new public comment or objection periods. The guidance also directs officials to consider several factors in managing ongoing public engagement, such as the scope and complexity of analysis and the public's interest in engaging.

USFS's Washington DC office is currently developing best practices and reference materials for the National Forests and Grasslands to support public engagement via virtual platforms. USFS has compiled a spreadsheet listing the pros and cons of different virtual platforms, which they are willing to share.

USFS also noted that they are not permitted to use Zoom and asked Steph Kavanaugh to note which federal agencies can and cannot use different types of technology throughout the discussion. A table of online platforms allowed by agency will be shared via e-mail with Forum members.

Department of the Interior (DOI)

DOI has interim approval to use Zoom for virtual meetings and noted that while Zoom is approved at the interagency level under FEDRAMP, the decision about whether to accept Zoom is left to each agency or department's discretion.

DOI's Office of Collaborative Action and Dispute Resolution (CADR) is currently developing a training on virtual meeting facilitation in partnership with Bureau of Land Management. CADR is considering how virtual tools may be used on a project-by-project basis and they may engage in an internal dialogue with their clients soon to discuss challenges, opportunities, questions, and ideas around virtual collaboration.

DOI's Office of Environmental Policy and Compliance has issued guidance about NEPA and public participation, and there is no requirement that public participation take the form of public meetings. The guidance suggests a series of best practices for public engagement such as ensuring non-wired communities or individuals receive paper meeting materials and keeping project websites up to date. Additionally, DOI is setting up an internal forum to share best practices.

Bureau of Land Management (BLM)

BLM employees in southern Oregon are planning a mock public meeting using internal staff to simulate common challenges with virtual public meetings. They have also proposed hosting weekly study sessions

with stakeholders to help teach them about key vocabulary in Resource Management Plans. In their experience with stakeholder meetings, BLM has found that the older generation prefers Zoom because it has better audio and they like being able to read questions in the chat box. BLM recommended asking speakers to state and spell their names prior to commenting.

One challenge BLM is facing is that state and federal officials have different perspectives on public engagement during the pandemic. While DOI has issued guidance to continue business as usual, BLM has received backlash from state legislators for proceeding with public processes. BLM has also experienced challenges with the media spreading misinformation and not verifying stories prior to posting them.

BLM noted that helping to facilitate stakeholder meetings and asking stakeholders what meaningful public engagement means to them has yielded valuable information. BLM is now using a wildfire approach where they are doing an after-action review following public engagement sessions and sharing lessons learned with the National Training Center. BLM is happy to share a copy of their presentation on how to host public meetings with ECCR Forum members.

Environmental Protection Agency (EPA)

Although EPA has not received agency-wide guidance for public engagement, the agency has clarified that virtual meetings are sufficient substitutes for in-person public meetings. The use of virtual meetings varies from office-to-office and is evaluated on a case-by-case basis. Like other ECCR Forum members, EPA noted that accessing virtual meetings can be a challenge for many Tribal and environmental justice communities.

Internally, EPA is not allowed to host Zoom meetings but can participate if a stakeholder is hosting the meeting. Skype and Microsoft Teams are the agency's platforms of choice.

The EPA's Conflict Prevention and Resolution Center (CPRC) has led a few online trainings for EPA staff and EPA's HR office has facilitated internal trainings on using online technology. CPRC is seeing a large increase in requests for using their contract as agency staff figures out how to navigate different public engagement processes during the pandemic.

Federal Energy Regulatory Commission (FERC)

FERC is not permitted to use Zoom and has been using WebEx for virtual meetings.

Federal Mediation and Conciliation Service (FMCS)

FMCS uses Ring Central and Microsoft Teams for virtual meetings. Ring Central is a Zoom product that has similar features (including breakout rooms) but is more secure. FMCS has also found Microsoft Teams to work well across agencies.

FMCS is conducting all work virtually, including collective bargaining and mediation. Although this has been seamless, FMCS noted the challenge of identifying the best virtual platform amongst an array of diverse options. They also emphasized the need to test the selected platform prior to a meeting to troubleshoot any technical issues.

NCECR

NCECR has been triangulating different agencies' policies for public engagement during COVID, as well as their technological capabilities and restrictions. Since NCECR works with a wide variety of agencies

with different technology and security requirements, they are trying to be flexible with using different meeting platforms. NCECR currently uses Microsoft Teams internally and for smaller external meetings and has licenses for both Zoom and Adobe Connect.

NCECR is also trying to give as much guidance as possible to staff and issued guidance clarifying variables to consider when thinking about planning virtual meetings now or in-person meetings in the future. NCECR's Native American and Alaska Natives (NAAN) program area is also closely following COVID impacts to Indian Country.

Department of Energy (DOE)

DOE is polling its programs to better understand how they are responding to COVID's impacts to public meetings. Internally, they are using Zoom, WebEx, and other platforms, and DOE has hosted nationwide training sessions on WebEx. Recently, DOE has been using phone conferences for several environmental negotiations and noted that there have been both pluses and minuses to using this approach.

Question & Answer

- Question for USACE: The Northwest Division's work on the Columbia River System Operations DEIS was one of the first EISs that came to CEQ during the COVID pandemic. The Division had to pivot and move the planned public meetings to a virtual format in mid-March. Although there were calls for an extended public comment period, it appears as though the virtual meetings worked out well. Was there any after-action reporting or assessment of that experience?
 - USACE: Yes, a public engagement expert in the District led that effort and hosted two seminars to discuss after-action reports. USACE is currently compiling that experience, lessons learned, and best practices to create documents and a webinar for all of the Districts on conducting virtual charrettes or public meetings. Some of that information will also be included in a newsletter so that they can reach different audiences. USACE offered to share this information with ECCR Forum members.

- Question for all: Do you think virtual meetings change our decision-making process and overall decisions? Without the audience in-person, is it easier to dismiss input? Would our decisions be different than it otherwise would be if we had the public in the room to see our decisions being made?
 - USACE commented that this is an important question and that it should be considered at the next ECCR Forum meeting after everyone has more background on after-action reporting from virtual public meetings.
 - Tye Morgan shared that BLM is hosting a meeting on April 29 with a multi-user trail group and that they have a question about virtual public engagement on the agenda. Please email Tye if interested in joining (tamorgan@blm.gov).

- Question for all: It is great that USFS is providing some standards as to when to extend or delay public engagement processes. Are other agencies providing that type of guidance?
 - USFS clarified that the agency has provided factors for responsible officials to consider in determining whether to move forward with public processes – not explicit guidance for altering public engagement process timelines.

- DOI noted that their guidance says that in most cases, COVID should not delay NEPA processes.
- USACE commented that their guidance is similar to DOI's. They also noted that it would be helpful to share factors like those given by USFS across the federal family.

Next Steps

Departments or agencies that are willing to share any guidance or internal materials on public engagement during the COVID pandemic should share those with Steph Kavanaugh. Steph will collect and compile those resources and share them with ECCR Forum members.

Next Forum Meeting

CEQ and NCECR will identify a date for the next forum meeting in Summer 2020 and send a calendar invite.

Appendix 1

Meeting Attendees

Name	Agency
Krystyna Bednarczyk	Department of Transportation
Andrea Bedell-Loucks	U.S. Forest Service
Megan Blum	Federal Transit Administration
Ted Boling	Council on Environmental Quality
Hal Cardwell	U.S. Army Corps of Engineers
David Cohen	Federal Highway Administration
Chris Gamache	Office of Management and Budget
Will Hall	Department of the Interior
Eileen Hoffman	Federal Mediation and Conciliation Service
J.D. Hoyle	Federal Energy Regulatory Commission
Josh Hurwitz	Federal Energy Regulatory Commission
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
Crorey Lawton	U.S. Army Corps of Engineers
Ami Lovell	Department of Transportation
Brian Manwaring	National Center for Environmental Conflict Resolution
April Marchese	Department of Transportation
Steve Miller	Department of Energy
David Moora	Federal Mediation and Conciliation Service
Tye Morgan	Bureau of Land Management
Kelsey Owens	Department of Transportation
Katie Pritchard	National Center for Environmental Conflict Resolution
Kathryn Simpson	Department of Labor
Gerry Solomon	Department of Transportation

Frank Sprtel	National Oceanic and Atmospheric Administration
Jake Strickler	Environmental Protection Agency
Pete Swanson	Federal Mediation and Conciliation Service
Tyson Vaughan	U.S. Army Corps of Engineers
Karen White	National Guard Bureau
Ben Zukowski	National Center for Environmental Conflict Resolution